

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
3:00 p.m. - 6:00 p.m.
MONDAY, NOVEMBER 23, 1981

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

STATEMENTS BY MINISTERS

MR. SPEAKER: The hon. the Minister of
Forest Resources and Lands.

MR. POWER: Mr. Speaker, I am pleased to
advise the hon. House that a long-standing problem
regarding abandoned railway lands in the Province has
now been resolved.

Under the Terms of Union with
Canada, all Newfoundland railway lines, including abandoned
lines, were taken over by the federal government and
entrusted to Canadian National Railways.

Over the past decade, effort has
been ongoing to define the land boundaries of the operating
lines so that the lands associated with non-operating lines
could revert back to this Province.

A formal agreement on this matter
was recently concluded between the federal and provincial
governments, which has resulted in the return of all
abandoned railway lands to this Province.

The agreement will be of
particular importance to those individuals who have been
unable to obtain title to such lands over the past few
years. During the period of negotiations, Canadian
National was understandably reluctant to convey these
lands, and, obviously, the provincial government did not
have the legal authority to do so.

I would like to advise those
individuals who are presently occupying such lands, or
anyone else wishing to acquire title to portions of these
lands, to contact the appropriate regional office of my

MR. POWER: department and obtain the necessary application forms. Generally, all such applications will be subject to and processed under the same policies which presently apply to Crown land.

MR. SPEAKER (Simms): The hon. the member for Fogo has about thirty seconds.

MR. TULK: First of all, Mr. Speaker, I would like to thank the minister for giving me notice of his release and I want to say to him that I think he has brought a piece of news to this House that is indeed welcome news, especially for those people who have been trying for some time to get legal title to land that they are resident on.

One more point, Mr. Speaker, and that is that the minister says that he did not have the authority to make those changes, and I agree with him, and again it shows what can be done if there is a spirit of negotiation with the federal government rather than a spirit of confrontation.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further Statements?

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: Mr. Speaker, I rise to note the passing and express the sympathies, as I know all the House will concur with, in the passing of a former member of this House, the late Stephen K. Smith, who had been a member for Port au Port in this House and had been elected in 1957 and again in 1959.

The late Mr. Smith had been born in Harbour Breton and was educated at Harbour Breton and St. Bonaventure's College here in St. John's. He served with the Royal Newfoundland Regiment from 1914 to 1918

MR. MARSHALL: and distinguished himself in Gallipoli, Belgium and France with the rank of Sergeant, Second Lieutenant and Lieutenant. While serving his country, Mr. Smith was wounded on July 1, 1916 at Beaumont Hamel and again on the 13th of April, 1918.

After his outstanding war time career, Mr. Smith took up different duties and became the Newfoundland Trade Commissioner to Portugal from 1921 to 1923. He also held positions with Newfoundland Power and Paper Company in Corner Brook, Bowaters (Nfld.) Pulp and Paper Mills and was Town Manager of Corner Brook, and that position he held from 1935 to 1956 when he retired from that position and was elected to this House.

Mr. Smith

MR. MARSHALL: was also a past President of the Corner Brook Branch of the Great War Veterans' Association. And, Mr. Speaker, I move that an expression of sympathy be sent to his family, his wife, I understand, predeceased him some years ago, that the House convey its condolences and sympathy to the family of the former member of this House, the former member for Port au Port, Mr. Stephen Smith.

MR. SPEAKER (Simms): The hon. member for Port au Port.

MR. HODDER: Mr. Speaker, we on this side of the House would like to give our support to the words of the House Leader (Mr. Marshall) opposite. I might say, Mr. Speaker, although I did not know Steve Smith, I represent part of the district that he represented, and I did not know until today of his distinguished record other than the fact that he had been a member. But I can say this, Mr. Speaker, that Steve Smith is still remembered by the people in the portion of the district of Port au Port that I represent as being very much of a very human being and a person who was held in great respect and great esteem. And we concur with the House Leader's remarks opposite in that the appropriate sympathy be sent to his family.

MR. SPEAKER: You have heard the motion.

Those in favour 'Aye'.

SOME HON. MEMBERS: 'Aye'.

MR. SPEAKER: Contrary 'Nay'.

~~Carried.~~

The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, because a question was asked about this particular topic in the House some time ago. I will make a statement on it. So I would like to advise the hon. members of the House that I have decided that the department will undertake tuberculosis testing of all children and school children in Deer Lake who have not already been tested.

SOME HON. MEMBERS: Hear, hear.

MR. HOUSE:
be starting tomorrow.

Mr. Speaker, that testing will

We have made this decision, Mr. Speaker, in view of recent news reports and, in particular, in the view of the concerns of the parents arising from these reports. They arose as a result of several cases of tuberculosis which were detected last May. At that time the source of the infection was detected and all students at the school were checked for tuberculosis. The cases detected are being actively managed and are being followed up by the Western regional office of the department.

All children at the Main Dam Road School had been already tested. As well, we have been testing Kindergarten and Grade X students as checks in the other schools as part of the routine school health programme, and the remaining children in the community will now be tested.

I might point out, Mr. Speaker, that for the last month we have been still carrying on the routine checks and there has been nothing to indicate that there is any further spread of it there, but because of the anxieties we are testing all the children in the school in the Deer Lake area.

MR. SPEAKER (Simms): The hon. Leader of the Opposition has about forty-five seconds, approximately.

MR. STIRLING: All I can say is thank you, thank you, thank you, thank you on behalf of the concerned citizens of Deer Lake. It is too bad that it took so long for the government to react. The last day that I asked that question on behalf of all the people in Deer Lake -

MR. HOUSE: You created a panic.

MR. STIRLING: - what they are saying is there is no need for the testing, there is no need for the testing, it is just being done to respond to the panic.

MR. HOUSE: Do not be nasty now.

MR. STIRLING: Well, that is what the minister said, you are just responding to the panic. The minister indicates that that is the only reason that he does anything is to respond to the panic.

MR. HOUSE: It is being done for peace of mind.

MR. STIRLING: It is too bad that the minister is not showing a bit more concern for the health and the suffering and the insecurity. This is remarkable, that two weeks after a problem occurs suddenly they find a way that they are going to do it. And on behalf of all the parents in your own constituency I thank you very much to the Minister of Health (Mr. House). Not only on behalf of the nasty parents that you may think are out there but on behalf of all the parents in the district.

MR. HOUSE: I said you are nasty, not the parents.

MR. SPEAKER: Order, please!

ORAL QUESTIONS

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: I yield to the Leader of the Opposition.

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

MR. L. STIRLING: Thank you, Mr. Speaker.

I have a question for the Premier and it has to do with the same matter that we discussed recently, only this time it has to do with the people who are left out of the constitution under another section. The Premier has decided to leave out the rights of the women. Would the Premier explain to the House of Assembly why it is that he wanted to see the aboriginal rights removed from the constitution under Section 34?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, the hon. Leader of the Opposition is wrong. There was a section in the constitutional accord between the nine premiers and the Prime Minister to convene a meeting of the native leaders of Canada and the nine premiers of Canada, or the ten if the other wanted to go along with it, and the Prime Minister to begin discussions with the native leaders and the leaders of the provinces and the federal government for the proper inclusion of native rights in the constitution. So that was the agreement that was reached at that time and became part of the accord. The accord itself has the following provisions now in it, Section 25 and Section 26. Section 25 says, 'The guarantee in this charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal treaty or other rights of freedoms that pertain to the aboriginal peoples of Canada including

PREMIER PECKFORD: (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7th., 1763 and (b) any rights or freedoms that may be required by the aboriginal peoples of Canada by way of land claims settlement." And (26), "The guarantee of this charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada." That is now part of the accord. And then we took upon ourselves to add to that for further negotiations. In recent days there has been a considerable amount of activity among the native leaders of Canada for the reinstatement of the provision that was in the original resolution that was before the House of Commons, and a number of first ministers throughout Canada have made a number of initiatives along those lines as have, I guess, the leaders of the federal parties outside of the government.

I this morning sent a Telex to the Prime Minister on this matter, which I would like to read into the record, and I can have a copy for the Leader of the Opposition (Mr. Stirling). "I have received copies of Telexes sent to you by several provinces and groups regarding the entrenchment of aboriginal rights in the constitution. As you know, the agreement reached on November 5th. called for this issue to be resolved in consultation with native groups at a First Ministers' conference to be held within a year. This approach is still our preferred alternative because of the complexities involved and also the differing views as how best to deal with this important issue.

"As you know the Government of Newfoundland is not opposed to native rights. Indeed we have agreed to join the federal government in attempting to settle legitimate claims in this Province outside of the courts." And I had a statement that was issued last

PREMIER PECKFORD: year on that question and I have a series of letters back and forth between myself and Mr. Munro in Ottawa to begin those negotiations.

"I do not believe, however, that important issues such as this should be dealt with on an ad hoc basis; rather, if the agreement of November 5th. is to be substantially changed, it should be preceded by a ministerial meeting to achieve the agreement of all the signatories to the November 5th. accord. I would suggest that it would be appropriate to have such a meeting as quickly as possible and that native groups participate. Otherwise we believe the November 5th. accord should proceed as presently drafted with respect to aboriginal rights.

"I look forward to hearing from you on this at your earliest convenience."

The reason for this, Mr. Speaker, is that this is a far different issue than the question of equality of the sexes, which one could agree with automatically, and which we have always agreed with. This is a far more complex issue in our Province and has financial and economic repercussions for both the Island of Newfoundland and for Labrador which some governments in the future are going to have to deal with. So before we would agree just by Telex to some form of wording, we would want to sit down with the other provinces, to go through it in fairly lengthy detail. It is far more complex and has significant repercussions, I am advised, from an economic as well as a financial point

PREMIER PECKFORD:

of view. We had already wanted to negotiate native land claims with the federal government and the native groups as it relates to this Province and to do it instead of the legal requirements. That has not been forthcoming and we have stood ready for quite some time now to do so. So if there is to be some improvement upon the existing things in the present accord, it should be done by way of meetings between the native groups and the leaders of the provinces and the federal government concerned and not on an ad hoc basis. We are not opposed to improving it, but it would have to be done after extensive negotiations between all parties.

MR. STIRLING:

Mr. Speaker.

MR. SPEAKER (Simms):

A supplementary. The hon. Leader of the Opposition.

MR. STIRLING:

A final supplementary. Just for purposes of clarification, I take it that what the Premier is saying is that although there were certain other provinces identified as being opposed to women's rights and that he agreed to write the constitution leaving women's rights out, in this case he is identifying himself as one of the provinces opposed to putting aboriginal rights as were set out in Section 34. So there is no doubt about it, he is one of the premiers who is not agreeing to putting native rights back into the constitution as they were in Section 34.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I never said any such thing. I said that we were in favour of native rights, I have said it all along, and have been ready to negotiate during the last several months. and it has been the federal government that has been slow in sitting down to the table to do this.

PREMIER PECKFORD: Secondly, if there is to be an inclusion in the Charter of Rights on aboriginal rights it should be done after negotiations are held with all three groups involved rather than on an ad hoc basis which seems to be the case now. So I would like to see a meeting between the First Ministers or the ministers responsible for the constitution from the provinces concerned and the federal government and the native leaders. I do not know if the Leader of the Opposition is aware that it can have serious financial implications upon operations that are now underway on the Island of Newfoundland. It can also have serious financial and economic consequences in Labrador. So before we move towards a certain wording, whilst the principle can easily be agreed to for fair play, we must know what the repercussions are and we will only know that after we have had extensive negotiations about the wording, because words mean a lot when they become part of a charter. So therefore we want to move cautiously, but we do agree, as we have indicated in our statement over a year ago, that we are totally in favour of negotiating on the whole native rights situation. But negotiating it like we had indicated we wanted to negotiate it is one thing; inclusion in the constitution is another. And if that is to be done, and we have no great opposition to it, it has to be done after we have negotiated and not on Telexes or on phone calls at the last minute.

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

MR. NEARY: I will yield to my colleague.

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

MR. WAFREN: Mr. Speaker, I have a question for the Premier. When the new proposed constitution was announced on November 5th it looked like some people in

November 23, 1981

Tape No. 3641

ah-3

MR. WARREN: the Province and across Canada considered that Premier Peckford was the catalyst behind this constitution.

MR. WARREN: Also I would like to ask the Premier, could he consider that his is one-tenth of the blame why Clause (34) was not included in the proposed constitution? ~~Would he take one-tenth of the blame?~~

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

PREMIER FECKFORD: Mr. Speaker, we agreed as nine premiers and as a federal government in those meetings that were held because at that time there seemed to be a fair amount of opposition among the native groups across the nation with the provision then in the resolution before the House of Commons that the only appropriate way to deal with it, as the Prime Minister has indicated on a number of occasions in the House of Commons, was to reconvene another meeting of the groups involved, plus the provinces, plus the federal government to work out wording which was more acceptable to the native leadership of Canada. And that was the reason why it was done at the time, because there was still opposition to the wording that was in the original resolution that was put before the House of Commons. So it was a consensus arrived at through talks and negotiations between the respective delegations from the provinces and the federal government.

MR. WARREN: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the hon. member for Torngat Mountains.

X
MR. WARREN: Yes, Mr. Speaker, I understand the Premier was quite concerned on the mobility rights where it would probably stop Newfoundlanders from working in Nova Scotia or Prince Edward Island. I wonder did the Premier consider mobility rights in this Province more important than aboriginal rights?

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

PREMIER PECKFORD: Mr. Speaker, you cannot put degrees on rights, as the hon. member should know full well. You cannot argue that way and I would not intend to get involved in that kind of a debate at all. All I can say is because there had been opposition to the original provision that was put into the resolution that was before the House of Commons, it was agreed by, it was a consensus reached out of that meeting, that it would be better to negotiate the proper wording in consultation with the native leadership, the provinces, and the federal government. So that whatever then became part of the Charter was brought about out of a consensus between all groups concerned, the native leaders, the native leadership, the provinces and the federal government.

On the whole question of aboriginal rights, native land claims, and the Inuit, the Indian people, the Metis people, we believe that if there is to be now a change in the accord, then it should come about through consultation between all three levels before it is included, because it is complex, and it has financial and economic consequences for the Province in the future.

MR. STIRLING: Mr. Speaker,

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

MR. STIRLING: Mr. Speaker, it is obvious we are not going to get any more information than that the Premier has voted against Section (34) and against the native rights.

Mr. Speaker, I do have a question. While the Premier was out of the House on Friday, his House Leader and all the ministers refused to give us the information involved in the cutbacks as given in the Ministerial Statement. I would ask the Premier if he has,

MR. STIRLING: since he has come back, given instructions to his ministers that they are to give this House of Assembly the full information as to the cutbacks in services and where the savings are going to come about that involves something in the range of \$30 million to \$60 million, depending on when you are listening to the Minister of Finance (Dr. Collins) speaking. Has he now given the ministers instructions and will he now agree to table all of the cutbacks as agreed to with the deputy ministers of the various departments?

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

PREMIER PECKFORD: Mr. Speaker, there was an internal review done of the government expenditures and revenue over the last two or three months and as a result of that review it was indicated that certain provisions or certain moves would have to be taken by the departments to live within their budgets. That has happened in areas which are classified as non-essential or not as essential as other areas in government expenditures. That has been done and the Minister of Finance has issued a statement to indicate that whilst there are concerns in the economy right now, very real concerns, whilst there is some reduction in revenue gathering techniques that we have at our disposal, while inflation is rampant and is costing us more on the expenditure side, we are able to indicate that whilst we have problems, we are now predicting a \$6 million deficit on current account rather than a \$10 million surplus. The majority of the savings and the restraint are in those areas which are non-essential in each one of the government departments.

MR. STIRLING: A supplementary, Mr. Speaker.

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

MR. STIRLING: Mr. Speaker, is the Premier prepared to give this House of Assembly, where you have to come for your original approvals of the budget, what the breakdowns are of these major changes? Thirty million dollars is a major change. Will the Premier now give the confirmation that he will table in this House all of the information by department broken down to indicate the number of people, what these non-essential services were, and how come we budgeted a \$30 million expenditure that you now consider just administrative and non-essential? We would like to know, the people of this Province have a right to know.

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

PREMIER PECKFORD: Mr. Speaker, a lot of the work that was done was based upon predictions up until the end of March and not just as far as we have gone now; therefore, when the new budget comes down in March, the Leader of the Opposition, the members of the Opposition and the Newfoundland public will be able to see how we were able to measure our revenue and our expenditures for this existing year. So it will not be clear just exactly what we are able to save and what we are able to do until the full year has expired. At that point in time, of course, the Opposition and everybody else will have an opportunity to look at the expenditures and the revenue for this year.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, my question is along the same line as the one asked by the Leader of the Opposition, but it has to do with an individual minister.

Members will recall, on Friday when we started cross-examining ministers to try to find

MR. NEARY: out where the belt tightening took place, they stonewalled and refused to give the people of this Province any information regarding programmes that had been cut or eliminated.

Now I am going to ask the Minister of Social Services (Mr. Hickey) if he will inform the House, and thereby the people

MR. S. NEARY: of this Province, what programmes in his department have been cut? How much money did he have to cough up for the Minister of Finance (Dr. Collins) to try to make up this deficit of \$6 million or more that was overspent in current account?

MR. SPEAKER (Simms): The hon. Minister of Social Services.

X MR. T. HICKEY: Mr. Speaker, I think I have said two or three times since there has been discussion on this matter that there have been no cuts in my department affecting any people. The programmes are in place the same as they were budgeted for and there have been no cuts effected which in any way reduces the effect of the existing programmes. The services are being delivered at the same degree, at the same level as before. I do not anticipate any problem. Cases are dealt with on any individual basis, as the hon. gentleman knows only too well, and consequently there is no cutback on that and there will not be.

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

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

MR. S. NEARY: Mr. Speaker, would the hon. gentleman then inform the House - he says there has not been any cuts in any programmes - would he inform the House if his department, if instructions have gone out to his officials to tighten up on regulations, to go back as far as twenty years to collect overpayments, so-called, on social assistance payments? The ninety day waiting period in order to assess the earnings over the last three months and so forth, is this not a move to get some of this money for the Minister of Finance out of the hides of people who applied for social assistance in this Province, delaying tactics, making them suffer it out for ninety days before they can get approvals, sending applications -

MR. SPEAKER (Simms):

Order, please!

The hon. member, I believe, has asked his question then?

MR. S. NEARY:

- sending applications into regional offices and waiting for weeks before you get a reply?

MR. SPEAKER:

The hon. Minister of Social Services.

MR. T. HICKEY:

Mr. Speaker, I thank the hon. gentleman for that question because it gives me an opportunity to really clear the air on the question of the thirty, sixty, ninety day policy. Since the department of public welfare was instituted, Mr. Speaker, and that was a long time ago, when assistance was granted, as far I can determine - I do not know the exact year but it is very close the very beginning - there was a policy whereby a thirty, sixty, ninety day period was looked at in terms of income. Shortly after, or sometime during the first Tory administration, it seems to me, if I recall correctly, that was changed. It was not while I was minister, but at some point in time it was changed. I cannot say the date or the year off the top of my head. And it was changed, Mr. Speaker, so that only the thirty day period was used as determining eligibility.

We found, Mr. Speaker, that that was not equitable, it was not fair

MR. HICKEY:

to working people. A person could quit a job, be laid off from a job, or whatever the case may be, wait thirty days; in the previous six months he could have earned \$10,000, \$20,000 in the case of fishermen or people in business for themselves, come into one of my district offices, present their case and draw assistance at the expense of the taxpayers.

Now surely, Mr. Speaker, nobody in this House, nobody in this Province working for a living, in their right mind, would support that kind of policy. I accept full responsibility, Mr. Speaker, for making that change. It was not the Cabinet. It is a ministerial authority. I made that change and I accept full responsibility for it because the system now is more equitable. I might also point out, Mr. Speaker, it has nothing whatsoever to do, not one iota of a connection with any cutback, any over-run of current account. At a meeting with my regional directors during the month of May that decision was made and ratified by me.

MR. NEARY:

A supplementary.

MR. SPEAKER (Simms):

member for LaPoile.

A final supplementary, the hon.

MR. NEARY:

Mr. Speaker, the hon. gentleman is well aware of, Mr. Speaker - if he is not he should be aware as minister of that department - all other members of the House are swamped with calls from irate constituents and people who apply for welfare, for social assistance because of the delay in getting applications processed, because of the ninety day waiting period and so forth. There is suffering and hardship as a result of the tightening up in the department, special investigators going around the Province -

MR. SPEAKER:

Order, please! Order, please!

MR. NEARY: - almost peeping through key-holes.

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

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

MR. MARSHALL: The hon. gentleman is making a speech. It is not based on fact, it is based on fiction but it is still a speech, Mr. Speaker.

MR. SPEAKER: With respect to the point of order, the hon. member for LaPoile I think has gone beyond the bounds that are permitted now for questions.

AN HON. MEMBER: As usual.

MR. SPEAKER: I think also he is expressing opinions and that is not really permitted.

I am sure he has a supplementary and would like to put it now.

MR. NEARY: I would like to ask the hon. gentleman - I wish I could go further into this; I will later on when we get a chance to debate it. I am sure other members would like to ask the minister questions-but could the hon. gentleman indicate to the House how his budget is fairing out since the estimates were brought down in the House? Is the hon. gentleman's budget on target? Is his one of the departments that has overspent in his budget and by how much? And how are the statistics? How is the number of people on social assistance now - how does it compare to this time last year? Is it up or down, could the hon. gentleman tell the House?

MR. SPEAKER (Simms): The hon. Minister of Social Services.

MR. HICKEY: Mr. Speaker, I thank the hon. gentleman. Again it gives me a chance to clear the air on yet another one of my policies which I take responsibility for, and full credit for, Mr. Speaker, and that is a crack down on those who abuse social services in the Province, who rip us off, who are working and who are sending their wives in, or whose wives are working and who are coming in and taking the money out of the

MR. HICKEY:

mouths of the poor of this Province when we do not have enough to give the poor of this Province, Mr. Speaker. That is our policy, I am responsible for that, and I take full responsibility for it. It is a good policy.

SOME HON. MEMBERS:

Hear, hear.

MR. HICKEY:

And one fine day, Mr. Speaker, if the hon. gentleman wants me to, I will bring into this House a list of some of the cases which will make the hair stand on your head. Overpayments, for example, which have gone - you would want to be Einstein to figure out and to catch some people who sit up at night to rip off the system - an overpayment, Mr. Speaker, to the tune of thirty-something thousand dollars of the taxpayers' money. Does the hon. gentleman opposite support that? I do not. And I have a responsibility under the Financial Administration Act, Mr. Speaker, to see that that does not continue and does not go on, and that is all I have done as a minister, have done my job.

Now more directly to the last part of the question, 'How is my budget?' Mr. Speaker, I am happy to inform the House that my budget is in reasonably good shape. I am within the parameters of my expenditure at this particular time of the year showing a slight saving, just a little cushion to keep me, hopefully, on target for the end of the year. But, Mr. Speaker, as long as there is a need out there in the Province to put bread on the table, to put a shelter around people, to put clothes on their backs, we will not worry about a budget, Mr. Speaker, we will find the money supposing there is a deficit in the budget.

SOME HON. MEMBERS:

Hear, hear.

MR. HICKEY:

The hon. gentleman, to give him a further bit of information, last month, Mr. Speaker, we were \$500,000 overspent for the month of October. The reason for that, the unemployment insurance changes, Mr. Speaker, brought about by the federal government.

SOME HON. MEMBERS:

Hear, hear.

MR. BENNETT:

Mr. Speaker.

MR. SPEAKER (Simms):

The hon. member for St. Barbe.

MR. BENNETT:

I have a supplementary to the hon. Minister of Social Services. Mr. Speaker, I wonder just how far back the minister's department is prepared to go in collecting what they describe as overpayments? How many years

back are you prepared to go?

AN HON. MEMBER:

Back to the Mifflin report.

MR. HICKEY:

The first part of your question was?

MR. BENNETT:

How far back is your department, Mr. Minister, prepared to go in years?

MR. NEARY:

How sneaky and low.

MR. SPEAKER:

Order, please!

The hon. Minister of Social Services.

MR. HICKEY:

Mr. Speaker, sticks and stones will break my bones but names will never hurt me.

MR. NEARY:

I thought when the minister rose (inaudible)

MR. HICKEY:

I know. I am not suggesting he is.

MR. SPEAKER:

Order, please!

MR. HICKEY:

But while I think of it, Mr. Speaker, I should offer my congratulations to the hon. gentleman for attaining his twenty years. I would not want the records to go without saying that because we have occasion to disagree. Very sincerely I offer that.

SOME HON. MEMBERS:

Oh, oh.

MR. SPEAKER:

Order, please!

MR. HICKEY:

Mr. Speaker, it is not a question of how far back I am to have my department go or this government is to have my department go to establish overpayments within my department. It is a matter, Mr. Speaker, which is required

MR. HICKEY: under the Financial Administration Act. It is a matter which is required by the Auditor General to establish and keep on the books, because I do not possess the authority as minister to write it off, all or any overpayment dating back to God knows what year. Some of them are on the books, Mr. Speaker, to way back in the '50s. There are some overpayments on behalf of people who have not been in touch with my department I would suggest for years.

MR. STIRLING: You are starting a crackdown on it.

MR. HICKEY: And I can tell my hon. friend that we are not talking peanuts when we are talking overpayments. There are \$5 million overpayments in this Province as a result of over expenditure or expenditures on behalf of people where they did not deserve or were not entitled to for that particular period that they received assistance.

MR. BENNETT: Mr. Speaker, a supplementary.

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

MR. BENNETT: Mr. Speaker, we would like certainly to know how many dollars and we are glad to see the minister is trying to collect the revenue to keep the Province going because in my opinion, Mr. Speaker, they have done a miserable job in the last ten years when they have to go back and gouge from older people and widows to get this money. One widow, Mr. Speaker - and I can bring evidence - is being gouged.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. member should put his question because there are other members who wish to ask some, I think, and we are running short.

MR. BENNETT: Mr. Speaker, I am wondering if

MR. BENNETT: the minister would consider sending the billing directly from his department, from his office here in St. John's, rather than have his workers in the field go out and try to collect this money physically from welfare recipients, because it is creating a real barrier and animosity between the two levels of society, between his workers and the recipients of welfare.

MR. SPEAKER (Simms): The hon. Minister of Social Services.

MR. HICKEY: Your Honour, I deny emphatically that there is any instruction or any policy which sees any one of my social workers in the field go knocking on any door to collect money. We simply notify a person if there is an overpayment by a letter and, I might say, Mr. Speaker, a more courteous letter than is given by any of the credit agencies in this Province. There is no such thing. There is no instruction, there is no policy and if it is being done, if the hon. gentleman can point out one case to me where my staff are out using their time to collect that money as opposed to using the system which I have put in place, then I will do something about it, but I know of no such incident.

MR. HODDER: Mr. Speaker.

MR. SPEAKER: A supplementary. The hon. member for Port au Port.

MR HODDER: Mr. Speaker, a case came to me the other day whereby a widow had been approached by a social assistance worker, which is not a social worker, and was told that she had an overpayment going back five years. She was then required to sign a piece of paper but she was given no proof, she does not know whether she paid it. Now the question I have for the minister is when you are going to such a person who allegedly owes money to your department, should not your department first

MR. HODDER: furnish proof? Because that is not being done. I know of many cases.

MR. SPEAKER (Simms): The hon. Minister of Social Services.

MR. HICKEY: Mr. Speaker, I am awfully sorry to hear that and I thank the hon. gentleman for bringing it to my attention. That is not proper and I will see to it that it ceases. As I said, very sincerely, I know of no incident.

MR. HICKEY:

I accept what the hon. gentleman says. Sure, I fully acknowledge that before we ask anyone to sign accepting responsibility for an overpayment, the proof positive must and should be produced and I will see to it that it is done.

MR. SPEAKER (Simms):

Order, please!

The time for Oral Questions has expired.

X
I want to make a note for all hon. members' benefit of a change in the seating arrangements. They may have noticed that the hon. the member for Bellevue (Mr. Callan) has moved up to the seat that was previously occupied by the hon. the member for Torngat Mountains (Mr. Warren). I bring it to hon. members' attention now so that you can be aware that the proper notice of the change was given but unfortunately we have not got the printing of the new seating plan up yet.

While I am standing, may I also ask hon. members to join me in welcoming to the galleries Mr. Amos Maggo, Mr. Paulus Maggo and Mr. Enoch Obed, who make up a delegation representing the Labrador Inuit Association and are seated in the galleries and visiting us today. Welcome.

SOME HON. MEMBERS:

Hear, hear!

NOTICES OF MOTION

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, I have to announce another resignation. This is the resignation, Mr. Speaker, from the Public Accounts Committee of the hon. the member for Lewisporte (Mr. F. White) and in consequence whereof

MR. MARSHALL: I move that the hon. the member for Terra Nova (Mr. Lush) serve on the Public Accounts Committee in place and stead of the hon. the member for Lewisporte.

MR. SPEAKER (Simms): It is moved, and seconded by the hon. the Leader of the Opposition?

MR. STIRLING: Yes, Mr. Speaker, and in seconding it I would like to pay tribute to the outgoing Chairman of the Public Accounts Committee, Mr. Freeman White, the member for Lewisporte. He has been on the Public Accounts Committee since the beginning. He has now taken on some other responsibilities within the party and, therefore, has tendered his resignation. I think all people in this House will pay tribute, not only to Mr. White, but to all the members who are serving and have now served, certainly since I have been in the House, have served on both sides of the House with distinction. It is one of the most effective committees that we have if only the government would pay some attention to it. And I would say that the member for Terra Nova, who is now going on the Committee, will serve this Province equally as well and with distinction.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: You have heard the motion. Those in favour, 'Aye'.

SOME HON. MEMBERS: 'Aye'.

MR. SPEAKER: Contrary, 'Nay'.

I declare the motion carried.

Further Notices?

MR. OTTENHEIMER: Mr. Speaker.

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

MR. OTTENHEIMER: I wonder if I may have leave to revert to Presenting Reports?

MR. SPEAKER (Simms): Is it agreed to revert to
Presenting Reports?

SCME HON. MEMBERS: Agreed.

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

MR. OTTENHEIMER: I would like to table editions
of the Newfoundland Gazette published between February 21,
1981 and November 14, 1981. I know hon. gentlemen opposite
will be very anxious to peruse them.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Any further Notices of Motion?

MR. WARREN: Mr. Speaker.

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

MR. WARREN: Mr. Speaker, I move under
Standing Order 23 that the regular business of this House
be adjourned to debate this very important issue: Whereas
the rights of the aboriginal people have been omitted from
the proposed Constitution; and Whereas the Prime Minister
of Canada has set a deadline of November 24th to have any
additions to the proposed Constitution; Be it resolved that
this House unanimously support the inclusion of Clause 34
in the proposed Constitution.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Could I ask the Clerk, perhaps, or one of the pages to bring me up the matter raised?

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

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

X MR. W. MARSHALL: Mr. Speaker, nobody doubts the importance of consideration of native rights, but before the ordinary business of the House can be adjourned, it must be a matter of urgent public importance. And urgent importance is defined by the rules of the House. I quote for you once again, page 92 of the current edition of Beauchesne, section 287, "Urgency" within this rule does not apply to the matter itself, but means 'urgency of debate', when the ordinary opportunities provided by the rules of the House do not permit the subject matter to be brought on early enough motion and public interest demands that discussion take place immediately."

Mr. Speaker, nobody is derogating in any way the urgency of the matter itself, but I would submit that is not of urgency from the point of view of urgency of a debate warranting the suspension of the rules of this House.

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

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

X MR. L. STIRLING: Mr. Speaker, it is urgent and there is nowhere else on the Order Paper that we can debate it because the Prime Minister and the Premier by agreement have given a deadline of tomorrow for the premiers to present their views, their governments' views and the Premier of this Province has not seen fit to bring into the House of Assembly any kind of a resolution to find out what

MR. L. STIRLING: this House thinks about this matter.

MR. SPEAKER (Simms): To the point of order now.

MR. L. STIRLING: So therefore, Mr. Speaker, I am making the point that it is in order to deal with it. It is urgent. The only time that we will have to debate it is today because of the deadline agreed to by the Premier and the Prime Minister.

MR. G. OTTENHEIMER: To the point of order, Mr. Speaker.

MR. SPEAKER: A point of order, the hon. Minister of Justice.

MR. G. OTTENHEIMER: I draw to the House's attention, as hon. members know the Standing Orders, the practice of the House and the practice in the House of Commons are that it is operative, 'A ruling given by Mr. Speaker Lamoureux the House of Commons in Ottawa, this can be found in the Ottawa Hansard of July 19th., 1969 and I quote from it, 'The motion' - a similiar motion like this - 'is acceptable only if it concerns a matter that has unexpectedly become urgent and not if it concerns a situation that has prevailed for some time. If I understand correctly the hon. member's comments, the question is no doubt both important and urgent but it has prevailed for some time. To that extent I do not believe that it would be in order to adjourn the business of the House to allow the hon. member to make known his views on the matter". That is a quotation from the Ottawa Hansard of July 19th., 1969 and it will also be found in the Newfoundland Hansard, November 25th., 1975. I think the nub of that is that it is not a continuing situation which is germane under this, but a matter which has unexpectedly occurred. And I would suggest that this a continuing situation which has gone on for some time, the question of what is to

MR. OTTENHEIMER:

be included or not to be included in a Charter of Rights. This has been debated for weeks, months, and indeed a year and a half.

MR. STIRLING:

Mr. Speaker, to the point of order.

MR. SPEAKER (Simms):

Are there any other submissions?

To the point of order, the hon.

Leader of the Opposition.

MR. STIRLING:

Yes, Mr. Speaker, dealing with that reference, you see the whole proposition dealing with the constitution is going to require provincial consent on some things. It was not until this day, when this session opened, that the Premier in answer to a question set out what was the government's position; it is not the House of Assembly's position. And this is an urgent matter which has to be dealt with by tomorrow. And therefore it is important to the Province for us to find out whether or not this House of Assembly agrees with the Premier's position. And I agree with the reference made by our colleague, the Minister of Justice (Mr. Ottenheimer); this has arisen unexpectedly because the government's position was not known until this session began this afternoon. So that is why it is urgent that we find out whether or not the Premier of this Province has the confidence of this House of Assembly on this matter.

PREMIER PECKFORD:

To the point of order, Mr. Speaker.

MR. SPEAKER:

To the point of order, the hon.

the Premier.

PREMIER PECKFORD:

Now that the Leader of the Opposition has raised a new item, and to substantiate what the Minister of Justice, the member for Waterford-Kenmount (Mr. Ottenheimer) has just said, as the Leader of the Opposition has said he did not know the position of the Government of Newfoundland until today. Now unfortunately I must ask the Leader of the Opposition to please do his homework and do his reading. On October 7, 1980 I issued a statement on native land claims

PREMIER PECKFORD: in this Province, and the government's position on it.

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: Now that was on October 7, 1980. That has been public since that time. And I have been after the federal government to sit down with me and the native groups of the Province to negotiate native land claims. So therefore it is not a new matter that came up today. It has been ongoing from this government's point of view since October 7, 1980 and has been ongoing for many, many years before that time.

I also refer the Leader of the Opposition and anybody else who is interested to correspondence dating back from 1980 to now between myself and the minister responsible for Indian affairs in Canada on this whole matter.

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: So obviously it is not a new item that came up today, the government's position has been known for a long period of time.

MR. HODDER: Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for Port au Port. This will be the final submission.

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

MR. BARRY: Mr. Speaker, on a point of privilege.

MR. SPEAKER: A point of privilege.

MR. BARRY: I have been trying to get the Speaker's eye for a number of occasions, and if it is going to be cut off, I would like to have the opportunity before it is cut off to have my say.

MR. SPEAKER: Well it is -

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, I think the discussion so far as been fair, it has been back and forth, one on the government side and one on this side, and if the hon. gentleman was not recognized I feel sorry for him. I would like for the debate to continue because I would like to have a say on it too. So if Your Honour lets the member who is demoted to the corner down there have his say, then we should have another spokesman from this side of the House too.

MR. SPEAKER (Simms):

Well, that is a very pertinent comment to the point of privilege. And first of all I will deal with the point of privilege. There is no prima facie case of privilege. I recognize and understand what the hon. member for Mount Scio (Mr. Barry) is saying. The Chair's responsibility in this regard is to try to determine, after he has heard as much submission as he thinks is necessary to help him make a decision, I have had three and I am about to recognize the final one on the right hand side of me, which will be three from both sides, to the point of order. And the point of order

MR. SPEAKER (Simms): is whether or not the matter is of urgency, or whether or not this motion should be allowed at this point in time.

If the hon. member has something new to add to the argument, then certainly it would be most helpful to the Chair to hear it. But if the hon. member's comments are more towards the debate of the issue and the matter, that would not be beneficial to the Chair in determining the point of order. So if the hon. member has something new to add he can decide that at the time when the hon. member for Port au Port (Mr. Hodder) concludes, and if he feels he does, I will recognize him and then I will recognize anybody else until I feel that I have heard enough.

MR. HODDER: Mr. Speaker.

MR. SPEAKER: Yes. The hon. member for Port au Port.

MR. HODDER: Thank you, Mr. Speaker. To the point of order. The hon. Minister of Justice in reading from the parliamentary journals said that it must be new as well as urgent, and the hon. the Premier in speaking mentioned his statement of October 7th., 1980, which I submit, Mr. Speaker, that that particular statement had nothing whatsoever to do with the constitution which is under debate right now and which is a matter of urgency. It had to do with the Premier, at that particular time, making a statement which, Mr. Speaker, is a statement of October 7th., 1980, and not a statement that has to do with the particular agreement that was worked out a few weeks ago.

So, Mr. Speaker, I do not think that that statement can be even taken or thought of.

MR. SPEAKER (Simms): The hon. member for Mount Scio.

MR. BARRY: Mr. Speaker, I believe I have something new to add to the argument. It will be up to Your Honour to decide it and I am glad that you did give me the opportunity to make the point.

Mr. Speaker, I agree completely with the statement of the Premier that this is a very complex matter and that it could have serious implications for the economy of the Province and for further development in this Province. And I also agree completely with the statement of the Premier that he has made the position of the government quite clear, that the government has been prepared to negotiate the matter of land claims and aboriginal rights within this Province and has been awaiting the response of the federal government on this matter. And I am not sure, Mr. Speaker, and I believe that debate in this House would see support for and continuation of the position taken by the Premier that, particularly in light of the fact that it could disrupt the accord which exists between the nine provinces and the Prime Minister, that the position of the government should not change from that stated by the Premier this afternoon.

However, Mr. Speaker, I would like to make the point that we are in the process of seeing a new constitution developed for our nation, and in the words of Mr. Justice Berger, if we end up with our aboriginal people appearing to be treated in a mean-spirited manner, if we appear, Mr. Speaker, in bringing forth our constitution to ignore the aboriginal people, who may not be able to lobby as strongly as, for example, the women of Canada might, or other

November 23, 1981

Tape No. 3651

NM - 3

MR. BARRY: pressure groups within Canada, then
I do not think, Mr. Speaker, that our constitution will
have the respect of the people in the future upon which
its force and impact will depend.

MR. BARRY: Mr. Speaker, I would submit that the matter of the position taken by our government and other governments on Section 34 of the Constitution is a matter of urgent public importance, is something, Mr. Speaker, which I am not saying should be changed, but is something which, in light of the deadline that has been passed by the Prime Minister of Canada, in light of the fact that this is something that has been changed quite recently from the original draft of the Constitution and is something that has not had sufficient opportunity for debate in this House, I would submit, Mr. Speaker, you should consider this as a matter of urgent public importance.

SOME HON. MEMBERS:

Hear, hear.

MR. NEARY:

Mr. Speaker.

MR. SPEAKER (Simms):

One final submission from the

hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, I must say it is refreshing to hear the hon. gentleman come out in support of a move on the part of the Opposition to try to get this matter debated today. Now as Your Honour - this is something new I hope to put into the discussions, Mr. Speaker - as Your Honour knows one of the main arguments always put forward by the Government House Leader (Mr. Marshall) of not debating matters of urgent public importance is the fact that there are other times when the matter can be debated. There are times on the Order Paper, the hon. gentleman will point out to us time and time again, when we can have the Throne Speech, the Budget Speech, legislation and so on when these matters can be debated. But the member who just took his seat, the member for Mount Scio (Mr. Barry), put his finger right on the most significant point in this whole argument and that is that there is a deadline, tomorrow is the deadline for submissions to the Parliament of Canada before they put the finishing touches on the Constitution, before they determine whether or not aboriginal

MR. NEARY: rights or native rights should be included, should be put back into the Constitution. And that is what makes it urgent, Mr. Speaker, that is what makes it urgent this day. There is no point in the Government House Leader (Mr. Marshall) getting up and saying we can debate it tomorrow. The last chance we have to debate this urgent matter that concerns the patriation of the Constitution is this very day. And I believe that is the point that Your Honour should hang his hat on when making a decision. the urgency of debate is today, there will be no other opportunity, By the time we get an opportunity in this House to debate the matter, the Constitution will have been brought to Westminster and it will be debated in the House of Commons in Westminster.

So what I am submitting to Your Honour, the most important point, the one that has always been used to throw Standing Order 23 out is now the one that is in our favour, and that is that we will not have another opportunity to debate it if we do not debate it today.

SOME HON. MEMBERS: Hear, hear.

PREMIER PECKFORD: Mr. Speaker, before you rule on it perhaps there is an easy way to resolve this situation, a very easy way, and therefore it will not need a ruling.

I am prepared to have the rest of the day, until six o'clock, to debate the whole question of native rights.

SOME HON. MEMBERS: Hear, hear.

PREMIER PECKFORD: Do I have agreement with the Opposition to debate the native rights between now and six o'clock?

MR. SPEAKER (Simms): Such a request would require unanimous consent. Is there unanimous consent?

MR. STIRLING: Mr. Speaker.

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

MR. STIRLING: Mr. Speaker, I do agree that there is unanimous consent but for purposes of guidance though, I would like

November 23, 1981

Tape No. 3652

SD - 3

MR. STIRLING: I have a ruling from the Speaker, on the motion.
PREMIER PECKFORD: No, no! That is not right. You know it is not.
SOME HON. MEMBERS: Oh, oh!
MR. STIRLING: Let us deal with it.
PREMIER PECKFORD: You can get the ruling later on the point of order.
SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

The matter that was placed before the floor was a motion by the hon. member for Torngat Mountains (Mr. Warren). The Chair has a responsibility to rule on that particular motion unless there is an agreement to proceed as indicated by the hon. the Premier.

MR. STIRLING: Not without a ruling, Mr. Speaker.

MR. SPEAKER: The hon. members to my right are not prepared to give that agreement yet until a ruling is placed, is that correct?

The hon. Leader of the Opposition.

MR. STIRLING: Mr. Speaker, the advantage that we have in getting the ruling is that we will have the ruling and we will debate the resolution of the member who had the initiative to bring it up. If the resolution is then ruled out of order by the Speaker, because of unanimous consent we then do not lose anything, we will have unanimous consent and we can make our own rules and we will carry on with the debate.

PREMIER PECKFORD: Mr. Speaker.

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: If Your Honour wants to rule on it, I think obviously rule away - if his Honour does not consider it to be hypothetical.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

PREMIER PECKFORD: Just let me finish now. We are trying to work out something here and let us for once let somebody speak without being interrupted from the opposite side of the House, whatever the opposite happens to be, depending on who is speaking. Let us

November 23, 1981

Tape No. 3652

SD - 4

PREMIER PECKFORD: get on now and waste no more time
and debate the whole resolution. If His Honour wants to make a
ruling he can also make the ruling later on to your satisfaction.

MR. SPEAKER (Simms): With respect to the point that has been raised, the rules with respect to the request for leave to introduce a motion to adjourn are set forward in Standing Order Twenty-three, as all members are aware, and there are other explanations found in Beauchesne. Beauchesne, Fourth Edition, for example, at the bottom of the page, subsection 2, chapter 100, says, "There must be a prima facie case of urgency," and "The Speaker's duty with regard to such a motion is confined to determining as to whether, in the first instance, a motion so proposed is in order. There his responsibility ends." In that light I would like to recess for a few moments to consider the matter.

RECESS

MR. SPEAKER:

Order, please!

X
With respect to the matter that was debated and discussed prior to the recess, I want to remind hon. members again, as I did just before we recessed, that the Speaker's duty with regard to such a motion being presented, such as the one presented by the hon. the member for Torngat Mountains (Mr. Warren), is confined to determining as to whether, in the first instance, a motion so proposed is in order, and there his responsibility ends. In other words, he has to determine whether or not there is a prima facie case of urgency.

I will admit initially that my first reaction in reading the motion so presented was that it did not fall under Standing Order Twenty-three, as our precedents have shown in the past. And then, of course, there was strong argument put forward which supported both sides of the argument and I wish to thank hon. members for their submissions. It did not particularly help the Speaker

MR. SPEAKER (Simms): in having to make a decision,
I might add.

When dealing with such a motion there is a question as to the propriety or desirability of discussing a matter of such importance, that that really is for the House to decide. On page 92, paragraph 287 of the Fifth Edition of Beauchesne, I quote: "'Urgency' within this rule does not apply to the matter itself, but means 'urgency of debate', when the ordinary opportunities provided by the rules of the House do not permit the subject to be brought on early enough and public interest demands that discussion take place immediately." Here again, there were arguments on both points.

Paragraph 285 of Beauchesne, the same reference book, says in part, "The question be specific and must require urgent consideration. It must deal with a matter within the administrative competence of the Government" and again, "there must be no other reasonable opportunity for debate."

Paragraph 286 of Beauchesne, Fifth Edition, says: "The 'specific and important matter requiring urgent consideration', for the discussion of which the adjournment of the House may be moved under these Standing Orders must be so pressing that public interest will suffer if it is not given immediate attention." So there is clearly a distinction there between the urgency of the matter and the urgency of the debate.

I also refer hon. members to the ruling by Mr. Speaker Lamoureux,

MR. SPEAKER (Simms): which was pointed out and quoted by the hon. the Minister of Justice (Mr. Ottenheimer), which I will not read again, but the essence is that such a motion would only be acceptable if it concerned a matter that was urgent and not if it concerned a situation which had prevailed for some time.

I refer hon. members as well to precedent rulings of our own House, March 6th., March 10th., March 17th., 1981 which are all found in Hansard of those days and which can be used as references and guidance, wherein those rulings it was stated that there was a possibility and an opportunity for members to discuss this particular matter because of the fact that still on the Order Paper was the Address in Reply, which by tradition is a very wide-ranging debate and so clearly an opportunity does exist.

The question is no doubt both important and urgent, but it has also prevailed for some time, the debate has been ongoing for several months. An opportunity does exist, as I pointed out. The government may well call Order No. 1, which is the Address in Reply, if it so wishes to deal with the matter in that respect or in that way. But in order for the Chair, I think, to be consistent with our previous rulings in dealing with matters raised under Standing Order 23, I think I would have to therefore rule the motion at this point is not in order.

PREMIER PECKFORD: Mr. Speaker.

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, if I may have the floor for one second. Your Honour has made his ruling. As indicated in the debate which followed before the recess, this side of the House was prepared to entertain debate and to participate in debate until six o'clock on the entrenchment of aboriginal rights in the constitution

PREMIER PECKFORD:

of Canada.

Mr. Speaker, I am prepared to have the remainder of the afternoon until six o'clock under these conditions, that we debate the concept of the entrenchment of aboriginal rights in the Constitution of Canada - No resolution, just that concept - and that any individual member who wishes to speak may speak so we can get as many members in and then the House would close at six o'clock.

SOME HON. MEMBERS:

Oh, oh!

PREMIER PECKFORD:

Well, we can make our own rules.

If you want ten or fifteen minutes for a speaker so that more speakers can speak, you know, I would be prepared, Mr. Speaker, to say - so that as many members who wanted to speak in this should speak - fifteen minutes maximum and we try to rotate back and forth, but because there are more members on this side there will be times when it will be two to one from over here. For myself I only want ten minutes to speak to do it.

So if we are prepared, the concept of the entrenchment of aboriginal rights in the Constitution of Canada be the concept that will be the debate in this House from now until six o'clock. Each member has a maximum of fifteen minutes to speak. When six o'clock comes, the House adjourns and we go back to regular business tomorrow.

MR. L. STIRLING:

Mr. Speaker.

MR. SPEAKER (Simms):

To the motion, the hon. Leader

of the Opposition.

MR. L. STIRLING:

Mr. Speaker, the rules that we operate under have been brought down over many sessions and many years and many different jurisdictions, and the reason you need a resolution is that so the Speaker can keep some order. And we are trying to set the rules by mutual agreement of what we will do in this House of Assembly.

MR. L. STIRLING: Now, Mr. Speaker, my colleague in thinking about it must have guessed what the Premier would be suggesting, because he suggested something very simple that deals directly with the subject, 'Be it therefore resolved that this House unanimously support the inclusion of clause 34 in the proposed constitution.' It is very simple, very straight-forward and people will be able to decide, after we have had what is debate, we will then take some action. We will either vote for or against it.

Now, Mr. Speaker, otherwise this is a Sunday School picnic that we are having this afternoon. If we have agreement to debate that issue then, Mr. Speaker, out of deference to my colleague we should put that in the form of a resolution and let us have the rules of, let us say, private members deal with them.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, we have been trying to be fair here now. The rules of the House do not allow what we are trying to do. We have gone the extra mile and we want to debate the concept of the entrenchment with no resolution because that is where you get into problems in dealing with it. It is a highly complex matter with - and I suggest to the hon. Leader of the Opposition, I do not know where he is getting his advice, but I would suggest that

PREMIER PECKFORD: the Leader of the Opposition (Mr. Stirling) to be very careful on this issue and that I think I am doing a favour both to the Leader of the Opposition and his party, as well as to some members on this side of the House, when I suggest no resolution but debate the concept of it. We are prepared for that and no other.

MR. STIRLING: Mr. Speaker.

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

MR. STIRLING: Mr. Speaker, the whole purpose of this resolution and debate, and presumably the unanimous agreement to try to find a set of rules, is to find out whether or not we agree with the Premier's basic position which was to take (34) out of the constitution. Now that requires a vote, and there is no point in having a debate without a vote. So why do we not agree to the rules and let us debate this very simple resolution?

MR. SPEAKER: Well may I say first of all that the point made by the hon. the Premier has to be treated as a motion in itself.

MR. STIRLING: Okay.

MR. SPEAKER: Okay. So that the motion, as I understand it - I am not sure if I got the correct wording - was that the concept of the entrenchment of aboriginal rights in the Canadian constitution be debated until 6:00 P.M., and that specific speaking times be agreed upon by both sides.

Such a motion now would require unanimous consent. If that motion is agreed to by unanimous consent then the debate will continue on that motion until six o'clock. And the speaking times is something that we will have to consider again.

MR. STIRLING: Mr. Speaker.

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

MR. STIRLING: I presume then at six o'clock you will put a vote on that motion.

MR. SPEAKER: Yes.

MR. STIRLING: That is acceptable, Mr. Speaker.

PREMIER PECKFORD: No. No.

MR. SPEAKER: The hon. Premier.

PREMIER PECKFORD: There is a motion on the floor now from me indicating -

MR. STIRLING: That is what we will have to do.

PREMIER PECKFORD: I move, Mr. Speaker, that between now and six o'clock this House debate the concept of entrenchment of aboriginal rights in the Constitution of Canada. That is my motion. Therefore, that motion contains no other motion -

MR. STIRLING: No. Right.

PREMIER PECKFORD: - and there is nothing to vote on at six o'clock. We all, as members of the House of Assembly, can make our own views known on the entrenchment of aboriginal rights into the constitution between now and six o'clock, and that the speaking times for individual members be fifteen minutes. That is my motion, Mr. Speaker.

MR. STIRLING: Mr. Speaker, I just -

MR. SPEAKER: Perhaps I might try to clarify it again. Maybe I did not make myself clear.

MR. STIRLING: Well, I would just like to clarify our position -

SOME HON. MEMBERS: No. No. Sit down.

MR. SPEAKER: I will just try to get this thing moving. The motion is that the concept of the entrenchment of aboriginal rights in the Canadian Constitution be debated until 6:00 P.M. That is the motion. Obviously there will have to be a vote taken on the motion at the end of the day.

MR. STIRLING: Right.

MR. SPEAKER (Simms): That is the motion. Obviously there will have to be a vote taken on the motion at the end of the day, those in favour of that motion aye or nay.

MR. STIRLING: Right.

MR. SPEAKER: That simply will have to take place.

MR. STIRLING: (Inaudible).

MR. SPEAKER: Yes, on this motion.

AN HON. MEMBER: You will have to have that now in order to be able to have the debate on the motion.

MR. SPEAKER: No. No. If there is agreement to allow that motion now to go on the floor, because it can only be done by agreement, that motion is the one that will be debated.

MR. NEARY: Could you repeat that, Your Honour.

MR. SPEAKER: Is there unanimous consent? There is unanimous consent.

SOME HON. MEMBERS: Yes.

MR. SPEAKER: And the only thing, by the way, before I read the motion that we have not resolved is the agreement on speaking time. Somebody said fifteen minutes. Fifteen minutes, is that agreed?

SOME HON. MEMBERS: Yes.

MR. SPEAKER: Agreed. And the member introducing the motion will speak first and we will alternate hopefully as best we can.

Therefore, the motion is, and it has now been unanimously agreed to, that the concept of the entrenchment of aboriginal rights in the Canadian Constitution be debated until 6:00 P.M. today.

MR. NEARY: Really that does not mean anything. We are going to have a debate.

MR. SPEAKER (Simms): You will have your debate. Exactly.

The motion is in order.

The hon. the Premier.

PREMIER PECKFORD: Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

X PREMIER PECKFORD: Mr. Speaker, I wish to read first of all from the document that the Government of Newfoundland issued on October 7th., 1980, which clearly defined at that point in time, rather than going back into ancient history, the first real statement made by the Government of Newfoundland as it related to native land claims and native land rights. This is the first real statement made by any government, as I understand it, since we became a part of Confederation, and I do not know before that time whether there was any definitive statement by any government or first minister of Newfoundland. So this is a fairly historic document in itself, Mr. Speaker.

"The Government of Newfoundland has been considering the question of native land claims in the Province for some time. As you may know, the federal government adopted a general policy for the settlement of such claims in 1973 and since that time has provided funds for native groups to undertake research regarding land claims. All three groups of native peoples in this Province, the Micmacs on the Island portion, and the Inuit and the Naskaupi Montagnais on the Labrador portion, have availed of this assistance and all have submitted land claims to the federal government. The federal government has indicated that the Inuit and the Naskaupi Montagnais claims are valid within the context of their policy, but as yet has not made a final determination of the validity of

PREMIER PECKFORD: the claims of the Micmac group," and I think that still stands.

"Under the legislation of the Government of Canada, as now existing, there was validity to the claims that were being presented by the Inuit group of Labrador and the Naskaupi Montagnais group of Labrador, but no final determination has yet been made to this hour, as I know, on the Micmac claim at Conne River or on the South Coast of the Island of Newfoundland.

"The Government of Newfoundland have decided that it will attempt to settle those claims which are accepted as valid by the federal government, through negotiation involving the Province, the federal government and the native groups. The Ministers of Justice and Intergovernmental Affairs will be responsible for the implementation of this important matter.

"It is important to note that land claims have been made against the federal government, not the Province. However, most of the elements that will be associated with the settlement will fall within provincial jurisdiction. It will be necessary, therefore, that prior to tripartite negotiations commencing, the two governments agree upon their particular responsibilities." So it is going to be a two phased approach here. We are committing ourselves to sitting down with the federal government and the native groups, but in the first instance the two governments now recognized under the constitution, the Government of Canada and the Government of Newfoundland, would have to sit down first to work out what parts the Province will

PREMIER PECKFORD :

be responsible for and what parts the federal government were going to be responsible for because it is a shady, vague area. I have written the federal minister informing him of the government's decision on this matter and requesting that bilateral discussions between our respective officials commence as soon as possible. I expect to receive response in the near future and am hopeful that the various details can be worked out.

In the interim I would welcome submissions by the various native groups outlining their views regarding the process of negotiations and the particular elements they feel should be included in any settlement reached. As I understand it, the federal policy is aimed at the extinguishment of native land claims throughout the nation, and it is on the basis that negotiations will lead to the extinguishment of all such claims in this Province that we have adopted the policy outlined above. A firm commitment from the federal government on this principle will be required before negotiations can commence. Government is hopeful that the decision reached to attempt to settle land claims in the Province through negotiation will provide our native peoples the opportunity to maintain and enhance their culture and heritage. The government looks upon this as an affirmative action policy whereby our native peoples will obtain the wherewithal to meet the challenges and opportunities of the future. The government approaches these negotiations in a positive and receptive manner. The attitude can best be summed up by quoting from a statement I made last year regarding resource development in Labrador. What is valid for the Labrador portion of our Province is

PREMIER PECKFORD: equally valid, of course, for the Island portion, so the above excerpt applies generally throughout the Province. "It is hoped that the policy outlined above will result," and so on. That was October 7, 1980. And then we began our written correspondence with Mr. Munro, starting in the Fall of 1980 on through - there is October. There is Mr. Munro coming back. Yes. He is agreeable to bilateral negotiations and looks forward to it. And we really have not heard nothing since he was looking forward to that. Then March 20, 1981, I had to write him again from the Fall before when I had written and he just wrote back and acknowledged, okay, "I refer to my previous correspondence to you dated September 4th and October 6th. In that correspondence we agreed that our respective officials should commence bilateral discussion as a prerequisite to the possible tripartite negotiations of Newfoundland land claims; blah, blah, blah.

"As you know it was the federal government. I would very much appreciate receiving from you a clear expression of your policy regarding issue of land claims and also clarification of why the bilateral discussions requested have not commenced." That was March, 1981 and they go on into June, 1981 where he wrote back but we still have not been able to get the meetings together. He keeps referring to different people. Then I wrote him again on June 24th, 1981 and there was some discussion in that last letter on the Micmac claim which had not been yet validated by the federal legislation. And then of course we got involved in the constitutional discussions which led up to the unilateral resolution put in the House by the Prime Minister in which there was a section dealing with aboriginal rights. Many of the provinces objected to the unilateralism of that whole resolution, the amending formula, certain things to do with Newfoundland, the Terms of Union, mobility rights and so on. It went to the

PREMIER PECKFORD: courts and the courts adjudicated and indicated that what the Prime Minister had before the courts was unconstitutional and we went back to the table and finally got a constitutional accord. Now it was during—and here is the critical part—it was during the negotiations leading up to that accord, or the talks leading up to that accord and then the accord itself; there was a strong lobby in London and other places opposed to that Section 34, opposed to the phraseology that was in the aboriginal rights original provision, in the original resolution put forward by the federal government, that unilateral provision that was put forward which was proven to be unconstitutional. And the Indian native leaders of Canada had opposed that phraseology. They wanted something more, And it was as a result of that opposition by the Canadian native leaders to wanting something additional in the section that led the First Ministers at their meeting in trying to come up with an accord to say, 'Well, if that is so then we should try to do better and put some resolution in there which has greater consensus among the native leaders.' Then it was, 'Well, let us try to work out something.' And of course the first thing that came up was, 'Well, we should not work out something in isolation to the native leaders. That would be terrible, that would be unilateralism in its first order. So let us commit ourselves in that accord to meet with the native leaders after we get the constitution back in Canada.' You only need seven out of ten. The constitutional document is then a mobile, active document. It will never be like it was in the past where you had to have unanimity. We have a new document in Canada and we could add to the Charter and put something in there which was more acceptable to the Canadian native leaders as we understood their opposition to 34 to be.

PREMIER PECKFORD:

And that is what was agreed to in the accord. Since that time we have a problem with the women's rights that was in the general part of the accord. Some provinces, after we got into trying to cross the 't's and dot the 'i's and do some other things, felt that the implicit understanding in the meetings was that the equality of the sexes would also be under the equality section and not in the general part. The equality section had the override, the general part did not. I understood it to be in the general part where it had always been. There were those who said, no, it was not. So we ran into a problem with that which hopefully have been resolved now because I do not think there is any question of agreeing to the whole question of equality of the sexes.

Then we come to the native land claims situation where most of the native leaders throughout Canada are violently opposed to leaving it for later and want it done now, and want something strong in the constitution now. And that leads to our position.

Now, Mr. Speaker, our position is this, we wish, as a Government of Newfoundland and Labrador to sit down, if there is to be inclusion of aboriginal rights now in the Charter, to sit down and discuss that matter with the native leaders of Canada and the Prime Minister and the other First Ministers. And I will tell you why. Because we have to be as a Province, we speak for all of the people who are within the boundaries known to Newfoundland and Labrador. We have to be extremely careful how we move and what repercussions this will have for the Province. This is our only concern. In principle we have no real argument. There are legitimate rights and legitimate claims being made upon the people of Canada and the people of Newfoundland and Labrador. It is a question of what that will cost us, both financially and economically.

Let me give you an example of what could happen. For example, the Micmac claim could be identified

PREMIER BECKFORD: as falling under the Charter, and that they have aboriginal rights. It could very well be, after that is in the Charter of Rights now, that group of people could make a claim upon the Province for what has already been done, for example, at Bay d'Espoir. There could be financial compensation that we will have to pay to the Micmac people for the disturbance caused in what has been their traditional land for hunting and fishing.

That is past financial contributions, passed. Then there will be present financial contributions and compensation, and there will be future financial compensation. Secondly, there will be, there could be, there could possibly be the whole question of preferential rights for hunting and fishing in that area. And we have to be very careful how we move here because the feelings of St. Alban's have to be taken, and the feelings of the other people, the white people on the Southern part of the Island will have to be taken into consideration.

We also have to look then at Labrador where there are legitimate claims by the Inuit people and by the Naskaupi Montagnais. And obviously that has to be taken into consideration. We have to try. This is why we started negotiations last October because we wanted to finalize and settle the claims and rights outstanding so that there would be no impediments to development later on in Labrador.

In putting that in the Charter now we want to know now what repercussions that might have for us in injunctions on the Lower Churchill, and on other hunting and fishing preferential rights that the native peoples obviously will enjoy in the Charter. These are very, very important economic and financial considerations which we have to take into account. We do not want to do it over the telephone, we do not want to do it with

PREMIER PECKFORD: Telexes back and forth, we want to sit down, and if that twelve month period has to be shortened, well then let us shorten it now and let us do it, But we want to do it after full consultation with the other provinces and with the native leaders before we agree to a certain phraseology in the Charter which will bind this government and future governments of Newfoundland to a course of action which will have financial repercussions for the Province and for the people of the Province as well as an economic one. This is our concern. So we wish to move cautiously. We agree that there are legitimate claims that must be settled, otherwise we would not have made the statement in the beginning last October,

MR. PECKFORD: But we must be careful how we move. And what is the same for the Naskaupi/Montagnais of Labrador, and the Inuit of Labrador, will it be the same for the Micmac on the Island part of the Province which will have serious repercussions for a large section of the Island? So these are the questions that we need answered, that we need to sit down with other people and other provinces about.

It is one thing to talk about status, another thing to talk about treaty, it is another thing to talk about aboriginal rights, it is another thing to talk about the Micmac claim on the Island of Newfoundland, for example. So for these reasons we recognize and respect that there is a substantial amount of legitimacy in the question of land claims for the Naskaupi/Montagnais in Labrador, and the Inuit. The repercussions that that will have for the Province of Newfoundland and Labrador must be fully assessed and we must know what we are doing and have our eyes open when we do it.

Secondly, we must know what it means also for the Island of Newfoundland, and for the South coast where we have to take into consideration not only the interests of the Micmac people, but also the interests of the white people in St. Alban's, or the Head of Bay d'Espoir, or Milltown, for the people of Bishop Falls or Grand Falls, or wherever, who already go and hunt and fish in that part of the Province and who might now, in the future, not be allowed to do so.

So these are important sociological problems we have to deal with. We are willing to sit down immediately and try to work those out and put something in the constitution that will be acceptable to all. But these concerns are there, we must

PREMIER PECKFORD: move cautiously;

obviously there is legitimacy to a lot of the native land claims that are going on right now. X

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Butt): The hon. the member for Torngat Mountains.

X MR. WARREN: Well, Mr. Speaker, we just heard the Premier of this Province giving up the rights of people who were the first inhabitants of this land. Mr. Speaker, this is a black day. I think that, if the media will only do their homework now, tomorrow I can see the headlines in all the papers and on all of the radio stations: 'Peckford a traitor'.

Mr. Speaker, that is exactly - we have twenty-four hours to include clause (34) in the constitution and the Premier has decided to trade away the rights of those aboriginal people.

Mr. Speaker, today I had the opportunity of listening to a gentleman sixty-six years old who came in here from Nain. He spoke at a press conference. He can only speak one language, and that was the Inuit language, and he had to have an interpreter. Now, the Premier, today, has taken away that right. That man should have the right to speak his own language. That man should have that right enshrined in the constitution. But what have the Premier and this government done? They have taken away the rights of that man. I believe, Mr. Speaker, if only a half dozen cabinet ministers on that side of the House would just take this book here, Our Footprints Are Everywhere,

MR. WARREN:

I do not ask you to read all the pages in this book, but read about six pages. Read only six pages and you will know that this is the saddest day ever in the history of this Province. Because, my friends, Mr. Speaker and hon. members, there are only about 2,500 Inuit in Labrador and roughly 700 Indians and to me those 3,200 people have just had the rug pulled out from under their feet and the government is saying, 'Look, we are not going to include you in Clause 34 in the Constitution because you do not deserve it.'

Mr. Speaker, if we deserve the Terms of Union, if we deserve the mobility rights, surely goodness we deserve to recognize those aboriginal people who started this Province.

SOME HON. MEMBERS:

Hear, hear!

MR. WARREN:

I will quote some comments, Mr. Speaker, from the President of the Labrador Inuit Association. The first sentence: "The days since the signing of the Constitutional Accord by the Prime Minister of Canada and the Premiers of nine provinces on November 5th have been some of the blackest in the history of Canada's aboriginal people." That was the blackest day according to Fran Williams, the President of the LIA.

Now, Mr. Speaker, "The Accord appears to us to be the beginning of the final betrayal." And I know that President Williams would not have said this if she did not have the support of the aboriginal people of Labrador. It is the beginning, Mr. Speaker, of the final betrayal. And now the Prime Minister has changed his tune. The Prime Minister has said that the aboriginal people in the Northwest Territories and in the Yukon will be included in the Constitution. But that is North of the

MR. WARREN: 60th Parallel, because those are the only aboriginal people under the jurisdiction of the federal government. All the other aboriginal people across Canada are under the responsibility and the jurisdiction of the provinces. And, Mr. Speaker, this is what is so astonishing, out of the nine provinces I think - I may need to be corrected, Mr. Speaker - that our own Premier is the final one, the only one, who will not give his consent. Premier Lougheed has given his consent, Premier Bennett has given his consent, and those were two of the ones holding out, and our own Premier, Mr. Speaker. But I will tell the Premier of this Province, Mr. Speaker -

SOME HON. MEMBERS: Shame! Shame!

MR. WARREN: - that all he needs to do is call an election and he will not be Premier for very long, because not only the Inuit and the Indian groups in this Province, but all the church leaders - there were thirty church leaders, Mr. Speaker, at the press conference this morning in support of their congregations as saying those people need their rights enshrined.

MR. HODDER: You are all excommunicated.

MR. WARREN: Mr. Speaker, 'The uncertainty surrounding our rights and the erosion of them as in our culture and our society,' that is another comment from the President of the LIA, Mr. Speaker.

Mr. Speaker, as you know, in November when this Constitution was passed the aboriginal people, their leaders ascended and met with the Prime Minister and the Minister of Indian Affairs and they have come up with a consensus that will include them in the Constitution. However, the Prime Minister said, 'We want confirmation from the Premiers'. And what did our Premier do today? Mr. Speaker, practically what he did, he draped every coffin in black, he draped all the aboriginal people of this Province, he just put a black sheet over them. As far as he is concerned, he can try to cover up any way he wants to, Mr. Speaker, but as far as he is concerned they do not exist. 'You are up there now in Nain or in Davis Inlet and we will pull the rug out from under your feet,' Mr. Speaker. The last federal/provincial agreement for \$38 million, Mr. Speaker, was signed between the federal government and the Province on a 90/10 basis. Now, Mr. Speaker, the provincial government is administering that programme, well if they are not interested in the native people, why administer the programme? They want to get their credit for doing it, but, Mr. Speaker, they do not recognize their rights.

Mr. Speaker, late on Thursday, November 12th, the native leaders were advised that the federal government's position is that the recognition and the affirmation of aboriginal rights will be only re-instated with the accord of all nine of the Premiers who signed the accord in November. Now, Mr. Speaker, if all those Premiers will agree, the Prime Minister said this, and we had twenty-four hours, Mr. Speaker; in fact we have more than that, Mr. Speaker, the Prime Minister announced it there last Thursday, the Premier should have come in the House today and as soon as the House opened, Mr. Speaker, the

MR. WARREN: Premier could have gotten up and read what my resolution asked him to do, and that was to recognize the aboriginal people and tell the Prime Minister and tell the Premiers of the other provinces that, 'Look, I want to see the aboriginal people of Newfoundland and Labrador enshrined in the Constitution! But he did not have the intestinal fortitude, Mr. Speaker, There is more intestinal fortitude in a dead cat.

MR. THOMS: He has lost his nine lives.

MR. WARREN: Mr. Speaker, just to show you how two-faced, how thick-skinned that Premier is, I am going to read the last part of Mrs. Williams press release. Here is what she said: "Premier Peckford said, when he was in Labrador in September of this year, that this government has recognized the legitimacy of land claims issues among the Indian and Inuit people of Labrador and stands prepared to join the federal government in identifying the contemporary definition of aboriginal rights and land titles". Now, Mr. Speaker, that is what the Premier said in September. The LIA has welcomed this whole bunch of initiatives. Here is what strikes really, Mr. Speaker, really strikes to the heart: 'We believe that the idea, the most enduring definition of aboriginal rights will be a constitutional definition'.

Now, Mr. Speaker, 'we believe that it has to be a constitutional definition. The constitution must serve as our present and our future inspiration. Constitutions are fundamentally expressions of values and cultures'. Mr. Speaker, I will tell you what is in the slimy mind of the Premier.

SOME HON. MEMBERS: Oh, oh!

MR. WARREN: What is in his mind is, 'Look, we will wait until this constitution is signed and then we will try to negotiate with the Inuit people and the Indian people.' But, Mr. Speaker, there is one little trick to that and that is, 'If you are not in the constitution we can blooming well do what we like with you'. And that is what is in the Premier's mind, Mr. Speaker, 'Look, we will not put you in the constitution, we will negotiate afterwards, but we will negotiate as we please'. And the Premier is trying to take those aboriginal people by their little fingers. That is the kind of intelligence,

MR. WARREN: the kind of intestinal fortitude, I suppose is the best word for it, that this Premier is displaying to the aboriginal people.

Mr. Speaker, Mrs. Williams said in her explanation, and I want to repeat this because it is very valuable, 'In my position as President of the LIA and a member of the Inuit communities on national issues, I state on behalf of all Canada's 25,000 Inuits, in calling upon the Premier of the Province of Newfoundland and Labrador, to seek consensus from the First Ministers of Canada and to call for the recognition and the affirmation of the aboriginal and treaty rights of the Indian, Inuit and Metis people of Canada in the Canadian constitution'. That is what the President of the LIA

MR. G. WARREN: asked, Mr. Speaker. And here is what she said, Mr. Speaker, here is some confidence that she did have in the Premier, 'I call upon the people of Newfoundland and Labrador to support their Premier in his efforts to save and secure a hopeful future for Canada's aboriginal people within the nation's constitutional framework'. She is calling upon all the rest of the Newfoundlanders, and here is what she clues up with, Mr. Speaker, and I hope that the Premier is listening in the back room somewhere, 'If you fail us in this you will also betray the principles you espoused and so you betray yourselves'.

Because, Mr. Speaker, if it were not for the aboriginal people of this Province, if it were not for the aboriginal people of this Province - they were the beginning - and if it was not for them, I am sure, Mr. Speaker, that we probably would not be standing here today.

Mr. Speaker, they are a nation! They are a nation! And if we do not recognize them I would say this is going to be the blackest day in the history of this Province. Mr. Speaker, just to show how concerned the Premier was - I know I have one more minute - for the last eleven days the Inuit and the Indian people in this Province have been calling the Premier's Office asking for ten minutes of his time to talk about their concerns. And this was eleven days ago, Mr. Speaker, and this Premier did not see fit, would not entertain them for ten minutes to discuss this very important issue, Mr. Speaker. Now there is what you would call a Premier that is so concerned about the aboriginal people. He would not, Mr. Speaker, and he has not up until now addressed this concern with the aboriginal people in this Province. They have asked ever since last week to have a meeting with him, but he was so concerned about blasting the federal government on other issues that he did not give a darn about the Inuit

MR. G. WARREN: people or the aboriginal people in this Province. And until, Mr. Speaker, I can hear this Premier get up in this House along with his colleagues and say, 'Look, we support the aboriginal people. We want to see the aboriginal rights included in that constitution' - and, Mr. Speaker, he only has less than twenty-four hours to do it. By the way he is doing it now, Mr. Speaker, all he wants to do now is talk about the rights and talk about other things other than, Mr. Speaker, just agreeing, agreeing with a basic principle, a principle that all of us have and that is to be recognized equally. X

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER(Butt): The hon. member's time has expired.

The hon. member for Mt. Scio.

SOME HON. MEMBERS: Hear, hear!

MR. L. BARRY: Thank you, Mr. Speaker.

X
Just to lay one point raised by the member opposite to rest, Mr. Speaker, I understand from the people in the Premier's Office that a meeting has been arranged for ten o'clock tomorrow morning with the aboriginal people. So I think that shows the concern of government, Mr. Speaker.

Also I think that it is time that we stopped playing politics with issues such as this. I was disappointed with the member opposite because he normally does not resort to the type of political statements that he engaged in today. Everybody in this Province, including our native peoples, remember that it was the Liberal Party's platform that aboriginal rights did not exist in Newfoundland. And no wonder, Mr. Speaker, there is confusion today with respect to these rights. Now I am not going to say anymore with respect to the politics of the matter but let us not forget that.

Nov. 23, 1981

Tape No. 3662

DW - 3

MR. L. BARRY: What I would like to suggest, Mr. Speaker, is with respect to the entrenchment of aboriginal rights, we are talking about doing something which I believe the courts have already done,

MR. BARRY: which I believe the Supreme Court of Canada has already done, Mr. Speaker, but it would be done to remove all doubt. But secondly, it is a matter of fairness and justice that we are discussing. Last but not least, Mr. Speaker, it makes good economic sense, as I will point out in a few minutes.

Now, first of all, aboriginal rights have already been recognized by the courts within Canada. We have Section 34, Mr. Speaker, doing nothing more than saying that aboriginal rights would be affirmed and recognized. Now, personally, I find difficulty in seeing how that is going to do any more than the section which is already there in the existing draft saying nothing in this Constitution will take away any aboriginal rights which already exist. So whether you affirm them or whether you say they are not taken away, the fact remains that whatever is there now would be there after the Charter and the new Constitution has been passed.

I can understand, however, Mr. Speaker, the desire and the concern of our native peoples to have a more express affirmation, because the courts have been somewhat conservative in their approach to this matter, particularly as it gets into identifying the content of the aboriginal rights. In the Nishga case in British Columbia, six of the seven, I believe it was, judges of the Supreme Court of Canada concluded that aboriginal rights existed. Three of them were able, in that case, however, to find that the aboriginal rights had been extinguished by certain events which had taken place since Confederation, and one of the judges decided on a matter of procedure, so the natives lost in that case.

In the Baker Lake case there was an injunction issued preventing mining companies from starting a large scale mineral exploration programme where

MR. BARRY: they were all geared up, they had their 'planes and their helicopters and their work force ready to go; and the court issued an injunction preventing them because the natives said that they were going to interfere with and harm the caribou upon which the people of Baker Lake depended.

Now, Mr. Speaker, I do not think you have to stretch your mind all that hard to think about the consequences to this Province, even if it is not cleared up in the Constitution, the consequences when the decision is made, when the matter of transmission through Quebec and agreement with the federal government and so forth has been dealt with. Just think of what the consequences are going to be for this Province if the question of aboriginal rights is not by that time concluded and defined and settled. Where in the Baker Lake case you had the mining companies having to bring back their 'planes, bring back their men and the damage to them or the expense to them probably resulted in thousands of dollars, maybe tens of thousands of dollars, if, Mr. Speaker, there is a delay in the commencement of a project such as the Lower Churchill project, you are talking then about possible expense or additional costs of tens or even hundreds of millions of dollars. And it would be terribly short-sighted, Mr. Speaker, for our Province not to, at the same time as we are doing other things to see that the Lower Churchill project could get underway, it would be terribly short-sighted for our Province not to at the same time be pushing as strongly as it can to clear up exactly what the rights of our native peoples in Labrador would be.

There are other projects on the Island, Mr. Speaker, that could be affected by the question of what rights, if any, can be claimed by the Micmac people. And there are differences in the claims.

MR. BARRY:

I had the opportunity to do some legal work at one stage - and I declare no interest at the present time; I do not work for any native group at the present time but I have worked for the Naskaupi Montagnais in the past - I had

MR. BARRY: the opportunity to study very carefully the land claim statement prepared by the Inuit Association, called Our Footsteps Are Everywhere , and it is an excellent statement both of the historical use and claim of the Inuit people in Labrador, the one that the member opposite referred to, and also of the legal matters referred to, Mr. Speaker. And as a matter of historical record we can go back to the time of the Spanish Conquest of South America and you can find there, Mr. Speaker, at one point in time the European peoples accepting without question, and in fact the church, the Roman Catholic Church at the time setting out clearly that these Spanish conquistadors were breaking or interfering with the fundamental rights of these native peoples of South America, that they had certain rights, in other words, as recognized by European law at the time.

Now, Mr. Speaker, the greed for gold and other riches that were available in the Spanish Conquest of South America, Mr. Speaker, the greed there prevailed and aboriginal rights, the rights of these original peoples tended to get pushed in the background, but, Mr. Speaker, those rights were never wiped out and those rights have been recognized by the courts in Canada. They have been recognized at least in terms of going so far as to say that there is such a thing as what they call a usufructuary right or the right to use the land, whether it be for hunting, fishing, trapping, use of the woods for fire wood, and so forth.

The real question is whether the rights go further in terms of entitlement to royalties from minerals, to entitlement to a claim for royalties from petroleum or natural gas that might be found and so forth, to entitlement to royalties from the use of water

MR. BARRY: power. These are the difficult issues that have to be cleared up, Mr. Speaker.

Now these issues can be cleared up in the process of constitutional reform. They can be cleared up otherwise. If they are not cleared up in the process of constitutional reform, I would submit that the Government of Newfoundland should do everything possible to clear them up in any event. But there is the opportunity in the process of constitutional reform to clear up these issues. Personally I think that both Section (34) and the section which is in the current draft should be present in the new constitution. Section (34) would merely affirm and recognize the existence of aboriginal rights, but I believe that it is crucially important to have those rights identified, to have these rights given content, and the way to do that is by that constitutional conference which the present draft provides for, a constitutional conference within one year where the Prime Minister and the nine premiers have agreed they will "identify and define aboriginal rights." Otherwise, the native peoples are going to be left to the mercies of the courts for giving -

MR. WARREN: Which they are.

MR. BARRY: - content to those aboriginal rights.

Now I would submit that just putting in Section (34) would give a certain impetus for the courts to be less conserative than they have been in the past in dealing with native rights and the recognition of native rights, but it might not give much of an impetus to have the courts add content, add real content and define adequately what those rights are.

So, Mr. Speaker, I think that it should be the elected representatives of the people who give

MR. BARRY: content to those aboriginal rights and I support what is contained in the present draft, the concept where there is a constitutional conference to be called within one year to define and identify exactly the aboriginal rights.

But, Mr. Speaker, I think that there would be nothing lost and, in fact, it would be useful and it would be a source of security for our native peoples if they saw expressly spelled out, as it was in Section (34), that aboriginal rights are affirmed and recognized. As far as I am concerned it would not change the status quo

MR. BARRY:

because, as I have already mentioned, the courts have in the past already affirmed and exercised aboriginal rights, but there would be that additional security of having it in the Constitution. But we should go the extra step of also having in the provision for the constitutional conference to give content to what these rights are. That will benefit our native peoples, because then they will not be relying on just a motherhood statement, and it will also benefit our Province and other provinces and resolve the insecurity and the uncertainty that exists now with respect to whether there will be a delay, for example, in the starting of the Lower Churchill if the native people seek an injunction because their rights are interfered with in Labrador. This is something that makes good economic sense to have cleared up before any such project would get under way.

So in conclusion, Mr. Speaker, I would say that Section 34 should go in the new Charter. There is the problem that this Province, I do not believe, can forget or ignore the fact that there is an accord between the nine Premiers and the federal government at the same time, and we cannot disrupt that. And unless there is agreement by all parties Section 34 cannot go in, because it would be better to have the current section in there calling for a constitutional conference than to have nothing.

MR. WARREN:

See Premiers agree.

MR. BARRY:

No, it is not clear, Mr. Speaker.

The member opposite is saying that all Premiers are agreeing. I have not seen that all Premiers are agreeing. I do not believe, Mr. Speaker, that the Province of Newfoundland would stand isolated in -

MR. WARREN:

The only one.

MR. BARRY:

- I do not believe that, and I accept

that, Mr. Speaker, that this Province would stand in sole opposition to the entrenchment and recognition of aboriginal rights. It will not happen. That is not the position of the

MR. BARRY: Premier, it is not the position of this government. The Premier has pointed out in his earlier statement that he has been prepared to recognize the concept of aboriginal rights and to have those negotiated, and the federal government has been dragging its heels.

So, Mr. Speaker, I just ask all parties to keep in mind that we are talking here about developing an attitude towards the new Constitution which is going to be one of respect. And if we ignore the claims of one segment of our population, a small segment of our population, few in numbers, Mr. Speaker, but great in need, if we ignore, Mr. Speaker, the call for fairness and justice and equity on the part of a small segment of our population, our Constitution is not in future going to have the respect which it should have. Canadians should be able to look to our Constitution not as a commercialized agreement, bitterly and grudgingly as the lowest common denominator of what we can agree upon. We should have set forth here basic rights which we all believe in, the fundamental values of all Canadians. And I believe, Mr. Speaker, that Newfoundlanders believe in justice and fairness, I believe that they support the concept of aboriginal rights, they are concerned about having them properly defined. Now, Mr. Speaker, I see I am getting the high sign - one more sentence.

In the Bible it says - I cannot remember the exact phrase - 'What you do for the least of my people so you do for me'. Well I think that in setting a Constitution we have to remember all segments of our population, however small; however much they might lack in political clout and pressure, we should remember them. That is fairness and justice. But we should also remember our own economic interests and I would submit to this House if it is in our economic interest to make sure that great projects such as the Lower Churchill are not delayed in the future because the question of aboriginal rights is still not cleared up.

SOME HON. MEMBERS:

Hear, hear.

MR. SPEAKER (Butt):

The hon. Leader of the Opposition.

SOME HON. MEMBERS:

Hear, hear.

X
MR. STIRLING:

Thank you very much, Mr. Speaker.

Mr. Speaker, it is very interesting that the Premier would not allow us to bring to a vote the very simple question that was put by my colleague - should 34 be included or not. And I guess we now know why, Mr. Speaker. We know why because we have at least one person on that side of the House who would have stood with the rest of the people on this side of the House in standing up for a minority. We know at least one on that side and I now call upon the others on that side of the House to indicate how strongly they feel. And I heard the member for Mount Scio (Mr. Barry) say that he could not believe that the Premier of this Province would be the only one to hold up native rights in Section 34.

Now, Mr. Speaker, all that we do know is that if there is only one person, only one Premier in all of Canada against Section 34, if there is only one, it is the Premier of Newfoundland. He has stated today that he is not prepared to change his position. Now there may be others, I do not know, but we do know of one and we do know of one person on that side of the House who is not

MR. STIRLING: afraid to speak up for a minority. But we also know that he was not allowed to be given the opportunity to vote because that is where it counts in this House, where do your votes go.

Mr. Speaker, let us take a look at the clause that the Premier is so afraid of. What is the clause that the Premier took out of the original constitution? Let us take a look. And this is the part that has been taken out of the original constitution, Mr. Speaker, "The aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed". What a dangerous clause! What a frightening clause! Any mention of economics? Any mention of the financial concerns, the fear that the Premier mentioned? Mr. Speaker, it is very clear that, as the learned member for Mount Scio (Mr. Barry) has said, the Supreme Court and the courts have already made that decision. So what is it that is in that clause that the Premier is so afraid of?

Mr. Speaker, has it got anything to do with the attitude of this government, of this Premier? What is his attitude where he did an about face, for example, on the women's group, the women's rights? Is it possible that it is because they represent 50 per cent of the people in Newfoundland?

MR. HODDER: Thereabouts.

MR. STIRLING: 51 per cent. Maybe that is something he understands. He took away their rights and then he was happy to try to put them back in because the women had enough muscle, had enough political clout.

What about the brutal way that he treats a group of the Inuit and the native people? Mr. Speaker, I went to Nain and I visited and sat with the people in Nain, the Inuit, through an interpreter. Because, Mr. Speaker, the sixty-six year old that my colleague referred to, he did not have to worry about the constitution, He did not

MR. STIRLING: have to worry about native rights because he lived the way that he wanted to live. He became one of the elders in his council, but he lived the way that he had always lived and there was no threat to him. We have interfered with his son and what are we going to do to his sons and daughters? That is the concern, Mr. Speaker. What rights do people have as individuals to live in this country? Whether they are in Nain or in Mount Scio or in Bonavista North, what rights do they have as individuals? And that is what we are talking about, Mr. Speaker. We do not have the opportunity here today to speak on behalf of the Beothuks because the Beothuks were a threat at another time, and you know what happened to them and their rights.

MR. HOUSE: What happened? I do not know. Tell me.

MR. STIRLING: Well, the Minister of Health (MR. HOUSE) knows so little -

MR. HISCOCK: Read Senator Rowe's book.

MR. HOUSE: I would have no trouble understanding you.

MR. STIRLING: According to the Minister of Health -

MR. HODDER: We have been listening in silence so far. If the Minister of Health could restrain himself there.

MR. SPEAKER (BAIRD): Order!

MR. STIRLING: When we first took a look at this constitution, we debated here in this House of Assembly the first fears brought up by the Premier. You remember at that time

MR. STIRLING: he brought in a resolution, Mr. Speaker, the only resolution we got a chance to talk about this constitution. The thing that he was concerned about was, "WHEREAS the proposed resolution does not address the areas of shared jurisdiction for the fisheries, provincial ownership of offshore gas and oil, and the free transmission of electrical energy across neighbouring provinces". Because none of those things were in, he was voting against it. Well, Mr. Speaker, in the new constitution - and this is what we are debating, should we have a clause (34) in the new constitution? - in the new constitution that the Premier was the author of, and he is very proud of, show me where it talks about shared jurisdiction for the fisheries. This author who was protecting Newfoundland's rights could not get it in the accord last April, did not even write it in, and in an interview said, oh, he did not have a chance of bringing that in. What about provincial ownership of offshore gas and oil? He had 100 per cent support in this House of Assembly for the ownership of offshore gas and oil. He did not write that into his new constitution. He did not write that into his new constitution, Mr. Speaker, he did not even try. And where is it talking about the free transmission of electrical energy?

MR. HOUSE: What are you trying to do?

MR. STIRLING: What I am trying to do is -

MR. HOUSE: What are you trying to debate?

MR. STIRLING: What I am trying to debate is something -

MR. HOUSE: (Inaudible).

SOME HON. MEMBERS: Oh, oh!

MR. STIRLING: That is right. - what I am trying to debate, Mr. Speaker, is the constitution

MR. STIRLING: and should we have (34) in the constitution. The poor old Minister of Health (Mr. House) who just came into this world and does not know what happened to the Beothuks, Mr. Speaker -

MR. HOUSE: If you know (inaudible).

MR. FLIGHT: Tell us what happened to the hospitals under your jurisdiction.

MR. STIRLING: Mr. Speaker, what we would like to find out is what else in Newfoundland and Labrador, what other rights did the Premier give up, did the Premier, in his anxiety to become the one on national television to read off his summary - what happened? Is it possible that the Premier was used? Because he gave up women's rights, he came back and did not know about it. He went up to the university and some students pointed out something up there, that he had agreed in writing with the other Premiers that there was nothing in the guarantee of income, that particular thing that was spent on education. He said, 'Oh, I only went along with the boys. The other boys wanted to say that so I went along with them'. What else did he go along with? We have now found that the native rights were taken out. The Minister of Education (Ms. Verge) finally persuaded him to put the women's rights back in. What is left in the constitution, Mr. Speaker? What is it that the Premier was fighting for on behalf of Newfoundland and Labrador?

Mr. Speaker, we have another situation today in which we find that because the Premier refused to give a permit, and because in the constitution he put in a clause in the constitution that will enable the people in Nova Scotia to make a law that says Newfoundlanders cannot work in the offshore in the Nova Scotia, we now have 50 Newfoundlanders who were hired for a drillship that is going up off Nova Scotia and as a result

MR. STIRLING: of the Premier's change in the constitution the Newfoundlanders may not get the right to work in Nova Scotia, or in New Brunswick, or in Quebec. What is in it?

I have not heard him get up and say, Boy, we have - what, Mr. Speaker?

MR. HOUSE: Do not be talking so foolish.

MR. STIRLING: Talking about putting section (34) in the constitution. So what we are talking about, Mr. Speaker - this is the first chance that we got to have any kind of a debate on this constitution, and the member for Mount Scio (Mr. Barry) was quite right; we should not be forced into a fifteen minute debate without a resolution because the Premier of this Province has decided on what he is going to take out of the constitution that protects the rights of Newfoundlanders and Labradorians.

What was in there originally, Mr. Speaker, what was in the constitution originally was a clause that protected all the women in this Province, it was a clause, Mr. Speaker, that protected all the native rights in this Province, all the native groups in this Province. There was a clause in the resolution that provided that every Newfoundlander and every Labradorian could work anywhere in Canada. At a time when we have 1,000 people working in the offshore, 25,000 people moved to Alberta, so, Mr. Speaker, what did the Premier put in the

MR. STIRLING:

Constitution for Newfoundland and Labrador? He did not change the clause dealing with the denominational system of education, that is still there. He did not change the clause dealing with the Labrador boundary, that is still there. All the fight, it is still there, all those clauses have not changed. So what has he changed, Mr. Speaker? What was this great accomplishment on behalf of Newfoundland and Labrador? Newfoundlanders have now gotten themselves in a position where provinces can refuse to allow them to work in those provinces; the women were left out of the Constitution -

MR. FLIGHT:

And will, by the way, will.

MR. STIRLING:

- women were left out of the Constitution and now the native peoples do not even get a chance to have the most basic right recognizing the aboriginal and treaty rights of the aboriginal peoples of Canada hereby recognized and affirmed.

Mr. Speaker, what is it that we are trying to read into the Premier's decision? Is it possible that it is the same brutal instinct that he showed the people who were at the College of Trades and who were forced to go on a hunger strike - any possibility there? Is it the same kind of brutal treatment that he gave the 30 per cent of the people who were forced back to work and not given the right to arbitrate? Is he afraid of arbitration or is he just brutal in dealing with minority groups that cannot stand up and speak for themselves, Mr. Speaker? Does he have to be beaten into submission, actually beaten into submission on every issue or is this just a further reflection that he cannot sit down and reason with anyone, cannot sit down and agree with anyone? It started with Jim McGrath being called a traitor. Remember that, Mr. Speaker. That was the first one, Jim McGrath the traitor. Can you tell me anybody that he has ever agreed with? And do you not get to be a little bit suspicious -

MR. HODDER:

Do you remember why he called him

MR. HODDER:

a traitor?

MR. STIRLING:

- about why all of these Premiers and the Prime Minister suddenly let him go center stage? Is it possible, Mr. Speaker, that the only thing that he wanted was the glory and the television cameras, that he gave up what he had in his original resolution - jurisdiction over the fisheries, gone, abandoned; provincial ownership of offshore gas and oil, gone, abandoned; Labrador, gone, abandoned; women of Newfoundland, gone, abandoned; workers of Newfoundland and Labrador having the right to go anywhere else in Canada, that right taken away from them? Is that not the same kind of mentality that caused him to build a fence around his house, to go with a group of security men? Is that the same kind of mentality that will not sit down and bargain? And it is only in the last few minutes that the former Minister of Energy, the member for Mount Scio (Mr. Barry), made a deal with the Premier, forced the Premier at the eleventh hour to agree to an appointment with these people who have been trying to meet with him for the last two weeks. Only when he got beaten into submission by the member for Mount Scio did he agree to meet with the members who were trying to see him from the Inuit group and the Indians and the other groups.

So, Mr. Speaker, that is what we are seeing in this Premier who is coming out - a dictator who cannot sit down and bargain, reason with anyone, who would not even allow this to come to a vote because of the embarrassment of at least half the decent people on the other side voting against him. That is the kind of person whom we are dealing with, Mr. Speaker, that is the kind of person who brutally takes away the rights of the minorities. And we agree, Mr. Speaker, that people have some basic rights, and the only basic right that they wanted is the recognition and the right to sit down and bargain in good faith, something this government does not understand, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear.

MR. SPEAKER (Butt): The hon. Minister of Rural,
Agricultural and Northern Development.

SOME HON. MEMBERS: Hear, hear.

MR. GOUDIE: Thank you, Mr. Speaker.

It is a honour, a pleasure, for me
to have a few words to say on this particular topic this after-
noon and then, I guess, I can be correctly accused by all members
of this hon. House of having a direct conflict of interest in
the topic to be discussed

MR. J. GOUDIE: which will be, I do not know, voted on, but the wording of the resolution will not draw a clear line in any sense, I do not think. But in any event, being the only native person elected to represent a part of the native population of Labrador in this House, it is a distinct honour for me to be here today. The only native person, I say, I realize my colleagues represent native peoples.

MR. E. ROBERTS: We are all natives, aboriginal or indigene.

MR. GOUDIE: Aboriginal? Okay, alright. My learned friend opposite, as usual, is being very definitive in what he says, and since I guess I do not have that type of legal training behind me, I am not as definitive as he is or perhaps he wishes other people to be. I found the comments of the Leader of the Opposition to be very patronizing, Mr. Speaker, when he suggested that the native peoples in this Province cannot speak for themselves. I think he is completely on the wrong foot. I think there are three - there was a fourth person here as well a few minutes ago - who are living proof, living evidence that they can speak for themselves. Three of these people were recognized today by Speaker Simms, when he occupied the Chair earlier in the afternoon. And the member for Torngat (Mr. Warren) correctly identified a sixty-six year old who obviously spoke very well for himself. I do not agree with the opinion put forth by the gentleman representing Torngat district when he says that that particular man's rights have been taken away, his rights to speak his native language. I would remind the gentleman from Torngat that a very few years ago, just before he got involved in provincial politics, as a matter of fact, quite a number of students attending the school in North West River, attend-

MR. J. GOUDIE: ing from communities on the North Coast of Labrador which are the communities included under the native peoples agreements these days, are the very people themselves - talking of speaking for themselves - they are the people who insisted that they be educated in their own tongue, that they have that right and that they continue to have that right in the future. And it was, I think, if I remember correctly, being only a few years ago, this government that went along with that and provided funds to help these people realize that particular goal.

MR. DAWE:

Hear, hear!

MR. J. GOUDIE:

So we do have a direct interest in the welfare of native people. We have funded groups such as The Labrador Resources Advisory Council, which has representation from native communities all along the coast, who express their opinions quite freely, quite willingly and quite capably in the affairs of the Province which affect them directly. So I was trying to suggest, Mr. Speaker, that I do have a conflict of interest in this particular issue. I have the pleasure of having both the Indian and the Inuit blood coursing through my veins. And it is along those lines that I just wanted to have a couple of words, Mr. Speaker, to illustrate what I think about when I hear people talk about native rights in this Province, and perhaps, in other parts of Canada. Because, I guess, when you get right down to the bottom line, most native people, the Inuit, the Indian, the Nishga and the other different groups across our country, have all the same basic values and the same basic issues and concerns at heart. I think of the traditional lifestyles of native peoples in our part of the Province. the principles of sharing which they had, not only with themselves, not only with each other, as they travelled across the land by snowshoe, by dog team, by canoe,

MR. GOUDIE: by omeac, by kayak, by the whole method they used in transporting themselves, of sharing what they had. I can illustrate dozens of examples where people who were literally starving to death walked up to a man's door, and that man being extremely poor himself in terms of what he had to put on the table or worldly possessions, shared what he had and as a result everyone survived. It is because of these native peoples, whose occupation of Labrador goes back several thousands of years, which has been identified in the document referred to earlier, Our Footprints Are Everywhere, and other documents put forth by the Naskaupi/Montagnais. these people have lived here for centuries on top of centuries and because of their occupation, and also the occupation of interior Labrador by the Indian and Inuit people and by the other settler people, such as my ancestors and the ancestors of many other young people in Labrador, as all members are aware by now, it was probably the strongest factor contributing to the establishing of the boundaries that exist between Quebec and Labrador now. If they had not been there that boundary would not exist. I think the boundary prior to that, and perhaps my colleague, the gentleman representing the Strait of Belle Isle (Mr. Roberts) can clarify the matter,

MR. GOUDIE:

I understood that the boundary prior to the 1927 Privy Council hearings extended one mile inland along the Coast of Labrador.

MR. ROBERTS:

It was never fixed. It is arguable where it was, but the Privy Council (inaudible) the height of land.

MR. GOUDIE:

Yes.

In any event, Mr. Speaker, I suppose I am a bit of a traditionalist by nature, perhaps too much of a traditionalist. I had the honour, in 1978 I think it was, of attending a conference of the LIA at Nain at which time a Mr. Gerry Sillett- and I am sure these three men in the gallery will know who I am talking of, and perhaps other people within the confines of this House will know as well - presented me with a little token, I guess of appreciation, but in his words, not mine, in his words he encouraged me to support the traditional lifestyles of native peoples in this Province, both Indian and Inuit. I was attending a meeting of Inuit people at the time but he was talking for both the Nasakupi and Montagnais and the Inuit people, to try and preserve the culture they have, to try and get more monies towards combating health problems, education problems that they might have, housing problems, water and sewer, all the needs which are met in other parts of the Province and appreciated by other parts of the Province, but not nearly as evident in Northern Labrador, at least, as they should be and will be some day.

But because I am a traditionalist, I guess I value, along with a lot of other people, many people here in this hon. House no doubt, the traditional lifestyles that people have lived, the principles of sharing, which I have already mentioned, and the way that people survived in that part of our Province which has been described in many ways

MR. GOUDIE: as being a very harsh environment in which to love, as being a difficult lifestyle to carry on, and so on, but people have and people are going to continue to in the future. And there are younger people coming along today, the young Indian, and the young Inuit people who realize that we must value and respect the traditions which we have inherited because of our native bloods, but we must also go on to live in a modern society, a society which has affected Labrador only in the last thirty-five or forty years, and we are going to have to take advantage of that society if we are going to gain any benefits from it, from the resources which will be developed there by centralized government such as the one here today, the government in Ottawa and so on.

And because of that change of attitude they are standing up rightfully for the rights that they want to protect, and they have to be enshrined in the constitution.

SOME HON. MEMBERS: Hear, hear!

MR. GOUDIE: I guess, Mr. Speaker, it is the way in which one goes about enshrining these rights. In that, in my opinion, I may be wrong, but, in my opinion, that seems to be the difference of opinion today.

MR. STIRLING: (Inaudible) (34)?

MR. GOUDIE: Our Premier has suggested that we approach - and he is not alone in this, as I understand it, I have not seen the copies of correspondence from all other jurisdictions in Canada.

MR. STIRLING: What do you think, 'Joe'?

MR. GOUDIE: Well, just let me get to you now.

AN HON. MEMBER: That is why he is up speaking.

MR. GOUDIE: The Premier has suggested one particular approach to take. The Leader of the Opposition and some of his colleagues are suggesting a different method. I think the end result is going to be the same. I have enough

MR. GOUDIE: faith, Mr. Speaker, in the people -

(Inaudible) Prime Minister.

MR. STIRLING:

MR. GOUDIE: I have enough faith, Mr. Speaker, in the federal government and the provincial government of this Province to do right by our native peoples.

SOME HON. MEMBERS: Oh, oh!

SOME HON. MEMBERS: Here, hear!

MR. STIRLING: Do you think (inaudible).

MR. SPEAKER (Butt): Order!

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order!

MR. GOUDIE: Mr. Speaker, I will conclude now.

I am sure there are other hon. gentlemen - we have only twenty-five minutes left - who want to express their opinion

I made a statement last week, I think,

last Tuesday in

MR. GOUDIE: The Evening Telegram, indicating at that time that I was in favour of native rights being enshrined in the constitution.

SOME HON. MEMBERS: Hear, hear!

MR. GOUDIE: I am still, Mr. Speaker, in favour of that same idea. The approach that we are taking will end up in that concern being realized, I believe. And to answer the statement put forth by my colleague, the gentleman for Torngat Mountains (Mr. Warren), earlier on, he suggested I think that the native groups were trying for the last eleven days, the native people of this Province, to get a meeting with the Premier. I do not know that. I was not contacted until nine or nine-thirty last night by a gentleman who is sitting in the gallery presently. And all I can say is that my colleague and I, the member representing Burgeo-Bay d'Espoir (Mr. Andrews), met with the Premier this morning and a meeting has been arranged for ten o'clock tomorrow morning. So that concern has been taken care of as well.

SOME HON. MEMBERS: Hear, hear!

MR. GOUDIE: In any event, Mr. Speaker, as I have said, it has been my pleasure to take part in the debate. I do not know if I have made any contribution to it. But we do on this side of the House realize there are native people in the Province, that these native people have native rights, or rights to be upheld by themselves in co-operation with both levels of government. And that, I think, is a commendable objective for any three groups in this country to have and that will be realized, I believe. X

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (BUTT): The hon. member for Eagle River.

X MR. HISCOCK: Thank you, Mr. Speaker. I support not only the native or the aboriginal rights but the women's rights. Long ago in this House, when we brought in the constitution, we had the debate and the debate was going

MR. HISCOCK: to be taking the land of Labrador and giving it to Quebec and we were going to have x number of other things. I stood in this House and stood for the repatriation of the constitution with the original charter. If we had the original charter, Mr. Speaker, we would not have this problem that we have now. And I would go as far as to say that if the Premier was rather concerned about the rights instead of the political aspect of this constitution, we would have these rights in this Province and country of ours.

I think it is a sad comment upon our society to state that here we are, a country, basically after 116 years, not having our own constitution and denying our natives, aboriginal rights to the people. The former Minister of Mines and Energy (Mr. Barry) and also the present Minister of Rural, Agricultural and Northern Development (Mr. Goudie) are rather concerned, and the Premier, (Mr. Peckford) from the point of view that we should have a conference to decide what the rights are and what the jurisdictions are of the aboriginal people. He ended up saying the elected people should be the ones to decide. I do not think it should be the elected people who decide. I think it should be the band councils and the council of elders and various other people who decide what they want and then let them communicate that to the Premier and to the Prime Minister and they would have it.

I was very pleased to note in all of these negotiations, if I am correct, the Inuit stood behind the original charter across Canada and agreed with it. They did not think that it was going to be the end results of all their problems. They have had to go forward and struggle for some of their rights, and they will have to continue to do this in the future, even after it is put in the constitution. Russia has a constitution and in that constitution it allows the right of the state to opt out.

MR. HISCOCK:

What did Russia do with Czechoslovakia?

What did Russia do with Hungary? And what, possibly would Russia do with Poland? So by having the constitution it does not necessarily mean that you are going to have these rights. But living in a democracy as we have, and with the courts and other things, at least we have a much better chance.

I support the Prime Minister in his endeavour. And obviously as Churchill said one time, it is his finest hour. Obviously, this will be Prime Minister

MR. HISCOCK:

Trudeau's finest hour, when the constitution is passed, almost the original charter. But I also regret to say that because the Premiers were non-Liberal in their politics, and because they were NDP and Conservative, they ended up taking the low road only to have it blocked, and have the women put them back upon the highroad, and have the natives put them back upon the highroad and say, 'Look, we want our native rights, we want our women's rights', and it was only because of that.

But if we had any statesmanship in this country of ours, instead of trying to get at the Prime Minister we would have had that.

With regard to a statement that was made by the Minister of Rural, Agricultural and Northern Development (Mr. Goudie) - he said the Leader of the Opposition (Mr. Stirling) was rather patronizing in his comments. I found, from the minister himself, that he more or less basically ended up stating, 'Because I have Eskimo blood in me, and Indian blood in me, somehow or another I am the only one who can really appreciate the problem in this House'. I do not accept that. I do not accept the other attitude, that the Minister of Education (Ms. Verge) gives. Just because she is a woman, and the Minister of Education has been involved in the Status of Women, somehow or another she is the only one in this Province and in this House who can somehow or another understand the struggles that the women are going through in this Province.

So if you talk about patronizing attitudes, as I said, I would just like for those two ministers to instead of - it is not good enough for them to come forward and say, here I am this, and here I am that. We do not need flagellations on our backs for saying what we are, I think it is more important to ask

MR. HISCOCK: the Minister of Rural, Agricultural and Northern Development (Mr. Goudie) what is happening to the land claims? It has nothing to do with the federal government, a lot of it has to do with our own attitude. And this government still continues to have the attitude of previous governments in this Province and the land claims do have to be looked at. And with regard to it, and I would like to make this comment, and I make this comment officially on behalf of the residents in my district, I support 110 to 200 per cent the idea of aboriginal rights, but in so doing that does not necessarily mean that I negate and give over the idea of Labrador remaining or belonging to the aboriginal people, that the people on the South coast of Labrador who have slaved - The member for Naskaupi (Mr. Goudie) told of some hardship cases. I can tell of a person who had to put his own leg on the chopping block and chop his own leg off. Or of the father who had to take his daughter and chop off her feet because they were frost bitten. So when it comes to hardship cases, again in this Province, or in this country, or in this world, no race of people has a monopoly on co-operation, or on sharing. We are all brothers and sisters in this universe, struggling together. And that is why, we being a very, very young country, it is a little bit disheartening to not have the Premier of this Province have the vision or the foresight of the present Prime Minister, of wanting to bring in a charter that would be an example to the world and to stand up as Canadians and say, We want to go forward into the twenty-first century, but we want to go forward as noble, dignified people with equality among the sexes, equality among our brothers and sisters in this nation.

MR. HISCOCK:

So, Mr. Speaker, I, for one, do support it. I am also a little bit upset that the Premier did not let this go to a vote. And I

MR. HISCOCK:

would like to ask the question, why did he not let this go to a vote? And he let it not go for only one reason and that is that this would not be communicated to the Parliament of Canada, that they would not know the urgency of the matter. We are debating it, which points out it is an emergency, an urgency of the matter that at six o'clock we are going to strike out this Province, or that technically is what the Premier is saying, at six o'clock we are going to go back to our mundane, everyday existence in this House and we are going to wipe out the aboriginal rights and the Minister of Rural, Agricultural and Northern Development (Mr. Goudie) gets up and states that he has faith in the provincial government and in the federal government. Well, I for one do not have faith in Premier Levesque and I do not have faith in our own Premier when it comes to politics and partisan things. When it comes into other things, maybe I do, but I am not, nor are the people of Canada or of this Province, prepared to delegate our rights and our constitutional responsibilities over to somebody who believes or who has faith. If it comes to faith nobody in this House has to take second seats or back seats in any way with regard to faith in our people. And I would like to, Mr. Speaker, move an amendment to this and that is, 'That this House debate the concept -

MR. NEARY:

Seconded by the member for

Grand Bank.

MR. HISCOCK:

- Grand Bank - 'that the House

debate the concept of the inclusion of aboriginal rights until six o'clock. I would say strike out 'until six o'clock' and include 'this House debate the concept of aboriginal rights' and put in, 'And that the House support the inclusion of Section 34 in the new Constitution and will communicate this to the House of Commons and support the Prime Minister of Canada'. And I move that, Mr. Speaker, with the member for Grand Bank (Mr. Thoms).

MR. HISCOCK: In concluding, Mr. Speaker, I do feel that it is an emergency and I do feel -

MR. SPEAKER (Simms): Order, please!

If the hon. member will allow me just a moment I will have to rule on whether or not the amendment is in order.

With respect to the amendment proposed by the hon. member for Eagle River (Mr. Hiscock), first of all, I have to consider it in the light of the original agreement that was reached by hon. members on both sides of the House initially, when clearly the

MR. SPEAKER (SIMMS): the implication in the motion was to debate the concept of entrenchment of aboriginal rights in the Canadian Constitution until 6:00 p.m. And when you have an agreement to sort of waive all the rules, I cannot really see, first of all, how an amendment could be even offered in the light of such an agreement. And just having a moment or two to consider the matter before six o'clock, I would have to say that the amendment, as proposed by the hon. member, at least in my interpretation, and that is all the Chair can do in this particular case, is that it does negate the original intent of the motion and, therefore, I cannot allow the amendment in this particular case.

SOME HON. MEMBERS: By leave.

MR. SPEAKER: No. I have already ruled now that my interpretation of the amendment as I see it written here, is that it would negate the original intent of the motion that was put on the floor. And considering that along with the fact that there was unanimous agreement by all sides of the House to debate that particular motion, I would rule the amendment out of order.

The hon. member may conclude the debate or his colleague.

X MR. HISCOCK: In regard to that, Mr. Speaker, my concern is and the aboriginal people of this Province concern is, how do we as the elected people of this Province communicate that message to the Parliament of Canada, not only to the Prime Minister but to the Parliament of Canada and let them know that we do think this is an emergency and that we are prepared as a House, as the Province of Newfoundland and Labrador, are prepared to have this included in Section 34 in the constitution, and let the other premiers know? And that is the only reason why, Mr. Speaker, we are not voting on this, so that the Premier will not be embarrassed by the other premiers.

MR. HISCOCK: The Prime Minister is basically saying to these nine premiers, If you want to add Section 34 communicate it to me. He is also basically saying to the people of this country, If you want it put pressures on your premiers. And we are putting the pressures on and what are we getting? A fifteen minute school boy debate, getting up and saying, okay. In actual reality we are not even in sitting because we are not even voting. And what type of an Assembly is that, basically, when you do not even know where people stand? The reason why we do not have the vote, we have seen what has happened with the government side, there is a lot of conflict there. And I would go as far as to say, Mr. Speaker, we are a little bit concerned about the economic prospects of the Province and where it will go and how it will affect Churchill Falls and how it will affect Kitts Michelin and how it will affect the transmission line and Petro-Canada off Labrador and x number of other things.

We are basically looking, as I have always said about this administration, we are looking at Labrador as basically - Colonial, is not the word. But I, again, for one, Mr. Speaker, with regard to the rights

MR. HISCOCK:

of the aboriginal people, yes, 100 per cent, but with regard to straightening out some of the problems, there is a lot of hard bargaining that needs to be done after they are straightened out because there are a lot of people who have lived and occupied those lands down there, maybe not necessarily as long but they have certain rights.

So in concluding, Mr. Speaker, I would like to say that it is a sad day, that come six o'clock we are basically saying in this Province that we have no time for the aboriginal people of this Province, that we, basically coming from Ireland, England, Scotland and Wales and France and all the others, somehow or another are going to ride roughshod over these rights. And when the Minister of Rural, Agricultural and Northern Development (Mr. Goudie) gets up and says that he has faith in the Province and in this Premier and in this administration, I would like to say -

MR. NEARY:

Blind faith.

MR. HISCOCK:

- blind faith - that that is what

we are seeing in this Province. I would like to see him, Mr. Speaker, when he goes back to Nain or Hopedale or Makkovik or Davis Inlet or Postville and basically say - it was not good enough for the Status of Women to have a letter saying he would never override, but somehow or another it is now good enough for the minister to say he has faith in both. Prime Minister Trudeau is not always going to be there, nor is Premier Peckford going to be there, but what we want is we want the rights put in the Constitution and have it. And if we had any statesmanship in this House and in the other Houses of Parliament across the country, we would have had the original charter and we would have had a first-class charter instead of, as Senator Forsey said, 'One that is shot through with bullets'.

So, Mr. Speaker, in concluding I would like to go on record as standing for the aboriginal rights of this Province and I am not prepared to have them negated

MR. HISCOCK:

at six o'clock.

Thank you. ~~X~~

SOME HON. MEMBERS:

Hear, hear.

MR. SPEAKER (Simms):

The hon. member for Grand Bank.

~~X~~ MR. THOMS:

Thank you very much, Mr. Speaker.

I only have about eight minutes. I would like the House Leader (Mr. Marshall) on the other side to reconsider our request — I know that there and a number on this side of the House who would like to speak in this debate and I am quite sure that there are a number of hon. ladies and gentlemen on the other side of the House who would like to speak in this debate as well—and to agree to stop the clock at six o'clock and let those who want to have their say in connection with this particular motion, give them that opportunity. I believe that is the least that we can do for the original or aboriginal people of this Province. I am prepared to stay here another hour or another two hours to give everybody a chance to speak in this particular debate.

SOME HON. MEMBERS:

Hear, hear.

SOME HON. MEMBERS:

Agreed.

MR. THOMS:

Having said that — the portals of love, And I would like everybody to note —

SOME HON. MEMBERS:

Oh, oh.

MR. THOMS:

— I would like for this to be recorded in the annals of this House, Mr. Speaker, that the Premier of this Province is not prepared — now here is your workaholic, here is your myth, here is your myth about the workaholic, he is not prepared to stay in this House for another hour or another two hours to discuss the aboriginal, or the original people of this Province and this country.

Now, Mr. Speaker, we now know where the Premier stands. He said that he wanted to sit down and discuss it, discuss it after. It may be too late then. So what do we have in this House this afternoon? We have nothing but a gigantic farce, Mr. Speaker, It is a farce!

MR. WARREN: It is not even that.

MR. THOMS: What do we have? We have a motion on the floor, which says this, that we are going to debate the concept of the entrenchment of aboriginal rights in the constitution, or the inclusion of Section (34), or whichever way the Premier worded it.

MR. NEARY: And then we got a lecture from the principal.

MR. THOMS: Then we are going to have a vote, Mr. Speaker. We are going to have a vote on his motion.

MR. WARREN: And a lecture from the principal.

MR. THOMS: Now, what are we going - we have already debated it up until six o'clock. So what are we going to vote on, that we debate it until six o'clock? That is fait accompli. We have already done that. We are finished at six o'clock. We are finished with the aboriginal people. We are finished with 80 per cent of the member for Torngat Mountains (Mr. Warren), we are finished with 80 per cent of his district at six o'clock tonight.

MR. TULK: (Inaudible).

MR. THOMS: Is that what we are going to vote on?

MR. WARREN: That is the Premier, you know, the Premier of this Province.

MR. THOMS: What a complete utter waste of time —

MR. WARREN: He is gone, boy.

MR. THOMS: — in that sense, that this whole debate has been.

MR. NEARY: Carry on with the debate tomorrow.

MR. THOMS: I want to see, Mr. Speaker, I would want to see hon. men and women of this House support a motion

MR. THOMS: or a resolution, or what have you, to include Section (34) into the constitution. What does Section (34) do? It recognizes that there are aboriginal rights. We will have a constitutional conference afterwards. We will decide on the validity of the rights. What are they asking for, Mr. Speaker? These original people, the people who were here when -

MR. WARREN: Long before the Premier.

MR. THOMS: - long before the White man, certainly long before the Premier, long before, what are they asking for?

MR. NEARY: They will be here after he is gone.

MR. THOMS: And this House cannot agree to support the original people of this Province and this country by the simple inclusion of Section (34).

MR. NEARY: They have been here 30,000 or 40,000 years.

MR. TULK: (Inaudible).

MR. THOMS: The simple inclusion. And the farce of it, Mr. Speaker, the farce of it is that it's coming to a vote, as I understood, Your Honour, in the beginning. It is coming to a vote. What we are going to vote on I do not know. We are going to ratify, I suppose, we are going to ratify the fact that a number of us got up and spoke. I do not need ratification of that. I heard the hon. member, the former Minister of Mines and Energy (Mr. Barry), for Mount Scio.

MR. WARREN: He is a good man. He is a good man.

MR. THOMS: I heard the Premier's cop-out.

MR. NEARY: Next leader of the Tory Party.

MR. THOMS: I heard the Premier's cop-out this afternoon. I heard the Minister of Rural Development speak out and I heard my friends from Torngat Mountains (Mr. Warren) and from Eagle River (Mr. Hiscock).

MR. NEARY: The member for Naskaupi betrayed his people, betrayed them.

MR. THOMS: I do not need confirmation of what my ears told me this afternoon, and that is all a vote at the present time is going to be. Why not have a vote? Why not give the members of this House another hour to debate this motion? And then why not have a vote, Mr. Speaker, that is meaningful?

MR. WARREN: Agreed.

MR. THOMS: Not a vote that is a complete, absolute farce and shows to the native people of this Province the utter contempt, the utter contempt from the Premier of this Province and members opposite for the native people of this Province. And that is all it does, this motion. This motion, you would not get this in the high school parliament -

MR. NEARY: You are a traitor to your people 'Joe'.

MR. THOMS: - that is carried on in this Province every year. You would not get it in the high school parliament. A stupid, meaningless motion'. I suppose, Mr. Speaker, though, it might be just as well, because by the time this

MR. L. THOMS: administration is finished with the economy of this Province, and without being offensive to anybody, I cannot imagine any group, aboriginal or otherwise, would want the Province of Newfoundland. Our economy is so bad now, is so bad that I doubt- and under a Tory administration for ten years - it is so bad that I doubt if the Indians would want Newfoundland. I know there are some 25,000 Newfoundlanders, because of the economy today, who said good-bye to Newfoundland. And I would suspect in the next year there are going to be another 25,000 Newfoundlanders who are going to have to leave. And I congratulate my friend from Torngat Mountains (Mr. Warren), at least he has got this semblance of a debate on about the inclusion of the aboriginal rights. We have been trying now to discuss the economy of this Province, to debate the economy of this Province in the people's House. We cannot get the Premier of this Province or the House Leader or anybody else to bring on Order 1, Address in Reply, or the Speech from the Throne as it is commonly called, to discuss the economy of this Province.

MR. BRETT:

(Inaudible)

MR. L. THOMS:

What are we here for?

AN HON. MEMBER:

And he laughs.

MR. L. THOMS:

Yes, the member for Trinity North

MR. THOMS:

(Mr. Brett) is finally around to laughing again. And what is he laughing at? The economy of this Province. For the first time, Mr. Speaker, since I have been - before it was borne in this Province, I have had people bring requests to me who do not have food on their tables.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (SIMMS):

Order, please!

MR. THOMS:

And that is funny?

MR. SPEAKER:

Order, please!

It being six o'clock-we have heard the motion - those in favour of the motion please say 'aye', contrary 'nay'. I declare the motion carried.

The hon. President of the

Council.

MR. MARSHALL:

Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, the poor little fellows on the other side. Mr. Speaker, I move the House at its rising do adjourn until tomorrow, Tuesday at 3:00 p.m. and that this House do now adjourn.

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