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OF  
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***VERBATIM REPORT***  
***(Hansard)***

*Speaker: Honourable James Russell*

Thursday

13 December 1984

The House met at 3:00 p.m.

MR. SPEAKER (Russell):  
Order, please!

Statements by Ministers

PREMIER PECKFORD:  
Mr. Speaker.

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
Mr. Speaker, it is with a great deal of pleasure and satisfaction that I greet today's announcement from the federal government on the matter of search and rescue.

SOME HON. MEMBERS:  
Hear, hear!

PREMIER PECKFORD:  
For some years now the provincial government and many prominent local groups and individuals have been stressing the need for an increased search and rescue effort in our Province during the Winter offshore drilling season. During the tenure of the previous federal government, it became questionable as to whether or not the safety of human lives offshore was secondary to their ongoing political battles with my administration. The change in the tone and tenor of federal/provincial relations on this and a whole range of issues is nothing short of phenomenal. It is indeed gratifying to see a national government that believes that people in all parts of the country are good Canadians and are thus to be shown respect and allowed participation in the decision-making processes of our nation.

In this regard may I say, Mr.

Speaker, that I want to go on record as commending the Minister responsible for Energy (Mr. Marshall) for untiring efforts in representations to the Minister of Energy, Mines and Resources (Mrs. Carney) in Ottawa, to the Minister of Transport (Mr. Dawe), to the Minister of Justice (Mr. Ottenheimer) and so on in bringing about this positive announcement today.

Even as I make this statement, one monument to the victims of the Ocean Ranger disaster is being constructed in front of Confederation Building. It is therefore fitting that today we have this announcement from the federal government of increased search and rescue facilities for our Winter offshore activities. What better monument can we in government provide than to take action to reduce the possibility of such a tragic event reoccurring? The risks associated with Winter work on the North Atlantic can never be totally eliminated, but it is incumbent on all levels of government to make all reasonable efforts to minimize these risks where possible.

Today's announcement from the federal government goes a long way towards meeting the challenge of working safely in the harsh environment of the North Atlantic. The provincial government is pleased to have been associated with those who have fought long and hard for these improvements and we feel the new federal government is to be congratulated for its sensitivity and positive response after sixty or seventy days in office to our long-ignored pleas for reasonable search and rescue facilities for our offshore workplace.

I conclude, Mr. Speaker, by saying that the level of increased search and rescue offshore will now be three fixed wing aircrafts and three helicopters which is over and above what we had requested last year.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

I table with the statement more details on it relative to the press release issue by Energy, Mines and Resources in Ottawa this morning. This side of the House, Mr. Speaker, is very, very pleased that not only did the present federal government accede to the requests made by this government but exceeded the request that we made last year.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, if the Premier is this easily satisfied with respect to search and rescue, I fear, Mr. Speaker, as to what the remaining aspects of the offshore negotiations will bring for this Province. Mr. Speaker, no wonder the Premier would not indicate what it was he was talking about. What we have, Mr. Speaker, in this communique from the federal Energy Minister (Mrs. Carney) is an indication that there will be a second fixed wing Tracker aircraft stationed in St. John's which has no capability for rescuing people in the water other than throwing out a self-inflating life raft and

survival gear. Apart from that, Mr. Speaker, all we have here is a statement not that there will be a permanent helicopter located in St. John's, but a statement that in addition a Canadian Armed Forces helicopter with SAR capability will be deployed on a routine basis from its base in Gander to St. John's during the Winter months - whatever that means. What it does not mean, Mr. Speaker, is that it is permanently located at St. John's and there is a need for a helicopter to be permanently located here in St. John's. Mr. Speaker, that is what was recommended and that is not what is being offered here.

SOME HON. MEMBERS:

Oh, Oh!

MR. SPEAKER (Russell):

Order, please! Order, please!

MR. BARRY:

Apart from that we have the minister indicating that the industry will provide another rescue helicopter and the Premier counting that in his six helicopters.

MR. SPEAKER:

Order, please! Order, please!

The time for the hon. the Leader of the Opposition has expired.

DR. COLLINS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, it is generally recognized that the previous federal administration left federal/provincial relations in what can only be described as a ghastly mess.

On Monday last, together with my provincial ministerial colleagues responsible for lottery matters, their officials, and representation from the federal government, I attended a day-long meeting in Vancouver, the objective of which was to harmonize a provincial attempt to clear up yet one more aspect of that mess and make a unified response to an initiative already made by the new administration in Ottawa.

Mr. Speaker, let me provide a little background. In 1979, an agreement was entered into by the Inter-provincial Lottery Corporation, representing all the provinces, with the Clarke administration whereby the federal government agreed to withdraw totally from the lottery field, under mutually agreed conditions, leaving lotteries wholly within the provincial orbit of activities. As lotteries on a nation-wide basis now constitute a \$1 billion undertaking, this agreement between the provinces and the federal government was regarded to be of considerable importance.

Hon. members will recall that in our budget for the current fiscal year, lottery revenues are projected to be approximately \$7.5 million.

Unfortunately, Mr. Speaker, the Trudeau administration failed to honour the agreement. Utilizing what they perceived to be a loophole in the 1979 agreement, in 1982 the federal government again began competing with the provinces by setting up the Canada Sports Pool Corp. Typically, this proved to be a financial disaster, losing millions of dollars, but nevertheless constituted a breach

of good faith and posed a hindrance and a risk for legitimate provincial lottery activities. Accordingly, the provinces mounted various legal and other counteractions, but the matter remained unresolved up to the time of the recent federal election.

As hon. members undoubtedly know, the new administration in Ottawa almost immediately announced on taking office that this iniquitous situation would be remedied as soon as possible. I am glad now to report that the federal government is actively consulting with the Provinces as to the best means of delivering on its promise.

In Vancouver, the provinces, as shareholders in the Inter-provincial Lottery Corporation, reached unanimous agreement as to the means by which the federal government would remove itself permanently from the field of government sponsored lotteries in a manner that will be binding on future administrations no matter what their political stripe.

SOME HON. MEMBERS:

Hear, hear!

DR. COLLINS:

The recommended mechanisms for so doing were subsequently discussed with the Federal Minister and received his full support. The Federal Minister's response was yet another indication of the new era of co-operative federalism into which the nation has been moving since September 4 election and as such hon. members will realize that it was greeted by all provincial ministers in Vancouver with considerable satisfaction.

SOME HON. MEMBERS:

Hear, hear!

DR. COLLINS:

It now only remains for other aspects of the 1979 agreement to be renewed in light of the federal commitment, which I have outlined. These are currently the subject of review by provincial officials out of which will come recommendations which provincial ministers will discuss with their federal counterparts at a date in the near future. When these discussions are completed and formal agreements ratified by federal and provincial Cabinets, I will make a further report to hon. members.

SOME HON. MEMBERS :

Hear, hear!

MR. SPEAKER (Russell):

The hon. Leader of the Opposition.

MR. BARRY:

Mr. Speaker, there is just as much content in this statement as there was in the one that the Premier just finished.

MR. BARRETT:

You are having trouble with that one, are you not?

MR. BARRY:

Well, I must say there is a bit of difficulty in responding to this one moreso than the Premier's, Mr. Speaker. It is time, I think, for the Minister of Finance (Dr. Collins) to think in terms of being honest with the people of this Province, and if he wishes to engage in additional taxation that it should not be the hidden tax of the lottery. He should have, Mr. Speaker, the honesty to point out that what he is doing here is encouraging the creation of another form of indirect taxation. And before, Mr.

Speaker, he finishes this set of negotiations I would hope that he would see that there is a new deputy minister appointed so that somebody can ensure that the proper negotiations are carried out, because the minister is not up to it.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Russell):

Order, please!

The hon. the Minister of Social Services.

MR. HICKEY:

Mr. Speaker, I am making this statement today concerning the issuing of the December social assistance cheques.

Long-term social assistance recipients receive two cheques monthly one on the 15th. day of the month and the other at the end of the month. The mid-month December social assistance cheque was therefore issued yesterday to be received Friday, December 16, 1984. The end of the month cheque for December will be dated December 28, three days earlier than is normally the case, and will be mailed on December 24, that is, before Christmas. This is being done to ensure that the social assistance recipients will receive the second monthly cheque and have an opportunity to cash it and make the required purchases prior to the long New Year's holiday.

SOME HON. MEMBERS:

Hear, hear!

MR. NEARY:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for LaPoile.

MR. NEARY:

That is very good, Mr. Speaker, and in keeping with what we recommended to the hon. gentleman a few days ago in this House. I do hope that there will be no delays as there were last year, by the way. I do not know what caused the foul-up but the cheques did not get out on time.

MR. HICKEY:

The post office.

MR. NEARY:

No, it was not the post office. So recipients of social assistance will get a cheque on the 16 and another one on the 24. That is pretty close. It does not give the people much time to shop around. If they could get their cheques on the 22 or the 23, I believe it would be much better because they would not be rushed or they would not be panic stricken, Mr. Speaker.

### Oral Questions

MR. SPEAKER (Russell):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I would like to refer a question to the Premier with respect to the negotiations that were carried out and the report that came from the meeting between the Newfoundland Minister responsible for Energy (Mr. Marshall) and Mrs. Carney. I would like to ask the Premier whether the removal of the 25 per cent back-in does not constitute a complete reversal of the principles of this government with respect to the need for

participation by the Province as the best means of obtaining adequate revenue benefits from offshore development?

MR. SPEAKER (Russell):

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I know it hurts the Leader of the Opposition (Mr. Barry) to see that we are just about now almost to the end of negotiations where we are going to have a deal which treats the offshore the same as it were on land as it relates to revenues, because he thought he was the only one in this Province who could so negotiate. I am very, very sorry that the Leader of the Opposition took it upon himself to move to other political quarters where his personal ambition could perhaps gain more prominence than it could on this side of the House, Mr. Speaker. And secondly, we will have a management regime which will see the Province have control.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Russell):

Order, please!

PREMIER PECKFORD:

As it relates to the 25 per cent back-in, Mr. Speaker, that was a unilateral move to expropriate one-quarter of every oil and gas field in Canada in just one fell swoop, and it was not negotiated by the industry but was unilaterally imposed upon the industry. Now what we have, Mr. Speaker, now is that we can charge revenues and royalties and taxes just the same as if the oil was on land.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

We can tax away on royalty. We will be able to pick up if we want to, if it is in our interest to do so, that share of the 25 per cent back-in by our own royalties and by our own taxes, Mr. Speaker. Besides, we will have control over the management of the resource.

Now the Leader of the Opposition (Mr. Barry) and the Liberal Party of Newfoundland might try to condemn this agreement which their party would not provide to the people of Newfoundland and Labrador, but, Mr. Speaker, they will not succeed. We have an agreement coming down the pipe now that will be signed the middle of January or late January or early February. It is only a few weeks away. And we will not allow the Leader of the Opposition or the rest of the members of the Opposition to somehow now throw some kind of a curve to try to indicate to the people of Newfoundland that what we held out for, what we stopped Mr. Trudeau from doing, what we stopped Mr. Lalonde from doing, what we stopped Mr. Chretien from doing, will not be the most historic agreement in the history of this Province.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, the Premier has now -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Russell):

Order, please!

MR. BARRY:

- condemned himself out of his own mouth, Mr. Speaker. I refer, Mr. Speaker, to Regulation 94 of The Newfoundland Petroleum and Natural Gas Regulations, enacted before the discovery of the Hibernia oil field, accepted by the oil companies when they commenced drilling on the East Coast of Canada as a condition upon which they commenced drilling, which says, Mr. Speaker, 'It shall be deemed to be a condition of every lease that the leasee shall transfer to the Newfoundland and Labrador Petroleum Board - a name subsequently changed, Mr. Speaker - within one year after the start of the term of the lease an undivided 40 per cent working interest in his lease.'

Now, Mr. Speaker, I ask the Premier, in light of the fact that the oil companies commenced exploration and found the Hibernia development on the basis of this condition, that the Province of Newfoundland would have 40 per cent, does the Premier still consider that it would be expropriation without compensation, or that it would be retroactive expropriation in light of Regulation 94 to continue to have participation by the Government of Newfoundland in the development of Hibernia?

MR. SPEAKER (Russell):

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, sour grapes. Sour grapes.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

The Leader of the Opposition (Mr. Barry), sour grapes. I will answer the question for the hon. member.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Russell):

Order!

PREMIER PECKFORD:

We now have the power to charge whatever taxes and royalties we like up to 40 per cent, up to 20 per cent, up to 60 per cent, Mr. Speaker. Because the 40 per cent provision in our regulations earlier was a revenue mechanism and nothing more and that was told to the companies at the time. Now we do not need that because we have the power to charge what we like on taxes and royalties.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the Leader of the Opposition.

MR. BARRY:

Again, Mr. Speaker, I give it to the hon. Premier that he stands, again, Mr. Speaker, condemned out of his own mouth.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Russell):

Order, please! Order, please!

MR. BARRY:

Mr. Speaker, the Premier says -

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

MR. BARRY:

The Premier says that 40 per cent -

SOME HON. MEMBER:

Hear, hear!

MR. SPEAKER:

Order, please!

MR. BARRY:

The Premier says that 40 per cent participation is only another means of collecting revenue. Now, Mr. Speaker, I would like to quote the Premier's own words as contained in the White Paper, tabled when he was minister, issued under the authority of A. Brian Peckford, Minister of Mines and Energy, and I quote, Mr. Speaker.

"The regulations must ensure that while the Province maximizes its revenue from highly profitable fields, economically marginal fields remain attractive." Now, Mr. Speaker, "This means that the government should use such rigid mechanisms as the cash bonus, rentals or royalties sparingly and stress instead such flexible revenue generating mechanisms as government participation." Where is the Premier now with respect to government participation?

MR. SPEAKER:

The hon. the Premeir.

PREMIER PECKFORD:

Mr. Speaker, where the government is as it relates to government participation, which the hon. member could not get and now cannot get because he is on the opposite side of the House, is we control how the development occurs. We now have the power. The Leader of the Opposition (Mr.



Barry) could not get the power. Now, Mr. Marshall, the Government House Leader, has got the power. I cannot help it if the Leader of the Opposition is jealous of the member for St. John's East (Mr. Marshall). I cannot help that. That is the hon. Leader of the Opposition's problem. That is not our problem. We have the power to decide how it is going to be developed and we have the power to collect as much revenue as we want to collect, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, we all saw the power when Mrs. Carney rose in the House of Commons yesterday and said that

MR. TOBIN:

What is the question?

MR. SPEAKER:

Order, please!

MR. BARRY:

she felt confident, Mr. Speaker, in putting those proposals forward because she had called up Mr. Davis, and she had checked with Mr. Davis as to whether she should enter into this deal with the Premier and Mr. Davis said, "Throw them a few scraps. Yes, Mrs. Carney, they are poor." That is the power of the Premier. He gets the scraps thrown from the Conservative table, the crumbs, Mr. Speaker.

MR. SPEAKER:

Order, please!

The Chair recognized the hon. the

Leader of the Opposition on a supplementary question. I think the Chair has been more than lenient with the extremely long preamble that the Leader of the Opposition (Mr. Barry) has given.

MR. BARRY:

Mr. Speaker, we have never seen the Premier engaged in debate in Question Period in this House so I have to apologize to the Speaker.

Now, Mr. Speaker, I would like to have the Premier confirm whether in fact he is not just getting the crumbs from the Conservative table that Mr. Davis deigns to let him have, that Mrs. Carney goes and checks with Mr. Davis before she makes a decision. And I would like to ask the Premier whether he would confirm that the 25 per cent back - in provision which is being given back to the oil companies, whether that is not worth something in the range of \$6 billion to \$8 billion, depending upon where the international price of oil stands? Is it worth \$6 billion or \$8 billion depending upon where the international price of oil stands? Is it worth \$6 billion to \$8 billion?

MR. SPEAKER (Russell):

The hon. the Premier.

PREMIER PECKFORD:

Now, Mr. Speaker, two points to the hon. member's question. The hypocrisy! People in glass houses should not throw stones. The hon. member joined a party and associated himself with the Liberal Party of Canada, a party which at that time would not give us any say over being able to levy any taxes or royalties or to treat the oil as if it were on land. He supported that view, that we should not have the right to levy taxes and royalties. He supported

the view that we should have no say over the development. And now because we have both those things, he is saying that somehow the Conservative Government of Canada is only giving us crumbs. How can the Leader of the Opposition (Mr. Barry) stand in his place! The hypocrisy of it! You agreed that we should have no say over the management of the resource.

MR. BARRY:

You are a liar! You are a liar!  
You are lying!

SOME HON. MEMBERS:

Oh, oh!

MR. OTTENHEIMER:

On a point of privilege, Mr. Speaker.

MR. SPEAKER:

Order, please!

MR. SPEAKER (Russell):

The hon. the Minister of Justice. I am not sure whether he is on a point of order or not, I could not hear him.

MR. OTTENHEIMER:

Mr. Speaker, it happens at times that debate gets very hot here, but really we cannot be in a position where an hon. member can call another hon. member 'a liar'. The fact it happens to be the hon. the Leader of the Opposition (Mr. Barry) calling it to the hon. the Premier does not make any difference. It does not make any difference who it is, no hon. member is allowed to call another hon. member 'a liar'.

MR. SPEAKER:

To that point of order: With the shouting that was going on on both side of the House I have to say in all honesty that I did not hear a member call another member 'a

liar'. I will reserve a ruling and check with Hansard, and if I find out that an hon. member called another hon. member 'a liar' I will certainly ask him to withdraw that comment.

The hon. the Premier

PREMIER PECKFORD:

So that is number one, Mr. Speaker. The Leader of the Opposition (Mr. Barry) has suddenly changed his spots. A few months ago he joined a party which said, 'No say over the management. We support that Liberal government. No, do not give them the same royalties and taxes and allow them to levy them as if it is on land.' Now, somehow, because we have those two significant improvements in an offshore agreement about to be signed, the Leader of the Opposition is saying we are getting crumbs.

Number two, on the question of whether it is \$5 billion, or \$6 billion, \$8 billion, the Leader of the Opposition (Mr. Barry) does not like it, Mr. Speaker, but the fact is that now we have the mechanisms and the power in this Province to take some of that \$6 billion, all of that \$6 billion, all of that \$8 billion if we want to because we have the power to levy whatever taxes and royalties we want to. That is the difference. The Leader of the Opposition does not like that because he thought it had to come through government participation. But the fact of the matter is we have the power, Mr. Speaker, to levy as high a tax as we want to, and we will be negotiating with the companies as to what our level of taxes and royalties will be. And if there is a windfall as it relates to Hibernia, then we can participate in that windfall

through the power that we have through an agreement that the Leader of the Opposition could not get and that the Liberal Party of Newfoundland did not support.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Russell):

The hon. the Leader of the Opposition.

[Prolonged applause (Mr. Marshall entered the Chamber)]

MR. BARRY:

Shades of Munich! Shades of Munich!

MR. SPEAKER:

Order, please! Order, please!

MR. BARRY:

Shades of Munich, Mr. Speaker. Shades of Munich! The great appeaser has arrived, Mr. Speaker.

MR. SPEAKER:

Order, please!

MR. BARRY:

"Peace in our time," Mr. Speaker.

MR. SPEAKER (Russell):

Order, please! Order, please!

I would ask the hon. the Leader of the Opposition to direct a question.

MR. BARRY:

Yes, Mr. Speaker. I was just referring to the arrival of the great appeaser, Mr. Speaker. Incidentally, Mr. Speaker, if you do happen to pick up the word 'liar', Mr. Speaker, would you modify that to 'a purveyor of falsehoods'? I believe that is parliamentary, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. OTTENHEIMER:

On a point of order, Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Justice, on a point of order.

MR. OTTENHEIMER:

The hon. member knows that one cannot say indirectly what one cannot say directly, but he is so intelligent, he is such a rhetorician who really cares about the hair-splitting he does? He has nothing to say on the substance so let him put in Hansard what he wants to.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

I wish, Mr. Speaker, the minister would make up his mind. First he bounces up like a roly-poly ball to ask me to -

MR. YOUNG:

You must have learned that as a Professor of Law at Dalhousie.

MR. BARRY:

- withdraw something, then he bounces up to say that he does not care what I have to say. Mr. Speaker, it is like on the musical scales.

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

Mr. Speaker, could we have a little silence here?

MR. SPEAKER (Russell):

Order, please! Order, please!

MR. BARRY:

Mr. Speaker, I would ask the Premier to indicate -

MR. SPEAKER (Russell):

Order, please!

I understood the hon. the Leader of the Opposition (Mr. Barry) was speaking to the point of order.

MR. BARRY:

Which point of order is that?

MR. NEARY:

There is no point of order.

MR. BARRY:

The minister's?

MR. SPEAKER:

I suppose the Chair will have to decide whether there is a point of order or not. I shall reserve a ruling and take a look at the original transcript.

MR. BARRY:

Mr. Speaker, I would like to ask the Premier -

MR. SIMMS:

Sit down.

MR. BARRY:

There is the other great appeaser who did not want to put the federal Minister of Forestry (Mr. Merithew) on the spot, Mr. Speaker, and the Energy Minister (Mr. Marshall) does not want to put Mrs. Carney on the spot.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Russell):

Order, please! Order, please!

MR. BARRY:

Now, Mr. Speaker, I would like to ask the Premier whether he would confirm that that 25 per cent

backing provision - just for the record, Mr. Speaker - whether 25 per cent of the revenues from Hibernia is probably worth in the area of \$6 to \$8 billion, just, Mr. Speaker, so that we will know. If the federal government gives him a \$300 million, \$400 million or \$500 million cash advance up front for the next election campaign - just so we will know, Mr. Speaker if he ends up with a \$300 million, \$400 million or \$500 million cash advance for his election campaign - will he be leaving, Mr. Speaker, from \$5.5 billion to \$7.5 billion on the table for the Government of Canada and the oil companies? Would the Premier confirm that it is worth from \$6 to \$8 billion? Mr. Speaker, would he also answer my first question, which is if the oil companies entered exploration off the coast of Newfoundland it could not be retroactive expropriation if the oil companies commenced that exploration, Mr. Premier, off Newfoundland on the basis that there would be 40 per cent participation by the Government of Newfoundland, and that there is no retroactive expropriation by having a mere 25 per cent participation by the government of this Province?

MR. SPEAKER (Russell):

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, the long and short of it is - and the Leader of the Opposition (Mr. Barry) can put as best a face on it as he can from his point of view - that the Liberal Party of Newfoundland has lost on the offshore and the PC party of Newfoundland has gained and won.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

Now if you notice, Mr. Speaker, the Leader of the Opposition finally understands that with the 25 per cent back-in gone nothing is lost to the Province of Newfoundland and Labrador because we have the power to levy taxes and royalties to whatever extent we want to, even more than we could get from the 25 per cent back-in. It may be possible, Mr. Speaker, we may decide as we get into it.

MR. BARRY:

What is it worth?

PREMIER PECKFORD:

We do not know what it is worth exactly because you do not know how much oil you are going to get out of it, Mr. Speaker.

MR. BARRY:

(Inaudible) barrels predicted (inaudible).

MR. SPEAKER (Russell):

Order, please!

PREMIER PECKFORD:

Prediction. We do not know how much money is going to be realized out of Hibernia yet; there are predictions and we will have to base a revenue flow based on that. Mr. Speaker, the long and short of it is this government may decide that if we were going to get half of the 25 per cent if it had stayed in, we can now decide to get three quarters of the 25 per cent because we have the power to levy taxes and royalties at whatever rate we want to.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

We might get more, Mr. Speaker, and that is what troubles the

Leader of the Opposition (Mr. Barry), that now he knows the doors are wide open for the Province of Newfoundland and Labrador, we are not restricted by getting half of the 25 per cent back-in, we might get all of it because we might determine through our computer models and our financial analyses that there is enough there and still have an economic development with the companies by us getting more than the 25 per cent. The Leader of the Opposition would restrict himself to half of the 25 per cent. So the field is wide open for us. We have a better deal now because it is in our power to determine what levy we want rather than a federal government which said, 'We will give you half of 25 per cent, take it or leave it.' Now we can decide ourselves what level of revenue we want from Hibernia, from Terra Nova, from Ben Nevis, from Hebron and all the rest of it, that is what the Leader of the Opposition and the members of the Opposition cannot get through their head. The problem is they cannot believe that we are now going to be just like Alberta in levying revenues, we can do exactly as we want to do without any reference to Mr. Chretien or Mr. Lalonde.

SOME HON. MEMBERS:

Oh, oh!

PREMIER PECKFORD:

I know it is hard to believe, Mr. Speaker. As they begin to believe it, Mr. Speaker, suddenly it strikes home to them, 'My God, they were right, Mr. Speaker. My God, they held out for five or six or seven years.' Everybody said he was a madman, everybody said he was a separatist, everybody said he wanted to fight and now suddenly when he can get along and

gets the deal that he was asking for seven or eight years ago, they find that they are going down and we are going up.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the Leader of the Opposition.

Order, please!

MR. BARRY:

"This means that the government should use such rigid mechanisms as the cash bonus, rentals or royalties sparingly and stress again such flexible revenue generating mechanisms as government participation."

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. BARRY:

Now I ask the Premier would he indicate to this House whether he accepts the rationale of the Mulroney government for eliminating the back-in provisions with respect to other parts of Canada because it would be retroactive expropriation without compensation? I ask the Premier to have the courage to answer the question directly. Does that argument apply to Newfoundland where the companies came in on the basis that there would be a 40 per cent Crown participation by the Province of Newfoundland? Have the courage to answer that question!

MR. SPEAKER (Russell):

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, the Leader of the Opposition (Mr. Barry) knows that he never thought in his wildest dreams that we would get control over the mode of development to the extent that we now have in this agreement, to have those instruments in our power, to have the instruments of levying taxation and royalty the same as if the oil was on land. The hon. the Leader of the Opposition knows in his own heart and soul that he never thought for a minute that we could gain that kind of concession, if you will, out of the Canadian people so that we could be treated the same as people in Alberta or Saskatchewan or British Columbia. The Leader of the Opposition also knows that every oil field has to be based upon the economics of that oil field. The government now have the power to levy royalties and taxes and can levy to its heart's content if in fact the money is there and the oil is there. The Leader of the Opposition knows that. The Leader of the Opposition also knows that hundreds of rigs and thousands of jobs left Canada this past two or three years under the National Energy Programme which was imposed upon the energy industry. Now, given the situation in the world today with the price of oil, with us trying to become self-sufficient within that context we must try to re-establish some confidence in the Canadian economy for those who invested in it years ago and got the oil industry started in the first place. Mr. Speaker, we cannot lose on this deal, the Leader of the Opposition knows that. He knows that we have the levers on management, he knows we

have the levers on revenues to bring this Province up. If the Leader of the Opposition was either bit smart he would be standing in his place in the House and saying, 'I congratulate the member for St. John's East (Mr. Marshall) for doing something that I was not able to do.'

SOME HON. MEMBERS:

Hear, hear!

MR. NEARY:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for LaPoile.

MR. NEARY:

Mr. Speaker, the hon. the Premier a few moments ago heaped great praise on the changes to Air/Sea Rescue in the Province. I would like to ask the hon. gentleman if he is aware according to the Ocean Ranger Royal Commission Report that the SAR helicopters that he spoke about, which were referred to in the communique were manufactured some twenty years ago and although they have undergone extensive upgrading they do not have radar, automatic flight control systems, a hover coupler system, VHF marine radio, Mr. Speaker?

MR. YOUNG:

You could not use them for funerals, though.

MR. NEARY:

The hon. gentleman manages to get there in the helicopters.

An upgrading programme has been initiated to remedy these deficiencies. Is the hon. gentleman aware that the main weakness of the helicopter is its relatively short range and consequent lack of endurance for

rescue missions offshore? Is the hon. gentleman also aware that there are certain weather conditions which restrict the operations of these helicopters? Is the hon. gentleman aware of these facts? And if the hon. gentleman is, then why is he so content and satisfied that we have to settle for a second rate system of air/sea rescue in this Province?

MR. SPEAKER (Russell):

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, once again the Opposition are on the horns of an awful dilemma, according to what the member for LaPoile (Mr. Neary), the second Leader of the Opposition, or the third Leader of the Opposition has said, or first Leader of the Opposition. Through upgrading the helicopters are going to meet the standards set by the Ocean Ranger enquiry. It is in the statement, that they are going to set the standards of the Ocean Ranger enquiry. Each helicopter is going to have the latest equipment and latest electronic gear and so on on it. A couple of new helicopters as well are going to be there. So the hon. member for LaPoile does not know what he is talking about. This has been done to conform with the recommendations of the Ocean Ranger enquiry. We will now have three fixed wing aircraft and three helicopters here during that window of time that we wanted them for, that weather window that everybody knows about, that we tried to convince his friends in Ottawa about when they were in power and he was going along with them at the time. Sure, the member for LaPoile (Mr. Neary) does not even want this much. This is unnecessary, the member for

LaPoile said last year. He said we did not need it, that I was just into a fight with the companies, I just wanted to fight with Mr. Trudeau. He said we do not need this. How can the member for LaPoile stand in his place and make such statements when he was against improving search and rescue and went along with his cohorts in Ottawa last year? How can he do it? You are against it but not for the right reasons. You are against it because it is not needed, Mr. Speaker. That is why the member for LaPoile is against it. He kowtowed and was a handmaiden of Ottawa last year when we were arguing for this, and all his answer was that I was trying to somehow be confrontational with Mr. Trudeau when everybody knew, and all the enquiries knew different. We have more here now than we requested and the standards that are going to be applied to the helicopters and the fixed wing aircraft are going to conform with the Ocean Ranger enquiry recommendations. Too bad for the member for LaPoile.

SOME HON. MEMBERS:  
Hear, hear!

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

MR. NEARY:  
Mr. Speaker, with my penetrating questions I do not want to cause the hon. gentleman to have some kind of a breakdown. The hon. gentleman should cool it, just take it easy and try to be a little more calm.

Now, Mr. Speaker, I would like to ask the hon. gentleman to point out to me, anywhere in this communique where it says that the helicopters to which I just referred are going to be brought

up to the standards recommended by the Ocean Ranger Commission of Enquiry. Show me in this communique that was issued in Ottawa today, December 13, by the Department of Energy, Mines and Resources, show me, point out to me in this communique where it says that these helicopters are going to be brought up to the standards that are required to rescue people offshore.

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
Mr. Speaker, the last sentence says, "The allotment responds to recommendations of the Royal Commission on the Ocean Ranger marine disaster" which has stipulated a minimum of one helicopter with a trained SAR crew and it just so happens that earlier in the statement they are talking about three helicopters with trained SAR crews.

SOME HON. MEMBERS:  
Hear, hear!

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

MR. NEARY:  
Now, Mr. Speaker, one of the helicopters the hon. gentleman refers to is an industry helicopter that the Ocean Ranger Commission says is not, and everybody else connected with the industry says is not satisfactory because they do not have the trained people and so forth.

Will the hon. gentleman agree that what is referred to in the last paragraph is allotment, it is a response, it is not the quality of the helicopters?

MR. BARRETT:



It is.

MR. NEARY:

It is not, Mr. Speaker. Nowhere in this statement are they talking about standards or the quality of the helicopters, or the technology. They are talking about an allotment. Mr. Speaker, will the hon. gentleman not agree they could have given us a dozen SAR helicopters and it would still be second-rate? That is not what is required for offshore. It is not the number, Mr. Speaker. As the Ocean Ranger Commission of Enquiry points out that disaster, because of weather conditions the helicopters could not leave Gander until 6:30 a.m., the helicopters cannot get off the ground. Now, Mr. Speaker, is it the number, or is it the colour, or is it the quality we are talking about?

MR. SPEAKER:

Order, please! Order, please!

The hon. the member for LaPoile was entering into debate, and while he was doing that the time for Question Period expired.

Presenting Reports by  
Standing and Special Committees

DR. COLLINS:

Mr. Speaker!

MR. SPEAKER:

Order, please!

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, pursuant to the Financial Administration Act I want to table this report indicating that the Department of Education has been authorized to expend as a pre-commitment on the

1985/86 budget a sum not exceeding \$66,000 for the purpose of supplies and purchased services for the public examinations.

Answers to Questions  
for which Notice has been Given

MR. RIDEOUT:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Culture, Recreation and Youth.

MR. RIDEOUT:

Mr. Speaker, I would like to provide an answer to a question asked by the Leader of the Opposition (Mr. Barry) to the hon. the Premier a couple of days ago, a matter of very urgent public importance, I believe, government's policy regarding the disposal of redundant library books by the Newfoundland and Labrador Public Libraries Board services. Discarded books in all areas of the Province, Mr. Speaker, are put on sale for institutions or the general public. Public notice of the sale is always given prior to its taking place. The books are sold very cheaply. After the sale takes place, any remaining books are incinerated.

It should be noted, Mr. Speaker, that most of those books are not fit for resale or re-use. All of those books are books that we get back from our Books-By-Mail programme and they are all paperbacks. After those books are used in the Books-By-Mail programme over a period of years or months, they sometimes, obviously, deteriorate, they are unhygienic and things of that nature, so what is fit for sale

are offered for sale and books people do not want to buy, after the sale has taken place, are incinerated. As per the comments of yesterday, nursing homes, schools, hospitals, etc., are quite free to purchase the books, most of which sell for from five to ten cents.

MR. HICKEY:  
Mr. Speaker.

MR. SPEAKER:  
The hon. the Minister of Social Services.

MR. HICKEY:  
Mr. Speaker, I would like to answer the question raised by the hon. member for Menihek (Mr. Fenwick) last week regarding difficulty experienced by social assistance recipients cashing cheques. I promised him I would check with my various offices, which I have done, and I find that there is no problem that we know of. There may be the odd case, but certainly we are not aware of any problem per se. There is a problem, Mr. Speaker, with regards to people cashing cheques in banks where they refuse to cash cheques unless the recipient or the person has an account there. We are attempting to determine whether this is the policy of all banks, the reason for the policy, and to see if we cannot convince the banks that they might show people on fixed incomes, whether it is unemployment insurance or social assistance or old age pensions whatever, a little more understanding and realize that those people to the largest extent do not have money to open accounts and they are living on fixed incomes and therefore they might give some consideration to indeed cashing their cheques.

PREMIER PECKFORD:  
Mr. Speaker.

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
Mr. Speaker, in answer to a question from the hon. member for Menihek (Mr. Fenwick) several days ago as it relates to assistance to the people of Ethiopia, the government is presently in the process of extensive consultation with all of the charitable groups in the Province, with churches and others who have been involved, and with the External Affairs Department to see if we can get some advice and suggestions. After those consultations are over and we have the benefit of the advice of these charitable groups and churches and the External Affairs Department, then within a few days we will be in a position to indicate in specific terms what the Government of Newfoundland is going to do. But we want to do it in consultation with those groups and External Affairs so we are not somehow in conflict doing it the wrong way, and also, of course to ensure the proper funnelling of whatever it is we do. But after those consultations are over, within the next couple of days we will be in a position to be more specific on the kind of support and the way that support will be directed to the people of Ethiopia.

#### Petitions

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

MR. HISCOCK:  
Thank you, Mr. Speaker.

I rise to present a petition from Barr'd Harbour on the Northern Peninsula in the District of St. Barbe "We, the residents of Barr'd Harbour hereby petition the Provincial Government to pass immediate legislation so that there would be one price for the electricity throughout our Province whereas now there are four or five different rates depending on where you live. In our Province we pay the same sales tax of 12 per cent, the same income tax proportionally, the same airfare, there is only one price for beer and liquor throughout our Province, and we also pay the same taxes on a carton of cigarettes, so why is it that we have to pay a different rate for electricity?"

"At the present if you consume electricity that is generated by diesel, the more kilowatt hours you use the higher your bill becomes, whereas if you consume electricity generated by hydro power, the more kilowatt hours you use the cheaper your bill is. We believe that we are not being treated as equal citizens and we hereby petition the government to have one rate for all our citizens regardless of where they happen to live".

Mr. Speaker, I believe this is a reasonable petition, signed by the people of Barr'd Harbour, asking that-

MR. STEWART:

How many residents?

MR. WARREN:

There are more than three.

MR. HODDER:

There are more than thirty residents in the community. It does not have to be a larger

community to submit a petition.

MR. HISCOCK:

Mr. Speaker, with regard to residents, I will get to that. I only have five minutes, so I would ask that I would be heard in silence.

With regard to this petition, Mr. Speaker, I believe it is reasonable. We have all Labrador on diesel electricity. We have Fogo, Burgeo, Ramea, St. Anthony and the Northern Peninsula, Change Islands, St. Brendan's Island, Grey River, Petite, and we can go on and on, Mr. Speaker. There is quite a lot in our Province. And yet as the people of Barr'd Harbour say, we pay the same rate of sales tax, the same rate for beer and liquor. This government can bear the cost of the shipping liquor and beer anywhere in the Province and make sure that it is sold at the same rate. Newfoundland Hydro, which is owned by our citizens, through its subsidiary, the District, ends up, Mr. Speaker, charging different rates for electricity.

I, for one, support this petition. It is signed, Mr. Speaker, by ten families in Barr'd Harbour, which is in the district of St. Barbe. This is something I will continue to champion, that we should have one rate for electricity. In the next election, hopefully this will become an issue, and whichever party forms the next government should make this a reality. As I said, I hope the people of Barr'd Harbour will continue, Mr. Speaker, to press for this improvement, because the cost of living as has been pointed out, is higher in rural Newfoundland. A lot of people in St. John's and other urban areas think that if

you live in rural Newfoundland you own your own house, you can go and cut your own wood, you can go and get a few rabbits, you can get X numbers of other things and so you do not need as much money to live on, you do not have that many bills to pay anyway, so there is a uniform rate for electricity. That is often the attitude that prevails unfortunately, in larger areas concerning our rural areas.

As I said, Mr. Speaker, I believe that is it a reasonable request that is long overdue. I know that the Minister of Energy (Mr. Marshall) will get up and say, we already spend \$24 million subsidizing diesel electricity.

MR. SPEAKER (Russell):  
Order, please!

The time for the hon. member has expired, except by leave, of course.

SOME HON. MEMBERS:  
By leave! By leave!

MR. SPEAKER:  
Is leave granted?

SOME HON. MEMBERS:  
No.

MR. SPEAKER (Russell):  
No leave.

The hon. the Present of the Council.

MR. MARSHALL:  
Mr. Speaker, we spent actually about \$25 million, it is not \$24 million.

Mr. Speaker, I can sympathize very much with the people from Barr'd Harbour and with people from other smaller communities in Newfoundland and Labrador,

particularly those in Coastal Labrador who are paying an extra amount for their electricity. But I would point out that the Government of this Province is already subsidizing the electrical rates to these customers to the tune of \$25 million a year and I think that is a substantial contribution.

I would also point out the fact that we try to make the impact as low as it possibly can be on each resident by charging a lower rate for consumption below, I think, 500 kilowatt hours per month, and then it goes up there afterwards.

So the point of the matter is, Mr. Speaker, it comes down to dollars and cents.

MR. HISCOCK:  
Always dollars and cents.

MR. MARSHALL:  
Yes. It comes down to dollars and cents, and it comes down to the past tense too, and it comes down to cents in the past tense.

Barr'd Harbour, by the way, I am told has some five homes in it. But whether it has five homes or two homes or three homes, the preference of this government, if it were possible, is that everyone would pay the same rates, but I am afraid that is not possible.

Mr. Speaker, it is almost a twist of irony or a twist of faith that the hon. gentleman who represent Coastal Labrador, who comes in here regularly with petitions of this nature with respect to electrical rates, by so doing causes us to reflect upon the fact that upon that same landmass the hon. gentleman represents is a gigantic hydroelectric undertaking which has been sold out to the

Province of Quebec, and every year some \$700 million to \$800 million float Westward. Now, if an appreciable amount were flowing Eastward, we might be able to do something more effective for the citizens of Barr'd Harbour and elsewhere.

I can tell the hon. member with the kind of relations that we have built up with the federal government and the kind of statement that the Prime Minister has made recently with respect to the Upper Churchill contract and his desire to see if he can bring his considerable efforts of conciliation and goodwill that he has throughout the country to bear on this, to see what he can do to renegotiate, there is a bit more hope for a rational solution to that problem now than there was when the last time he brought in such a petition.

MR. NEARY:

You are on a roll now, so keep it up.

MR. MARSHALL:

I am on a roll. The poor old gentleman! I came in here today and his mouth was down to his foot when I looked over at him. It serves him right, Mr. Speaker. They cast their lot and put their fortune in with a jealous Tory who is going to end up being the undertaker of their particular party. I think he realizes that today with all its full force.

But getting back to the hon. gentleman's petition, we would like to see what possibly can be done to reduce the rates for the people of Barr'd Harbour and the other communities from which the hon. gentleman brings petitions. I would point out that at the present time it is not possible to

do it. I would point out that the government subsidizes these smaller places very generously to the greatest amount it can afford, as I say some \$25 million. We take steps to see that the impact is minimized on those who have a lower consumption of electricity. Certainly we will take cognizance of the petition. In supporting the petition. In supporting the petition I can tell the hon. member, though, there is no hope of realizing his aim until the economic condition of this Province improves appreciably above what it is now. And it certainly would be immensely improved, improved to the extent necessary if the Upper Churchill contract had been a reasonable, rational contract, and we would not be having these problems today.

MR. NEARY:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for LaPoile.

MR. NEARY:

Thank you, Mr. Speaker.

I would like to support the prayer of the petition so ably presented by my colleague on behalf of the residents of Barr'd Harbour, who are asking for equal privileges, asking for something that we take for granted here on the Island of Newfoundland and in certain parts of Labrador, asking that their electricity rates be equal to what the people in St. John's pay. That is what they are asking for, Mr. Speaker.

Now, I have three communities in my own district of LaPoile.

MR. STEWART:

There are five or six families involved and it would cost about

\$90,000 per person to do what you want.

MR. NEARY:

Mr. Speaker, would the hon. gentleman go out and get his bottle and nipple?

Mr. Speaker, in my district of LaPoile I have three communities, Petites, LaPoile and Grand Bruit with this problem, and numerous communities on the Great Northern Peninsula and in Labrador also have it. Now, Mr. Speaker, are we talking about cash? The hon. gentleman mentioned the Upper Churchill. Well, now, let me remind the House that the former government of Canada that he is condemning, the Liberal administration, offered to finance a transmission line down through the Strait of Belle Isle and bring the surplus electricity across to the Island of Newfoundland. The Liberal administration offered that, but the administration there opposite rejected it. So the hon. gentleman, Mr. Speaker, is again uttering falsehoods in this House.

Mr. Speaker, for three or four years running we have heard the present Minister of Energy (Mr. Marshall) tell the House that he sympathizes with these people but, because of the economic conditions in the Province, they are unable to equalize the rates for electricity in these communities. But there are other things they can do, Mr. Speaker. For instance, all up and down the Southwest Coast, you have remote communities where people are still dragging and hauling forty-five gallon oil drums, the fuel to operate the generators, up over rocks and stumps and cliffs. Mr. Speaker, in this day and age, can you imagine all up and down the Southwest Coast the coastal boats

putting ashore on the wharf forty-five gallon oil drums, and then the operator has to go down and drag it up and put the oil in the tanks? Now, Mr. Speaker, that is about to change. Woodward's are about to change that. I have fought for it for years and the people on the Southwest Coast know that I was the one who brought about that change. They are now going to put storage tanks in these communities so that the tanker can come a couple of times a year and fill up the storage tanks. In that way, Mr. Speaker, the cost of fuel will be reduced and therefore the cost of generating the electricity with these diesel plants should decrease. Now, the hon. gentleman should take a look at that. You do not need ready cash for that, all you have to do is bring about some badly needed improvements. Just look at how you can lower the cost. And that is going to lower the cost, Mr. Speaker.

DR. COLLINS:

That is going on all the time.

MR. NEARY:

It is going on all the time? I have been fighting ever since I went to LaPoile in 1975 for these storage tanks and it is only now that they are going to put them in.

MR. STEWART:

Another great victory, I suppose.

MR. NEARY:

I had to fight for the hon. gentleman's district.

MR. STEWART:

Nobody has to fight for my district.

MR. NEARY:

I had to fight from Port aux Basques to Terrenceville to get

these storage tanks.

MR. STEWART:

To where?

MR. SPEAKER (Russell):

Order, please!

MR. NEARY:

Mr. Speaker, not only will they get lower cost fuel for their generating plants, but the people will be able to buy gasoline and fuel at a lower rate, because the tankers will come right in to shore and fill up the tanks a couple of times a year. That is the sort of thing, Mr. Speaker, the administration there opposite should be looking at.

I support the prayer of the petition, Mr. Speaker. I compliment my hon. colleague. Year after year he is bringing in a series of petitions trying to get equality for Newfoundlanders who live in remote parts of this Province.

MR. SPEAKER (Russell):

Order, please!

The time for the hon. member has expired.

MR. NEARY:

Thank you, Mr. Speaker.

MR. OSMOND:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for St. Barbe.

MR. OSMOND:

Mr. Speaker, if I may, I would like to speak to that petition.

SOME HON. MEMBERS:

By leave.

MR. SPEAKER:

According to the procedure, everybody has spoken. Does the hon. member have leave?

SOME HON. MEMBERS:

By leave.

MR. SPEAKER (Russell):

The hon. the member for St. Barbe.

MR. OSMOND:

Mr. Speaker, I have to speak to that petition. I am very familiar with each individual in that community. I have been working with them for the past three years and we have resorted to all measures in trying to get hooked up to the power grid that passes through their community, so I certainly support the petition. But, Mr. Speaker, we have been successful over the years in having Newfoundland Hydro do the maintenance on the diesel plant in Barr'd Harbour, which is privately owned. It is a community of only five permanent homes and a few Summer camps. It was only a few months ago that their small diesel plant was brought into Bishop's Falls by Newfoundland Hydro and the generator was overhauled and new parts added, and it was paid for by Newfoundland Hydro, which has also installed a large diesel plant there. Newfoundland Hydro provides maintenance and the cost to the people is the cost of the fuel. Now, that diesel plant, I know and I admit, is costing them quite a bit because it is a large diesel plant, but we have been negotiating with Newfoundland Hydro and we have been looking around through development associations trying to find a smaller diesel unit for the Hydro to put in there to cut down the cost of their fuel. So I do support that petition and I sympathize with those people.

MR. NEARY:

Come on over, boy! Come on over!

SOME HON. MEMBERS:

Hear, hear!

MR. OSMOND:

The cost of putting the power into their homes from the main grid line is in excess of \$400,000.

Thank you, Mr. Speaker.

MR. HISCOCK:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Eagle River.

MR. HISCOCK:

Mr. Speaker, I wish to present a similar petition from the community of Croque. Before I get into it, with respect to the remarks made by the member for St. Barbe (Mr. Osmond), it is interesting to note that Newfoundland and Labrador Hydro, on behalf of five families, provides the building and services the generator, but does not provide the same service to the communities of Pinsent Arm and Norman Bay with fifteen families. I would to ask the Minister of Energy (Mr. Marshall), what is the rationale for a situation where a five family community is getting that service and a fifteen family community is not? One would expect government to be for all people regardless of where they live.

MR. STEWART:

Barr'd Harbour has a good member.

MR. WARREN:

The member is the reason, is that it?

MR. SPEAKER (Russell):

Order, please!

MR. HISCOCK:

The prayer of the petition from the community of Croque, on the Northern Peninsula, reads as follows: "We, the residents of Croque, hereby petition the provincial government to pass immediate legislation so that there would be one price for electricity throughout our Province whereas now there are four or five different rates depending upon where you live. In our Province we have to pay the same rate of sales tax, 12 per cent, same income tax, same air fare and there is only one price for beer and liquor throughout our Province, and we also pay the same tax on a carton of cigarettes. Why is it that we have to pay a different rate for electricity?"

"At present, if you consume electricity that is generated by diesel, the more kilowatt hours you use, the higher your bill becomes, whereas if you consume electricity generated by hydro power, the more kilowatt hours you use, the cheaper your bill is.

"We believe that we are not being treated as equal citizens and we hereby petition the government to have one rate for electricity for all of our citizens regardless of where they live" - or how they vote or what religion or creed or colour they happen to be, or who they are represented by, whether it be a member, a minister or people of any political stripe in this party.

In addition to this petition, Mr. Speaker, I will be presenting other petitions, one on behalf of the residents of Grey River, which is represented by the Minister of



Environment (Mr. Andrews). It is interesting to note that I have to present petitions on behalf of people whose districts are represented by members on the government side, who are not fighting for this cause, who are more concerned with the cost of services requested than with people. They do not argue the cost of rental for the Premier's house, they do not argue the cost of sending a couple of ministers to the Orient, they do not ask the cost of travelling first class and staying in the best hotels— no, that is an accepted part of it

MR. STEWART:

How many signatures?

MR. HISCOCK

There are 108 signatures, Mr. Speaker. The Minister of Energy (Mr. Marshall) says that we cannot expect anything to be done on energy prices until something is done with the Upper Churchill contract.

Mr. Speaker, in this House, regardless of what political party is in power whether it be the Liberals under Mr. Smallwood, Moores with the Conservatives, or the present Premier, one of the rules we have always had is that we would never, never, never negotiate or even consider development of the Lower Churchill or the seven rivers that have headwaters in Labrador but flow through Quebec as long as the Upper Churchill contract is not renegotiated. Now the Prime Minister plans to intervene and use his good offices. Well I would say, Mr. Speaker, let us not take that on face value. Those rivers are run into the Prime Minister's district, he wants jobs created in his district, and I will go as far as to say when it

comes to the rights of Newfoundland and the rights of the people of Quebec in his own district, he will be standing up for Quebec.

And I also say and predict that they will be trying to present a package deal on those seven rivers and the Lower Churchill, something that this House has always rejected. Mr. Speaker, I hope that this government continues to make sure that the Upper Churchill has to be renegotiated long before we ever think about negotiating on the Lower Churchill and the seven other rivers. We ought not bow to pressure from the Prime Minister because he wants development in his own district.

DR. COLLINS

What has that got to do with Croque?

MR. HISCOCK

With regard to this petition, Mr. Speaker, from Croque, we have 108 signatures. The prayer of their petition says, "We, the people of Croque, will definitely fight any more increases in electricity rates and if there is another increase then the only one solution we will have is to cut off all power completely."

MR. SPEAKER:

Order, please!

The time for the hon. member has expired.

The hon. the member for LaPoile.

MR. NEARY:

Mr. Speaker, again I have to compliment my colleague for so ably presenting a petition on behalf of 108 residents in Croque and I might just note that Croque is not in my hon. colleague's

district, but the people are so frustrated, they are driven to desperation, Mr. Speaker, over these high rates. They feel that they are being treated as third-or fourth-class Newfoundlanders, that they are not equal to people who live in urban centres. This is the Ottawa/St. John's mentality, Mr. Speaker, the Tory mentality being foisted on these people.

Mr. Speaker, how do these people feel? How do they feel when they hear about ministers being given motor cars, when they hear about the minister and an entourage going to the Orient? And how do they feel when they hear that the Premier of the Province has moved into a \$1200 a month rent-free apartment, compliments of the taxpayers? How do they feel, Mr. Speaker? How would Your Honour feel? I know Your Honour cannot answer me but how would Your Honour feel? How would members of this House feel if they were living in one of these communities and they were not treated as equal Newfoundlanders? And they are not treated as equals, Mr. Speaker. And the Minister of Energy (Mr. Marshall) gets up year after year, year in and year out, and merely brushes it aside. He flicks it aside by saying -

DR. COLLINS:

That is why more people are voting Liberal these days.

MR. NEARY:

Mr. Speaker, would the hon. gentleman go out and buy himself a \$2 calculator so he can at least try to balance the budget? He is only 500 per cent out in his estimates every year. In every other Province you can be a little bit out, but our minister here should go into the Guinness Book of World Records. He is 500 per

cent or 600 per cent out in his estimates every year. A little \$2 pocket size calculator may be of some help. And a little \$2 calculator may help the Minister of Energy. Because, Mr. Speaker, year in and year out the minister comes into the House and says, "We are subsidizing these communities -

MR. SPEAKER (Rusell):

Order, please! Order, please!

I am sure the hon. the member for LaPoile (Mr. Neary) is aware that he is certainly not very relevant to the prayer of the petition.

MR. NEARY:

Well, Mr. Speaker, the Minister of Energy, responding to a similar petition stated that they are already subsidizing these smaller communities and that the government did not have the wherewithal because of the horrendous state of the economy brought about through their own mismanagement, they do not have the funds to equalize the rates in these smaller communities.

Now, Mr. Speaker, that excuse is pitiful, it is worn out. We have been hearing it now for several years from the hon gentlemen. And if the people in these communities like Croque have to wait until the hon. crowd there opposite get the economy straightened out they will never be equal Newfoundlanders or equal Canadians, Mr. Speaker, and that is the tragic and unfortunate part of it. And as I say when they hear about all the perks and all the privileges the ministers are getting, tripping around the world, getting their own private cars and trips to the Orient, and \$1200 a month apartment rent-free, compliments of the taxpayers to the Premier, they must feel awfully frustrated and angry, Mr.

Speaker. And would you blame them for being angry? Would you blame them? And would you blame them for circulating petitions every year and giving them to my colleague who does an outstanding job of presenting them in this hon. House, representing the people not only in his own riding but all over the Province and the Great Northern Peninsula, and the district of St. Barbe? The hon. gentleman who represents that riding (Mr. Osmond), I do not know if he has made his maiden speech yet or not. I cannot even remember his name to be honest with you.

So, Mr. Speaker, I do not know if we can make a law, I do not suppose that is the right way to do it, but certainly the administration there opposite should give serious consideration to the prayer of this petition to standardize the electricity rates in all communities in Newfoundland, whether they get their power from Bowater, from the Newfoundland Light and Power Company, or diesel generated power from Newfoundland Hydro. It is shameful, Mr. Speaker, in this day and age that these people have to complain about a privilege that we have and the administration there opposite just shrugs it off, dismisses it as if it was nothing. No wonder, Mr. Speaker, the Premier's image is so battered and bruised these days, no wonder he gets so wild during the Question Period.

DR. COLLINS:

Can we cut off the Opposition's long-distance calls to help pay for that? The Opposition has a huge long distance bill.

MR. NEARY:

Well, we would be glad to

accommodate the hon. gentleman if they will do the same thing. Why the Opposition? Why not ministers also?

MR. SPEAKER:

Order, please!

The time for the hon. member has expired.

MR. NEARY:

Mr. Speaker, I have a petition.

MR. SPEAKER:

The hon. the member for LaPoile.

MR. NEARY:

Mr. Speaker, I would like to present a petition concerning the Bell Island ferry service. As hon. members know, the ferry service between Bell Island and Portugal Cove has been the subject of controversy now for a good many years. The people feel that the government's announcement over rate increases is unjustified, it is unfair to people who live on the island, and they contend, Mr. Speaker, that the fare should be eliminated altogether.

DR. COLLINS:

How many signed the petition?

MR. NEARY:

The required number under the Standing Orders of this House.

DR. COLLINS:

Did you state how many?

MR. NEARY:

The required number.

DR. COLLINS:

Oh, no. You are supposed to say how many.

MR. NEARY:

Mr. Speaker, I spearheaded a movement when I lived on Bell

Island to have the ferry service made an extension of the provincial highways system.

MR. SIMMS:

Why did you not do it for twenty-three years?

MR. NEARY:

Well, Mr. Speaker, the administration there opposite have been in power for twelve of the eighteen years since the mines closed and they have not lifted a finger for Bell Island yet.

Mr. Speaker, we used to hear the criticism levelled at us, but the people over there feel, and as a former Bell Islander I feel that the ferry service should be made an extension of our provincial highways system. And again I have to repeat what I said earlier about the other petition, that Bell Islanders will never be equal to their Mainland counterparts until that is done. And the ferry John Guy is twenty-five years old, I believe she was built in 1959, and that ferry has to be replaced, but there is no move on the part of the administration, which has now taken over the intra-provincial ferry service, to build a replacement for the John Guy. So, Mr. Speaker, the people are frustrated. They have asked for meetings with the Minister of Transportation (Mr. Dawe) and he has refused to meet with the people. They have been after their member, the member for Harbour Main-Bell Island (Mr. Doyle), and I would say, Mr. Speaker, that -

DR. COLLINS:

On a point of order, Mr. Speaker.

MR. SPEAKER (Aylward):

Order, please!

On a point of order, the hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, I just draw your attention to Standing Order 92, this is under the section dealing with petitions. It says, "Every member offering a petition to the House shall confine himself to the statement of the parties from whom it comes, the number of signatures attached to it and the material allegations it contains." Now the hon. member has waffled about the material in it and he certainly has not confined himself to the statement of the parties from whom it comes. But one of the things I just want to concentrate on, and ask Your Honour to direct the member in this regard, is he has not said anything about the number of signatures attached to it.

MR. WARREN

He does not have to.

DR. COLLINS

Now, if there are less than three signatures it is not a valid petition.

MR. WARREN:

No, there are more than three.

DR. COLLINS:

We do not know that. He has not said how many there are. There may be only one signature on it and according to 92 he is required to give the number of the signatures attached thereto.

MR. TULK:

To that point of order, Mr. Speaker.

MR. SPEAKER (Aylward):

To the point of order, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, the Minister of Finance (Dr. Collins) can be very well aware that we know on this side that there has to be at least three names attached to a petition. I can assure him that there are three names attached to my hon. friend's petition. Furthermore, Mr. Speaker, if he is were going to object he should have objected when the member for Eagle River (Mr. Hiscock) was presenting a petition or when the member for LaPoile (Mr. Neary) was presenting a petition. If he wanted to object and bring up this silly nonsense perhaps he should have done it when the petitions were started. Furthermore, let me point out to him that while there are several clauses that say what you can do with a petition, you do not have to do all three, you can perhaps do one. As I understand it the member for LaPoile was talking about the prayer of the petition and that is perfectly in order.

MR. SPEAKER:  
Order, please!

To that point of order, I would suggest that Standing Order 92 suggests what people can talk about while they are presenting a petition, but they would not necessarily have to talk about each and every item in Standing Order 92.

MR. NEARY:  
Mr. Speaker.

MR. SPEAKER (Aylward):  
The hon. the member for LaPoile.

MR. NEARY:  
Mr. Speaker, I will read the prayer of the petition just so Your Honour will be clear on what it is I am talking about. It says, 'We, the undersigned,

petition the Peckford government to eliminate fares on the Bell Island ferry service and make the service an extension of the provincial highway system.'

Now, Mr. Speaker, that is a principle that we have adopted on this side of the House not only with regard to the Bell Island ferry service but all the intraprovincial ferries we think should be made an extension of the provincial highway system. There should be no charge because Bell Islanders want to come over to the Arts and Culture Centre to see a play or they want to come to the parks or they want to come shopping. Why should they have to pay a toll when the member for Burin - Placentia West (Mr. Tobin) does not have to pay a toll? Why? Why that discrimination, Mr. Speaker?

MR. SPEAKER (Aylward):  
Order, please!

The hon. member's time has elapsed.

The hon. the member for Bellevue.

MR. CALLAN:  
Mr. Speaker, I want to stand and support the prayer of the petition just presented by my colleague, the member for LaPoile (Mr. Neary).

Mr. Speaker, what the member for LaPoile has been saying, of course, is correct. Because Newfoundland is an island with many smaller islands off its coast - Bell Island, Fogo, Random Island, New World Island, and Twillingate before the causeway was put across, and other islands - the people who have to go to these islands for whatever purpose, Mr. Speaker, have to pay to get there. I remember, Mr. Speaker, as a teacher going down

to New World Island back in 1963, long before the causeway was completed from New World Island to Twillingate Island -

DR. COLLINS:

On a point of order, Mr. Speaker.

MR. SPEAKER (Aylward):

Order, please!

On a point of order, the hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, we have, in this House, certain rules that we go by and the rules are either our Standing Orders or the rules of the House of Commons or they are set by precedents. Now, Mr. Speaker, one of the precedents in this House in terms of petitions is that petitions are presented on behalf of constituents, either the person's own constituents or some other individual's constituents. It is not our tradition that petitions should be presented on behalf of sitting members of this House. To do that sort of thing would be an abuse of this House. Every member of this House is given ample opportunity to speak on any matter he wants to in this House. He does not need a special mechanism of a petition. A petition is a special mechanism that is extended to those who are not members of this House but who need to bring their concerns to the highest court in the land. And I submit, Mr. Speaker, that it is an absolute abuse of this House for members opposite to be presenting petitions signed only by members of this House, i.e. members opposite, as this petition is. There is no other signature on that petition but members of this House. That is not our precedent. Our precedent is directly opposite to that and I

submit it is an abuse of the privileges of this House and it is, indeed an abuse of the opportunities given to people who are not members of this House to have a say in this House.

MR. TULK:

To that point of order, Mr. Speaker.

MR. SPEAKER (Aylward):

To that point of order, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, the Minister of Finance (Dr. Collins) should not rise any more points of order if he is going to make such a fool of himself as he is now making. It is no secret, Mr. Speaker, that this government does not regard certain people as citizens of this Province. I have to tell the Minister of Finance that petitions in this House require the signatures of three citizens of this Province and members on this side of the House are citizens.

DR. COLLINS:

It is an abuse.

MR. TULK:

It is not an abuse, Mr. Speaker, it is perfectly in order. In regards to the precedence of this House or our Standing Orders, I would remind him that our Standing Orders come first and in our Standing Orders the only requirement is that there be three signatures on the petition. The petition that is now being presented is perfectly in order.

MR. SPEAKER (Aylward):

Order, please!

To that point of order, I would refer hon. members to Standing Order 90 which says: 'A petition

to the House shall be presented by a member in his place who shall be answerable that it does not contain impertinent or improper matter; and every member offering a petition to the House shall sign it with his own hand.' It would probably be the case that most petitions presented in the House would be from constituents, generally, but I do not see anything in our Standing Orders that says that the petition has to be presented by a member for his own constituents.

The hon. the member for Bellevue has about twenty seconds remaining.

MR. CALLAN:

Mr. Speaker, let me say in that twenty seconds that I know what it means to have to travel to these islands where you have to pay a fare in order to get there whether you want to go there to go to work or whatever and, of course, it is wrong to expect certain citizens of this Province to pay higher electricity bills than others and, of course, to have to pay to use a system which, as the member for LaPoile (Mr. Neary) says, should be a continuation of the highway system. I support the petition.

MR. SPEAKER:

The hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, I move that Orders of the Day be now read.

MR. NEARY:

On a point of order, Mr. Speaker.

MR. SPEAKER:

On a point of order, the hon. the member for LaPoile.

MR. NEARY:

That is completely out of order, Mr. Speaker. We anticipated that

the administration might try to pull something like this. I will refer Your Honour to page 7 of our Standing Orders which says: 'A motion for reading the Orders of the Day shall have preference to any motion before the House.' At the moment there is no motion before the House, Mr Speaker. We are presenting petitions. There is no motion before the House so therefore the hon. gentleman is completely out of order. It is another move on the part of the administration to try to gag members of this House. We now have closure before the House, Mr. Speaker, and we stand on our rights in this House. The hon. gentleman is misinterpreting that rule and the hon. gentleman knows he is out of order. The fact of the matter is there is no motion before the House at the present time and therefore that particular motion cannot be made, Mr. Speaker.

MR. OTTENHEIMER:

To that point of order, Mr. Speaker.

MR. SPEAKER (Aylward):

To that point of order, the hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, I think one can reply to that point from two different perspectives. Standing Order 21 is quite clear. 'A motion for reading the Orders of the Day shall have preference to any motion before the House.' I think it can be assumed that most people in presenting a petition assume that what it does is it move that this petition be now tabled and referred to the department to which it relates. There is, in fact, an assumed motion. What happens with petitions is they are tabled and then forwarded to the departments to which they relate.

So there is, in fact, an assumed motion.

MR. NEARY:

You cannot assume anything.

MR. OTTENHEIMER:

One can assume any number of things. The hon. gentlemen cannot assume anything.

MR. SPEAKER:

Order, please!

MR. OTTENHEIMER:

The hon. gentlemen cannot even shut their traps. So I would suggest, Mr. Speaker, that one can assume there is a motion. But one who wishes not to assume there is a motion, Mr. Speaker, will find that throughout parliamentary practice the Government House Leader (Mr. Marshall) or the person acting on his behalf may always present the motion that the House proceed to the Orders of the Day. I think, Mr. Speaker, you will find that our precedents will establish that that is in order.

MR. NEARY:

To that point of order, Mr. Speaker.

MR. SPEAKER (Aylward):

To that point of order, the hon. the member for LaPoile.

MR. NEARY:

Mr. Speaker, the hon. gentleman, again, does not know what he is talking about because a motion before the House needs a seconder and a petition does not need a seconder, it is not a motion, Mr. Speaker, and you cannot assume that it is a motion, you cannot assume anything. The hon. gentleman is assuming too much. All he is trying to do is gag the members of this House. Now, Mr. Speaker, we have to follow the

Orders of the Day, we have to follow the Standing Orders of this House. I submit there is no point of order, Mr. Speaker, only a little bit of strategy on the part of the hon. gentleman to try to force the House into a debate on another issue when the hon. gentleman does not have the right to do it under our Standing Orders. Now, Mr. Speaker, I believe Your Honour might want to take a few moments to consider this one, I do not think it has even arisen in the House before, I do not recall it.

MR. STEWART:

Yes, it has.

MR. SPEAKER (Aylward):

Order, please!

MR. NEARY:

No, it has not. We had the motion before when there was an order on the floor of the House but there is no order, Mr. Speaker, and I would submit there is no point of order.

MR. OTTENHEIMER:

Mr. Speaker.

MR. SPEAKER:

Order, please!

To that point of order, the hon. the Minister of Justice.

MR. OTTENHEIMER:

Thank you, Mr. Speaker.

Essentially it is recapitulation. Standing Order 21 is very straightforward, "A motion for reading the Orders of the Day shall have preference to any motion before the House." If it is assumed that there is a motion, then it has preference. If it is assumed there is no motion it does not say it shall or shall not have



preference, and that is where the practices of the House come in. I think Your Honour will find in the practice of the House that a similar motion under Standing Order 21 has previously been made and I think in checking the Index of Debates Your Honour will find that.

MR. NEARY:  
Never before.

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

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

MR. BARRY:  
I refer Your Honour to the little Order Paper that we get each day in the House of Assembly in which it is set out: Statements by Ministers; Oral Questions; Presenting Reports by Standing and Special Committees; Notices of Motion; Answers to Questions for which Notice has been Given and Petitions. After that, Mr. Speaker, we move to Orders of the Day. Now, Mr. Speaker, the presenting of petitions is something that in every democratic institution has a long and respected tradition. Mr. Speaker, to have this government interfere with the ability of not just the Opposition but of any member of this hon. House to present petitions -

DR. COLLINS:  
From whom?

MR. BARRY:  
From any citizens of this Province, Mr. Speaker.

SOME HON. MEMBERS:  
Oh, oh!

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

MR. BARRY:  
I refer Your Honour to page 89 in Beauchesne: "It is a fundamental rule that, with the exception of certain matters dealt with under Routine Proceedings, no question can be considered by the House unless it has been previously appointed either by a notice or a regular Order of the House. The paper known as Order Paper and Notices is the official agenda printed on the responsibility of the Clerk of the House, containing all the proposed questions set out in accordance with the Standing Orders. All the proposed proceedings of the House are recorded in abbreviated form in that paper. To add to, or suppress from it, any proposal which the House has ordered would constitute a serious infringement on the privileges of the House of Commons." That translates to the House of Assembly.

Now, Mr. Speaker, we are into the routine proceedings and the agenda as set out on the Order Paper and what we have here is an unwarranted and unprecedented attack. It is bad enough, Mr. Speaker, that we have a notice that closure shall come but, Mr. Speaker, it is even, I would submit, more serious that the sacred rights of the citizens of this Province to have petitions presented to this hon. House should be interfered with. It is something that cannot be tolerated, Mr. Speaker, and we ask the protection of Your Honour, we ask the protection of the Chair that we be permitted to do the job for which we were elected. Now, Mr. Speaker, that motion should be ruled out of order forthwith.

MR. SIMMS:

To that point of order, Mr. Speaker.

MR. SPEAKER (Aylward):

To that point of order, the hon. the Minister of Forest Resources and Lands.

MR. SIMMS:

Just to add a bit to what the Minister of Justice (Mr. Ottenheimer) has offered to Your Honour as some substance in helping you address this particular point of order in this particular question. The Minister of Justice has argued that when a petition is being presented to the House it is assumed that a motion is before the House.

I refer Your Honour to paragraph 694 of Beauchesne's Fifth Edition, page 213, subsection (1) which refers to petitions. It says: "While a Member has clearly a right to ask that a petition be read, it is a privilege, like many others, subject to the approval of the House itself. In case of opposition, the Speaker will put the Member's motion, "that the petition be read.""

Now, that, Mr. Speaker, is precisely what the Minister of Justice (Mr. Ottenheimer) has been arguing that when you present a petition to the House of Assembly it is assumed, it is the same as if there is a motion being presented. It is very clear, Mr. Speaker, in paragraph 694. "In the case of opposition, the Speaker will put the Member's motion, "that the petition be read."" I submit, Mr. Speaker, that that will assist you in supporting the argument against the point of order.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Aylward):

Order, please! Order, please!  
Order, please!

To that point of order I have heard quite enough argument on it now. I am sure hon. members will agree that I should take a couple of minutes to confer with members of the Table.

Recess

MR. SPEAKER:

Order, please!

To the point of order raised by the hon. the member for LaPoile (Mr. Neary), I have found a precedent in our House from April 7, 1976, Tape No. 1900 and I will read it for hon. members.

MR. TULK:

Who was in the Chair?

MR. SPEAKER (Aylward):

It does not say which Speaker was in the Chair.

The Speaker recognized the hon. the member for Trinity - Bay de Verde:

"MR. F. ROWE: In the interest, Sir, of getting the true function of Private Members' Day back on track I move that the Orders of the Day be read according to Standing Order 21.

"MR. SPEAKER: The motion before the Chair -

"MR. WELLS: In fact this motion, as I say we have been consulted on it, this motion in effect dispenses with the Question Period" - and if I had gone back a

bit further we were into Petitions at the time - "and then we would proceed into Orders of the Day which being Private Members' Day would be the resolution, and the hon. member would, of course, finish his speech, and we, of course, would be very happy to agree.

"MR. SPEAKER: The motion before the Chair is that the Orders of the Day be read, and it is undebatable, so I shall put the question."

I have to rule that the motion by the hon. the Minister of Justice (Mr. Ottenheimer) according to our precedent is in order and I put the question before the House that we proceed to Orders of the Day.

MR. NEARY:

I appeal Your Honour's ruling, Mr. Speaker.

MR. SPEAKER (Aylward):

Call in the members.

Order, please!

The motion is that the Speaker's ruling be upheld. Those in favour "aye".

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

Those against "nay".

SOME HON. MEMBERS:

Nay.

MR. SPEAKER:

The "ayes" have it.

MR. BARRY:

Divide.

MR. SPEAKER (Aylward):

Call in the members.

## Division

MR. SPEAKER (Aylward):

Ten minutes have passed.

All those in favour of the motion, please rise.

The hon. the Premier, the hon. the Minister of Rural Agriculture and Northern Development (Mr. Goudie), the hon. the Minister of Education (Ms. Verge), the hon. the Minister of Health (Dr. Twomey), Mr. Reid, the hon. the Minister of Finance (Dr. Collins), the hon. the Minister of Justice (Mr. Ottenheimer), Dr. McNicholas, the hon. the Minister of Culture, Recreation and Youth (Mr. Rideout), the hon. the Minister of Labour (Mr. Dinn), the hon. the Minister of Forest Resources and Lands (Mr. Simms), Mr. Barrett, the hon. the Minister of Public Works and Services (Mr. Young), the hon. the Minister of Environment (Mr. Andrews), Mr. Baird, Mr. Peach, Mr. Tobin, Mr. Stewart, Mrs. Reid, Mr. Hearn, Mr. Patterson, Mr. Matthews, Mr. Butt, Mr. Stagg, Mr. Osmond.

MR. SPEAKER:

All those against, please rise.

The hon. the Leader of the Opposition (Mr. Barry), Mr. Callan, Mr. Neary, Mr. Tulk, Mr. Hodder, Mr. Hiscock, Mr. Warren, Mr. Fenwick.

MR. SPEAKER:

Twenty-five for and eight against.

The "Ayes" have it, the Speaker's ruling is upheld.

The question is that the House proceed to Orders of the Day.

All those in favour of the motion that the House -

MR. NEARY:

On a point of privilege, Mr. Speaker.

SOME HON. MEMBERS:

No, no.

MR. SPEAKER (Aylward):

Order, please!

All those in favour that the House proceed to Orders of the Day.

MR. NEARY:

On a point of privilege. What is going on?

MR. SPEAKER

Those in favour "Aye".

SOME HON. MEMBERS:

"Aye".

MR. SPEAKER:

Those against "Nay".

SOME HON. MEMBERS:

"Nay".

SOME HON. MEMBERS:

Oh, oh!

The motion is carried.

#### Orders of the Day

MR. NEARY:

On a point of privilege, Mr. Speaker.

MR. SPEAKER (Aylward):

It is moved and seconded that I do now leave the Chair for the House to resolve itself into Committee of the Whole.

MR. NEARY:

On a point of privilege, Mr. Speaker.

Is Your Honour deaf?

SOME HON. MEMBERS:

Shame! Shame!

MR. SPEAKER:

Order, please!

MR. SIMMS:

There is no need for that, boy. Sit down! There is no need for that.

MR. SPEAKER:

Order, please!

Is it the pleasure of the House -

MR. NEARY:

On a point of privilege, Mr. Speaker.

MR. SPEAKER (Aylward):

On a point of privilege.

Is it agreed to stop the clock?

SOME HON. MEMBERS:

No.

MR. NEARY:

No, Mr. Speaker. It is 5:30.

MR. TULK:

It was not 5:30 when it happened but it is 5:30 now.

MR. SPEAKER (Aylward):

It being 5:30, I have to inform that there is a question for the Late Show raised by the hon. the member for Eagle River (Mr. Hiscock).

SOME HON. MEMBERS:

No. no!

MR. WARREN:

It was withdrawn.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

Has the question been withdrawn?

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

The Chair has been given a question. Is there one question or two?

AN HON. MEMBER:

Two questions.

MR. SPEAKER:

Two questions.

The first question raised by the hon. member for Eagle River. 'I do not agree with the Premier's answer to my question concerning Coastal Labrador DREE agreement.'

MR. HISCOCK:

I withdraw.

MR. SPEAKER (Aylward):

That question is withdrawn.

The second question -

MR. HISCOCK:

I want to drop the first question.

MR. SPEAKER:

Oh, I see! The second question is, 'I would like to drop my first question.'

The motion before the House is that the House do resolve itself into a Committee of the Whole. Is it the pleasure of the House -

MR. BARRY:

Question, Mr. Speaker! Question!

MR. SPEAKER:

The motion before the House is that the House do now adjourn.

All those in favour of the motion, please say "Aye".

SOME HON. MEMBERS:

"Aye".

MR. SPEAKER:

All those against the motion, signify by "Nay".

SOME HON. MEMBERS:

"Nay".

MR. OTTENHEIMER:

You want the Late Show now!

MR. SPEAKER (Aylward):

There is no Late Show.

MR. OTTENHEIMER:

I move the House resolve itself into a Committee of the Whole.

MR. SPEAKER:

It is moved and seconded that the House resolve itself into a Committee of the Whole.

Is it the pleasure of the House that I do now leave the Chair for the House to resolve itself into a Committee of the Whole?

All in favour, 'Aye', contrary 'Nay', carried.

MR. BARRY:

Mr. Speaker, the rules do not permit this.

MR. SPEAKER:

On a point of privilege, the hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, with respect to the Late Show, there has to be notice given by 5:00 o'clock by Standing Order 31 (k), Mr. Speaker. Now, Mr. Speaker, if there is no Late Show, then the House must adjourn until 8:00 o'clock.

MR. SIMMS:

The motion was defeated.

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

Mr. Speaker, if the motion is carried, the Speaker 'shall leave the Chair until Friday', but if the said motion is defeated, 'the Speaker shall leave the Chair until 8:00 o'clock.'

MR. SIMMS:

And it was defeated.

MR. BARRY:

So what is he doing moving Committee of the Whole?

MR. SIMMS:

What are you doing raising a point of order? Let him leave the Chair. Sit down, boy.

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

You defeated it! You defeated it! You cannot go into Committee of the Whole after defeating the motion.

MR. SPEAKER (Aylward):

Order, please! Order, please!

MR. BARRY:

The Speaker has to leave the Chair.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

The motion is that I do now leave the Chair until 8:00 p.m.

All those in favour, 'Aye', contrary, 'Nay', carried.

I do now leave the Chair until 8:00 p.m.

The House resumed at 8:00 p.m.

Orders of the Day

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

Committee of the Whole

MR. CHAIRMAN (Aylward):  
Order 4, Bill 37.

In Committee it has been the practice to have a fifteen minute introduction by the minister, a fifteen minute response and ten minutes for each speaker thereafter. Is it agreed that the House follow this procedure tonight?

MR. TULK:  
Go by the Standing Orders.

MR. CHAIRMAN:  
We can go by the Standing Orders. Standing Order 49 takes effect.

The hon. the Minister of Justice.

MR. OTTENHEIMER:  
Thank you, Mr. Chairman.

Standing Order 49, as I understand it, is sixty minutes and sixty minutes, and everybody else, I believe, has twenty minutes.

MR. CHAIRMAN:  
Thirty minutes.

MR. OTTENHEIMER:  
Thirty minutes, right. Sixty minutes for the introducer, sixty minutes for the responder, and everybody else has thirty minutes. I surely am not going to take anything close to sixty

minutes. I would not want to encroach upon hon. members' desire to filibuster, and we certainly want to leave the Liberal/Socialist coalition with all possible opportunity to filibuster.

I would point out that this afternoon they lost two hours of debate with these petitions. So it would appear that while the hon. members say they need more time to debate, what they really want is less. However, with respect to Clause 1, and we are now on Clause 1 of this bill, there is an amendment. So if the pages would come here I have two copies, one for the leader of each wing of the coalition. So I will let the pages figure it out, one for one wing and one for the other wing.

DR. COLLINS:  
The right wing and the left wing.

MR. OTTENHEIMER:  
Actually, this is an amendment to Clause 1 of Bill 37.

When the hon. Minister of Labour (Mr. Dinn) was speaking on second reading he pointed out and indicated what the nature of the amendments would be. This is, in fact, those same amendments. So the amendments, and the hon. minister will speak at greater length on them, but they are the identical amendments which the hon. minister pointed out that he would be making in Committee of the Whole, and these amendments are now made with respect to Clause 1. What it comes down to, hon. gentlemen on both sides will have it, but it is no news to them because they have been informed of it by the minister who introduced the bill, is that Clause 1 of the bill as presently drafted is

deleted and the following substituted: Paragraph 1, 'The Labour Standards Act is amended by adding in Part VIII and immediately before Section 47 the following: 46.1 in this part', and then (a) and (b) defining temporary layoffs and termination of employment in the identical manner that the hon. minister pointed out in second reading.

Going on to Clause 2, for the purpose of the relevant paragraph and subsection, 'Any day during the period of twenty consecutive weeks for which an employee receives pay, including pay the employee receives for a public holiday occurring during that period, shall not be counted in the calculation of the thirteen week lay-off period set out in Paragraph A" - exactly as the hon. minister explained.

Then it goes on with respect to 'temporary layoffs become termination', that is the side note. 'Where an employer temporarily lays off an employee and the lay-off exceeds a temporary lay-off the employee shall', for the purpose of this part, 'be deemed to have been terminated at the commencement of the temporary lay-off.' And then, exactly as the hon. minister explained in introducing second reading, this section is deemed to have come into effect, come into force on August 1, 1978.

So that is the amendment and it is identical to what the hon. minister - it must have been a week or so ago since second reading was introduced - indicated would be made in Committee. The only reason why I am making it, of course, is that the rules preclude the hon. minister from making it himself. And hon. members

opposite would obviously wish all hon. members on this side to observe scrupulously the rules, which we all endeavour to do, and, indeed, I think we fulfill that endeavour 99.99 per cent of the time, and it is arguable that even 100 per cent of the time.

I have an hour. I have now gone five minutes. I do not intend to go any longer than another minute at most, because I do not want to interfere with the Socialist/Liberal coalition, or Liberal/Socialist coalition, I am not sure which it is, their desire to filibuster.

It is very interesting, however, as I said before, that they have been saying that they need more time to debate the bill when this afternoon they gave up two hours with these petitions because they did not want to debate it. But it sounds very good to say publicly 'we want to debate it.' I do not want to interfere with the coalition's filibuster, I do not want to interfere with anybody's filibuster, I gladly cede the floor and give fifty-five minutes.

MR. TULK:

You do not know what you are talking about.

MR. CHAIRMAN (Aylward):

Order, please!

MR. OTTENHEIMER:

The hon. and incredible member for Fogo (Mr. Tulk) is interrupting me, Mr. Chairman, and I find it very difficult to get my cogent points across. But not wishing to interfere with the filibuster, I take my seat.

SOME HON. MEMBERS:

Hear, hear!



MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, it is very interesting that the minister should refer to a filibuster on this side of the House when we had received notice before the debate ever started from the Minister of Labour (Mr. Dinn), and subsequently from the Premier, that closure would be invoked. It was very interesting to us, Mr. Chairman, to see members opposite speak out of both sides of their mouths. In particular, Mr. Chairman, it was very interesting for us to see the Premier of this Province get up and invoke closure after the Government House Leader (Mr. Marshall) had stood up and vehemently denied that there was any such intention when we brought to the attention of the House, before anybody on this side of the House had spoken in debate, the fact that the Minister of Labour and Manpower (Mr. Dinn) had gotten up and told the people of this Province that government was considering closure.

Now, when we raised this to the attention, Mr. Chairman, of the House, we had the Government House Leader get up and say, 'When this bill was first introduced the Liberal Opposition indicated on Friday that they were going to conduct a filibuster, which is their right to do. And there were references made with respect to - I have heard references in the debate to closure and what have you, and it never has been' - he did not finish that sentence - 'closure is an implement, Mr. Speaker, of Liberal Governments in the past, Liberal Governments federally and Liberal Governments in the province, and it certainly

would not be the desire or the intent of this government at this time to entertain any matter of closure. What we hope to do, Mr. Speaker, is to allow an adequate time for debate on this bill.'

Now, Mr. Chairman, how the Government House Leader (Mr. Marshall) has been forced to eat those words. And how correct was the Minister of Labour and Manpower (Mr. Dinn) when he announced to the people of this Province that there would be closure invoked? And the intention was there, as shown by the minister, before anybody on this side of the House, before anybody, Mr. Chairman, had said one word on the bill.

Now, Mr. Chairman, I have had the opportunity of checking back a little and seeing what other members have had to say about the introduction of closure. I was very interested to learn that back in March 31, 1971, Liberal Reform Chief, John C. Crosbie - I did not realize he was Liberal Reform Chief at the time - described it as the foulest rule in parliamentary procedure. The foulest, Mr. Chairman. And, of course, I suppose we should have expected it, if it was the foulest rule that one could expect. What else would we expect from members opposite?

Now, Mr. Chairman, on another occasion in the same debate Mr. Crosbie indicated 'It is a black day for democracy in Newfoundland' - March 31, 1971, the dying days of the Smallwood Administration, Mr. Chairman.

Mr. Crosbie went on to say 'There is no justice in this House tonight where the foul rule of closure has been brought in.'

Let us move a little further afield, Mr. Chairman, let us move away from this House of Assembly, go up to the House of Commons in Ottawa and let us hear what the Conservatives under Mr. Joe Clark had to say about closure in the federal House of Commons. Mr. Chairman, they said it was insidious -

AN HON. MEMBER:  
You can organize (inaudible).

MR. CHAIRMAN (Aylward):  
Order, please!

MR. BARRY:  
There would have been a better offshore deal from Joe Clark than you are getting from Mr. Mulroney and you did that. Joe Clark would not have caved into the Americans the way Mr. Mulroney did and the way he is sweeping the philosophy of hon. members opposite aside. Now, let us work it out, Mr. Chairman. Mr. Mulroney has handed over, we figure on a conservative estimate, \$6 billion. Let us be easy. Deducting the \$500 million that he is going to give the Premier to play with in the next election, let us say there is \$6 billion given back to Mobil and the other US companies.

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

I just want to bring to the hon. the Leader of the Opposition's (Mr. Barry) attention that we are discussing Bill 37, particularly the amendment to Clause 1, and I would remind the hon. the Leader of the Opposition of our rule of relevancy.

SOME HON. MEMBERS:  
Oh, oh!

MR. CHAIRMAN:  
Order, please! Order, please!  
Order, please! Order, please!  
Order, please! Order, please!

I just want to remind the hon. the Leader of the Opposition that we are discussing in detail the amendment to clause 1 of Bill 37.

MR. NEARY:  
So what? There is closure, is there not?

MR. CHAIRMAN:  
Order, please!

There has been no motion for closure brought before this Committee that I know of. We are discussing, the same as we would in any other Committee, an amendment to clause 1 of Bill No. 37, and in Committee our remarks are to refer fairly directly to the clauses that we are discussing.

MR. BARRY:  
Thank you, Mr. Chairman.

I am very glad to hear those interesting comments.

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

MR. CHAIRMAN:  
Order, please!

On a point of order, the hon. the member for Stephenville.

MR. STAGG:  
Mr. Chairman, I have been in this House approximately ten years. I have been Deputy Speaker in this House, I have sat in the Chair, as has the Leader of the Opposition (Mr. Barry), and it is a custom of this House, it is one the courtesies of the House that when the Speaker or the Chairman is speaking the person who had the

floor previously would sit. That is a normal courtesy that is afforded in the parliamentary system. Now the Leader of the Opposition stood on his feet for the duration of the Chairman's discussion of this point of order or intervention. So I would say that the Leader of the Opposition should apologize to the Chair, because it is the utmost in discourtesy to the Chair.

MR. OTTENHEIMER:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

To that point of order, the hon. the Minister of Justice.

MR. OTTENHEIMER:

To inform the hon. coalition leaders opposite, the Committee of the Whole is a regular Committee of the Whole on Clause 1 of the bill to which I have moved an amendment and at this particular time there is no closure in operation. The hon. the Leader of the Liberal side of the coalition was saying, 'We are under closure. We are under closure.' The hon. Socialist Leader of the coalition was wondering himself whether we were under closure or not. So one of the hon. Conservative members is now informing the hon. leaders of both sides of the coalition that closure is not operative and that hon. gentlemen were thinking that they were debating the closure motion whereas they are debating clause 1 and the amendment thereto.

I rest my case, in the words of the hon. gentleman.

MR. CHAIRMAN (Aylward):  
Order, please!

To the point of order raised by

the hon. the member for Stephenville (Mr. Stagg), it is correct that when the Speaker is speaking or giving a ruling members should be seated.

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, as I was saying, we had the Prime Minister of Canada go down to the United States. Normally when you have these fund raising dinners - and I am talking about temporary layoffs, Mr. Chairman, I am talking about a layoff that is going to occur when the next election is called. I just wanted to point out that normally when you have fund raising dinners with politicians involved you have a \$100 a plate dinner. If every member at the dinner give \$100 and 1,000 people attended, that would be \$100,000 donated to the politician. Well, Mr. Mulroney decided to try a new twist: He went down to the United States and he had 1,000 people there but he decided to give out \$6 billion, or it was a \$6,000 a plate dinner. Everybody who was there received on average \$6,000, Mr. Chairman. Mr. Mulroney had 1,000 of his oil industry friends there and he decided to pass over \$6 billion from the Hibernia development to his oil industry friends. It was a reverse fund raising dinner. Instead of those at the dinner each donating \$100 or \$1,000, we had \$6 billion distributed to the oil industry, Mr. Chairman, \$6 billion that came out of the pockets of the people of Newfoundland.

Now, Mr. Chairman, Bill 37 is an interesting bill. I got a letter from the Premier the other day and he copied me with a letter from

Mr. J. Stewart Herman, President and Chief Executive Officer of Kruger Inc., Bedford Road, Montreal, Quebec. Now that letter was dated December 11, Mr. Chairman, the day after the Premier had been away from this House all day - remember? - we were wondering where he was. The Minister of Finance (Dr. Collins) was gone too. I wonder if he was at the same meeting? Well, Mr. Chairman, when the Premier returned, despite the fact that he got up in this House on a number of occasions and said that Bill 37 was not necessary for the Kruger takeover -

MR. DINN:

Of course not, you know that.

MR. BARRY:

I ask the minister, did the Premier say that or not in this House of Assembly?

MR. SIMMS:

Did he say what?

MR. BARRY:

Did he say that Bill 37 was not necessary in order for the Kruger deal to go through?

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

Mr. Chairman, the Premier of this Province stood up in this House on a number of occasions and said that Bill 37 was not necessary in order for the Kruger deal to go through.

DR. COLLINS:

I do not think he said that.

MR. BARRY:

Well, the Minister of Finance (Dr. Collins) did not hear correctly if he does not think that. He should

check Hansard, because I can assure the hon. minister that is what the Premier said.

DR. COLLINS:

He said 'It is not part of the agreement.'

MR. BARRY:

No, Mr. Chairman. The Premier went further and said it was not necessary for the Kruger deal to go through. He said, Mr. Chairman, that the Kruger deal would go through but that he would prefer if he could have this little gift to give to Kruger when they came into the Province to start business.

MR. TOBIN:

I will never talk about Joey again.

MR. BARRY:

Mr. Chairman, I ask you one thing and one thing only, could you squash the member for Burin - Placentia West (Mr. Tobin) and keep him quiet during the course of this debate because I think the member has had too liberal a dinner hour.

CHAIRMAN (Aylward):

Order, please!

MR. TOBIN:

I was at dinner with the hon. the Leader of the Opposition (Mr. Barry), Mr. Chairman, I can shut him up.

MR. CHAIRMAN:

Order, please! Order, please!

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, we went through a week in this House listening to the Premier say that Bill 37 was not necessary for the Kruger

takeover from Bowaters but then, when the Premier saw that he had a fight on his hands in this House and in this Province, Mr. Chairman, he disappeared for a day. He disappeared for one day, Mr. Chairman, and then, lo and behold, we are delivered with a letter from Mr. Kruger's henchman, Mr. Herman. And what does the first paragraph of that letter say, Mr. Chairman? The first paragraph of this letter says, 'Dear, Mr. Premier: You have asked whether Kruger Inc. would be prepared to complete its acquisition of the shares of Bowater Newfoundland Limited prior to the enactment of Bill 37?'

Now, Mr. Chairman, what does that indicate to members of this House? Now, we have to keep in mind,

MR. DINN:

The greatest speech of the year.

MR. TULK:

Be quiet! Every time you open your mouth you make a fool of yourself, so be quiet!

MR. CHAIRMAN (Aylward):

Order, please!

MR. BARRY:

Mr. Chairman, we have to keep in mind that this letter was delivered and this first paragraph only came in after we had a report to the media from Kruger that they were not too concerned about Bill 37. They did not really know what was in Bill 37. They were not paying very much attention to Bill 37. I think it was the same henchman, Mr. Herman, who had said, 'No, we are not following Bill 37. What is Bill 37? We are not concerned about Bill 37.'

Now, Mr. Chairman, would it be

unreasonable for us to infer that the reason this letter has been delivered is because the Premier went pleading on bended knee to Kruger to ask them to take his chestnuts out of the fire?

SOME HON. MEMBERS:

Yes.

MR. BARRY:

Would that be unreasonable? Could it be, Mr. Chairman, that the Premier's chestnuts were roasting in this House for awhile? Could it be that the Premier's chestnuts might be caught in a wringer, Mr. Chairman?

MR. BARRY:

And could it be that the Premier could have gone to Kruger and said, 'Get me out of this predicament?' Is it possible, Mr. Chairman? Is it possible that the Premier decided that he had to go ask somebody to get him out of this predicament? Is it unreasonable, Mr. Chairman, when you consider this first paragraph: 'Dear, Mr. Premier: You have asked whether Kruger ink would be prepared to complete its acquisition of the shares of Bowater Newfoundland Limited prior to the enactment of Bill 37?'

Now a few days before they never heard of Bill 37. They were not concerned about Bill 37. Mr. Chairman, they had been in negotiations with the union and they had asked the union, Would you waive your rights under the Labour Standards legislation? They knew that the Wabush Mines case was going before the Labour Standards Tribunal and then before the courts. They had the decision of the Labour Standards Tribunal. Did they say to the unions there is no way you will get an agreement from us unless you agree to waive your rights? No, they

did not say that, they signed the agreement and they let the workers of Corner Brook keep their rights. And did they, when they signed the agreement with government, say there is no way we will sign this agreement unless you put in it that you will pass a Bill 37? No. No, Mr. Chairman, there was nothing in that agreement. And, Mr. Chairman, after they had signed the collective agreement with the union, after they had signed the agreement with government, and after they had made comments to the press that they were not concerned about Bill 37, now, Mr. Chairman, what could possibly be the explanation for this letter coming from 3859 Bedford Road, Montreal, Quebec?

MR. BUTT:  
We want 'Steve'!

MR. BARRY:  
Do you think this was a spontaneous inspiration that Mr. Kruger had in the bath that morning, that in the course of his shower it struck him, Oh, my God, what have I done? I have signed all of these agreements and I have not insisted that Bill 37 go through the House. Is that what happened?

MR. NEARY:  
No. Maybe their contribution would be cut off.

MR. TULK:  
That is not what happened.

MR. NEARY:  
They are trying to get their contributions before the Election Act comes in.

MR. BARRY:  
Mr. Chairman, I think everybody in this House and everybody in

Newfoundland knows that this letter was delivered -

SOME HON. MEMBERS:  
Hurrah! Hurrah!

MR. BARRY:  
- this letter was delivered at the request of the Premier of this Province. In order that the Premier's chestnuts be hauled out of the fire, Mr. Chairman, he had to go to 3895 Bedford Road, Montreal, Quebec and plead with Mr. Herman to give him that letter so that he could come into the House of Assembly and try and give some sort of pathetic explanation as to why it was necessary to try and ram Bill 37 down the throats of the people of this Province.

Time out, Mr. Chairman! I should not have thrown this letter away, because there is another paragraph in this letter that is somewhat interesting. Mr. Chairman, there is another paragraph in this letter that is of interest. It is still page one. It is a one page letter, so I think it is still page one. Now listen to this: 'Our corporate decision to purchase Bowater Newfoundland Limited was based on the assumption that any significant Labour Standards liabilities would not become liabilities of this company. Given that the viability of our plan could be seriously -

SOME HON. MEMBERS:  
Oh, oh!

MR. BARRY:  
Mr. Chairman, are you going to control this Committee?

MR. CHAIRMAN:  
Order, please!

I wish to remind all hon. members that while a member is speaking he

has the right to be heard in silence. And I wish to remind the hon. the Leader of the Opposition (Mr. Barry) that we are dealing in detail with Clause 1 of Bill 37.

The hon. the Leader of the Opposition.

MR. BARRY:

Thank you, Mr. Chairman.

The second paragraph of the letter from Kruger: 'Our corporate decision to purchase Bowater Newfoundland Limited was based on the assumption that any significant Labour Standards liabilities would not become liabilities of this company.'

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

Mr. Chairman, I am getting sick and tired of trying to out-shout members.

MR. CHAIRMAN:

Order, please! Order, please!

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

Mr. Chairman, would you please keep them quiet.

MR. CHAIRMAN:

Order, please!

I would remind hon. members on both sides of the House once again that while a member is speaking he has the right to be heard in silence.

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, 'Given that the

viability of our plan could be seriously jeopardized, Kruger Inc. cannot proceed with the acquisition of the mill until Bill 37 has been enacted.'

Now, Mr. Chairman, they have made a pretty significant leap here. They started off by saying that their decision to purchase Bowater Newfoundland Limited was based on the assumption that any significant Labour Standards liabilities would not become liabilities of that company and they have jumped from that to the assumption that, therefore, Bill 37 was necessary. Well, Mr. Chairman, I wrote Mr. J. Stewart Herman, President and Chief Executive Officer of Kruger Inc. today and I pointed out to him that members on this side of the House were prepared to supply Kruger Inc. with a guarantee that there would not be any significant Labour Standards liabilities incurred by his company, and I have asked him whether, in light of that guarantee, it is still his conclusion that Bill 37 would have to be enacted.

Now, Mr. Chairman, we all know what the answer to that letter is going to be. The Evening Telegram has already answered it in their editorial today, where they set out their position on closure and Bill 37. Mr. Chairman, if I could take a moment, they say, 'If the Premier is so sure that Bill 37 will be upheld in the courts, he could very easily have signed a document assuring Kruger it would not be liable, or he could, as the Opposition Leader, myself, suggested, pass legislation guaranteeing Kruger would not have to face any liability under the Labour Standards Act. This would be acceptable since Kruger had no

dealings in the Province during the period in question. In effect, the company should have no responsibility for something over which it had no control.' Now our proposition would go further and it would ensure that Bowater's liabilities, or potential liabilities which Kruger might have agreed to assume - we do not know, the minister has not showed us the agreement between Bowater and Kruger. Does the minister intend to?

MR. DINN:

I will tell you in a minute.

MR. BARRY:

Well, you are going to have a lot to tell us.

MR. BARRY:

Mr. Chairman, it was pointed out that if Kruger got that guarantee there would be no need for the retroactive aspect of Bill 37, no need whatsoever.

MR. SIMMS:

Who said that?

MR. BARRY:

The Evening Telegram. The bible of the Tory Party, is it not?

MR. SIMMS:

Do you mean in the editorial?

MR. TULK:

Yes.

MR. BARRY:

The Anglican Church has been defined as the Tory Party at prayer in England, and here in Newfoundland I guess we could define The Evening Telegram as the Tory Party at study, and we have the Tory Party at study, Mr. Chairman, condemning them out of hand.

Mr. Chairman, we have a letter from Kruger Inc. which is excessive in its wording and I think the excessive language that is used in this letter indicates the pressure -

MR. NEARY:

Can you burn a letter in the House?

MR. BARRY:

I do not know. Is it possible to burn a letter in the House? Mr. Chairman, I will not take a chance on abusing my privileges by burning this thing but, look, there it is, that is what that letter is worth. Now the excessive language in that letter came about for no other reason than the pressure that was put on that company by the Premier of this Province. And who knows what pressure was brought to bear, Mr. Chairman? It is shameful that a company that wants to do business in this Province, presumably under whatever government might be here, should be drawn into political debate in the way that Kruger Inc. has been forced to bend to the wishes of the Premier.

Now, Mr. Chairman, it is possible that I may be wrong. I want to be fair to the Premier. It is possible that it was not the Premier who put the pressure on Kruger Inc., it is possible, Mr. Chairman, and these seem to be the only two alternatives, either the Premier put the pressure on Kruger Inc. or else Kruger Inc. put the pressure on the Premier.

Mr. Chairman, I have to get this letter again because there is another point that has to be made here. If the Premier did not put pressure on Kruger in order to get this letter, then we have a situation of Kruger putting pressure on the Premier to get



this bill through the House. Now I will be very happy to hear what members opposite have to say when they get up. Is it that the Premier of this Province went out and pressured a private company to intervene in debate in this House, or is it, Mr. Chairman, that we have this company doing it gratuitously? Who pressured who? That is the question, who pressured who? Or is it who pressured whom? Whichever, Mr. Chairman, the question is does this House of Assembly take kindly to these outside influences, whether it be Kruger, whether it be Wabush Mines, or whether it be any other corporation? And I have a very interesting story to tell in a minute, Mr. Chairman, with respect to layoffs at Wabush Mines. But that is a very interesting question, should Kruger Inc. be permitted to dictate what the labour standards legislation of this Province should be ?

MR. SIMMS:

Now you are taking Bill Parsons's line and Peter Fenwick's, the member for Menihek.

MR. BARRY:

Mr. Chairman, could I ask the hon. minister to go check Hansard of three or four days ago? And, Mr. Chairman, could I quote The Evening Telegram? "The odious part of the whole exercise is that companies are dictating to government, 'Pass the bill or else.' That should not be acceptable to any government worth its salt."

Now, Mr. Chairman, we have had a couple of things happen in this House today. In addition to Bill 37 being rammed through we have had an indication of the position of hon. gentlemen opposite on the

offshore agreement. Mr. Chairman, I would like to leave members of this House with this little thought: If Kruger Inc. can bend the government of this Province to its will, what will Mobil Oil do? What are we talking about in the case of the Bowater mill?

MR. BARRY:

We are talking about a lot of jobs, we are talking about a few dollars, but Mr. Chairman, are the dollars that are at stake in the Bowater transaction anything like the billions that are at stake on the offshore development? Mr. Chairman, this is the first time we have heard of Kruger Inc in this Province and when they come in and dictate to this government and have this government marching like little soldiers into this House to put legislation through for that company, then, Mr. Chairman, we have to be very concerned as to where this government is going to be able to go when it comes to negotiating with the oil companies, when it comes to dealing with the billions of dollars that are going to be at stake from a Hibernia development?

Mr. Chairman, I would like to deal a little bit with Wabush mines, and I would like to tell the House a little story if I can find it, if I have not lost it. I would like to tell the House about the case of an individual who was terminated, laid off by Wabush Mines. This is another one of the companies that the government has decided has to be protected, Mr. Chairman. The member for Menihek (Mr. Fenwick) has constituents down there and I think that they had started the claim before they became constituents of his, but Mr. Chairman, we have ladies and gentlemen, men and women in Menihek who have fought a case

before the Labour Standards Tribunal and who have won and who are now going to appeal, Mr. Chairman, because the company refuses to pay what they have won.

MR. DINN:

The companies did.

MR. BARRY:

I am sorry, the company. That is right. I meant to say the company is appealing. But, Mr. Chairman, they are being forced into the Court of Appeal by the company, appealing the ruling which gave the workers the right to certain pay because of the layoff at Wabush Mines. Now I would like to refer members of this House to another case in the Supreme Court of Newfoundland, Trial Division.

MR. DINN:

A new case.

MR. BARRY:

No, it is not a new case. And the Minister of Labour (Mr. Dinn) should be aware of it.

MR. DINN:

I am.

MR. BARRY:

It was brought down on March 6, 1984, and it is the case of Roy Andrews, plaintiff, and Wabush Mines, Pickands-Mather and Company managing agent, defendant.

Now, Mr. Chairman, we have some very serious allegations being made in this case and we will be very interested to know - and the function of Committee of the Whole is to get a few answers from the minister and the minister should pay attention and answer these questions - what has the minister done since this decision to check into the treatment by Wabush Mines of the non-unionized employees,

such as Mr. Andrews, who were terminated? In some cases, Mr. Chairman, indications are that the excuse was used that they had to be terminated because of the recession, but, in fact, there are some indications that individuals such as Mr. Andrews were not on the list that came up from Cleveland.

We all know what happens, Mr. Chairman. There is a decision made down in the United States of America, down in Cleveland, that they have to cut back at Wabush Mines, and then you have a list of names going up to Wabush, based on seniority, and those people are to be terminated. And, Mr. Chairman, it seems that there may have been a few snuck in who may have been terminated not in the order of seniority but because for one reason or another, whether personality clashes or what have you, the company decided this was a good opportunity to get rid of them, people they considered trouble makers, people they would rather not have on the job. But they did not have cause for termination. They knew if they terminated them without cause they would have to give them reasonable notice, they would have to give them reasonable pay. And, Mr. Chairman, the Supreme Court of Newfoundland has decided that this is what happened in the case of Mr. Roy Andrews. Now I have not heard the minister of Labour and Manpower (Mr. Dinn) stand up in this House and tell us anything about this case. I have not heard the minister stand up and point out that there were problems created for workers because of layoffs, and these are permanent layoffs, Mr. Chairman, not just temporary. I have not heard the Minister of Labour and Manpower stand up and protect workers of

Wabush Mines when allegations were made against them. And here are some of the allegations, Mr. Chairman, that were made against this individual. And, by the way, this man won his case at trial, and do you know the company was not satisfied? They said, 'No way are we standing for this,' and they took the case to the Court of Appeal. And do you know that he was initially terminated on February 28, 1982, and that man is still fighting the company in the courts of this land to get his justice? I think he has gotten it now, Mr. Chairman, as of a week ago. Approximately a week ago the Court of Appeal came down and said that they would not overturn the trial decision. The trial decision, Mr. Chairman, said that Wabush Mines had made false allegations and had given false reasons for terminating this individual. And where is the minister of Labour and Manpower (Mr. Dinn) who is supposed to be the protector of the workers of this Province? What has he done with respect to investigating the practices of Wabush Mines in the course of their recent layoffs? What can the minister tell us with respect to the numbers of middle-management and other people who are not protected by union agreements who have been treated unjustly in the course of these layoffs? And why is it we are spending so much time, Mr. Chairman, bringing in retroactive legislation to take away the rights of workers rather than having our minister investigating to determine whether the rights of workers are being protected? Does the minister feel that all is right in Labrador? Does the minister feel that all the workers of Labrador are being treated fairly?

MR. DINN:

I have been down to Labrador nine times in the past two years. How many times have you been down there?

MR. BARRY:

And how many times did you speak to Mr. Andrews? How many times has the minister talked to Mr. Andrews and what did he do about it? And why is it that Mr. Andrews had to go to go to court and had to stay in court for close to three years before he finally got the pay in lieu of notice to which he was entitled? And why should he be forced to get a lawyer? If we had a Minister of Labour and Manpower who was doing his job, people like Mr. Andrews would not have to hire lawyers in order to fight their cases in the courts, they would be protected.

MR. TOBIN:

Are you saying wipe out the lawyers?

MR. BARRY:

Well, the one from Stephenville would be a good start. Mr. Chairman, it seems that it was the lawyers who got Mr. Andrews his just deserts. It sure as hell was not hon. members opposite, or it was not the Minister of Labour and Manpower (Mr. Dinn) for this Province.

MR. TOBIN:

'Leo', you would look twice as pretty if you still had the afro.

MR. BARRY:

You see, there are certain types of people in this world who do not really get hung up on things like hair, and I point to my friend for Torngat Mountains (Mr. Warren). There are people who do not get hung up on whether their hair is straight or curly. I have

stopped, Mr. Chairman, worrying about whether a person's hair is straight or curly. If I decide to stop straightening my hair, I am going to have curly hair again. But, you know, what it comes down to is that there are certain people who feel comfortable with their own sexuality and with their own masculinity and do not really feel all that -

MR. STAGG:

On a point of order, Mr. Chairman.

MR. CHAIRMAN (McNicholas):

Order, please!

On a point of order, the hon. the member for Stephenville.

MR. STAGG:

Mr. Chairman, this is ridiculous. I do not know if the hon. member thinks he is Sampson or whoever, but all this talk about his hair is getting to me. It has nothing to do with the bill. If the hon. member wants to talk about his hair he should go down to his neighbourhood couturier or some person like that. If he wants to talk about his hair it is neither here or there, Mr. Chairman, so let us have some more talk about the bill.

MR. TULK:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fogo.

MR. TULK:

To that point of order, I would submit that it is not really a point of order, it is just the member for Stephenville (Mr. Tulk) trying to use his brains to get into the Cabinet. He has tried to get the Premier to put him into the Cabinet in various ways, and

now he is trying to get up and be humorous, cause a bit of humour in this House with the hope that the Premier will look around at him and smile and say, hey, the member for Stephenville is a member of the Cabinet. He is trying to toddle his way in as usual.

MR. CHAIRMAN (Dr. McNicholas):

To that point of order, I would like to remind all hon. members that we are dealing with an amendment to the Labour Standards Act and I would ask the hon. Leader of the Opposition (Mr. Barry) to try and confine his remarks to that.

MR. BARRY:

Actually what was happening was that the member for Burin-Placentia West (Mr. Tobin) was trying to be witty but he was only half successful. But I really wonder why the member is so concerned about hairstyles, whether it is because there is a certain discomfort or lack of confidence in his own masculinity? Does he think that a little curly hair will attribute to his masculinity? Try it sometime, it is comfortable.

Mr. Chairman, we have a problem here before this Committee. There are forty-three of them over there but we have a problem with this bill, Mr. Chairman, because we have a Premier indicating that the legislation is necessary now because he has gone up and either pressured Kruger - deliver a letter - to help him out of his predicament, or else, Mr. Chairman, Kruger is pressuring him. But the problem is that Kruger cannot be pressuring for Bill 37, they have to be pressuring for some kind of guarantee, which is what we

offered. But maybe there is a problem of communications. Maybe they are having the same problem communicating with Kruger as they have been having communicating with the Government of Canada in the course of these offshore negotiations.

Mr. Chairman, I had the opportunity of responding to the Premier's letter. The Premier asked my co-operation in having Bill 37 go through. He pleaded that Bill 37 had to go through because 'Kruger has publicly stated that they do not intend to buy Bowater without the bill.' I wrote the Premier and I pointed out that we would be prepared to have the Kruger bill go through and also have a bill go through, or an amendment to the Kruger bill, that would relieve Kruger of any liability in the event that the courts upheld the decision of the Labour Standards Tribunal. Now the Premier wrote me back and said that he was deeply disappointed, 'And', he said, 'This bill not only affects Kruger but many companies in our Province.' He said, 'If we give a guarantee to Kruger we have to give a guarantee to all the other companies.' Mr. Speaker, I wrote the Premier back yesterday or the day before yesterday and I pointed out that his statement was incorrect, that we do not have to give guarantees to all other companies because, first of all, the Premier has not indicated that there are any deadlines affecting any other companies. There is no deadline with respect to Wabush Mines, there is no deadline with respect to Fishery Products International, there is no deadline with respect to these other companies that government has been playing with, fooling around with figures. We want to

know where this \$27 million comes from before the minister gets his bill through?

MR. DINN:

See me later and I will go through it for you.

MR. BARRY:

Mr. Chairman, I said, first of all, there were no deadlines affecting other companies. Secondly, government is providing financial assistance to Kruger so how is it, then, that government does not feel that it should provide financial assistance to these other companies?

MR. BARRETT:

We cannot afford it.

MR. BARRY:

Well, if it is prepared to provide financial assistance to Kruger and not to other companies, why can it not say, 'We will give a guarantee to Kruger but not to other companies?' The fact that it gives a guarantee to Kruger should be no different from the fact that it is giving financial assistance to Kruger. It does not mean it has to give it to any other company.

The reason for it, Mr. Chairman, and the reason it can be distinguished from giving a guarantee to any other company is because it is to keep the Bowater mill open, to keep an industry operating.

Now the third point I mentioned, Mr. Chairman, is that the Kruger transaction is unique in that Kruger is assuming liabilities which were incurred by a third party, namely, Bowater. In the case of other companies, they had it within their power to manage their affairs differently so as to

avoid incurring any potential liabilities. In other words, it may very well be, Mr. Chairman, that the reason why Bowater has gotten caught up in a liability before the Labour Standards Tribunal is because of the way they went about their layoffs. It may have been because of the wording of their notice. In fact, Mr. Chairman, if you look at the decision of the Labour Standards Tribunal you will find that they stressed the fact that the notice had terminated the contract of service.

Now, Mr. Chairman, all that, perhaps, could have been done, or need be done by a company might be to write a letter to employees, in the event that they want to lay them off temporarily, stressing that the contract of service is still in effect and that it is only temporarily interrupted. And it may very well be that that in itself would be enough to mean that that company would not incur a liability under the Labour Standards legislation. So Kruger is unique in that it had no control over Bowater liabilities. And we have to ask why it is that Kruger is giving this blank cheque to Bowater. We have not seen that agreement; we are going to insist that we do see it and I know the minister will respond and show us that agreement between Bowater and Kruger.

MR. HODDER:

Only if the Premier tells him.

MR. BARRY:

He should ask the Premier to let him show us the agreement between Bowater and Kruger. Maybe Bowater just said, 'If you do not take me off the hook with respect to all of these liabilities I am not selling you my mill.' Bowater was

entitled to do that, so maybe Kruger had no choice but to take over these potential liabilities of Bowater and therefore they are unique in that they had no choice in taking over these liabilities. That is another reason why giving them a guarantee would be no reason for giving other companies a guarantee

Fourthly, I said it is within government's power to see that Bill 37 is forced through the House of Assembly as it has indicated it will do. In another couple of weeks when we finish debate on the bill, Mr. Chairman, I am sure that Bill 37 will pass, because it is only for another two or three weeks that we are going to be able to ensure that debate proceeds. Inevitably, because government has the majority vote in this House, they are going to be able to ram that bill through. And, Mr. Chairman, if that is the case, then they know if they give a guarantee to Kruger there is going to be no liability arise underneath that guarantee.

Mr. Chairman, it should also be noticed that until the courts take a decision on the Labour Standards Tribunal decision we do not know whether there are going to be any liabilities imposed on any companies. And, Mr. Chairman, we should also point out that Wabush Mines employees commenced their claim under the Labour Standards Tribunal in 1981. The Premier said 1981 in his statement, the member for Menihek says 1982. Was the Premier wrong again?

MR. SIMMS:

You should remember, you were over here then.

MR. BARRY:

In 1981, yes. I had resigned from

Cabinet by that time, it was December of 1981. I had gotten out just in time, Mr. Chairman. In 1981, Wabush Mines workers raised this interpretation of the act. The Minister of Labour and Manpower (Mr. Dinn) knew that this interpretation was there since 1981 and has not done a thing about it.

MR. DINN:

You said there may not be anything wrong with it.

MR. BARRY:

Mr. Chairman, if the Minister of Labour and Manpower had amended the act in 1981 there would be no need for any retroactive provisions now. I do not believe it is going to be necessary to make an amendment to this act, the minister says it may not be, why is he doing it then? Shame on you!

MR. DINN:

It needs to be cleaned up.

MR. BARRY:

It needs to be cleaned up. You need to be cleaned up! You need to clean up your act. Since 1981, Mr. Chairman, they have been aware of this problem and they have not done a thing to correct it and, now, because they have been caught out in their incompetence, they are trying to use Kruger as a smoke screen, they are trying to play upon the worry, the concern, and the anxiety of the people of Corner Brook, and they are trying to use that as a smoke screen to slip this repugnant, odious, obnoxious, abhorrent legislation through this House. Well, Mr. Chairman, there is no way that hon. gentlemen opposite will ever justify this legislation. There is no way that they will ever live down, Mr. Chairman, the casual way in which they have brought

retroactive legislation before this House. Since 1971, Mr. Chairman, there has not been a threat of closure in this House and we had it, in the case of this bill, when the Premier had finished debating it on the first day, before anybody on this side had started debate.

MR. HODDER:

What happened today was worse than closure.

MR. BARRY:

And what happened today, Mr. Chairman, they interfered with our right to -

MR. HODDER:

I had a petition from my district which I was supposed to deliver today and I could not do it.

SOME HON. MEMBERS:

Oh, oh!

MR. HODDER:

It has 340 names on it.

MR. BARRY:

Well, Mr. Chairman, the people of Mainland, on the Port au Port Peninsula, will know that, and the people of Hopedale, Grey River, and Black Tickle will know that their petitions were blocked. Mr. Chairman, the people of these communities will know that their rights to petition this House of Assembly was trampled upon by an arrogant government, grown desperate because it sees power slipping. Naziism was just a joke. Five minutes! Time goes fast when you are having fun.

Mr. Chairman, I am happy though, I must say, to hear that members opposite have had a change of heart, and I was very happy to hear the Minister of Justice (Mr. Ottenheimer) get up and indicate

that they had changed their minds about closure.

MR. OTTENHEIMER:

I said we were not in closure as of now.

MR. BARRY:

What? You have not changed your mind?

MR. OTTENHEIMER:

I said what I said.

MR. BARRY:

Oh, I see. I see. The threat of closure is still dangling. The guillotine is still up there. The guillotine blade has been put over the head of this Assembly and the handle has not yet been pulled. We are waiting for the Premier to come to release the handle of the guillotine.

MR. HODDER:

Or his hatchetman, the House Leader (Mr. Marshall), will do it.

MR. BARRY:

No, the Government House Leader (Mr. Marshall) is a broken man. After jousting with Mrs. Carney for one day, the Government House Leader came out a broken man.

MR. HODDER:

He left here at midnight or after, flew up there, and within two hours after he arrived in Ottawa the deed was done.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Chairman, in a few years time when we are referring to the present Premier's Upper Churchill contract, we may be able to blame it on the jet lag of the Government House Leader. Actually I know it was a hard session of

the House before the Government House Leader went up there, but if he had gone up there and spent two or three days in his hotel suite resting, I still think that Mrs. Carney would have ripped him apart. Because, Mr. Chairman, Mrs. Carney has the bit in her teeth; she has gotten her instructions from Mr. Mulroney, who got his instructions from Ronald Reagan.

MR. TOBIN:

On a point of order, Mr. Chairman.

MR. CHAIRMAN (McNicholas):

On a point of order, the hon. the member for Burin-Placentia West.

MR. BARRY:

This is going to be a good one.

MR. TOBIN:

Mr. Chairman, we are here to debate Bill 37. The hon. the Leader of the Opposition (Mr. Roberts) is not being relevant to the debate. He is making reference to the former Liberal Government in Newfoundland having to bring in closure, he is making reference to the Liberal Government of Canada under Trudeau having to bring in closure, he is trying to justify this government bringing it in because Liberal governments have done it, Mr. Speaker. He is not being relevant to the debate and I think he should be ruled accordingly.

MR. CHAIRMAN (McNicholas):

To that point of order, the hon. the Leader of the Opposition.

MR. BARRY:

I do not think there is any point of order. You go ahead, Mr. Chairman, I trust your ruling.

MR. CHAIRMAN:

I have already commented on the



fact that the hon. the Leader of the Opposition is straying a bit from the amendment.

MR. BARRY:

Straying a little, yes. I had hoped you would not notice, Mr. Chairman.

Mr. Chairman, in all seriousness let me say that I never thought the day would come when members opposite would stray so far from the brave principles that brought them into this House as to try and impose closure, try and guillotine the elected representatives of the people, try and muffle and stifle Opposition from doing its job of pointing out the defects and the flaws in the legislation which comes before this House. It is a shameful day. We still have the threat of closure.

MR. TOBIN:

We are not debating closure, Mr. Chairman.

MR. BARRY:

Mr. Chairman, the problem that hon. members opposite have, and I sympathize with them, is that they really do not believe in what they are doing. They have gotten themselves caught in a bind and it is going to be very interesting to see what happens when this bill is finally rammed through. What are they going to do with the Student Allowances Bill which has another section on retroactive regulations? What are they going to do with that bill?

MR. CHAIRMAN (McNicholas):

Order, please! Order, please!

The hon. member's time has elapsed.

MR. BARRY:

Thank you. I will have an opportunity to address the Chair

again, I am sure.

MR. CHAIRMAN:

The hon. the Minister of Labour and Manpower.

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

Mr. Chairman, we have now been put through now nineteen hours of debate.

MR. NEARY:

Mr. Chairman, on a point of privilege.

MR. CHAIRMAN:

Order, please! The hon. the member for LaPoile on a point of privilege.

MR. NEARY:

Mr. Chairman, I hope that I can lay out a case to show members on both sides of this House that our privileges in this House have been breached. I draw Your Honour's attention to page 22, section 67 of Beauchesne, and the title of the section is **INFLUENCING MEMBERS**, Mr. Chairman, and then you can go on down to page 23, section 71, "Direct threats which attempt to influence members' actions in the House are undoubtedly breaches of privilege." Now let me read from the letter that my hon. colleague just quoted from from J. Stewart Herman, President of CEO Kruger Incorporated on December 11, 1984, written to the Premier. I would like to quote, Mr. Chairman, from the third paragraph, "given that the viability of our plan could be seriously jeopardized, Kruger Incorporated cannot proceed with the acquisition of the mill until Bill 37 has been enacted."

Now, Mr. Chairman, that is an

attempt to influence members of this House. It is a threat to members of this House, Mr. Chairman, it is an attempt to influence the votes of members of this hon. House. But, Mr. Chairman, there is more to it than that. It says, "But no company can be expected to commit itself under such a cloud of uncertainty, given the millions of dollars to be invested are at stake in our company. I trust that this position is not one you find unreasonable, and you surely realize that time is of essence in order to finalize the acquisition."

Now, Mr. Chairman, the first point I want to make is that the representatives of Kruger should be brought before the Bar of this House and should be made to answer. Mr. Chairman, we should have the right to cross-examine the gentleman who wrote this letter trying to intimidate members, threatening them and trying to influence their votes. It is one of the most serious points of privilege, Sir, ever raised in this hon. House.

DR. COLLINS:

What a lot of rubbish.

MR. NEARY:

It is not a lot of rubbish. Mr. Chairman, either the House is going to function freely and openly, without any interference from outside sources -

MR. TULK:

The threat was delivered by the Premier.

MR. NEARY:

And not only that, Kruger used the Premier as a messenger to deliver the threat to this hon. House. It is unheard of, Mr. Chairman, in British parliamentary circles,

unheard of, and it is a matter that Your Honour should take under very careful consideration. This is a blatant and direct attempt to try to influence the votes of members in this hon. House and it should not be allowed. The representatives of Kruger should be brought before the Bar of the House. This is the highest court in the land, and they should be made answer for their interference with the legislative process in this Province. Mr. Chairman, we should be able to ask questions and cross-examine Kruger in this hon. House to find out if this was a an attempt to blackmail members, or was it the Premier trying to stampede Kruger into getting members of this House to vote a certain way. I ask Your Honour to give this matter very, very careful consideration.

MR. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN (McNicholas):

To that point of order, the hon. the President of the Council.

MR. MARSHALL:

What a ridiculous point of privilege. It is no point of privilege. First of all a point of privilege has to be taken up at the earliest possible opportunity. Secondly, it is purely and simply a matter of opinion by the gentleman who wrote the letter itself. Thirdly, there is absolutely nothing there with respect to any intimidation or attempted intimidation by any one of the members of this House. It is purely and simply an expression of an opinion and that opinion, Mr. Chairman, is a very serious matter, that is the reason why we proceed as we have been proceeding. The fact of the matter is we are talking about

closure. I think the Minister of Environment (Mr. Andrews) said we are talking about closure, and we are talking about it in the context of preventing a closure in Corner Brook. So when the hon. gentleman there opposite gets up with his assinine antics, I suggest what he do is address more seriously the question that is before the Chair.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

To that point of privilege, Mr. Chairman.

MR. CHAIRMAN (Dr. McNicholas):

To that point of privilege, the hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, the member for LaPoile (Mr. Neary) raises a very good point, because if you look at this first paragraph of the letter from Kruger again it says, 'You have asked whether Kruger Inc.'- this is addressed to the Premier - 'would be prepared to complete its acquisition of the shares of Bowater Newfoundland Limited prior to the enactment of Bill 37?' Now, it is an interesting question. How did the Premier ask Kruger Inc.? Did he ask them in the course of a meeting that was specially called? Was there a letter sent by the Premier to Kruger? Was it a telephone call? Or was Kruger asked to come down and meet with the Premier? These are very interesting points that the people of Newfoundland and Labrador are entitled to know. And we hope that the Premier, if nothing else, will indicate in the course of this debate just how it was that he asked Kruger to indicate that they would like to have Bill 37 rammed through this

House?

Now, Mr. Chairman, I believe that it would be appropriate for Your Honour to investigate and determine just why is it that a corporate citizen of Canada, soon, hopefully, to become a corporate citizen of Newfoundland, would think it necessary to engage in such heavy-handed rhetoric before it has ever commenced business in the Province? Why is it that we have a company coming on with this language, that Kruger Inc. cannot proceed with the acquisition of the mill until Bill 37 has been enacted, when guarantees have been offered to them that would see them incur no liability? There is something here, Mr. Chairman, that does not smell right. There is something happening here that warrants investigation, and we ask Your Honour to look into it very closely.

MR. CHAIRMAN (Dr. McNicholas):

Order, please!

To that point of privilege, it is not up to the Chairman to rule on whether privilege has been breached, it is up to hon. members of this Committee.

With regards to that letter, I have seen that particular letter -

MR. NEARY:

No, we are not talking about the letter.

MR. CHAIRMAN:

I am speaking of it.

The point is that that letter that has been mentioned, that, to my mind, is a normal process, that somebody on the outside contacts, and tries to persuade, members of this hon. House as to how they should vote. I have been

contacted on numerous occasions. It seems to be the normal process of every day life, that every one of the people are trying to influence us. I must say there is no prime facie case here. I recognize the hon. the Minister of Labour.

MR. DINN:

Mr. Chairman, this charade has gone on long enough. I move the Committee rise, report progress and ask leave to sit again.

MR. TULK:

Mr. Chairman, just a second.

MR. CHAIRMAN (Dr. McNicholas):  
Order, please!

The hon. the member for Fogo.

MR. DINN:

Just a second, nothing.

MR. TULK:

On a point of order, Mr. Chairman.

MR. CHAIRMAN:

On a point of order, the hon. the member for Fogo.

MR. TULK:

Mr. Chairman, I guess it is, perhaps, part of procedure, but Standing Order 15 says quite simply, 'Whenever any matter of privilege arises, it shall be taken into consideration immediately.' As I understand it, the Chairman of Committees has to refer a question of privilege to the Speaker immediately it is brought to the floor of this House.

MR. OTTENHEIMER:

Mr. Chairman, to that point of order.

MR. CHAIRMAN:

The hon. the Minister of Justice, to that point of order.

MR. OTTENHEIMER:

Mr. Chairman, Standing Order 15, as the hon. gentleman reads, is very straightforward. 'Whenever any matter of privilege arises, it shall be taken into consideration immediately.' The Chairman of Committees has ruled that there is no prime facie case of privilege.

MR. TULK:

No. It has to go before the House.

The Speaker has to rule on that.

MR. DINN:

Mr. Chairman, I move that the Committee rise, report progress and ask leave to sit again.

MR. CHAIRMAN:

Order, please!

I find, after consultation, that I should refer that point of privilege to the Speaker. I ask that the Committee rise and report the incident to the Speaker.

On motion, that the Committee rise, report the point of privilege and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. SPEAKER (Russell):

The hon. the member for St. John's Centre.

DR. MCNICHOLAS:

Mr. Speaker, the hon. member for LaPoile (Mr. Neary) has raised a point of privilege. I wish to bring that to your attention, and ask leave to sit again.

MR. SPEAKER (Russell):

The Chairman of Committees reports that during Committee stage a point of privilege was raised which had to be referred to the Chair. I am prepared to hear a brief argument.

MR. NEARY:  
Mr. Speaker.

MR. SPEAKER (Russell):  
The hon. the member for LaPoile.

MR. NEARY:  
Yes, Mr. Speaker, I will give Your Honour a brief argument. I have already gone through the process, Mr. Speaker. I would like to draw Your Honour's attention to pages 22 and 23 of Beauchesne, the section headed Influencing Members. Now, Mr. Speaker, down in section 71 it clearly states 'Direct threats which attempt to influence Members' actions in the House are undoubtedly breaches of privilege. They do, however, provide serious problems for the House.' We can understand that, Mr. Speaker. I would like to draw Your Honour's attention to a letter that was sent to the Premier: 'Dear Mr. Premier', and signed by, J. Stewart Herman, President of Kruger Incorporated, dated December 11. Paragraph 3 of that letter, Mr. Speaker, says, 'Given the viability of our plan could be seriously jeopardized, Kruger Incorporated cannot proceed with the acquisition of the mill until Bill 37 has been enacted.'

I argue, Mr. Speaker, that that is a direct attempt to influence the votes of members of this hon. House, to intimidate members of this House. It is a very serious breach of privilege, one of the more serious breaches of privilege that could be committed.

Now, Mr. Speaker, in order to get to the bottom of it, I would suggest to Your Honour that the representatives of Kruger be brought before the Bar of the House, and that members on both sides of the House be given an opportunity to cross-examine, to

ask questions of Mr. Herman and the representatives of Kruger. Otherwise, Mr. Speaker, the whole thing is just a sham. They used the Premier as a messenger to convey a threat to this House. Mr. Speaker, that is a violation of the privileges of members of this hon. House and I ask Your Honour to give this matter very, very serious consideration?

MR. MARSHALL:  
Mr. Speaker.

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

MR. MARSHALL:  
Mr. Speaker, first of all I rise with a certain amount of reservation. I just want to place on the record that I am not entirely sure that this particular proceeding is in order. The point of privilege was brought up in Committee, His Honour, the Chairman of Committees, decided that there was no prime facie case of privilege and that resolved the matter. The hon. the member for Fogo (Mr. Tulk) then got up and quoted Standing Order 15, 'Whenever any matter of privilege arises, it shall be taken into consideration immediately', and on that basis indicated to His Honour that he should report to the Chair which His Honour accepted. Of course, we accept His Honour's ruling, but I just say that we accept that ruling with reservation so as not to create a precedent, because in effect His Honour had decided there was no point of privilege.

MR. TULK:  
Oh come on now!

MR. MARSHALL:  
There being no point of privilege,

nothing arose for it to be taken into consideration immediately.

But apart from that, Mr. Speaker, this is a spurious type of privilege. I quote to Your Honour, Section 71, 'Direct threats which attempt to influence Members' actions in the House are undoubtedly breaches of privilege. They do, however, provide serious problems for the House. They are often made anonymously and it is rarely possible for the House to examine them satisfactorily. The common practice today is to turn the responsibility for investigating them over to the ordinary forces of the law.' So it is obvious, Mr. Speaker, that the type of privilege that is envisaged in intimidation is one which is a very serious threat to the person or property of an individual, and it is not in the nature, even with the twisted interpretation from the hon. the twisted member for LaPoile (Mr. Neary), it is not one, Mr. Speaker, that comes within this rule. Furthermore, Mr. Speaker, the words that the hon. gentleman quoted from the text of the letter were just merely expressions of opinion, statements by Kruger Incorporated as to a necessary prerequisite of their taking over the mill and expending millions of dollars. They are necessary expressions of opinion from Kruger and, Mr. Speaker, a warning to the effect that the takeover by Kruger of the Bowater mill is in jeopardy. I am quite thankful, Mr. Speaker, that that letter was written, because now everybody is addressing this particular issue with the full knowledge and awareness of the seriousness and the import of what we have before us in this House and in the Committee. The hon. gentlemen love to play games, even

if it is with the lives of the people of Corner Brook. You cannot expect anything but that shoddy type of treatment from people who are led by somebody who is elected by one party to support the government and for his own purposes goes over and supports the other party. Mr. Speaker, I say there is no point of privilege.

Your Honour, of course, will have to hear whatever arguments Your Honour wishes to hear with respect to it, but I would suggest it is patently obvious that this is not a point of privilege. There is no need of Your Honour entertaining a large amount of argument with respect to it, because the Opposition is trying to play games to try to throw the House into a state of disarray, and we as a government, Mr. Speaker, are not going to allow them to do it.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Thank you, Mr. Speaker. I am glad that you are prepared to permit us a few words on this. Despite the Government House Leader's (Mr. Marshall) attempted directions to Your Honour, we know that you will take a position that will respect the rights of the Opposition to speak on matters of privilege. I think the significant matter here, Mr. Speaker, is while the type of threat is somewhat indirect, the interesting -

MR. TULK:  
It is indirect because the Premier brought it.

MR. BARRY:

As usual, Mr. Speaker, my friend from Fogo (Mr. Tulk) has hit the nail right on the head.

The point is, Mr. Speaker, that what is indicated here is that we may have a member of this House, namely, the Premier, being the initiation of the threat in this instance in that the letter from Kruger Inc. in the first paragraph says, "Dear Mr. Premier: You" - the Premier - "have asked whether Kruger Inc. would be prepared to complete its acquisition of the shares of Bowater Newfoundland Limited prior to the enactment of Bill 37." Now, that is after the Premier had gotten up in this House and said that in his opinion Bill 37 was not necessary for the completion of the deal, it is after Kruger dropped its demand that the workers waive their rights under the Labour Standards legislation in the course of collective bargaining, and it is after Kruger has signed an agreement with government that does not have that as part of the agreement. Mr. Speaker, the question is why now this letter, and how is it that the Premier has asked? Has he asked by letter? Did he have a meeting with Kruger? Did he telephone? Did he invite them down? Why now this letter, Mr. Speaker?

MR. SPEAKER (Russell):

To that point of privilege raised by the hon. the member for LaPoile (Mr. Neary), I would refer hon. members to Beauchesne, page 25, section 82 which says: "A question of privilege must be brought to the attention of the House at the first possible opportunity. Even a gap of a few days may invalidate the claim for precedence in the House."

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please! Order, please!

I understand that this letter was tabled by the hon. the Premier a few days ago. As the matter was not raised as a point of privilege at that time, there is no prima facie case established.

MR. MARSHALL:

Motion 1, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I wish to move that further consideration of any resolution or resolutions, clause or clauses, section or sections, preamble or preambles, title or titles relating to Bill No. 37 entitled An Act To Amend The Labour Standards Act, shall be the first business of the Committee of the Whole when next resolved by this Honourable House and shall not be further postponed.

MR. BARRY:

On a point of order, Mr. Speaker.

MR. SPEAKER:

On a point of order, the hon. the Leader of the Opposition.

MR. BARRY:

The Premier is out of order, Mr. Speaker. If you look at Standing Order 50, it is only 'Immediately before the order of the day for resuming an adjourned debate' that a minister is entitled to stand in his place and move closure unless the House be in Committee of the Whole at the time. We are not now in Committee of the Whole and the Premier is out of order.

MR. MARSHALL:

To that point of order, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, the hon. gentleman is quite incorrect. It says, "Immediately before the order of the day for resuming an adjourned debate is called, or if the House be in Committee of the Whole, or of Supply, or of Ways and Means" - and we are, Mr. Speaker - so at any time during the proceedings of the day, once you are in committee you can move the order.

Mr. Speaker, I also draw to the attention of Your Honour and the hon. gentlemen there opposite that 'In either case such questions shall be decided without debate or amendment.' Mr. Speaker, it also states that you get up and you move one of two things, either 'That the debate shall not be further adjourned', so there is no debate as in second reading, 'Or that further consideration of any resolution or resolutions, clause or clauses', as the Premier has moved. So, Mr. Speaker, you do not have to do it on Orders of the Day, you can do it in Committee and you can do it at this point in time.

MR. TULK:

To that point of order, Mr. Speaker.

MR. BARRY:

Wrong again. Wrong again.

MR. SPEAKER (Russell):

Order, please! Order, please!

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, what we have seen happen in this House today is another example of the Premier trying to force his way and his method of doing things on the House and on the people of this Province. First of all we have two items on the Order Paper, one an order and the other one a motion where the threat of closure has been introduced in this House. Now the Premier realizes he cannot get his own way, that we are ready to debate. And not only that, he breaks Standing Order 50 of this House. If the Premier was going to move closure in this House, he had to move it, unless the House is in Committee of the Whole, when Orders of the Day were called this afternoon by the Minister of Justice. But he did not do that, he put us in Committee of the Whole under the threat of closure. And now that we have gotten out of Committee of the Whole he is trying to move the closure motion and it is totally out of order, Mr. Speaker. It is another example of the Premier trying to force himself on the members of this House.

MR. SPEAKER (Russell):

Order, please! Order, please!

It is the Chair's interpretation of Standing Order 50 that this motion can be made either in Committee or outside of Committee.

SOME HON. MEMBERS:

Yes. Yes.

MR. NEARY:

And what about under Orders of the Day.

MR. SPEAKER:

Order, please!

No, not on Orders of the Day being called but order of the day, not



capitalized.

MR. NEARY:

I hope you realize what you are doing. I hope you realize what you are doing.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please! Order, please!  
Order, please!

The Chair rules that the Premier's motion is in order.

SOME HON. MEMBERS:

Oh, oh!

MR. NEARY:

I move we appeal the Speaker's ruling.

MR. SPEAKER:

Order, please! Order, please!  
Order, please!

The motion is that the Speaker's ruling be sustained those in favour 'aye'.

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

Those against 'nay'.

SOME HON. MEMBERS:

The ayes have it.

MR. TULK:

Divide, Mr. Speaker.

MR. SPEAKER:

Call in the members.

### Division

MR. SPEAKER (Russell):

Order, please!

The ten minutes has expired. Is the House ready for the vote?

SOME HON. MEMBERS:

Ready.

MR. SPEAKER:

The motion was that the Speaker's ruling be sustained. Those in favour of the motion please stand: the hon. the Premier, the hon. the Minister of Rural, Agricultural and Northern Development (Mr. Goudie), the hon. the Minister of Career Development and Advanced Studies (Mr. Power), the hon. the Minister of Health (Dr. Twomey), Mr. Reid, the hon. the Minister of Finance (Dr. Collins), the hon. the Minister of Justice (Mr. Ottenheimer), the hon. the President of the Council (Mr. Marshall), Dr. McNicholas, the hon. the Minister of Culture, Recreation and Youth (Mr. Rideout), the hon. the Minister of Municipal Affairs (Mr. Doyle), the hon. the Minister of Labour (Mr. Dinn), Mr. Barrett, the hon. the Minister of Social Services (Mr. Hickey), the hon. the Minister of Public Works and Services (Mr. Young), the hon. the Minister of Consumer Affairs and Communications (Mrs. Newhook), the hon. the Minister of Environment (Mr. Andrews), Mr. Baird, Mr. Peach, Mr. Tobin, Mr. Aylward, Mrs. Reid, Mr. Hearn, Mr. Patterson, Mr. Matthews, Mr. Butt, Mr. Stagg, Mr. Osmond, Mr. Greening.

MR. SPEAKER (Russell):

Those against the motion, please stand: the hon. the Leader of the Opposition (Mr. Barry), Mr. Callan, Mr. Neary, Mr. Tulk, Mr. Hiscock, Mr. Warren, Mr. Fenwick.

MR. SPEAKER:

Order, please!

The vote was twenty-nine for and seven against. The motion is sustained.

On motion, that the House resolve itself into Committee of the Whole on Bill No. 37, Mr. Speaker left the Chair.

SOME HON. MEMBERS:  
Hear, hear!

Committee of the Whole

MR. CHAIRMAN (Aylward):  
Order, please!

We are now operating under Standing Order 50, which means that each speaker has twenty minutes and he speaks once.

MR. DINN:  
Mr. Chairman.

MR. CHAIRMAN (Aylward):  
The hon. the Minister of Labour.

SOME HON. MEMBERS:  
Hear, hear!

MR. DINN:  
Mr. Chairman, before I was so rudely interrupted by the coalition on the opposite side of this House, I was about to go through, for the benefit of hon. members, what we are talking about here today. We are talking about an amendment to clause 1 of Bill No. 37. Basically, what the amendment does is it puts clauses three and four into clause 1 of the bill and, Mr. Chairman, it says that those three clauses need be retroactive. Now, what are those three clauses? They are definitions, definitions that were left out of the original Labour Standards bill when all of these bills were put together in 1977.

Now, Mr. Chairman, we have gone through twenty-one hours of debate on this bill.

MR. BARRY:  
That is not a lot.

MR. DINN:  
Now, Mr. Chairman, it was explained very clearly to hon. members opposite, but the learned gentleman, the Leader of the Opposition (Mr. Barry), may be learned in the law, but obviously he cannot learn. Because this is not a very tricky situation here; we do not have a bill, Mr. Chairman, forty or fifty or sixty pages long, we have a little bill of two pages, not heavy. And all it does is it takes the Labour Standards Act and all of these acts that were combined in 1977 and proclaimed in 1978 and puts that in a definition that was left out.

Now, why, in the first place, does this need to be done? Well, it needs to be done, Mr. Chairman, for several reasons: Number one, everybody recognizes that there is ambiguity in the act, that it needs changing, that we need these definitions in there. Why do we need them in there? Because we have some proof. It did not bother us without proof; we thought that the Labour Standards Tribunal would interpret the word 'termination' as an end-all, that it would be a conclusion to something. But they did not interpret it that way, they said, anything more -

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

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

On a point of order, the hon. the

member for Menihek.

SOME HON. MEMBERS:  
Oh, oh!

MR. CHAIRMAN:  
Order, please! Order, please!

MR. FENWICK:  
The fact is, Mr. Chairman, that as far as I know we have never voted on it, so I do not see how we can be operating under it.

MR. DINN:  
The hon. gentleman does not understand. We cannot help that.

AN HON. MEMBER:  
The motion was put previously.

MR. CHAIRMAN:  
The motion was put before we came into Committee.

MR. MARSHALL:  
To that point of order, Mr. Chairman.

MR. CHAIRMAN:  
To that point of order, the hon. the President of the Council.

MR. MARSHALL:  
If the hon. gentleman had been listening to the motion, it was quite obvious. The motion says 'That further consideration of any resolution etc., shall be the first business of the Committee when next resolved by the House and shall not be further postponed.' You know, that is where we are.

MR. DINN:  
It is as simple as that, yes.

MR. MARSHALL:  
Simple as that.

MR. FENWICK:  
Mr. Chairman.

MR. CHAIRMAN:  
To that point of order, the hon. the member for Menihek.

MR. FENWICK:  
We never voted on that motion, we voted on a ruling from the Chair. That is the only thing I recall voting on.

MR. MARSHALL:  
We carried it in the House, Mr. Chairman.

MR. NEARY:  
We did not carry it in the House.

MR. TULK:  
To that point of order, Mr. Chairman.

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

To that point of order, the hon. the member for Fogo.

MR. TULK:  
The motion was put that we vote under Standing Order 50 that debate would not continue past 2:00 a.m., but there was never a vote taken on it because there was a point of privilege raised, the Committee was raised and then the Speaker came back to the Chair. There was never a vote put on whether we operate under the motion that was put forward by the Premier, Motion No. 1, we just moved back into Committee. There has never been a vote on whether or not we operate under the closure rule of this House, Standing Order No. 50.

PREMIER PECKFORD:  
To that point of order, Mr. Chairman.

MR. CHAIRMAN:  
To that point of order, the hon. the Premier.

PREMIER PECKFORD:

After I made the motion and sat in my place, the Chairman

PREMIER PECKFORD:

called a vote and there was an 'aye' and 'nay' and then the point of privilege ensued from there, Mr. Chairman.

SOME HON. MEMBERS:

No, no!

MR. TULK:

Check Hansard.

MR. BARRY:

Hansard will tell us.

PREMIER PECKFORD:

Mr. Chairman, this is all harassment, this is all an attempt to try to delay anybody from this side saying anything on the bill. The procedure is clear, the vote was Taken.

MR. BARRY:

To that point of order, Mr. Chairman.

MR. CHAIRMAN (Aylward):

Order, please!

To that point of order, the hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, we do not mean to get into a debate on the facts with the Premier, there is a record that is being taped and Hansard will determine. But my recollection as to what took place is that the point of order was raised immediately when the Premier stood to make the motion.

PREMIER PECKFORD:

No.

MR. BARRY:

Yes.

MR. TULK:

The Premier was still making his motion.

MR. BARRY:

The Premier was still making his motion, he sat down, the point of privilege was raised, it was voted on, and then the next motion was to move back into Committee and closure was never debated and never put.

MR. NEARY:

Right on!

MR. OTTENHEIMER:

To that point of order, Mr. Chairman.

MR. CHAIRMAN (Aylward):

To that point of order, the hon. the Minister of Justice.

MR. OTTENHEIMER:

As my memory is, we came out of Committee of the Whole and went into the House. The relevant motion was moved by the Premier, the Chair put the question - it is not debatable, it cannot be debated - the Chair put the question, it was carried, and then the hon. gentleman on the opposite side got up on a point of order and said that the motion was not in order. It was ruled that it was in order, we went back into Committee of the Whole and the Chairman said, 'We are now operating under the closure rule.' It is very clear what happened.

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN (Aylward):

Order, please! Order, please!

To that point of order, it is the Chair's understanding that the motion was put and passed. I will

have the tape checked, but I would continue with the debate until the tape is checked.

The hon. the Minister of Labour.

MR. DINN:

Mr. Chairman, before I was again rudely interrupted by the Opposition, I was saying we have had nearly twenty-two hours of debate in this House. This side of the House has spoken for a total of one hour and three-quarter hours. Hon. gentlemen opposite have had free-wheeling in this House; they have attempted to destroy the House of Assembly, but we will not allow them to do that. And what was their big beef? Well, Mr. Speaker, there is only one person in Newfoundland that I know of who is against putting these clauses in the bill, the hon. the member for Menihek (Mr. Fenwick). That is his position. Now I was on CBC radio this morning with the President of the Federation of Labour and he agreed, Mr. Speaker, that, yes, there was ambiguity in the act and that we should put it in. The hon. the Leader of the Opposition (Mr. Barry) says that he does not know whether it is 'neither' or 'not' but it might not be a bad idea. What he is against is making it retroactive. So we have a little bit of confusion here. Now what I am saying is this, that we have had a piece of legislation in effect since 1978. A legislative draftsman got together with all these acts, he put them all together and he left out a couple of definitions. What did that cause? Nothing.

Now we have to remember that what we are talking about is the Labour Standards Act, which is the minimum standards of work in this

Province, the minimum standards under which our people will be allowed to work in this Province. We will not allow them to work for less than \$3.75 right now, and it will be nearly \$4.00 an hour in January. We will not allow them to work for any less than that, because Clause 3 says that nobody can accept anything less than what is in this act. So, anyway, the recession came: We had an application before the Labour Standards Tribunal and the Labour Standards Tribunal said, no definitions in the act, there is ambiguity there. Now if there was no definition in the act one would think they would say termination means, 'termination', an end of something and therefore the act applied, not a layoff. Most people would say that but the Labour Standards Tribunal ruled that anything over seven days is a termination and, therefore, any layoff that came about in the Province over the past three, four or five years that was more than seven days was a termination, in their opinion. Now the hon. Leader of the Opposition (Mr. Barry) says, well, that may be overruled by the courts. Indeed he may be right, it may very well be overruled by the courts. Whether it is or is not we have to clear the act, we have to put the definitions in. Because we do not want laws that are ambiguous, that can be interpreted either way, we have to put the change in. Everybody agrees to that but the hon. member for Menihek (Mr. Fenwick). Most normal, reasonable people who look at it say, we agree with that, but the hon. member does not agree.

MR FENWICK:

On a point of order, Mr. Speaker.

MR. CHAIRMAN (Aylward):

On a point of order, the hon. the member for Menihek.

MR. DINN:

There he is, the great democratic gentleman. He does not know the rules, because he has not been successful in making a point of order yet.

MR. FENWICK:

The speaker was referring to me when casting aspersions on normal, intelligent people and I think that those are certainly untoward comments and unworthy of the House. I am not sure what rule it would come under, but I took exception to those.

MR. DINN:

Mr. Speaker, if I offended the hon. gentleman I withdraw it, because I want to get on to more important things.

MR. CHAIRMAN:

Order, please!

The point of order is taken care of. The hon. minister withdraws.

The hon. the Minister of Labour.

MR. DINN:

Mr. Chairman, the fact of the matter is that the hon. the member for Menihek (Mr. Fenwick) is the only gentleman in Newfoundland who disagrees with putting these definitions in the act. Is that fair enough?

MR. DOYLE:

No.

MR. DINN:

It is not fair?

MR. DOYLE:

No, he is the only one in the House.

MR. DINN:

Mr. Chairman, the President of the Federation of Labour agrees that they should go in. He was on public radio this morning making a display of himself and I think I handled him as well as I am going to handle the hon. gentleman. Any time that I cannot get up and speak freely in this House, without the interruptions that we have seen here tonight - as I say, out of twenty-two hours we have spoken for an hour and a quarter. We explained the bill and I am explaining it now. We are into Clause 1 now. We have an amendment and the amendment takes Clauses 1, 3 and 4 and puts them together into one because we need them retroactively. We have Clause 2 of the bill, the hon. member can take it up and have a look at it, which does not need to be retroactive so we are not going to make it retroactive. Everybody understands that. So we had all these bills, we put them all together and we left out a definition so we say we have to change that. Now why do we have to change it? Because this ambiguity is there. And what could happen if the courts say that they uphold the ruling of the Labour Standards Tribunal? Well, it does not matter to the hon. the Leader of the Opposition (Mr. Barry), but I will tell you what could happen. What could happen is that in the mining industry any layoffs of over seven days that have occurred over the past five or six years can be ruled this way and it could cost millions of dollars. The hon. member for Menihek (Mr. Fenwick) agrees with that. He knows that. In the Wabush Mines case it is something like \$750,000, but I do not think the total computation is done right now. Baie Verte mines had a problem and they went to

their workers and said, 'Employees, we do not know what is going to happen here, we do not know how the Labour Standards Tribunal is going to react or how they are going to rule, but we have a problem. We have to close down because we cannot sell our product. And the miners down in Baie Verte, good, loyal, Christian Newfoundlanders in Baie Verte said to their employer, 'Look, you are trying to make a success of this operation.'

MR. CHAIRMAN (Mr. Aylward):  
Order, please!

I am sorry to have to interrupt the hon. member, but we did check the tapes and we find that at present there are two motions on the floor. It was not proper that the motion that the House resolve itself into Committee be put. The motion on the floor on Standing Order 50 was put but was not voted on, so I have to rise the Committee.

MR. SPEAKER (Russell):  
The hon. the member for Kilbride.

MR. AYLWARD:  
Mr. Speaker, I rise the Committee to report that it has been brought to my attention that there are two motions on the floor, and ask leave to sit again.

MR. SPEAKER:  
The Chairman of the Committee reports that there are two motions on the floor. Since the closure motion was not put, that is the motion before the Chair at the present time.

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

MR. SPEAKER:  
Order, please!

The motion before the Chair is that the debate not be further adjourned and it is not a debatable motion.

MR. NEARY:  
I am not debating it, Mr. Speaker, I am just raising a point of order.

DR. COLLINS:  
The question is put. You cannot do it.

MR. NEARY:  
Look, Mr. Speaker, we are not in Nazi Germany or in Mussolini's Italy.

MR. SPEAKER:  
Order, please!

MR. NEARY:  
Mr. Speaker, the point of order I am making is that it is not correct to take the vote after the fact. We went into Committee of the Whole illegally. Now, does Your Honour turn back the clock because we were in Committee of the Whole when we were not supposed to be there? Do we turn back the clock a half hour? What do we do with the debate that has already taken place? Is it right to take the vote after the fact, or is the whole procedure completely out of order, Mr. Speaker?

MR. SPEAKER:  
Order, please!

The procedure is in order. All those in favour of the motion 'Aye', those against 'Nay'. The motion is carried.

MR. NEARY:  
Divide, Mr. Speaker.

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

Division

MR. SPEAKER (Russell):

The ten minutes has expired. I shall now put the motion. The motion is that under Standing Order 50 the debate not be further adjourned.

Those in favour of the motion please stand:

The hon. the Premier, the hon. the Minister of Rural, Agricultural and Northern Development (Mr. Goudie), the hon. the Minister of Career Development and Advanced Studies (Mr. Power), the hon. the Minister of Health (Dr. Twomey), the hon. the Minister of Finance (Dr. Collins), the hon. the Minister of Justice (Mr. Ottenheimer), the hon. the President of the Council (Mr. Marshall), Dr. McNicholas, the hon. the Minister of Culture, Recreation and Youth (Mr. Rideout), the hon. the Minister of Municipal Affairs (Mr. Doyle), the hon. the Minister of Labour (Mr. Dinn), Mr. Barrett, the hon. the Minister of Social Services (Mr. Hickey), the hon. the Minister of Public Works and Services (Mr. Young), the hon. the Minister of Consumer Affairs and Communications (Mrs. Newhook), the hon. the Minister of Environment (Mr. Andrews), Mr. Baird, Mr. Peach, Mr. Tobin, Mr. Aylward, Mrs. Reid, Mr. Hearn, Mr. Patterson, Mr. Matthews, Mr. Butt, Mr. Osmond.

MR. SPEAKER:

Those against the motion please stand:

The hon. the Leader of the Opposition (Mr. Barry), Mr. Callan, Mr. Neary, Mr. Tulk, Mr. Hiscock, Mr. Warren, Mr. Fenwick.

MR. SPEAKER (Russell):

There are twenty-six for and seven against.

The motion is carried.

On motion, that the House resolve itself into Committee of the Whole to consider Bill No. 37, Mr. Speaker left the Chair.

Committee of the Whole

MR. CHAIRMAN (Aylward):

Order, please!

We are, this time, operating under Standing Order 50 and each member has twenty minutes to speak.

The hon. the Minister of Labour and Manpower.

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

Mr. Chairman.

MR. TULK:

On a point of order, Mr. Chairman.

MR. CHAIRMAN:

Order, please!

The hon. the member for Fogo, on a point of order.

MR. TULK:

Mr. Chairman, the Minister of Labour and Manpower (Mr. Dinn) has spoken for a length of time. He has been given what some people consider an unfair advantage in this House in that he was allowed to speak in a debate that should never have taken place.

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:



Order, please!

MR. TULK:

I just want clarification, Mr. Chairman, because, to be quite frank with you, I would like the Minister of Labour and Manpower to speak for an hour and a half so he can continue to make a fool of himself, but I would like clarification as to whether the Minister of Labour and Manpower has twenty minutes or whether the time he used speaking in the previous debate has to be deducted from his twenty minutes?

MR. MARSHALL:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

To that point of order, the hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, it seems to me that the most appropriate time for the hon. gentleman to rise would be at such a time as he thought the hon. Minister of Labour and Manpower's time had elapsed. What he is doing is asking the Chair a hypothetical question. Now, you do not ask the Chair hypothetical questions, but if the Chair wishes to answer I would just put to Your Honour that the hon. gentleman has not spoken because the proceedings were ruled a nullity.

MR. BARRY:

It is in Hansard.

MR. CHAIRMAN (Aylward):

Order, please!

To the point of order raised by the hon. the member for Fogo (Mr. Tulk), because there was a procedural problem when we were in Committee the last time, that part of the proceedings is not

recognized. So we start the Committee once again under Standing Order 50 and each member has twenty minutes.

The hon. the Minister of Labour and Manpower.

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

Twenty minutes, Mr. Chairman, that is all I need. I can demolish most of the arguments that have been presented tonight, and for the past twenty-two hours, in twenty minutes. Mr. Chairman, basically what we were talking about here before my legs were cut out from underneath me, was this ambiguity.

All last week hon. members opposite were screaming at the Premier and saying, 'What proof have you got that Kruger will not move into Newfoundland?' And the Premier said, honestly, 'Well, I do not really know, Mr. Speaker, if I have proof that Kruger will or will not move into Newfoundland, I will have to check.' So because of hon. members opposite prodding, the Premier said, 'Okay, I will have to get in touch with Kruger and find out.' He got in touch with Kruger and he found out and now, all of a sudden, it is not fair, it is not fair to find out. So we do know one thing, we know that if we do not put these amendments in the Labour Standards Act that Corner Brook could virtually be a ghost town. Does that phase the Opposition? The lost of 2,000 or 3,000 jobs, does that phase them at all? Not in the least. They do not care, Mr. Chairman, if you close down Corner Brook, they do not care if you close down the Burin Peninsula, they do not care if you close down Grand Falls,

they do not care if you close down Baie Verte as long as they make their political hay. Well, Mr. Chairman, they do not have much more time to make political hay in this Province, because I intend, Mr. Chairman, and every member on this side of the House intends, to tell the people of Newfoundland what happened in this House of Assembly for the past ten days. There are people who are getting the word now; they got it this morning on CBC radio, they got it last night on On Camera, and they will get it from now on, Mr. Chairman, until the people in Newfoundland decide who is working on behalf of the people of this Province. We do not want to close down Corner Brook, we want to make sure that Corner Brook stays open. We want to make sure that not only does it stay open, Mr. Chairman, we want to make sure that it is a viable industry for the next one hundred years. And it is not only Corner Brook, Mr. Chairman, it is Baie Verte, it is Wabush Mines, it is the Iron Ore Company of Canada, it is the fishery.

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN (Aylward):

Order please!

MR. DINN:

It is the small fish plants, twenty small fish plants that I have just looked at. Now, Mr. Chairman, what kind of proof -

MR. TULK:

You were stunned then and you are stunned now.

MR. DINN:

Now we have the incredible Tulk from Fogo interrupting, Mr. Chairman, which he is not allowed

to do, it is against the rules of this House. I know all hon. members on this side recognize what the rules are, but the hon. the Opposition House Leader (Mr. Tulk) apparently does not know the rules. There are only a few rules, Mr. Chairman, and he does not know them yet. Mr. Chairman, I call for the hon. the member for Port au Port (Mr. Hodder) to go take his rightful place as the Opposition House Leader and do a better job than the hon. member who is there right now.

So, Mr. Chairman, they wanted proof and we got proof. Was that any good? No. Close down Corner Brook, they do not care about that; close down the fish plants, they do not care about them; close down the mining industry, they do not care about that; close down any industry that has had a closedown of more than seven days over the past three or four or five years, close them down because we do not need them. About two weeks ago they got up in this House of Assembly and they asked, 'What is the government doing about unemployment in this Province? We have a 20 per cent unemployment rate, what is the government doing?' The hon. the Minister of Social Services got up and outlined the \$23 million he is spending this year to try to get people back into the work force.

Now here we have the incredible member for Fogo (Mr. Tulk) interrupting again, breaking the rules of the House. By the way, there are a couple of new members in the House. The hon. the member for Menihek (Mr. Fenwick) is a new member in the House and does not quite know the rules and he may get the impression that what the hon. member for Fogo is doing is within the rules. I want to inform him, as well as the general

public of Newfoundland, that that is totally outside the rules. As a matter of fact, most of the things that happened in this House this night have been totally outside the rules; points of privilege that were not points of privilege, points of order that were not points of order, delaying tactics, filibustering, Mr. Chairman.

MR. HODDER:

Especially closure.

MR. DINN:

To me, closure is within the rules, it happens to be under Standing Order 50. It is Standing Order 50, for the benefit of hon. members opposite, Mr. Chairman. And why did we bring in closure? Because we have had twenty-two hours when members opposite said to us and said to the people of this Province, 'We do not care. We do not care about the Burin Peninsula and the fish plants, we do not care about the twenty or thirty other small fish plants which are in the same position.' Mr. Chairman, over the past three or four years these fish plants have been coming to us for loan guarantees so that they can operate throughout the fishing season, and here is a list of them which the hon. the Premier just passed me. They do not care about Aqua Fisheries, they do not care about Atlantic Fisheries, they do care about Bay Bulls Sea Products, they do not care about Bay St. George Fisheries. Where is the hon. member for Port au Port (Mr. Hodder) now? They do not care about Bell Isle Seafoods, they do not care about Cape Pine Limited, they do not care about Eastern Ocean Products, they do not care about Fogo Island Co-operative, they do not care about anything. Close her down, that is what they

want to do with this Province. Well, Mr. Chairman, we have gone through traumas in this Province; we went through a trauma when we had to close Stephenville. That linerboard mill that never could work, another Liberal dream, when that closed it was a very traumatic situation in this Province.

Well, Mr. Chairman, we got an indication three years ago and the people of Corner Brook got the same indication three years ago, that there was a possibility that Corner Brook could close down. But we did not give up the ship, we did not throw in the towel, we went to every highway and byway, we sent out to every company in the world, 150-odd companies, to find out if they were interested in coming to Corner Brook.

PREMIER PECKFORD:

Bowater could not do it themselves.

MR. DINN:

Bowater, one of the biggest corporations in the newsprint industry in the world could not do it. Mr. Chairman, thank God that we were the lucky enough, and I say this for hon. members opposite because I do not believe they know what they are trying to do here, thank God we got a company to come in here to put a financing package together of \$200 million to refurbish that mill so that Corner Brook survives. And I say Thank God because things were looking a little bit bleak.

People were talking about six or seven other companies that made offers. There were no six or seven companies with anything tangible on the table, there was one, a company that was willing to put a \$200 million financing package together to save a town,

the second city in Newfoundland.

And, Mr. Chairman, what did we see here this week? It makes me sick when I see the hon. member who served with me for several years, who got elected as a PC, whom I was proud to sit beside sometimes, because I gave him credit for more intelligence than he has, willing to stand in this House and delay this bill forever, if he could, and close down the City of Corner Brook. That is what it would do, because that is what Kruger said. The hon. the Leader of the Opposition (Mr. Barry) asked what proof we had, had the Premier any proof that that would happen? The Premier went out and got proof and now what does he do? Now that he has the proof, he wants to shoot the messenger, Mr. Chairman.

MR. BARRY:

What is the proof?

MR. DINN:

The proof is the letter. Kruger says, and that is not the only liability we got, there are \$27 million worth of liabilities. I was on T.V. a night or so ago with the Leader of the Newfoundland Association of Public Employees and he asked me, 'Are you aware that St. Clare's Hospital owes its employees a couple of hundred thousand dollars?' I said, 'No.' That is not included in the \$27 million. I just did a cursory review of what could happen to this Province. I just went out and checked some of the things that I knew. I did not check St. Clare's Hospital. I did not check every fish company. I just checked a few of them and it is \$27 million - I never checked Abitibi Price, Mr. Premier. I hope you do not fire me for that, but I did not -

\$27 millions of dollars for what? An ambiguity in the law. Are we changing anything here? Are we doping something that is new here? The hon. the Leader of the Opposition (Mr. Barry) said 'retroactivity, we never do that. It has never been done in the history of Newfoundland,' when I stood up in this House in 1981 and made something retroactive so that the families of those who were lost on the Ocean Ranger could be looked after with workers' compensation; retroactivity to look after the people of this Province when it had never been done before in the history of parliamentary procedure.

MR. BARRY:

By leave! By leave!

MR. DINN:

By leave! My eye, by leave! When this government says we are going to do it, we are going to do it. And we are going to save Corner Brook, and we are going to save the fishing industry in this Province, let me tell you, whether you like it or not, and neither that gentleman there, nor that gentleman there, nor that gentleman there is going to stop us. Yes, we will bring in closure to save Corner Brook, we will bring in closure to save Baie Verte, and we will bring in closure to save the fishing industry of this Province.

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

Why? Because we need to do it. Because we care for the people of this Province. We are not going to filibuster. This is not a political game we are playing. We are playing with the lives of thousands of people here, with the

jobs of thousands of people, and whether you care or not, there is a majority on this side who do. And, yes, when that clock hits 2:00 a.m. you will vote. And I will be watching the way you vote, because I am going to tell every man-Jack, every person in Corner Brook if I get a chance. I am going to go out and say, 'Look, we tried to save this city and do you know what happened? Just in case in the next election something happens and you start to think that maybe you will vote somewhere else, you just think about what happened in the House of Assembly in this Province in this December. You just think about it. You just think about it.

A linerboard mill that was dead, that was rejuvenated and is now a newsprint mill that is working.

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

The member for Stephenville (Mr. Stagg) is here, living proof of what happened out in Stephenville when that linerboard mill closed. And I was here, I was in this Province, I was in this House of Assembly when that decision had to be made. The last year of that operation it was going to cost, I believe, \$50 million to keep that thing open. It could never work. It was a wild dream, that is what it was. And what did we do? We did the same thing as we did here, we went out and we found Abitibi-Price, a good corporate citizen, one of the best corporate citizens in Canada today.

MR. STAGG:

With great labour/management relations.

MR. DINN:

Great labour/management relations. We got them into this Province and now we have a success in Stephenville. And we are going to see the same despite what hon. members opposite think or do, we are going to see the same in Corner Brook, we are going to see the same in the fisheries. We are on our way back now. The hon. the Leader of the Opposition (Mr. Barry) makes light of the offshore oil and gas agreement that we have with the federal government.

Well, the hon. the Leader of the Opposition, I do not know if the hon. member knows, he was Minister of Energy for five years and I do not think he even got an audience. He said, let me go and negotiate with Quebec, but the minister up in Quebec would not talk to him.

MR. DINN:

He said, I am going to leave here now because the Premier cannot negotiate. The Premier cannot negotiate! Who could negotiate with Chretien and Trudeau and that crowd, when they tried to rip everything out of us. They have been doing it for years and they tried it again. And the hon. Leader of the Opposition (Mr. Barry) agreed. He said, 'Here is the Chretien deal. I agree with it. Why do you not sign that deal? That is a good deal.' Well, if it was so good, why does Nova Scotia want our deal?

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

They got the Chretien deal.

MR. STAGG:

Yes, yes. Sandy Cameron is living proof.

MR. DINN:

The people of Newfoundland are going to be asking that question pretty soon.

MR. STAGG:

Sandy Cameron is living proof.

MR. DINN:

Yes, Sandy Cameron is living proof.

Well, Mr. Chairman, we are going to make a little amendment to the Labour Standards Act, not a biggy, but it is going to save thousands of jobs, I can assure hon. members opposite.

MR. STAGG:

And we are going to shove her through.

MR. DINN:

And we are going to shove her through despite what is going on over there. People who are present here this evening saw what went on. We have been debating this now for twenty-two hours. We spoke on this side of the House, I said the same thing before, for about an hour and a quarter or an hour and a half, and the rest of the time has been taken up by members opposite filibustering: foolish points of privilege, breaches of order of the House, they have tried to make it into a bear pit, Mr. Chairman, they have tried to just about destroy what democracy we have in this Province. Well, Mr. Chairman, do you know something? There is wisdom out there in the crowd. I was on On Camera and I think I got about thirty calls after that. After I was on CBC this morning, I think I got about thirty or forty calls. When I go to my office tomorrow morning I have to return thirty or forty calls. I heard from my secretary about five or six o'clock that

people were saying, "Thank God, 'Jerry', we eventually got somebody to stand up. Eventually we got somebody to stand up."

MR. WARREN:

They were not from Labrador City.

MR. DINN:

They were not from Labrador City. They were not from Labrador City.

MR. WARREN:

That is right.

MR. DINN:

Fuzzy Cupid is chiming in now, and he is just like the rest of them over there, he could not care less about what is going on about the jobs of the people of this Province. He could not care less and now he is breaking the rules. There are two types of ignorance. When a person knows something is wrong but he or she still does it, that is one type of ignorance, the other type is the person, whom we all know is unfortunate, who just do not know. I do not know which category the hon. member fits in, but he certainly fits in one of them.

Now, Mr. Chairman, I only have another minute or so left but I think I have said enough for hon. members opposite to think about it a little while and do justice for once in their lives to the people of this Province, to save the jobs of the people of this Province. They have taken this tack many times and they have gone from 39 seats to a rump, and if they do not start standing up for the people of this Province in the very near future I can just visualize them not even having a rump over there. As a matter of fact, the hon. member for Menihek (Mr. Fenwick) and Mr. Cashin and a couple of them might get a seat,

but they will not get a Liberal elected in Newfoundland and Labrador, and maybe, thank God, they will not.

Mr. Chairman, I will wait with bated breath for hon. members opposite to beat that one. Thank you, very much.

SOME HON. MEMBERS:

Hear, hear!

MR. CHAIRMAN (Aylward):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, perhaps the worst point that has been raised against government in this entire debate has been the point that was sent in by the workers at Baie Verte when they pointed out that if it were necessary to bring about an amendment to labour standards legislation, if there was a situation where the jobs of workers were threatened, then surely the first thing that any democratic government, any fair-thinking government, any government concerned with the rights of workers would do would be to consult with those workers.

The workers of Baie Verte pointed out that there had been no such consultation, just as Mr. Kelly pointed out, in the case of the joint mill unions at Corner Brook, that there was no consultation with those unions, with those workers. There has been no consultation, Mr. Chairman, with the Fishermen's Union, with the employees of Fishery Products International. Mr. Chairman, the interesting thing is that members opposite did not make the slightest attempt to consult with any of the workers who would be affected by this legislation.

Now, Mr. Chairman, I would like to read out another excerpt from Hansard that the Government House Leader (Mr. Marshall) read into the record, December 4, 1984, when I raised the question about government drawing a deadline on debate. Here is the Government House Leader's statement: "No, there is no deadline because I want to make it perfectly clear it has never been the intention of this government to invoke closure," that Mr. Chairman, despite the comments by the Minister of Labour and Manpower (Mr. Dinn) on the very first day that debate started in this House, before the minister made that comment, that in fact closure was intended. And we see tonight the result, that it had been the intent, the perfidious intent of this government all along to have closure invoked.

Now I would like to refer back to a little earlier in the history of the Government House Leader, when he was sitting on this side of the House, Mr. Chairman. What do you think the Government House Leader had to say about closure when it was brought in on March 31, 1981?

MR. STAGG:

'81?

MR. BARRY:

1971, I am sorry. Thank you. Keep me on track there, the member for Stephenville (Mr. Stagg). What did the Government House Leader have to say at that point in time? Did he get up and compliment government for being so efficient in the operation of the House of Assembly? Here is the Government House Leader who was then a member of the Opposition, April 1, 1971.

MR. HODDER:

What was his name?

MR. BARRY:

Mr. Marshall is in Hansard here.

MR. HODDER:

That is not the same one who is over there?

MR. BARRY:

I think it must be.

MR. TULK:

The member for St. John East?

MR. BARRY:

It does not say in Hansard. However, he is very concerned about money bills, so I think it must be the same man.

MR. TULK:

Oh how they change their colours.

MR. BARRY:

He says, "It certainly need not be, and certainly the people of the Province and the minority on the other side, the ever growing minority on the other side," listen to this "were denied their rights in a disastrous manner that has never to my knowledge been evident in modern times in any kind of democratic government. A denial of rights contrary to democratic government, Mr. Speaker, talking about closure."

MR. STAGG:

Mr. Chairman, this is a denial of wrongs.

MR. BARRY:

Mr. Chairman, I am going to take a moment and speak about the Nuremberg war trials and, Mr. Chairman, you may wonder about the relevancy of that to this bill. Now, I am going to point out the relevancy of the Nuremberg war trials to this bill.

MR. PATTERSON:

Ah, boy, you are cracking up. Do not be talking about things you know nothing about.

Mr. Chairman, when the allies had won the war in Germany and they had arrested a number of these people who had been involved in the worst kind of atrocities -

MR. PATTERSON:

And that is what you are defending?

MR. BARRY:

Almost as bad as the atrocities the member for Placentia (Mr. Patterson) has been perpetrating on his constituents since his election, but they were atrocities of positive action rather than the atrocities of neglect that the member for Placentia (Mr. Patterson) has been involved in. These people who were arrested by the Allies after the second world war had been involved in certain atrocities and it was the consensus of the Allies that these people should be punished. Now, there was only one problem, Mr. Chairman: Under what law were these individuals to be punished?

MR. STAGG:

Relevance, Mr. Chairman.

MR. BAIRD:

I am sure the people of Corner Brook would be interested in what you are saying tonight.

MR. BARRY:

If I could just have a moment, Mr. Chairman, it will become highly relevant. The people of Corner Brook would be very interested in hearing what their member from Humber West (Mr. Baird) has to say, because he has not spoken in this debate and, as a matter of fact, the number of times he has spoken in this House you can count



on one hand.

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

Now, Mr. Chairman, if we could have a little quiet here we could point out the relevancy of the Nuremberg war trials. You see, these people had been involved in atrocities and the consensus was that they should be punished. The problem was, under what law were they to be punished. And there was one very specific example: Not only was there no law in one particular case, there was one woman who acted under a statute of the Nazi regime, a statute which provided a reward of \$500, or Deutsche marks, to whomever would inform on any enemies of the Nazi regime. This lady informed upon certain of her neighbours and -

MR. STAGG:

On a point of order, Mr. Chairman.

MR. CHAIRMAN (McNicholas):

The hon. the member for Stephenville on a point of order.

MR. STAGG:

Although the hon. gentleman is walking around with bullets in his pocket, I must inform the hon. member that the war is over and has been over for some time and these stories are completely irrelevant.

MR. CHAIRMAN:

To that point of order I rule the hon. the Leader of the Opposition (Mr. Barry) is straying from this particular amendment.

MR. BARRY:

I am coming to the point, Your Honour.

I am glad to know that the member

for Stephenville (Mr. Stagg) knows the war is over, because most of the others still do not.

The point is that this lady had informed upon her neighbours who were arrested by the Nazi regime and were shot.

MR. STAGG:

And they cut her hair off.

MR. BARRY:

No, much more serious. Do you know what they did? The only way that they could punish this lady, because not only had she not broken any law, she had responded to a law that was in place in Nazi Germany at the time, she had responded to the Nazi law and she received a reward and praise, a medal, do you know what they did, Mr. Chairman? The only way that this lady could be punished, and the only way that many of the Nazi war criminals could be punished, was to pass laws in 1945 - 1946 retroactive to the beginning of the war. And do you know, Mr. Chairman, that despite the fact that there was almost unanimous consensus amongst the legal scholars of the day, all the judges and the lawyers who were called upon to go to Nuremberg to become involved in these war trials, that debate raged for decades as to whether the punishments inflicted -

MR. PATTERSON:

What has that got to do with the folks in Corner Brook? Deal with the issue. You are living in the past.

MR. BARRY:

Not only is he a rude ignoramus, he is speaking from the wrong seat. Mr. Chairman, could we have a little quiet?

MR. CHAIRMAN (McNicholas):  
Order, please!

MR. BARRY:  
Now, Mr. Chairman, for a number of decades the debate raged as to whether the people who were convicted at Nuremberg -

SOME HON. MEMBERS:  
Oh, oh!

MR. BARRY:  
Mr. Chairman, it is becoming a little difficult now. The House is becoming a farce. There is one farce leaving, maybe a few others should leave.

MR. CHAIRMAN:  
Order, please! Order, please!

The hon. the Leader of the Opposition (Mr. Barry) has asked for silence and I would ask hon. members to respect that request.

The hon. the Leader of the Opposition.

MR. BARRY:  
Mr. Chairman, the debate raged for a number of decades as to whether these people who were punished at Nuremberg were actually being punished under law. There have been many articles written, many seminars and many conferences to deal with the question of whether legislation which was brought in to try and cover conduct which took place years before legislation was enacted is recognized amongst civilized nations of the world as something that should be considered law. Mr. Chairman, I have to say to you that that debate is still going on, that debate has still not been resolved as to whether this type of outrageous action where a government attempts to modify the statutes which were in effect at

the time that a particular activity occurred, whether that should be given the dignity of being described as law.

Mr. Chairman, I refer you to a book called *The Morality of Law*, by Professor Lon L. Fuller, who was a Professor of Law at Harvard University, I think, for much of his life, a very famous lawyer in the United States. He points out that, in fact, under the Constitution of the United States there is a clause there, article 1, section 9, which provides that no bill of attainder or ex post facto law shall be passed by the Congress. Now, naturally we are not bound by that Constitution, however, Mr. Chairman, we, as I pointed out earlier in this debate, now have a new Constitution in this country and there is a very real question as to whether this legislation will stand up to the scrutiny of the courts in this country in light of the Constitution which now exists. In fact, the very action of closure may run contrary to the new Constitution of Canada and if we had the time, Mr. Chairman, we would have to - and maybe we will take a look at that over the next few days - take a look at whether Standing Order 50 is any longer consistent with the provisions of the Constitution of Canada which provides not just for freedom of speech but also has certain things to say about the parliamentary institutions of this country. Mr. Chairman, I have very real doubts as whether this odious closure motion will stand up under the light of scrutiny once it is tested under the new constitution. Now, Mr. Chairman, Professor Fuller had a few things to say about retroactive law. He used the term, 'A retroactive law is truly a monstrosity. Law has

to do with the governance of human conduct by rules, and to speak of governing or directing conduct today by rules that will be inacted tomorrow is to talk in blank prose. To ask how we should appraise an imaginary legal system consisting exclusively of laws that are retroactive and retroactive only, is like asking how much air pressure there is in a perfect vacuum.'

Now, Mr. Chairman, I am going to end my remarks in a few minutes. I have had my notice from Your Honour that I am running out of time, but I would like to refer to John Austin, another acknowledged philosopher and legal scholar. His definition of law was that law is a command to which a sanction is attached and he says, 'Injury or wrong supposes unlawful intention or one of those modes of unlawful inadvertence which are styled negligence, heedlessness and rashness, for unless the party knew that he was violating his duty, or unless he might have known that he was violating his duty, the sanction could not operate at the moment of wrong to the end of impelling him to obey the command.' And what he is pointing out is that it is total nonsense to talk about law as involving a sanction or a command or having a moral imperative, and it is complete nonsense to talk about the statutes of a country being deserving of respect from their citizens if, Mr. Chairman, they can be changed at any time retroactively. It totally undermines, Mr. Chairman, the very foundation and structure of the law, it undermines the notion of morality which is inherent in the law, it underlines the notion of law being a command from the sovereign incorporating certain values which should be observed,

because, Mr. Chairman, at any particular point in time, if retroactive legislation is the order of the day, all citizens look at a statute and say, 'What be this piece of paper which can be changed tomorrow to affect my conduct today?'

DR. COLLINS:

This is not changing the law.

MR. BARRY:

This is not changing the law? No! No! Now, there is a member who has been in this House of Assembly since 1979 and he is saying that he is going to pass a statute in this House of Assembly and he is not going to change the law. Now, how can we get up here and debate with that type of mentality coming across? How can we debate? We are here to do what? We are here to pass a statute for what reason if not to change the law? The mind boggles at the denseness, Mr. Chairman. But the point of the matter is that for this House, this government to encourage retroactive legislation is to tamper with the very foundation of our legal system, it is to bring the law into disrepute, it is to remove that respect which all citizens should have for the law, it is to create uncertainty on the part of the citizens of this country with respect -

DR. COLLINS:

Good theoretical arguments.

MR. BARRY:

Good theoretical arguments, Mr. Chairman, and the hon. minister better believe it. Mr. Chairman, it is repugnant legislation and should not be passed.

MR. CHAIRMAN (Dr. McNicholas):

The hon. the Premier.

PREMIER PECKFORD:

Mr. Chairman, I did not intend to participate in this debate yet, I wished to listen carefully to what the Leader of the Opposition (Mr. Barry) had to say, but I think, perhaps, when I am finished we will see the difference between two hon. gentlemen in the sense that one is a theoretician who wishes to apply the theory regardless of the circumstance as opposed to a realist who tries to take the theory and where possible apply it. But where circumstances dictate in human affairs certain conditions which theory cannot cover, therefore, one has to consider it somewhat differently. It is like talking about the concept of freedom, what a wonderful concept freedom is. If you take it in its theory to its logical conclusion, I suppose, we would all be running around the earth doing everything we wanted to do at our own speed, in our own time, without any laws, without any regulations at all. I guess, Mr. Chairman, we could talk about the concept of peace, the intellectual concept of peace and yet we have war all around us. And there is not one in this Assembly, Mr. Chairman, tonight who would argue against the concept of peace, but, by the same token, Mr. Chairman, I bet you there is not one person in this Assembly who, under certain conditions, would go to war. It is a wonderful theoretical dissertation that the Leader of the Opposition (Mr. Barry) gives, but it ignores reality, it ignores human events, it tries to paint some kind of theoretically perfect picture, and that every single human activity is somehow going to fit within that great theoretical mold regardless that we are imperfect, regardless of a circumstance which changes from

time to time. Mr. Chairman, laws get changed because circumstances change. That is why from time to time things are amended not only in law but in every other way. In our own human conduct that is why things change, they do not remain the same. And so to use that kind of theory, the theory of the law that somehow retroactivity under all circumstances is abhorrent, is just as arrogant in its way as when retroactivity is used unjustifiably. That is a very, very pompous concept, that you can suddenly take a theory and apply it for all times to all circumstances no matter how much change takes place in the meantime. I mean, what a way to try to govern a Province, or govern human beings, or human conduct, or to enact law, that you just take this theory and because in its void away from human events it has a consistency intellectually about it that then it has to be applied for all time regardless of the circumstances that might ensue and changes that might occur. That just does not, Mr. Chairman, make sense.

So the Leader of the Opposition (Mr. Barry) is not dealing, therefore, in the real world. The real world happens to be, as the Minister of Labour and Manpower (Mr. Dinn) put it, the real world is that from 1980-81 to 1984 this Province has gone through very difficult times economically, and nobody can doubt it, economic times that were beyond our control, beyond any theory that everything is going to work out okay, beyond the theory that the economics are just going to work out because I have an economic theory which says it is supposed to work out. Well, it did not work out and we have seen massive layoffs in Labrador City, we have

seen a fishery, especially the offshore fishery, which is in deep, deep trouble, as I said the other night in this House, Mr. Chairman. The Lake group of companies went bankrupt, Fisheries Products Limited went bankrupt, North Atlantic Fisheries went bankrupt. A conglomerate was formed. Even though I disagree with the way it was done and the concept, we got the best deal that we could out of a bad situation, and we have this new company that has already had injected into it well over \$100 million and it is going to need tens and tens of millions more and then a trial period of five to eight years to see if it can work. I think it will work if we can get the right people there.

In the forest industry you have the same thing. As I said the other night, even with Grand Falls and Stephenville, I guess if you took a poll today in Newfoundland, Mr. Chairman, if asked the question: 'Is the Grand Falls mill making money?' the majority of people, 70 per cent I bet you, would answer 'yes'. 'Is the Stephenville mill making money?' I bet you the answer would come back, 70 per cent, 'yes'. The reality is they are not.

SOME HON. MEMBERS:

Oh, oh!

PREMIER PECKFORD:

No! No, they are not!

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN (Aylward):

Order, please! Order, please!

PREMIER PECKFORD:

Mr. Chairman, may I have the same silence that I afforded the

Opposition? I do not think I said a word.

MR. CHAIRMAN:

Order, please! Order, please!

AN HON. MEMBER:

(Inaudible) bogeyman.

PREMIER PECKFORD:

No, there is no bogeyman, it is just a question of economics, Mr. Chairman.

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN (Aylward):

Order, please!

PREMIER PECKFORD:

May I have the floor?

MR. CHAIRMAN:

Order, please! Order, please!

PREMIER PECKFORD:

So you have a situation which defies the theory that the Leader of the Opposition (Mr. Barry) is talking about. Now, do you just apply some weird, beautiful concept to this kind of economic plight that we find ourselves in? Do you do nothing about it, Mr. Chairman?

Let us look at the situation as it relates to this legislation. As the Minister of Labour and Manpower (Mr. Dinn) said, there was the combination of three bills and the word 'termination' was used in the bill, 'terminate', and Webster says 'terminate' means to end, to put an end to, full stop. And do you know, Mr. Chairman, what is so insidious about all this? Just about everybody in the Province at the time and since knew, the unions included, that that meant 'permanent'. And it is a strange quirk of reality to the

Leader of the Opposition (Mr. Barry) and to other people who think like he does, Mr. Chairman, that the unions themselves in all their negotiations and collective agreements do not have a sixteen week notice for an eight day layoff, not one of them, because they know it is unreasonable. It is not reasonable. And none of the unions right on through during the recession appealed that now so-called ambiguity that is there because the Labour Tribunal happened to rule that, the meaning of 'terminate' notwithstanding, the differentiation between temporary and permanent is not made clear enough for us and therefore, we have to rule with Wabush union that really, all temporary layoffs should be treated like permanent layoffs, and therefore you should give a sixteen week notice for an eight day layoff. But everybody knows what the intent was, the spirit of that legislation. Everybody knows what the spirit and intent of that legislation was. And even if the spirit and intent were not there, and even if the word 'terminate' was not there, everybody knows that the concept is unreasonable.

Now, then, Mr. Chairman, you look at the particular situations that we find ourselves in. You find a Fishery Products International, made out of three bankrupt companies, already had over \$100 million put in it and it is going to need tens of millions of dollars more, suddenly, because of this Labour Tribunal ruling which everybody knows the act did not mean at the time - everybody knew that, and no union leader has ever tried to get that much in any of their own collective agreements - needing all this extra money, and suddenly, because of this quirk of interpretation in the legislation,

they could be liable for millions and millions more dollars, a company that has not even got off the ground yet, because of something that everybody knows was not really there. And you find a forest industry with two mills losing money but staying open because they think they can pull themselves up and out of the recession and make some money in a few years time, but Abitibi-Price could also be liable for millions of dollars at a time when they are already losing money. All the small fish plants around the Province, Mr. Chairman, we have not even begun to determine how much it would cost them. As the Minister of Labour (Mr. Dinn) outlined, we have \$29 million in guaranteed loans out to twenty-nine different small fish plants in Bay Bulls, in Hant's Harbour, all over the Province which, if this legislation is not clarified, could be liable for hundreds of thousands of dollars; and they do not have the money, because if they had the money they would not have needed guaranteed loans from us, they cannot get the money from the bank without our guaranteed loan.

And then there is Corner Brook. I would not say, Mr. Chairman, there were very many people in this Province who thought, after Bowater tried for two years to sell that mill and polled all the people that they knew around the world and failed; and we had to persuade them that they failed and that perhaps we should get involved, that at that point in time we were going to be able to salvage the Corner Brook mill in the way that we have. And then to suddenly find out after we had gone through a fourteen or fifteen month process, laborious, torturous process of negotiating

with five or six or seven companies, and finding some not playing ball with us and going public, and having even Bowater for a long while, who were not eager to sign with Kruger, join forces with other companies even though they did not have the best bid in. And we insisted that we would not agree to a company coming in - and told Bowater - unless they were going to commit large sums of money to upgrade it. It is no good to save it for one or two years and see it go down the pipe again. It is one of the first times in the history of Newfoundland that an economic enterprise of this sort, after going down, will come back bigger and better than ever before.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

\$200 million committed. And they had to go to the banks, a consortium of the banks, the company putting up tens of millions of dollars, getting the banks to put up a few more tens of millions of dollars, the federal government putting up \$26 million, the provincial government putting up \$7 million in grants, a loan of up to \$11 million plus \$30 million more. If, for some strange reason down the road it goes bankrupt, we will have to pay \$30 million to the bank. That was the security they needed to loan the money in the first place to Kruger; and then to find that all of this might fall apart because another \$6 million or \$7 million or \$8 million might be needed because of this ambiguity or lack of clarification in the law as determined by the Labour Tribunal, when everybody in his right mind knew from 1977 until now that it really did not exist.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

So do you apply to the circumstances that you have appropriate policy, or do you ignore the reality of the situation that you have? - 20 per cent unemployment, 60,000 people out of work, trying to sign an offshore agreement to ensure that we get more jobs, so that we diversify our economy, so that we get more revenue.

We are going to have to build access roads - I forgot about that - another \$2 million in access roads in that agreement, took the sales tax off capital equipment, another several million saved -

DR. COLLINS:

Twelve million dollars.

PREMIER PECKFORD:

- \$12 million saved, to get Abitibi to start modernizing in Grand Falls and to give Kruger a chance to do it in Corner Brook. And the Opposition, day after day, are asking, 'What are you doing about unemployment?' That is the reality. Nobody intellectually, devoid of the reality, agrees with retroactivity. It is abhorrent. I have said it publicly I do not know how many times. I hate it, I detest it as a concept. But within the context of the realities of the economic circumstances that are in this Province, that overrides some intellectual theory in consistency.

SOME HON. MEMBERS:

You are wrong!

PREMIER PECKFORD:

I am not wrong. Now, may I continue?

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

PREMIER PECKFORD:

Mr. Chairman, it is for that reason and that reason only, not only because of Corner Brook, and the press do not seem to want to carry that, it is not only Corner Brook, it is Fishery Products International, it is Baie Verte Mines, which is so fragile it is not even funny, up one day, down the next, it is Wabush Mines, Mr. Chairman. We do not want to have a continual threat over our heads or over the heads of these industries which find themselves in trouble, let us get them out if we can. Let us get them out of their uncertainty and give them some stability so that we at least protect the jobs that we now have and then try to build on those jobs.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

Here we are, we are getting St. Lawrence going because we expropriated, to all intents and purposes. We gave Alcan five years to do something and they did not; we took it back and went out and marketed St. Lawrence and we are not only getting a mine there but a mill, for the first time in the history of St. Lawrence, to process the ore in Newfoundland for more jobs. Baie Verte is going, we are trying to keep all the small fish plants going with guaranteed loans, we are into the big fish company to try to make it viable to compete with the Scandinavians and protect the jobs we have and hope to build on them. We are changing the Burin plant into a secondary processing plant for the first time in the history of Newfoundland. We are

getting into major secondary processing to have a finished product go to the market; and then to try to diversify even further, for all the trades people and educated people who are coming out of our university who want to go into other fields. Our tradesmen, our construction industries - what? - 40 per cent or 50 per cent unemployment, we need to do something with that. We need to get more revenue into the province to do the infrastructure, so we have held out for five or six or seven years for an offshore agreement which will give us a chance. Can we have some say over development. so we will try to get a mode of development which will give us the most jobs for these tradesmen, and, as well, give us revenue so that we will not have to be a welfare recipient in Confederation for the rest of our lives

The offshore agreement, Mr. Chairman, may be the cap of Confederation that was missing. We have been in Confederation since 1949. It is now 1984, Mr. Chairman, and our per capita earned income has only moved from 49 per cent of the Canadian average to 51 per cent of the Canadian average. That is some feat for thirty or forty years. That is some feat to be proud of. So we need that extra revenue to not only finish all the social infrastructure around the Province but to inject some of it back into access roads, and inject some of it back into the fishery and uplift our people a little bit to have a higher income, to be proud Canadians and to be able to take their own place in Confederation.

But you have to look at the reality of the situation you have, and whilst you might



intellectually find it in its theory unacceptable, in its practice in a given circumstance as we do every day, as we do every day in our own individual lives, we amend to suit the circumstance, to try to apply to the circumstance, which is fair and reasonable. So should we now at this time in our history given our problems with the fishery, given our problems with the mining, given our problems with the forestry, with 20 per cent unemployment, ignore all of that -

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN (Aylward):

Order, please!

PREMIER PECKFORD:

guarantee all of that money? Meanwhile, everybody in the Province says, 'We cannot control our deficit. That is no problem. Add another \$30 million or \$40 million to it, that is no problem. Take the risk. You may have to add another \$30 million or \$40 million to it, what difference?' Then we will be accused of being bad managers. Bad managers! 'You are putting us down in the hole. You are putting us in debt' - especially when the legislation was never intended and everybody knows it was not intended, Mr. Chairman, including the unions -

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

because they have only negotiated one and two week periods for temporary layoffs. And, Mr. Chairman, what is also not being carried far and wide is that in this bill, also, we have provisions to ensure that in the future when there are temporary

layoffs every employer in the Province, regardless of collective agreements, will have to give one or two weeks notice for temporary layoffs, and that is the best labour law in Canada. Nobody else in Canada has a labour law that good.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

Who is carrying that? All they are carrying is the retroactivity because we are trying to save a few jobs. Why does not somebody carry that also in that legislation we have the most progressive temporary layoff notice provision in Canada. No other province has it. And on permanent layoffs all employers still have to give sixteen weeks or twelve weeks or eight weeks, depending on how many employees they have in their employ, which is about the second or third best in Canada.

MR. WARREN:

On a point of order, Mr. Chairman.

MR. CHAIRMAN (Aylward):

On a point of order, the hon. the member for Torngat Mountains.

MR. WARREN:

Mr. Chairman, I believe the hon. the Premier's time has elapsed.

MR. CHAIRMAN:

Order, please!

The Chair will determine and inform the Premier when his time is up.

The hon. the Premier.

PREMIER PECKFORD:

So, Mr. Chairman, let us not put our heads in the sand, or let us

not follow the Leader of the Opposition (Mr. Barry) into theoretical heights. Let us look at the reality that exist in our Province today and try to be as fair and reasonable as we can in the context of trying to make ourselves better off not putting ourselves down further. Thank you very much.

SOME HON. MEMBERS:

Hear, hear!

MR. CHAIRMAN (Aylward):

The hon. the member for Torngat Mountains.

MR. WARREN:

Mr. Chairman, for the past twenty minutes the Premier has lectured this hon. House, trying to justify his government's attempt to make one of the biggest mistakes in the history of the Province of Newfoundland and Labrador. In fact, Mr. Chairman, the Premier said at the beginning of his remarks that if a poll was done in the Province on whether or not Abitibi-Price was making money here, most likely 70 per cent of the people would say yes.

Now, Mr. Chairman, if there was a poll done in the Province today on whether or not the Premier should have a rent-free home, I am sure that 99 per cent of the people would say no. Because, Mr. Chairman, the Premier should not have a have a rent-free home, paid for by the taxpayers of this Province, any more than any other member or any other individual in Newfoundland and Labrador.

Now, Mr. Chairman, the Premier has said that we have to decide individually what we do with our lives.

MR. BARRY:

Mount Scio house.

MR. WARREN:

Yes, Mount Scio house.

I understand, Mr. Chairman, that today the drapes were moved from Mount Scio house to somewhere else, chasing the Premier around. Now, Mr. Chairman, I would like to ask the Minister of Culture, Recreation and Youth (Mr. Rideout) to look into that matter, and look into some other taxpayer money that has been taken out of that building. So if the minister wants to get on about taxpayer money that is being used in this Province he does not have to look very far, he just has to look at the car he is driving which belongs to the taxpayers of this Province.

MR. HODDER:

He should get a horse.

MR. WARREN:

Yes, Mr. Chairman.

The hon. the Minister of Finance (Dr. Collins) is a great man to talk about controlling the deficit, controlling the expenditures of this Province. In fact, when the minister tries to say 100 plus 100 is 1 per cent, there has to be something wrong with the hon. minister.

Mr. Chairman, I was elected in 1979 and again in 1982, and the main reason the people in my district elected me is to represent their views in the House of Assembly. Today the Minister of Justice (Mr. Ottenheimer) stood up in this House and stopped me as an individual member, and other members on this side, from doing what I have been elected to do, represent the people who elected me in this House. This afternoon,

Mr. Chairman, I had a petition, signed by forty-eight people in the community of Hopedale, that I had to present in this House, and the Minister of Justice did the most grave injustice that any human being could have done to any member in the legislature, he stopped me from complying with the wishes of my constituents. Mr. Chairman, I believe, in all due respect to Your Honour, you were in the Chair at the time, that you have made a very grave error.

DR. COLLINS:

On a point of order, Mr. Chairman.

MR. CHAIRMAN (Aylward):

On a point of order, the hon. the Minister of Finance.

DR. COLLINS:

Mr. Chairman, I am sure the hon. member was carried away with his own eloquence there, and really said something that he deeply regrets now. I have absolutely no doubt that he will retract his remarks and apologize abjectly to the Committee and to every member in the Committee. But he cannot accuse the Chairman of Committee of any wrongdoing in terms of his conduct of the Committee, and I would ask Your Honour to ask the member to withdraw those most unfortunate remarks he made a few moments ago?

MR. NEARY:

To that point of order, Mr. Chairman.

MR. CHAIRMAN (Aylward):

To that point of order, the hon. the member for LaPoile.

MR. NEARY:

Mr. Chairman, the hon. member did not have a point of order. My colleague is quite within his right. He was not

unparliamentary. He was not questioning Your Honour's ruling, he was merely pointing out that in his opinion there was an error in judgment, and that is perfectly within the rules of this House.

MR. CHAIRMAN:

Order, please!

To that point of order, I would suggest that it sounded to me as if the hon. member was criticizing the ruling of the Chair. There is a procedure in this House to appeal any ruling and, as I understand it, it was appealed at the time. I would ask the hon. member to withdraw his remarks.

MR. WARREN:

Mr. Chairman, if I did insult Your Honour, I will withdraw it. However, Mr. Chairman, I felt very hurt today when I was not allowed to stand in this House and present a petition that was signed by forty-eight of my constituents. A grave injustice, a very grave injustice has been done by the Minister of Justice (Mr. Ottenheimer) of all people, a man who should have better sense than to not allow members of this House to stand up and speak on behalf of their constituents.

DR. COLLINS:

On a point of order, Mr. Chairman.

MR. CHAIRMAN (Aylward):

On a point of order, the hon. the Minister of Finance.

DR. COLLINS:

Mr. Chairman, the hon. member is smiting the hon. the Minister of Justice (Mr. Ottenheimer) hip and thigh and quite unjustly, and I cannot let the thing pass. In actual fact, if the hon. member was prevented from presenting a petition it was because one of his

own colleagues used up the time of this House in presenting a bogus petition, a petition not coming from constituents in any electoral district but from four members over there. By taking up the time of the House presenting this bogus petition, they prevented the hon. member from presenting a legitimate petition from his constituents. So I think it is most unkind and most inaccurate for the hon. member to attack the Minister of Justice, and I am sure he will want to withdraw those remarks also.

MR. TULK:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

To that point of order, the hon. the member for Fogo.

MR. TULK:

Mr. Chairman, there is no point of order. It was shown this afternoon that the Minister of Finance (Dr. Collins) would like to say that the people on this side of the House are not citizens of this Province. Members on this side have a right to present a petition if they wish to. The truth of the matter is that my friend from Torngat Mountains (Mr. Warren) is not casting any aspersions on the Chair, he is pointing out that the government on the other side used its majority this afternoon, its bullying tactics to prevent him from presenting a petition in this House. It is unfortunate that that happened in the name of democracy in this Province, and in the name of debate in this Province. The Minister of Finance (Dr. Collins) has not raised a valid point of order.

MR. OTTENHEIMER:

To that point of order, Mr. Chairman.

MR. CHAIRMAN (Aylward):

To that point of order, the hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Chairman, since hon. members of the Opposition, the Socialist/Liberal Coalition opposite have been complaining for so long that they do not have time enough to debate - they wasted two hours this afternoon and about an hour and-a-half this evening - I suggest that we dispense with this point of order quickly so that the hon. gentlemen can then debate the issue which they do not have enough time to debate but which they have spent hours avoiding.

MR. HODDER:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

To that point of order, the hon. the member for Port au Port.

MR. HODDER:

Mr. Chairman, the people of Port au Port will never forget what has happened today. I had a petition which I was to deliver today in this House, a petition signed by some 330 people from one of the communities in my district. I was stopped from delivering that particular petition because the Minister of Justice (Mr. Ottenheimer) moved an order which, in effect, stopped, for the first time ever, all debate in this House and stopped petitions being presented. As a matter of fact, Mr. Chairman, I had two petitions which were legitimate petitions, not signed by anybody in this House of Assembly, not that I am saying that anybody in this House of Assembly cannot sign them, but

those people should realize that the people of Port au Port will remember that their petition -

MR. TULK:  
From Mainland?

MR. HODDER:  
Mainland and Black Duck Brook - was blocked by the Minister of Justice. And I will make it very, very public, Mr. Chairman, that, as far as I am concerned, the tactics of the government which have been ruled by Your Honour to be in order, and I have no doubt that Your Honour consulted the authorities, still stymied debate on an issue. Mr. Chairman, this House of Assembly belongs to the Opposition. The only difference between democracy, anarchy and/or dictatorship is the fact that you have a House of Assembly. The Cabinet rules, the Cabinet makes the decisions. Why is the House of Assembly here, Mr. Chairman? The House of Assembly is here for one reason only, to bring the government to task for anything that they may do. And if we feel that a retroactive law is wrong, then we have every right in this world to stand -

MR. CHAIRMAN:  
Order, please!

The hon. member is now debating and arguing a point not pertaining to the point of order. I would ask him if he would make his point, as we are using up the valuable time of members of this House.

MR. HODDER:  
Mr. Chairman, my point of order was at least as good as the point of order raised by the hon. the Minister of Justice (Mr. Ottenheimer).

MR. CHAIRMAN (Aylward):

We are still on the same point of order. As I understand it, we are on the point of order raised by the Minister of Finance (Dr. Collins).

To that point of order I would rule that, as I understand it, petitions presented in the House today were presented under the rules of the House, and procedures followed by the Minister of Justice were followed under the rules of the House. There is no point of order.

The hon. the member for Torngat Mountains.

MR. WARREN:

Mr. Chairman, I assure members of this the hon. House that these forty-eight people in Hopedale will know what happened today in this House of Assembly, because, Mr. Chairman, they will be notified accordingly.

Now, Mr. Chairman, back on April 14, 1981, a similar thing happened in the House of Commons in Ottawa. The Prime Minister at the time was the man everyone on that side loved, Prime Minister Trudeau. At that time there was a filibuster by the Conservative Party in Ottawa, and I am going to quote from an editorial concerning that filibuster but I am going to change a few words in the last four paragraphs to make them coincide with what happened in this House during the past two days.

MR. HICKEY:

On a point of order, Mr. Chairman.

MR. CHAIRMAN (Aylward):  
Order, please!

On a point of order, the hon. the

Minister of Social Services.

MR. HICKEY:

Just for curiosity's sake, Mr. Chairman, would the hon. gentleman tell me what clause of Bill 37 he is on? He has taken us on a tour of the House of Commons, we do not know where we will end up next.

MR. CHAIRMAN:

Order, please!

To that point of order, I would remind the hon. the member for Torngat Mountains (Mr. Warren) that we are discussing an amendment to Clause 1 of Bill No. 37.

The hon. the member for Torngat Mountains.

MR. WARREN:

I assure you, Mr. Chairman, we are debating Clause 1 of Bill 37, a piece of retroactive legislation, and, therefore, Mr. Chairman, what I am going to say in the next few minutes will be quite in line with Bill 37.

Mr. Chairman, in the last three or four days, had the Opposition bent under the sheer weight of the Premier and his forty-three members on that side compared to nine on this side, it would have failed in its first duty to the people of the Province. Mr. Chairman, our duty is to provide checks and balances to government power. This is what the Opposition is here for. 'Without those checks and balances, the government would be at liberty to impose everyone of its leader's decisions, however destructive or arbitrary, on a nation.

Mr. Chairman, this is what the Premier is doing, he is trying to bring in any decision at all.

However, it is our duty as an Opposition to fight continually against wrong doings to the people of the Province. Mr. Chairman, we have challenged the Speaker on three occasions today because we believed the Speaker made a wrong decision.

The NDP and the Liberal Opposition are the minority parties in this House, but, Mr. Chairman, if this sort of thing continues and the Premier has the audacity to call an election, I can assure you that they will be the Opposition and the Opposition will be on that side as soon as an election is called. Because this bill, Bill 37, has killed this government, and the Minister of Social Services (Mr. Hickey) may as well go put his head in the sand.

SOME HON. MEMBERS:

Oh, oh!

MR. WARREN:

Now, Mr. Chairman, without the parliamentary rules which gives the minority parties openings to fight government, Newfoundland, in effect, would be a one-party Province. This is what the Premier of this Province is trying to do, he is trying to make Newfoundland a one-party Province, a dictatorship, a second Russia, a second Cuba, a second Nazi Germany. Yes, Mr. Chairman, we went through twenty-three years with Mr. Smallwood and now we have a similar dictator.

SOME HON. MEMBERS:

Oh, oh!

MR. WARREN:

Mr. Chairman, the rules of this House exist to demonstrate to the head of a powerful majority government that he is still accountable to the House of

Assembly.

Under the rules of this House we have had our rights taken away today. It is indeed unfortunate that the Chairman had to rule in favour of Government members, but I am sure, if the media are doing the job they are supposed to do in covering the House of Assembly, the headlines throughout Newfoundland and Labrador tomorrow will tell how the Minister of Justice (Mr. Ottenheimer) stopped members in this House from presenting the views of their constituents. And I can assure you, Mr. Chairman, that as long as we are here, and we may be a nuisance to the Premier, we will stand between Newfoundlanders and Labradorians and any dictator who tries to run this Province. We, the Opposition, will stand between Newfoundlanders and Labradorians and any dictator who will try to ram things down their throats. We will not put up with it, we will fight, and we will fight, and we will fight.

Mr. Chairman, I can assure you that as long as I am in this House, and I have a feeling I will be here much longer than a lot of other members, I will never give up fighting. I will always make sure that my views are expressed and not held back or cut down or curtailed because the Minister of Justice (Mr. Ottenheimer), who is following in the footsteps of another dictator, tries to stop members from saying their piece.

MR. OTTENHEIMER:

Hear, hear!

MR. HICKEY:

Democracy is alive and well.

MR. WARREN:

Mr. Chairman, democracy is alive

and well. The hon. the minister of Social Services (Mr. Hickey) should go out in the rural areas of Newfoundland and see the people there who have to live on the measly few dollars that come from his department. That is what you call democracy. When as many as fourteen people have to live in a two bedroom house, Mr. Chairman, while the Premier can get a house paid for by the taxpayers, that is what you call democracy. When one man can have his house paid for by the taxpayers of this Province while another man has to earn money by the sweat of his brow in order to put bread and butter on the table, that is what you call democracy.

Mr. Chairman, I say the hon. Minister of Social Services should have more respect for the poor unfortunate human beings in this Province who need help from this government. In fact, Mr. Chairman, the \$14,000 that is going to be spent on the house in Cedar village, I think it is, somewhere down along Elizabeth Avenue, that \$14,000 could look after nine of my constituents. They could be much better fed and housed if that \$14,000 was taken and given to them.

Mr. Chairman, the Minister of Social Services should be ashamed of himself for making the comment that democracy is alive and well in this Province. I can assure the hon. minister that as long as we have a government that is run by a dictator democracy will not exist in this Province.

MR. STAGG:

Mr. Chairman.

MR. CHAIRMAN (Aylward):

The hon. the member for Stephenville.

MR. STAGG:

Thank you, Mr. Chairman. I thank the Minister of Labour and Manpower (Mr. Dinn) for the opportunity to speak in this debate. I welcome back in the House, by the way, Mr. Chairman, the member for Fogo (Mr. Tulk) and the member for Port au Port (Mr. Hodder), with whom I have crossed swords in the past, and the member for Humber West (Mr. Baird) who is excellent at giving gems of wisdom in debates of this type.

Mr. Chairman, the member for Fogo is back, shirt askew and all.

I would like to speak about the demise of the Liberal Party this evening, Mr. Chairman. It has been a relatively laborious process.

MR. TULK:

On a point of order, Mr. Chairman.

MR. CHAIRMAN (McNicholas):

On a point of order, the hon. the member for Fogo.

MR. TULK:

Mr. Chairman, the member has just announced that he is going to speak on the demise of the Liberal Party. I would point out to the Chair that there is a matter of relevance here, and it is neither the demise nor the uprising of the Liberal Party which is about to occur at the expense of the member for Stephenville (Mr. Stagg), unless he wants to come over here. If he does, I think the Leader of the Opposition (Mr. Barry), when he becomes the Premier, will consider making him a Cabinet minister, which he has not been able to become on that side. Mr. Chairman, I would ask that you direct the member for Stephenville to be relevant to the bill that we are discussing.

MR. OTTENHEIMER:

Mr. Chairman, to that point of order.

MR. CHAIRMAN:

To that point of order, the hon. the Minister of Justice.

MR. OTTENHEIMER:

We are debating an amendment to clause (1) of Bill 37 which deals with the major provisions of the Labour Standards Act. I would assume the hon. gentleman is going to develop the thesis that because of their position with respect to this amendment to the Labour Standards Act, this is going to lead to the demise of the Liberal Party. I would suggest it is just as relevant as the hon. Leader's dissertation on the trials at Nuremberg.

MR. TULK:

No, the same principle is in this bill as was in the trials at Nuremberg.

MR. STAGG:

To that point of order, Mr. Chairman. The Minister of Justice is a prescient man, or prescient, depending on how you wish to pronounce it. That is exactly what I was about to do, Mr. Chairman, develop the thesis that because of the Liberal Opposition's position on Bill 37 and other matters which are entirely relevant, the demise of the Liberal Party is eminent. And rumours of their demise have not been exaggerated, Mr. Chairman. So that is what I am about to do, and I may occasionally stretch relevancy somewhat -

MR. TULK:

The rumours of our death have been greatly exaggerated, I want to tell the member for Stephenville.



MR. STAGG:

- but never to the extent that hon. members opposite have been in the habit of doing. I guess Your Honour wishes to rule on the spurious point of order raised by the member for Fogo.

MR. CHAIRMAN (McNicholas):  
Order, please!

To that point of order. I have not had an opportunity of hearing what the hon. member had to say in his development, but I would remind him that we are dealing with an amendment to the Labour Standards Act.

The hon. the member for Stephenville.

MR. STAGG:  
Thank you, Mr. Chairman.

Well, that, of course, is what we are doing here, we are on Bill 37 which has gained a certain amount of prominence throughout the Province as a bill that has to do with, as the Opposition would say, the demise of democracy. Government would say, and the people of Newfoundland would say that this is a bill which is to save jobs in this Province.

Now that is a sacred trust that we have in this Province. It is a sacred trust that any government has and if you do not do it you get thrown out of office. That is the parliamentary system. That is the democratic system. A government is elected to govern, it is not elected to exist at the whim of the Opposition or to do what happened this afternoon. The Opposition have complained for quite a while that they were not going to have an opportunity to debate this bill, yet what did they do this afternoon? From

about three-thirty until five-thirty they held the House up on points of order.

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

MR. CHAIRMAN:  
On a point of order, the hon. the member for Port au Port.

MR. HODDER:  
The Speaker told you to sit down.

MR. STAGG:  
There is no Speaker in the Chair.

MR. HODDER:  
The Chairman.

MR. STAGG:  
If you wish to speak to the Chairman, address the Chairman.

MR. CHAIRMAN:  
The hon. the member for Port au Port.

MR. HODDER:  
Mr. Chairman, I was listening to the member for Stephenville talking about democracy and what the government should do. This House of Assembly, Mr. Chairman, is an Opposition forum. If there were no Opposition here, then we could not debate the policies of government. And the member for Stephenville and the member for Green Bay (Premier Peckford), and the Minister of Justice (Mr. Ottenheimer), and all of the Premier's henchmen on the other side -

MR. STAGG:  
'Henchmen' is unparliamentary.

MR. HODDER:  
No, it is not unparliamentary, Mr. Chairman. If members on the other side think that closure - and not only have we seen closure, we have

seen three things here, Mr. Chairman, we have seen debate limited, we have had our -

MR. TULK:

We have had three forms of closure.

MR. HODDER:

If government with its massive majority is allowed to stymie debate in this House by using the rules, as has happened today on three different occasions, then we are superfluous; the Premier may as well be called King Brian Peckford and we may as well all go home, because we do not have a right to debate in this House of Assembly.

MR. OTTENHEIMER:

Mr. Chairman, to that point of order.

MR. CHAIRMAN (McNicholas):

The hon. the Minister of Justice to that point of order.

MR. OTTENHEIMER:

The hon. gentleman got up presumably to raise a point of order, he did not make any point of order at all and just spoke irrelevant inanities.

MR. BAIRD:

He did not make any sense either.

MR. CHAIRMAN:

To that point of order, there is no point of order.

The hon. the member for Stephenville.

MR. STAGG:

This is an old tactic, Mr. Chairman, that these two gentlemen have used for years.

Previously the Leader of the Opposition (Mr. Barry), in a vain attempt to appear to be a thinking

man, was talking about the Nuremberg trials. Well, one of the tactics used by Hitler and his people in the 1930s to get into power was to refuse to allow any debate to go ahead.

MR. TULK:

Huh! Huh! Huh!

MR. STAGG:

That is correct. And that is exactly what I mean. When persons in the Bundestag in the 1930s would get up to speak in the manner to which they had become accustomed, the brown-shirts opposite would go 'huh', 'ha', and 'ho', and they would shout the person down, such that they were unable to speak. And this is exactly the tactic which is being used by my loosely shirted friend from Fogo (Mr. Tulk). I would advise that an excellent Christmas present for the member for Fogo would be some shirts with an eighteen inch neck in them, because the style to which he has become accustomed is not sartorial elegance, I will say that, it is sartorial inelegance, and he will be hoisted on his own petard in many ways.

Now, Mr. Chairman, what I was about to develop was a little dissertation, it may not be the last word on the demise of the Liberal party, I am sure there will be others who will have the last word. The last word will be written in black Xs, either in this election or in the near future. But it was in the early 1900s when the Liberal party in England went down the tubes. I believe it was in 1908, I may be wrong, that Lloyd George and his people went down the tubes.

MR. TULK:

Mr. Speaker, on a point of order.

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

On a point of order, the hon. the member for Fogo.

MR. TULK:  
Mr. Chairman, I would again remind the member from Stephenville (Mr. Stagg), as I am sure the Chair will, that there is such a thing as relevance and he is straying. We over here are very happy to take his advice on the demise of the Liberal party, but when he starts talking about black Xs I want to tell him that all of us on this side are prepared to put up with the black Xs rather than do what he did in 1975, and that was run. He chooses to call it retirement, but he ran because he knew he was going to be defeated. It takes courage to run for election and he did not have it in 1975.

MR. CHAIRMAN:  
Order, please!

To that point of order, we are debating the amendment to the Labour Standards Act.

The hon. the member for Stephenville.

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

Yes, we are debating Bill 37. I must say that hon. members opposite seem to become quite touchy when I get up to speak and they want relevance as defined in its most rigid terms. Now, hon. members opposite can get up and say what they like. I do not care what they say, Mr. Chairman. The Minister of Justice (Mr. Ottenheimer) put it very well this afternoon, 'They can say what they like because nobody is listening

anyway.' The Liberal party has become irrelevant in this Province. John Turner, for instance, it is now recognized by 11 per cent of the population of Canada that he would make a good Prime Minister and that is a group that is falling every day.

MR. TULK:  
Mr. Chairman, on a point of order.

MR. CHAIRMAN (McNicholas):  
On a point of order, the hon. the member for Fogo.

MR. TULK:  
If he can, I would like for the Chairman to ascertain from the member for Stephenville (Mr. Stagg) just what relevance the fact that Mr. Turner may or may not be at 11 percentage points in the polls has to this bill. I would again remind the hon. member that he has to be relevant, and I would also remind him that from what we hear the member for Stephenville is probably at about 8 or 9 per cent in his own district.

MR. OTTENHEIMER:  
To that point of order, Mr. Chairman.

MR. CHAIRMAN:  
To that point of order, the hon. the Minister of Justice.

MR. OTTENHEIMER:  
The hon. and incredible member may well be right that Mr. Turner and the party he represents, and their counterparts in the Province, might be irrelevant. He might have a good point.

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

MR. CHAIRMAN:

To that point of order, the hon. the member for Port au Port.

MR. HODDER:

Certainly, Mr. Chairman, this debate is a little bit out of control, but when I hear the member for Stephenville (Mr. Stagg) talk about his own district - the most irrelevant person in Stephenville is the member for Stephenville. Mr. Chairman, I would submit that the member for Stephenville is a dead duck and when he stands to speak it is like whistling past the graveyard. He comes into the House of Assembly sometimes, he is not been here at other times, but nevertheless, Mr. Chairman -

MR. STAGG:

I was out under doctors orders.

MR. HODDER:

Yes, I would say the hon. the member for Stephenville was under doctors orders. He has been in such a situation in Stephenville, the only excuse he has is to be under doctors orders.

MR. CHAIRMAN:

To that point of order, I would remind the hon. the member for Stephenville that we are debating the Labour Standards Act.

The hon. the member for Stephenville.

MR. STAGG:

Mr. Chairman, it would appear that the rule of relevancy is going to be rigidly adhered to in my case and I will not be permitted to develop any theme that would remotely diverge from the most precise application of Bill 46. But I want to talk about Bill 37 which deals with the people of Corner Brook.

It says here in an article in yesterday's The Evening Telegram: 'Disappointment runs deep among paper mill workers.' Now I spoke about this yesterday. The President of the Mill Unions in Corner Brook, Mr. Ed Anstey, said: 'The workers are bitterly disappointed the signing is not taking place today. We thought it was time something was settled. If Leo Barry is opposing legislation on our behalf, the least he could have done was called and discussed it with us.'

MR. TULK:

Did you see CBC this evening?

MR. STAGG:

No, I did not see CBC this evening.

MR. TULK:

You should have heard all the workers saying we are right and you are wrong.

MR. STAGG:

Well, Mr. Ed Anstey would have something to say about that.

MR. TULK:

Yes, and so would Mayor Hutchings.

MR. STAGG:

And Mayor Hutchings may be making a bed that he is going to have to lie in as well, a red bed that he is going to have to lie in.

Now, Mr. Chairman, it is patently obvious that the Opposition has been trying vainly to find in the Province of Newfoundland some segment of support for this position that they are taking. There is no support for what they are saying. There is a modicum of academic support for the position that retroactive legislation is something that should be avoided and any government that got involved with retroactive

legislation on a regular basis would be in trouble. That is correct, Mr. Chairman. That has been admitted freely by this government and it is certainly reaffirmed by this speaker. Retroactive legislation is something that needs to be avoided at all costs. However, 'at all costs' is something that has a definition as well; in this case 'at all costs' means if we do not have it there is going to be extreme difficulty in persuading the Kruger Company that Newfoundland is a place to do business. Now Canada has recently undergone a metamorphosis. It has recently had a great change in philosophy. It has a change in government. Canada is open for business. For years, under the previous Liberal regime in Ottawa, Canada was not open for business; the government was open for business and if you got down on your knees you might be able to get into business because government would regulate and occasionally they would throw some crumbs to their friends. Now Canada is open for business. We are all delighted with that. There is a whole great private sector out there that has been bottled up for years and now the vigor and enthusiasm and entrepreneurial ability of Canadians is going to be set loose like it never has been before. Now this is a matter of considerable concern for the leftist leaning in this country, the people in this country who think that the state should be all pervasive, and the state should own industries, and the state should regulate to the point that there is practically state ownership. The new philosophy that is overtaking Canada is a matter of great concern to them and we can understand that. I

maintained some time ago we are going to have an election in this Province to see who is going to run the Province. Is the government going to run the Province or is the labour movement going to run the Province? It is as simple as that. And that may come.

MR. WARREN:  
Quorum call.

MR. CHAIRMAN (McNicholas):  
Order, please!

There is not a quorum present.

MR. STAGG:  
Well, I have not been up to my usual standards, Mr. Chairman, the place is usually crawling with people. May I continue speaking, Mr. Chairman, even while the quorum is being called?

SOME HON. MEMBERS:  
No.

MR. STAGG:  
Oh, it is terrible.

MR. CHAIRMAN:  
Three minutes have elapsed. There is a quorum present. The hon. the member for Stephenville.

MR. STAGG:  
Thank you, Mr. Chairman. I thank the member for Torngat Mountains (Mr. Warren) for calling a quorum so that more of my colleagues could be here to hear these words.

Now, Mr. Chairman, on some matters of general importance on labour related matters, this is a government which brought in collective bargaining in many sectors in which there had not previously been collective bargaining. As a matter of fact, this is a government which I have

considered to be an NDP government.

MR. NEARY:

On a point of order, Mr. Chairman.

MR. CHAIRMAN:

Order, please!

On a point of order, the hon. the member for LaPoile.

MR. NEARY:

Mr. Chairman, my point of order is that I know we are allowed to have water in the House, but the Minister of Social Services (Mr. Hickey) just brought some other form of refreshments into the House and I believe that is against the rules. I would like for Your Honour to instruct the Minister of Social Services to remove his refreshments from the House.

MR. MARSHALL:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

To that point of order, the hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, I have really never heard such a ridiculous point of order in my life.

MR. NEARY:

We ruled on it before, a couple of years ago.

MR. MARSHALL:

Well, the hon. the member for St. John's East Extern, the Minister of Social Services (Mr. Hickey) happens to be, in my mind, the senior member in this Legislature.

MR. NEARY:

Senile?

MR. MARSHALL:

No, the dean of the Legislature. And to interrupt this speech that the member for Stephenville (Mr. Stagg) is making is purile.

MR. NEARY:

No, look on the desk. Look!

MR. MARSHALL:

Well, that is water. Mr. Chairman, what does the hon. gentleman think the hon. member for St. John's East Extern has in that cup?

MR. NEARY:

Send it down to the lab and have it tested.

MR. MARSHALL:

What he has in that cup is water, only it happens, Mr. Chairman, to be coloured water. That is boiled water, and it is, knowing the hon. member for St. John's East Extern, probably tea. So Mr. Chairman, you are now forced to the decision as to whether or not tea is water. I would say, Mr. Chairman, that a lot of people would say that tea is boiled water, it is coloured water, and if the hon. gentleman does not want to be racist or anything like that, I think the hon. gentleman could allow the hon. the Minister of Social Assistance to sup it.

MR. HICKEY:

Mr. Chairman.

MR. CHAIRMAN (McNicholas):

To that point of order, the hon. the Minister of Social Services.

MR. HICKEY:

Mr. Chairman, to the point of order, I want to make sure that the hon. gentleman who is so concerned about what is in the cup knows what is in it. I am sure he could have made an inaccurate assumption as to what is in it.

He knows I do not partake of anything stronger than tea or coffee, but he did not afford me the courtesy to say that, he said some foreign substance.

MR. NEARY:

No, I said it was not water.

MR. HICKEY:

The hon. gentleman is up to his old tricks, which I have become well accustomed to. I came in because of the quorum call which I do not believe was called by my colleagues on this side, and I came in with my cup.

MR. NEARY:

You are not allowed to bring that in the House.

MR. HICKEY:

I know the rules of the House and I have not taken a sip from the cup since I came in. So now that there is a quorum, Mr. Chairman, I will take my leave, I will finish my tea and I will come back and have something else to say to the hon. gentleman when my turn comes.

MR. NEARY:

Mr. Chairman, just to round out that point of order.

MR. CHAIRMAN:

To that point of order, the hon. the member for LaPoile.

MR. NEARY:

Mr. Chairman, if we allow this sort of thing to go on, then we may as well lay a cloth on the table and have a picnic, bring in the tea and crumpets, bring in the beer, bring in the champagne and other refreshments. Mr. Chairman, the fact of the matter is that for the last couple of weeks they have been taking the House on their back over there and every time we draw it to Your Honour's attention

they get up and all of a sudden they become sanctimonious and self-righteous. You are not allowed to have any object on your desk other than a glass of water, Mr. Chairman, and they can get as indignant as they want over there.

MR. BAIRD:

What about a black flag?

MR. NEARY:

No, you are not even allowed to have that.

MR. BAIRD:

You tried it.

MR. NEARY:

I tried it but I was told I had to remove it. But if the hon. gentleman is the senior member of the House, as the Government House Leader (Mr. Marshall) indicated, which he is not, then he should know better.

MR. ANDREWS:

Would you like to sniff the glass?

MR. NEARY:

Mr. Chairman, if I want to have a sip of coffee or tea I will go out in the proper place and have it, not here in the House, unless we want to turn this House into a tavern, or a bar, or a night club, or a bistro, or a cabaret. Bring in the dancing girls. We may as well have it all if we are going to allow that sort of thing to go on.

MR. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN:

To that point of order, the hon. the President of the Council.

MR. MARSHALL:

The obvious implication is that the hon. gentleman is embibing in

merchandise or liquids that one would get from a bar. Now the fact of the matter is, all the hon. gentleman was drinking was tea. And if the hon. gentleman wants to talk about removing objects from this House, I would think the hon. gentleman's first efforts would be himself.

Mr. Chairman, the point of order is not a point of order. All the hon. gentleman is doing, as he does time and time again, is trying to interfere with the debating time of a member. The hon. member for Stephenville was making a very credible debate and I would like to hear the completion of it.

MR. CHAIRMAN:

To that point of order, I do not think it is really a terribly important matter. I do not know what is in that receptacle, I presume it is water, and I do not think there is any point of order.

The hon. the member for Stephenville's time has elapsed.

MR. STAGG:

Mr. Chairman, they have been successful in stifling debate. I had at least twenty-five other cogent points to make.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. NEARY:

Are you sure it is tea?

MR. HICKEY:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Social Services.

MR. HICKEY:

Mr. Chairman, it is not my wish to

prolong the debate. I have not spoken in this debate.

MR. TULK:

Are you on a point of order, or what?

MR. HICKEY:

I am on a point of personal privilege. Mr. Chairman, the hon. gentleman could have drawn the Chair's attention to the rule and left it at that. As I said, he knows me well enough to know that if it was not water in the cup it was tea. The hon. gentleman across the way and all my colleagues in this House know that. But he did not have the decency to do it that way. Your Honour will notice that the cup is still in the chamber, and I have deliberately left a couple of mouthfuls of the liquid in it. What I would like to do, Your Honour, is give you a sample of what is in the cup. I will lay it on the table, Your Honour, and if the hon. gentleman from LaPoile (Mr. Neary) wishes, he can send it to Halifax or he can send it down to the Health lab, or he can send it anywhere and he can have it analysed. Because I certainly would not want my constituents under the illusion that I am partaking of any foreign substance while I am representing them in this Chamber. And the very subtle hint is apparent in what the hon. gentleman said, even though he could have cleared the air very simply by saying, You cannot have tea or coffee in the Chamber and left it at that. So, Your Honour, with those few words I would like to deliver the cup to you.

MR. NEARY:

To that point of order, Mr Chairman.

MR. CHAIRMAN:



It is a point of privilege.

MR. NEARY:

To that point of privilege, Mr. Chairman, let me point out to the House that it is not permissible under the rules of this House to bring in tea or coffee, or to put objects on your desk. We have already had a ruling on that in this hon. House, Sir. And if we are going to allow hon. gentlemen there opposite to take the House on their backs, let us bring in the bands and let us bring in the dancing girls and bring in the trumpets and bring in all kinds of other refreshments. You have to draw the line somewhere, Mr. Chairman. Now, the hon. gentleman invited me to sample whatever it was he was drinking. Well, Mr. Chairman, I have to say that unless you can sterilize that cup, I am afraid I have to decline the offer. I am afraid I would not want to drink after the hon. gentleman.

MR. HICKEY:

On a point of clarification.

MR. CHAIRMAN (McNicholas):

The hon. the Minister of Social Services.

MR. HICKEY:

When I stood in my place I think I said a point of privilege but what I really intended was a point of order. I do not want to delay the House unnecessarily, so I would like to make that correction and call it a point of order. Really I am in your Honour's hands and all hon. members of this House if they want to tolerate this innuendo, inference that the hon. gentleman has become so historically known for. You know, when he can speak in very simple terms and get his point across, he just goes zigzag around it so as

to leave all kinds and make all kinds of connotations. Of course, Mr. Chairman, the hon. gentleman has also proven that he has no regard, none whatsoever for the reputation, the character or anything else of an hon. members of this House, he assassinates them as he goes.

MR. CHAIRMAN (McNicholas):

I have heard enough on that point. I am not entitled to comment on whether privilege has been breached, that is a matter for the Speaker. And the point of privilege has been withdrawn by the hon. minister, he took the opportunity of clarifying his position.

MR. TULK:

On a point of order, Mr. Chairman.

MR. CHAIRMAN:

On a point of order, the hon. the member for Fogo.

MR. TULK:

Mr. Chairman, I know that the government is smarting under the attack that is coming from this side and I can understand why the Minister of Social Services (Mr. Hickey) would divert to those kinds of tactics. But I would draw Your Honour's attention to Section 333 of Beauchesne where it says quite explicitly that exhibits are not allowed in this House. It has been consistently ruled that it is improper to produce exhibits of any sort in the Chamber. I recall the member for LaPoile (Mr. Neary) being told during the flag debate in this House that he was not allowed to drape his desk with a certain piece of cloth. So I would ask that the Chairman see that this is removed from the House either by the Minister of Social Services, one of the pages, or by the

Sergeant-at-Arms.

MR. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN (Dr McNicholas):

To that point of order, the hon. the President of the Council.

MR. MARSHALL:

I just want to say how serious and how burning an issue this matter that has resulted in closure, that has resulted in the great stand by the official Opposition in the way in which they have operated.

Mr. Chairman, what I think should happen is the hon. member for Menihek should be entitled to speak his whole twenty minutes. But really what has happened as a result of this, and what we have shown, is that the Opposition could not care less about the seriousness of this matter that has been brought before this House. They are playing games, they are playing with the lives of the people of Corner Brook, they are playing with the rules of the House of Assembly and they have shown it by the way they have reacted to this spurious point of order. Already six or seven minutes of the member for Menihek's time has been wasted, so what I think, Mr. Chairman, and what I really feel should happen is that the hon. member should be given his full twenty minutes.

SOME HON. MEMBERS:

Hear, hear!

MR. CHAIRMAN (Dr. McNicholas):

To that point of order, I think the hon. the Minister of Social Services (Mr. Hickey) has left that cup there for me to taste. I am afraid I do not like doing that, so I would ask one of the pages to remove it.

The hon. the member for Menihek.

MR. FENWICK:

Mr. Chairman, there are a lot of things you could say about the particular piece of legislation that we are considering today. I already said a lot of things about it the last time I spoke on it, and I am not going to repeat those comments. Suffice it to say in this House I, alone, I believe that the Labour Standards Act passed six years ago was a sufficient piece of legislation and that the allowance for regulations was sufficient to take care of most cases and that has not been done. But basically it was a good piece of legislation and I regret very much seeing this weakening of the rights of the workers of this Province by this particular piece of legislation. Having said that I want to concentrate the rest of whatever time is available and I am hoping it is close to twenty minutes, on the tactics that have been used by all and sundry in this particular debate, and I would like to compare them, because I think they bear comparison, with events that occurred about twenty-five years ago in this House, probably in a more simple time, but, nevertheless, in a time when workers' rights were under attack by, at that time, another administration. At that time, of course, the International Wood Workers of America had spent two years organizing the workers of Newfoundland, getting them in a position where they could strike a good agreement with their employer. However, in the course of the negotiations they were told they would get absolutely nothing, and on January 1, 1959, they went on strike. Within forty or forty-five days, the provincial government of that day clearly

took sides in the issue, went down on the side of the employers, AND Company and Bowater - it is amazing how Bowater creeps into our major catastrophic labour debates - and at that time, using a very unfortunate accident that occurred at Badger, the Premier of the day was able to crush the particular union with legislation which I think was more reprehensible than what we have here, but not by a very large margin. At that time the Premier of the day went on radio - I do not know whether there was television service all over the Province at the time, but I assume he went on that as well - and called the organizers of that particular union communists; he said that they were trained in Russia and so on, and essentially used the classic techniques of poisoning the well, the logical fallacy of poisoning the well in order to discredit their arguments.

DR. COLLINS:

Who was that? Landan Ladd, was it?

MR. FENWICK:

Who was allegedly trained in Moscow, according to Mr. Smallwood.

DR. COLLINS:

Do you know if he was.

MR. FENWICK:

No, he was not. The interesting thing in terms of the analogy that I would like to make with what is going on today is that I recall over the last couple of weeks being told by the Premier that I was part of the Liberal/Socialist alliance, or the Socialist/Liberal alliance, or the Socialist/Liberal cohorts, and I must say, speaking as a person who regards socialists in a good light, I resent being lumped with Liberals. However, knowing the impression that the

word "socialist" has on the populus of the Province, and knowing the connotations that the Premier wishes to attach to that word, I think that it is quite obvious that he is again using the same tactics that Mr. Smallwood used twenty-five years ago. In basically not answering any of the arguments that are brought up and labelling his opponents a particular camp, he has stooped to the lowest form of debate that is possible, and that is labelling people something without listening to their arguments. That I think is a very worrisome thing, when you stoop to the point that you will not listen to arguments. And I have yet to have any substantive arguments back on the arguments that I advanced previously. I know the Minister of Labour and Manpower (Mr. Dinn) has tried and I hold him in higher respect for actually having tried to address some of them, however I do not think any of the substantive evidence was there to maintain any of the points he has tried to bring against the particular Labour Standards Act that is there now and in favour of Bill 37. What he has done is resorted to the public purse to put in massive advertisements, a clear violation of any sense of fairness in this debate, because what we have is tens of thousands of dollars spent across the Province in radio advertisements, in newspaper ads to try to convince us that this legislation is fair and adequate. I think, if we ever had any doubts that this legislation was particularly difficult for people to stomach, this should be evidence that government thought so too and needed a heavy dose of advertising in order to make the pill go down, so to speak.

The other thing that has happened

that is even worse in my opinion, and it has been brought up in debate before but I think is probably appropriate to look at it again, is the letter that we have gotten from J. Stewart Herman, President and Chief Executive Officer of Kruger Incorporated. It is a letter that was given to the Premier in order to give him a superficial excuse for invoking closure for the second time since Confederation. The letter itself was clearly, if you read it, asked for by the Premier. The reason I mention it is I go back again twenty-five years, and, if I recall correctly, in the sorry events that led up to the decertification of the IWA there was also an announcement by the paper companies that at no time would they negotiate with the IWA - it was a public pronouncement. I wonder, in retrospect, whether the Premier of the Province at the time asked them for that announcement so that he, indeed, could do exactly the same thing with the IWA as our Premier is doing with us here.

I draw these analogies because I think that there comes a time in any politician's life where the basic instincts that got him in politics, and I think, giving credit where credit is due, that the Premier's instincts were good when he started, there is a basic point where he comes with his principles to a particular situation and looks at the situation and, in some instances, may have to make a very terribly difficult decision. I am not pretending that it was not a difficult decision to make, I think it was, but I think the wrong decision was made. I am not casting any aspersions on the motivation of the people, I think their motivation is correct,

however, they have done a terrible disservice to the working people of this Province and they have used the same kind of tactics that were used twenty-five years ago. And I think that when we look back on this particular period in five or ten years time, or whenever, we will be able to see quite clearly that this letter from the Chief Executive Officer of Kruger was totally unnecessary, it was an example of pure scare tactics. Because up to the time this letter appeared in the House there never, ever was any indication by that particular company that Bill 37 was necessary before it went through with the signing of the agreement to take over the mill.

So having said that, and it is the tactics I want to concentrate on now, more so than the substance of the bill, it seems to me unfortunate that the Premier and his government has come to this pass just what is five or six years into its mandate. Because I really believe that when the Premier first took over the Province, or first became Premier, he had a much higher set of ideals and would have acted much more consistently with those ideals that he has shown to have at this time. I understand the pressures and I am not discounting them. I know that there was a long and agonizing decision in order to get the mill established in Corner Brook, but I know in the Premier's heart, and I know in the House Leader's (Mr. Marshall) heart, and the majority of the members over there, they realize that there is no causal connection between Bill 37 and the Kruger Bill. They know that. We know that. It has been demonstrated time and time again. And this unfair bundling of a repressive piece of labour legislation, something which was

obviously desirable for Corner Brook, was an unconscionable act on their part and I think that they -

DR. COLLINS:

We have two school boy debators in the Assembly now, we have the Leader of the Opposition (Mr. Barry), and the NDP member.

MR. CHAIRMAN (Aylward):

Order, please!

MR. FENWICK:

That is another example of poisoning the well the Minister of Finance is using there. The fact of the matter is, these arguments are valid. In my opinion, the tactics that have been used are the most disquieting aspect of this whole thing. To try and bully us, which is exactly what is occurring here, bully us with a letter that was fabricated or probably more likely dictated by the Premier to the Chief Executive Officer of Kruger for his own immediate political ends, is a despicable way of handling a company that will be coming into Corner Brook and, we hope, over the years, providing a stable base for that particular community.

MR. BAIRD:

On a point of order, Mr. Chairman.

MR. CHAIRMAN:

On a point of order, the hon. the member for Humber West.

MR. BAIRD:

The hon. member is attributing motives to the Premier by saying that it was for political reasons that the letter from Kruger was dictated. I think it is unparliamentary and I would ask him to withdraw it.

MR. CHAIRMAN:

Order, please!

To that point of order, I rule that there is a difference of opinion between two hon. members.

The hon. the member for Menihek.

MR. FENWICK:

So what kind of lessons do we get out of this whole experience? I think that when the government went ahead with Bill 37, probably six or eight months ago, whenever it started drafting it up, that it in its own mind saw something of a problem. It knew that the case had been won in Wabush, that the miners there had been able to go before the Labour Standards Tribunal and get a decision that would have given them a considerable amount of money. Looking at it, they feared that other cases might come through, and I think there was a legitimate concern there. There was, however, the ability to make regulations under that act, all kinds of regulations which could have allowed for the exceptional circumstances we had. The government, however, took another approach. Their approach was to make these changes in the bill, which I still do not agree with, but I understand why they tried to make them, and then make them retroactive which very clearly said that they would go to the miners of Labrador and tell them No, you have no right to this money even though the law has been able to sustain you on that point so far. Of course it is on appeal for next January, but the fact of the matter is government made a conscious decision there, the decision to take a claim that these miners had against their employer, who had clearly violated the law according to the Labour Standards Tribunal, and to make a

decision on behalf of that mining company. I think that is probably one of the sorriest indicators that we have seen yet. Because what it means is that this government, which claims that it could not take a position in the labour dispute between the Newfoundland Telephone Company and its workers because, they said, 'It is not the government's role,' clearly, in this instance, has taken sides on behalf of the mining company in Labrador against their employees, 500 of which are Newfoundlanders - well, Labradorians, I guess, is the more appropriate way to call them - while the mining company, of course, is owned by interests completely outside this Province. That was a conscious decision on the part of this government. They may have had motives for it that were not that bad, but they did make a decision, given a choice between the miners and the company, to fold down on the side of the company.

I do not begrudge them the right to do that, because that is the way a lot of Tory Governments naturally tend to incline. But I think we expected more of the Premier of this Province. In the time he has been in this Legislature, in the time he has been Premier, he has oftentimes very eloquently argued on behalf of us as a people against other interests that he felt were threatening us. Here clearly was a mining company which was sufficiently solvent to be able to pay whatever damages were assessed against it, and, yet, his decision was on behalf of that mining company and against the individual miners concerned.

Since the Premier is not here, I do not want to go and yell and

jump and shout and all the rest of the things that I enjoy doing when I get into a debate like this, I think I will keep it nice and calm. Besides, if I recall correctly, the Premier already went through the jumping and shouting routine earlier this evening and I do not think the people in the gallery are capable of taking two such performances in one night.

However, I will say that I think this is a very sorry evening. Because what we are seeing is closure invoked for the second time since Confederation; we are seeing a repetition of the kinds of mistakes and the kinds of very poor judgments that were made back in 1959 by the Smallwood Administration and, even more importantly from my perspective, we are doing it without most of the members in the House really appreciating what is going on here. Although I do not like dumping on the Liberal Opposition too much, because I am always afraid that if you dump a bit too much there might not be any of them left after the next election, quite frankly I am dismayed by the way in which they have mounted their opposition to this particular piece of legislation.

To continue to insist that retroactivity is wrong without even looking at the substance of the bill to find out whether the bill itself is wrong, is, I think, a lapse of their responsibility as members of the Opposition. To not argue the particular piece of legislation on its substantive issues and to use only procedural solutions to it -

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN (Aylward):  
Order, please!

MR. FENWICK:

This probably means that I have lost my rights to coffee in the common room, but you have to do what you have to do.

The fact of the matter is, what we have seen in terms of Liberal Opposition is a series of procedural moves only. And I do not object to the procedural moves, because I think it is important to express our revulsion of what was going on here, especially the idea of closure, the idea of retroactivity. But I wish that had been more substantive opposition to the bill itself, and more reasoned arguments on it. Although the Leader of the Opposition (Mr. Barry), to give him his due, has made some arguments that have not been bad, the rest of the caucus, in my opinion, have not really lived up to the challenge that was presented them. Because there are substantive issues that could be challenged here, and I think that we should not content ourselves with just playing games.

HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN (Aylward):

Order, please!

MR. FENWICK:

Having said all of those things, and I am not sure how much time I have left - I am getting my note now - what I would like to say is that I think we actually have a watershed here. I think it is the first time in which the administration opposite has so fixedly followed a certain path of development that they have now put themselves on record that forever

more their responsibilities will be to these corporations which they perceive as the best way to develop our Province. That is not a situation that is unusual, because I would suggest it is very similar to the approach that is being taken by the federal government right now which, by dismantling FIRA, is saying that the whole country is for sale. So I think if the federal government says the country is for sale, it probably appropriate that our provincial government says that the Province is for sale, it is just particularly unfortunate that they happen to be selling out the workers first, and that is one of the things that I find particularly nauseating about this whole process.

Beyond that I would say that they would then have to account for what they do, certainly not here in the Legislature, because it is almost a foregone conclusion that they can do pretty well what they want in here, although they should vote on their motions of closure when they actually propose them, but I guess we will forgive them that one little slip, but the fact is that they will be able to do what they want here in the Legislature.

I believe, however, that the general populace have not bought this bundling of Bill 37 and Bill 52. They realize quite accurately that there is no threat whatsoever to the Kruger deal by the slowing down of Bill 37, and this kind of deception on the part of the government is something that the population will see through. To go back to my starting point, since I have been comparing this to 1959 and the IWA dispute, in 1959 the union was crushed, the loggers were set back a decade,

and Mr. Smallwood was able to continue on for a number of years. I would suggest it is because we did not appreciate how fragile human rights are, how fragile the rights of the unions are, and our working people are. What I am suggesting to you is that in the twenty-five years since then we have grown up a lot, we have a much better educated population, and I believe they will be able to see through these subterfuges by the government. I believe that they will make the government pay for the kinds of things that they are doing tonight, and will do again at two o'clock in the morning, when they will envoke closure for the second time, and when the next election comes, I believe the answers will be very clear to the members opposite.

MR. CHAIRMAN (Aylward):  
The hon. the Minister of Finance.

MR. COLLINS:  
Mr. Chairman, I certainly do not claim to be one of the older members of the House here, but I have been here roughly nine years now and I can recall when another member of the House sat in lonely -

MR. ROBERTS:  
You are older member, but you have not been a sitting member all that long.

DR. COLLINS:  
Yes, well, I will accept that interpretation. But, you know, that is a non sequitur.

But, anyway, another member sat down there in lonely isolation and he actually used that position to great effect. It was not a line of argument that had a great deal of validity to it, and it certainly did not fit in with the

ideas that were being put forward by the majority opinion in this House, but nevertheless he used that position down there with great effect and, of course, I am referring to the hon. the member for LaPoile (Mr. Neary) who at one time - I forget what he called himself, an Independent Liberal or whatever - sat off there in the corner and, as is his particular wont, he tended to monopolize -

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

MR. CHAIRMAN (Aylward):  
On a point of order, the hon. the member for Port au Port.

MR. HODDER:  
Mr. Chairman, what does this have to do with this particular bill? The minister is not being relevant in any way, shape or form. I think the minister should make sure that he addresses his remarks to the bill and not to the member for LaPoile (Mr. Neary).

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

MR. CHAIRMAN (Aylward):  
Order, please:

To that point of order, the hon. the President of the Council.

MR. MARSHALL:  
Mr. Chairman, I think what the hon. the Minister of Finance (Dr. Collins) was doing was showing how irrelevant and perhaps unnecessary the hon. the member for LaPoile (Mr. Neary) was in the equation between he and the present member for Menihek (Mr. Fenwick). The member for Menihek has just taken his seat, and the hon. gentleman is responding to the speech that the hon. the member for Menihek



made. I cannot see how that could be out of order.

MR. CHAIRMAN:  
Order please!

To that point of order, I would remind all hon. members that we are discussing the amendment to Clause 1 of Bill No. 37.

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Chairman, for the hon. the member for Port au Port (Mr. Hodder) to say that one of the oldest members, and I use that in all senses of the term, in the House is irrelevant to the debate here I think is extremely presumptuous, and on behalf of the hon. member for LaPoile (Mr. Neary) I apologize for his Liberal colleague for referring to him as an irrelevant person.

Now, Mr. Chairman, the point I was making is that at the time the hon. the member for LaPoile occupied that seat down there, there were not great expectations about him. He was looked upon as a bit of a maverick, he was not looked upon as one who was going to really change the policies of the day, the course of history or anything of that order. But, nevertheless, as is his wont, he made the absolute best of the opportunity that presented itself to him and he got reams and reams in Hansard. He made the best out of what was presented to him, and I do not know if he finally saw the light, but he saw some sort of glimmer, anyway, and he went back into his partisan fold.

Now, Mr. Chairman, I bring that up just to make a comparison with what happened at that time and what is happening now with the

present occupant of that seat. I suppose I am making the sort of comparison that is not too dissimilar from the rather spurious comparison that the hon. member makes when he goes back to the IWA dispute and relates that to the present bill.

That was certainly a very strange comparison, and I suppose it could be said that my comparing the present occupant of the lonely seat down there with the occupant of that lonely seat of a number of years ago is also a little bit tenuous. But, nevertheless, I would like to make that comparison. The point I am trying to get at is this, that even though the hon. member for LaPoile (Mr. Neary) was not expected to do great things when he occupied that seat, nowadays that is not the case, or it was not the case. When the hon. member came into this House and occupied that lonely seat down there, there were a number of people, in my view rather misguided and not very thinking, in depth, who expected great things from the hon. member. Well, I can only say that from the content of his remarks they must be sorely disappointed. I, personally, am extremely disappointed. I thought that we would have a new light shed on things. We have had the old hacks from the Opposition over there for any number of years coming forth with their shallow arguments about the policies that we have been putting forward, and you could almost write their speeches for them they are so repetitious, they are so devoid of anything innovative. They are so off the point, you could almost write their speeches for them. Now there was a certain expectation that the hon. member who is occupying that lonely seat down

there would bring a new something to the House, would bring a new dimension to the debate. I do have to say, and I say this with sorrow more than anything else, I do have to say that the hon. member has brought absolutely nothing. As a matter of fact, he has brought out the tired, old cliches that have been so outmoded, so by-passed by the events that have gone on in this dynamic time in which we live that it is almost ludicrous.

Now, I am sure that many of us on both sides of the House have had to deal with the so-called socialists in Canada, whether they be sort of really left wing Liberals and therefore very close to the socialist camp, or whether they be NDPers, federal NDPers or the Saskatchewan type of NDPer, and in comparison to the attitudes and the words that we are getting from the hon. member over there, they seem very modern. And I am not trying to be personally abusive to him, but I am just trying to say that what he is bringing to the House is an absolute zero, an absolute zilch, there is no contribution whatever, and that is a great pity.

Now, I do have to say that he is not only bringing very little to debate but he is in great danger, he is in tremendous danger. At one time I thought our Liberal friends across the way were in a great deal of danger but I am a little bit heartened now they are not in as much as I thought they were. Very recently, as hon. members of the House know, a certain member of our community joined forces with the lonely member in the seat down there and that is going to be his downfall. There is a certain leader of a union who is going to be the kiss

of death for whatever faint glimmer of hope was evident when the hon. member joined this Assembly. I would say that he is going to very quickly fade into the background, he is going to be overshadowed by this person who has joined up with him, and, if anything, that will lead to a certain amount of comfort to the Liberals opposite.

Now, Mr. Chairman, it might be said I am being very hard on the new member down there, and the reason why I am doing this is to try to point out that there is a battle in this Province for the allegiance of the working man, the employee, shall we say, the union person. There is a battle for his allegiance, and the battle has been won. There is a sort of sense opposite that the battle is still going on, and one hears the self-serving remarks made by the hon. member down there in his lonely corner as though he is the leader and the people of his allegiance are the leaders of that great mass of Newfoundlanders out there, the employees, the workers, the union membership. That Mr. Chairman, is so far from the truth because their allegiance has already been given to a political party. And we already know that, all we have to do is look at what has happened in the last number of elections. You cannot get elected in this Province unless you have the bulk of the work force strongly behind you. And there is one party that has been very successful in the polls over the last numbers of years, and in all modesty I do have to admit that it is the PC Party.

SOME HON. MEMBERS:  
Hear, hear!

DR. COLLINS:

So there is a leadership of the working force in this Province and this leadership is very firmly entrenched on this side of the House. And I have to hit the hon. member there in his lonely corner hard, because he just does not seem to understand what is going on, he still thinks that the NDP Party, that rump of a party, that shadow of a party, that sliver of a party in Newfoundland is somehow or other leading the work force in this Province. One has to hit him hard to try to make him understand how laughable and how ridiculous that is. It reminds me of the fellow who had the donkey that he could not get any sense out of, it just would not do any work at all. So a friend of his came along and the man sold the donkey to him, and after he sold the donkey he said, "Gosh, I feel a bit bad about this because you are not going to get anything out of this donkey." Well, lo and behold, the new owner took up a piece of two by four and hit the donkey over the head with it and when the former owner said, "My Heavens, why did you do that?" the chap who had just bought the donkey said, "Look, I have to first get his attention to get any use out of him." Now that is why I had to be so hard on the hon. member opposite: I had to be very, very hard on him to get his attention, to point out to him that if he thinks he is leading the labour movement in this country he really has to wake up and see that he is so far out in left field that he is not anywhere near the public opinion that is held among the workers in this Province. I, therefore, ask him not to come on with these sanctimonious lectures that we very frequently get from him about how bad we on this side of the House are towards the labour movement in

this Province, of how insensitive we are, how we are trying to do them in, how we have their worst interests at heart. I really do have to say to him that this is ridiculous. If we are quiet over here and do not make any immediate response as he talks, it is purely out of politeness. It is not that we are taking this in at all, we just do not want to be too hard on him. I am afraid I am the maverick in our party over here because I can only take so much of this and finally I have to get up and say, 'Please open your eyes and realize what is going on around here. You are a very small rump party which will fade away very shortly. You have no contact with the real interests of the labour movement in this Province.' That labour movement is being led very strongly, very actively, and very vividly by the PC Party which has always had and always will have the best interests of the workers at heart.

SOME HON. MEMBERS:

Hear, hear!

DR. COLLINS:

You just have to look at the record of this party to realize that, look at its bringing in collective bargaining in the public service, which has been one of the great boons in the public service. I am not saying that just to make a debating point. You see the relationship we have with our workers in the public service. We have had leaders in our public service who have tried to buck government policy, even though, I am sure, they themselves knew government policy was rational, sensible, and to the point, but they were not successful in doing that.

The workers in the public service

have come out time and time again and accepted and indeed supported the policies of this government in terms of labour/management relationship. I can quote figures that show 13,000 workers have accepted the conditions we put before them, accepted them without any strike, without any tremendous difficulty whatever. That is because the workers understand that this party and this government has got their best interests at heart, is leading them in extremely difficult times, times that years ago would have seen other administrations thrown out of office. Through thick and thin, even though these are very hard times, they know that this government and this administration is leading public service workers in the very best way possible in difficult circumstances.

Now I am going to give a bit of gratuitous advice to the hon. member. I think he still has the capability of improving his understanding of public issues. I think that he could have a future in front of him, possibly even outside of the PC Party, although it is difficult for any politician with a sense of reality to see any future outside the PC Party for years to come. But I am not going to prejudge that. I think that he may have a future outside the PC Party, but he really has to get with it. He has to understand that the labour movement probably has been turned off from this doctrinaire type of socialism that went out at least in the early 1960s if not in the 1950s, the sort of George Shaw type of thought. That is so inappropriate to present day circumstances that I have to advise the hon. member that if he wants to get anywhere he has to update himself, he has to really understand what is going

on within our community, in our society these days, and get to grips with the activities that the labour movement in this Province are grappling with each day, which we on this side know so well. We are so attuned to their aspirations and they are so attuned to our plans for the future of this Province that there is an almost unbreakable bond between them.

Now if the hon. member wants to get some small part of that I would ask him to drop these thoughts that may have had some currency back in the 1930s, maybe even in the 1940s, perhaps even in the 1950s, but certainly not within the last twenty years or so. I would ask him, if he wants to have a future, to support to some small degree the initiatives this government is taking, initiatives that are and will continue to be beneficial to all sectors of our society, and that includes the labour sector. Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. CHAIRMAN (McNicholas):

The hon. the member for LaPoile.

MR. NEARY:

Mr. Chairman, I cannot really say that the hon. gentleman said anything very offensive.

SOME HON. MEMBERS:

Hear, hear! You support him, do you?

MR. NEARY:

No, I do not necessarily support him. It is probably one of the better speeches that he has made in the hon. House. I think he spent a little too much time zeroing in on my colleague from

Menihék (Mr. Fenwick), Mr. Chairman. And I think that he was probably protesting too much.

MR. MARSHALL:

Do you think he should have spent more time zeroing in on you?

MR. NEARY:

No, I think he should have spent more time dealing with the issue. In one sense I suppose the member for Menihék is correct, although I do not agree with him that the content, the material put out in debate by this side of the House is limited to one member of the Opposition, the Leader of the Opposition (Mr. Barry), although the Leader of the Opposition has made a very valuable contribution to this debate. He has made some of the finest speeches that I have heard made in this hon. House in a long time.

DR. COLLINS:

When was that?

MR. NEARY:

In his opening address in this debate I thought he was outstanding, and I have heard a good many speeches in this House in twenty-three years. The only thing that I can say to my colleague from Menihék (Mr. Fenwick), Mr. Chairman, is that on a number of occasions he has elected for some unknown reason, whether he wants to try to disassociate himself from the official Opposition or what, to have a little flick at the official Opposition, and he has done it on a number of occasions. We have not criticized the hon. gentleman in any way, shape or form.

Mr. Chairman, to deal with the issue at hand, let me first of all say I was intrigued by the

Premier's speech again tonight. I am glad he is back in the House to hear some of the debate.

DR. COLLINS:

You are not as eloquent as the Premier.

MR. NEARY:

I may not be as eloquent as the Premier. I am not noted for my eloquence, I am not one of Newfoundland's outstanding orators, but, Mr. Chairman, whenever I speak in this House I try to get the level of debate down to a little common sense. Therefore, I want to try to deal with the -

MR. BAIRD:

You are dragging the level of debate down right now.

MR. NEARY:

There are only a few speakers left on this side, and on this particular section of the bill, Section (1), our twenty minute speeches will soon be up on that, and then we have to go on to Paragraph 2 of the bill.

But let me say, Mr. Chairman, that those whom the Gods wish to destroy they first make mad, and that is the best way I can describe the Premier tonight. The fact of the matter is that what we see happening here, Mr. Chairman, is the culmination of a whole series of things that have taken place in the last year or so. And I agree with the member for Menihék (Mr. Fenwick), by the way, that in the first three or four years of the present administration, I think the head of the administration had his heart in the right place, I think he meant well. Now, he did not always take the right course of action, in my opinion, and I think

that he made some awful blunders and errors in judgment, but the hon. gentleman's heart was in the right place. But what has been happening in the last year or so is the hon. gentleman abandoning his principles, Mr. Chairman.

The hon. gentleman when he first became leader of the party and Premier of the Province, I think he had high ideals and he had great principles. But I believe the hon. gentleman recently is abandoning his principles..

Mr. Chairman, this particular dilemma we have before us now, Bill 37 and its retroactive aspect, constitutes a matter of principle. We are talking about a matter of natural justice.

Now, Mr. Chairman, hon. members will recall the other day when I spoke in the debate I gave a brief definition of natural justice. I said it is a simple concept that may be defined completely in simple terms. Natural justice is fair play and the question we have to ask ourselves on this bill is are we giving the workers of this Province fair play?

Now let us go back to the original argument. The administration there opposite admit that in drafting the original bill either proper directions were not given to the legislative draftsmen or the legislative draftsmen themselves made a mistake. Now that was the argument that was put forward last week by hon. gentlemen there opposite in this debate. They claim that the definition of termination of employment, permanent or temporary, was left out of the bill. A mistake was made, so they say, in the drafting of the bill. The bill was brought into this House, it was thoroughly debated

by members on both sides of the House - and I have the debate right here, Mr. Chairman, it was quite a lengthy debate - and members on both sides of the House were able to use their talent, whatever ability they had to scrutinize that bill, to go over it with a finetoothed comb to see if there were any flaws in it and, Mr. Chairman, the House having agreed with the principle of the bill, unanimously approved that bill and then it was proclaimed in 1978 and became the law of this Province. Then regulations were made as a result of a provision of that bill so again the legal minds were put to work, the officials of the department were put to work to draft regulations. Now, Mr. Chairman, you would have thought that if there was an omission in the bill, if there was a flaw in it, if there was something wrong with it, when the regulations were being drafted these loopholes would have been plugged. I believe the regulations that were drafted as a result of this bill were good regulations, they were very good, and I believe the regulations pretty well covered any eventuality that might arise. Now, Mr. Chairman, as a consequence of the passing of this law and the drafting of the regulations, employees of companies in this Province, acting in good faith, felt they had certain rights. I believe the first application to be made to the Labour Standards Tribunal under this act was made by the employees of the Wabush Mining Company when their services were terminated. They made the application in good faith and they won their case before the Labour Standards Tribunal. Then the company decided to appeal it before the court and I believe the appeal was scheduled to come up

this week in the Newfoundland Appeals Court.

MR. DINN:

In January.

MR. NEARY:

No, this week. It was scheduled for the eighteenth.

MR. DINN:

Yes, but it was deferred.

MR. NEARY:

Well, maybe it was deferred. Maybe it was deferred as a result of this piece of legislation.

There were other workers throughout the Province affected by that law, including the employees of Bowater. Now what happened in the case of Bowater? Well, when Bowater had to reduce inventory as a result of soft markets, the employees themselves decided that they would not make an application to the Labour Standards Tribunal under this act. They were responsible people, but when number 7 paper machine shut down that was permanent termination of employment and then they proceeded to exercise their rights under the act. As a result of their exercising their rights, Bowater decided to make a settlement with the employees without prejudice. But, Mr. Chairman, they had already made an application to the Labour Standards Tribunal and, in the process of conducting an investigation, the Labour Standards Tribunal discovered all kinds of discrepancies, all kinds of cases, for instance, where the company had given notice and then two weeks later changed their mind and then they gave notice again. There were no twelve clear weeks and the Labour Standards Tribunal themselves detected this and the

investigation is still going on. Now even with that, Mr. Chairman, the workers at Bowater who are about to be transferred to the Kruger payroll said they would not press the issue. What they were saying in effect is that they would not create a hardship for Kruger coming into Corner Brook, that they did not want Kruger to take over a liability as a result of any action on their part. So, Mr. Chairman, the argument that the government had to have this bill in order to allow Kruger to come into Corner Brook is a falsehood. It is just not true, Mr. Chairman. So what they are doing now is forcing this bill through this House by bringing in closure and they are going to punish the employees of the Wabush Mining Company who have successfully made a claim under the Labour Standards Act.

MR. DINN:

They were not deserving of it.

MR. NEARY:

They were deserving of it. In Wabush they certainly were deserving of it. Mr. Chairman, what the hon. gentleman is saying is that the Labour Standards Tribunal did not know what they were doing. Well, the court will decide. The matter is going to court. It is not up to this House to decide, it is up to the court. Mr. Chairman, the hon. gentlemen should have allowed the natural process of law to continue and the courts would have decided. Mr. Chairman, these employees acted in good faith and it is a very, very weak argument indeed for the government to say that a mistake was made in the legislation in 1978. Three years after that act because the law of this Province, an application was made by the Wabush Mining Company, in 1981.

Why did the government not then initiate an action? We have not had a satisfactory answer to that question. In 1981, when the Wabush Mining Company employees initiated an action under the act, why did the administration there opposite not move then?

MR. DINN:

Do you want me to answer that?

MR. NEARY:

Well, we have not had a satisfactory answer. I hope the hon. gentleman will answer.

MR. BARRETT:

The point is irrelevant. You are only clouding the issue.

MR. NEARY:

I am not clouding the issue, I am laying the facts out as they are, and hon. gentlemen there opposite do not like it, Mr. Chairman.

So what we are talking about is a matter of moral principle. The administration there opposite have every right to bring in this bill, they have a right to make it retroactive. Mr. Chairman, it is their right and, Mr. Chairman, other speakers have said that administrations who have had to do this do it with reluctance. I have no doubt about that at all but that does not excuse the administration for what they are doing. They are doing something that flies in the face of natural justice. Now, that brings me back to a definition of natural justice and I am going to read this for hon. gentlemen so that they will be able to see what it is they are doing wrong. I am just going to quote a part of this.

'But courts and commentators who decline to accept any form of justice as natural may take their

choice from among substantial justice, the essence of justice, fundamental justice, universal justice, rational justice, the principles of British justice or simply justice without epithet, fair play in action or fairness writ large judicially as phrases which express the same idea. In any event, natural justice was written into the statute book in 1969. There are, moreover, considerations which incline English lawyers towards retaining natural justice as part of their vocabulary. The term expresses the close relationship between the common law and moral principles' - remember that now; and that is what we are talking about, moral principles - 'and it has an impressive ancestry. That no man is to be judged unheard was a precept known to the Greeks, inscribed in ancient times upon images in places where justice was administered.'

So what we are talking about, Mr. Chairman, is British fair play and natural justice and a moral obligation that goes back to the Greeks. Now they can argue that they have the majority and they can do what they like in this House, they can pass a law saying the moon is made of cheese but that would not make it right. They can do all of these things, Mr. Chairman, and they can invoke closure. It is the first time I believe it has happened since 1971. That is one of the sad things about this debate. It has been a good debate, by the way, despite what the hon. member for Menihek (Mr. Fenwick) says. It has been a good debate. It has shown a great weakness in the administration. It has proved one thing, that the administration is deteriorating, that the administration is falling into the



trap of getting in bed with big business, that the administration is in the pockets of some of the big multinationals in this Province, Mr. Chairman.

Now, Mr. Chairman, I regret very much to have to say that what I think is happening is that the Premier has abandoned his principles and he has let the people of this Province down badly, Mr. Chairman.

DR. COLLINS:

You had better tell the people of the Province that because they do not know that.

MR. NEARY:

Well, they know it now because I can tell hon. gentlemen one thing that the message over Bill 37 has gotten out to the people of this Province. And if I were hon. gentlemen I would be very concerned about what that message is. The message is that the Premier and his cohorts have forsaken the ordinary people and are in the pockets of big business, in the pockets of the multinationals, Mr. Chairman. They have abandoned their principles and they will never get forgiveness for it. They are on a slippery slope and they will continue to slide down that slope if they keep invoking closure and using their majority to be arrogant and dictatorial and to ram bad legislation through this House. That is what this debate is all about, Mr. Chairman; it is not about whether somebody is eloquent or somebody is articulate or somebody can speak well or somebody's hair is combed a certain way, that is not what the debate is about. The debate is about moral principles and natural justice and let nobody fool themselves about that. That is

the message that has gone out to the Newfoundland people. And in order, Mr. Chairman, to get their own way, the Premier sucking his thumb and sulking they invoke closure.

SOME HON. MEMBERS:

Hear, hear.

MR. CHAIRMAN (McNicholas):

Order, please! The hon. member's time has elapsed.

The hon. the member for St. John's West.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRETT:

Thank you, Mr. Chairman.

Mr. Chairman, unfortunately the member for LaPoile (Mr. Neary) has taken some liberties with the purpose for which this act is being introduced. Unfortunately, Mr. Chairman, he has not yet grasped the significance of this act. Although there has been several references to a publication that was made in the media lately as to why this particular act was introduced, it might be refreshing for some of the members opposite to get somewhat of an education by listening to what Bill 37 is intended to do. Bill 37 is an act to protect jobs. Very simply put, Bill 37 is an act to protect jobs.

MR. HODDER:

Is this your maiden speech?

MR. BARRETT:

Can you not say something else? I mean, you sound like a broken record over there.

Bill 37 is an act to protect jobs.

MR. STAGG:

Read it for us.

MR. BARRETT:

I think this should be read. I will read it and enter it into the record. I will table the document. 'Some are saying that your provincial government is hurting workers by making certain retroactive charges in the layoff provisions of the Labour Standards Act.'

MR. WARREN:

Quorum call, Mr. Chairman.

MR. CHAIRMAN (McNicholas):

Call in the members.

Quorum

MR. CHAIRMAN (Aylward):

Order, please!

Three minutes have passed. A quorum is present?

The hon. the member for St. John's West.

MR. BARRETT:

Thank you, Mr. Chairman.

I thought it was important to try to impress upon the members opposite the necessity for introducing this particular bill and unfortunately they are totally off base, as they normally are, for the reasons of preparing and enacting this legislation. Obviously it is necessary to table this particular document which has circulated widely. In doing that I would like to quote from it. 'Some are saying that your provincial government is hurting workers by making certain retroactive changes in the layoff provisions of the Labour Standards Act.'

MR. CALLAN:

Are you going to table that?

MR. BARRETT:

Yes, I am. I already said that if you were listening.

'Are we favouring companies at the expense of workers? The answer is an emphatic no, and here is why. The existing Labour Standards Act does not clearly define the difference between a temporary and a permanent layoff and as a result the Labour Standards Tribunal has ruled that insufficient notice was given by Wabush Mines to its workers for a three week layoff in December of 1981.'

MR. HODDER:

On a point of order.

MR. CHAIRMAN (Aylward):

The hon. the member for Port au Port, on a point of order.

MR. HODDER:

Mr. Speaker, is there any rule against boredom in this House? I mean, it is the first time that I have ever heard the member speak except for the fact that he used to throw things across the House and make comments. But now that he has made his maiden speech, can we stop him from reading things from reports? Could we see the member just stand up and give a speech, speak from the heart on this particular bill, particularly since the government pretends that this means so much to them? This is kind of boring to us in the Opposition, it is bothering us. The member should be able to at least stand up and speak off the cuff on something that supposedly affects his government so much.

MR. CHAIRMAN:

Order, please!

To that point of order, if there were a rule relating to boredom I am sure there would be a lot of us brought to order quite often.

The hon. the member for St. John's West.

MR. BARRETT:

Thank you, Mr. Chairman. If I might be so bold as to carry on, 'Such a ruling would leave the company liable to pay \$750,000 in retroactive wages. This interpretation means that a company would have to give four months notice for an eight-day, temporary layoff. If we apply this interpretation to what has happened at the Baie Verte asbestos mine, the many fish processing companies and Bowater, the retroactive wage bill jumps to a staggering \$27 million. The recent recession left most of the companies mentioned either bankrupt or near bankrupt. Retroactive wage settlements of at least \$27 million could shut them down permanently and cost the Province thousands of jobs. In the case of Bowater it could prevent the sale of the mill. Given this government's current budget deficit, we cannot afford to pay the \$27 million either. The retroactive provisions of Bill 37 apply only to the clarification of temporary and permanent layoffs. No retroactive changes are being made to the terms and conditions of employment. Indeed, the changes in the Labour Standards Act will provide our workers with the best temporary layoff protection in all of Canada. Bill 37 makes the best of a bad situation. Bill 37 helps keep companies operating and thus protects existing jobs. If you had a choice between receiving some retroactive pay or saving your job which would you choose?

Bill 37 is the intelligent solution to a difficult problem.'

Mr. Chairman, in reviewing some of the items contained in this which directly relate to the amendments to the bill presently under debate, unfortunately the Opposition fail to realize the precarious position that a great number of our companies are in with respect to this past number of years, their very precarious position financially. They fail to recognize that wealth must be created before it can be distributed. Ladies and gentlemen, this bill protects -

MR. HODDER:

Ladies and gentlemen!

MR. BARRETT:

Yes, there are a few here. There are not many on the other side of the House but there are a few.

MR. HODDER:

You are reading your speech.

MR. BARRETT:

No, unfortunately I am not reading my speech.

MR. CHAIRMAN (Aylward):

Order, please!

MR. BARRETT:

Mr. Chairman, a great many of our companies found themselves, and are still today, in a very precarious position, a position that could only be worsened if this legislation was not introduced. There is no question, Mr. Chairman, but that it is necessary to reinforce the meaning of the term 'permanent layoff' in this particular act. It obviously had to be put in simplified language to let the members opposite know the difference between permanent and temporary.

Obviously the people who ruled on this particular matter needed a similar type of guidance. If that had been done, if a normal interpretation of the word 'permanent' had been given the proper consideration, this situation should never have arisen. There is nothing being taken away from any worker in this Province; absolutely nothing in this act is doing that.

MR. BARRY

Only \$27 million, that is all.

MR. BARRETT:

That is \$27 million that these workers were never, ever, entitled to. There is nothing being taken away from anybody. They have never been given it, they have never had it, it was never intended that they were entitled to.

MR. BARRY:

The Labour Tribunal said they were entitled to it.

MR. BARRETT:

The Labour Tribunal seems to have a different interpretation than the normal dictionary as to what permanent means.

MR. BARRY

Who set up the Labour Standards Tribunal?

MR. DINN:

The Labour Standards Act, which is a great piece of legislation.

MR. BARRETT:

A great piece of legislation.

MR. HODDER:

This is the first time he has been on his feet in five years.

MR. BARRY:

It is not a bad speech, apart from

the fact he is reading it.

MR. BARRETT:

Mr. Chairman, there is absolutely nothing being taken away from any of the workers in this Province. They are not being deprived of anything that they were entitled to, justifiably or otherwise. No worker in this Province is having anything taken out of his pocket. This act has been wrongly interpreted. It was never the intention that temporary layoffs should entitle a worker to eight weeks severance pay. There is no way any company in this country or this Province, or any jurisdiction, can operate under those kind of regulations. It is necessary to define what temporary and permanent mean and this act now does that. It is putting some stability into the work force, it is putting some stability into the companies of this Province, it is putting some stability in the preservation of jobs. And that is what this act is all about, contrary to the clouds that are being drawn over this issue by the members opposite.

SOME HON. MEMBERS:

Hear, hear!

MR. CHAIRMAN (Aylward):

Order, please!

The hon the member for Fogo.

MR. TULK:

Thank you, Mr. Chairman.

We started off the debate on this bill on what we on this side believe to be a very important principle, the principle of retroactivity. We thought the principle of retroactivity was a very important issue that should be debated in this House. In the last couple of days we have seen

this government invoke a principle of parliamentary procedure which is usually invoked only by a government that is tyrannical, running scared, that is afraid to face the music, afraid to debate what is happening in this Province in the House. And talk about trying to play cute! The Premier, you know, is a very peculiar fellow. He knows closure is wrong, that he should not invoke it in this House, that it should not be done, but he invoked it this afternoon. So what did he do this evening? First of all he put us into Committee of the Whole in the hope that the Opposition would collapse and he would not have to proceed with closure.

MR. BARRETT:

You collapsed long ago.

MR. TULK:

I know the member for St. John's West (Mr. Barrett) must feel happy and proud of himself now that he has made his first speech in this House. He must feel happy.

MR. BARRY:

Now that he has lost his political virginity.

MR. TULK:

I will not say that, will I? But what did we see? We saw the Premier come in and put us into Committee of the Whole without first invoking closure in the hope that he could get rid of it because, I believe, his conscience was bothering him. I believe that the Premier has a little twinge of conscience every now and then. I believe that he has changed substantially from the Brian Peckford of 1979, the man who walked into this House with all his principles, the man who said we had to abide by principles in

this House or else, we had to abide by principles as a government and as an Opposition. I believe he still gets little twinges of conscience when he knows that he is doing something that is not of principle, not the way the Brian Peckford of 1979 would carry on. So he comes in this afternoon, puts us in committee and, then he saw that we were not going to collapse, what did he do? He moved closure. They made a mess of it on the other side but he invoked closure.

MR. STAGG:

I wonder is it possible for the member for Port au Port (Mr. Hodder) to stand up?

MR. CHAIRMAN (Aylward):

Order, please!

MR. TULK:

Let me tell my hon. friend from Stephenville (Mr. Stagg) that if the member for Port au Port stood up he would make a lot more sense than the hon. the member for Stephenville made when he spoke.

What have we got over here?

MR. STAGG:

Precious little.

MR. TULK:

Mr. Chairman, could you keep the Cabinet toddler quiet down there?

MR. CHAIRMAN:

Order, please!

MR. TULK:

Mr. Chairman, I do not want him interrupting me because I do not want to have to remind him about one of the worst little fears that he has and that is that he is never going to get in the Cabinet on that side. I do not want to keep reminding him of that because

I know how much it hurts him. Outside of this House I like to think of the member for Stephenville (Mr. Stagg) at least as a sociable fellow, a very likeable fellow so I do not want to have to remind him of one of the worst little fears that he has in his life.

What do we have on the other side of the House? We have a government that came into office in 1979 and claimed that nobody but them knew what principles were about, nobody else knew. The Government House Leader (Mr. Marshall), he is the member for St. John's East, who has said repeatedly in this House in 1971 when he was on this side of the House in opposition that closure should never, never, never be invoked. As a matter of fact, what did he say no later than December 4? "Closure is an implement, Mr. Speaker, of Liberal governments in the past, Liberal governments federally and Liberal governments in the Province. It certainly would not be the desire or the intent of this government at this time to entertain any matter of closure."

They tried to skate around it this evening, tried to fool everybody in this House by making believe that they did not intend to invoke closure, that it was the last thing they really wanted to do. Finally the chips are down and the Premier knows that he is going to get a debate, that we are going to call what I believe is a colossal bluff on the part of the Premier. His bluff has been called. He was playing with a couple of deuces and we called his bluff. The bluff was this: The Premier tried to tell us that if he did not get Bill 37 Kruger was not going to buy Bowater's mill.

MR. STEWART:

Did you not read the Kruger letter?

MR. TULK:

I will deal with that letter. I believe that is one of the biggest bluffs the Premier ever perpetrated in this House and it got called. We called his bluff. What did he do then? When the bluff was called last week, he tried his other cute little tactic of going to Kruger and saying, "Will you give me a letter to say that unless I get Bill 37 you are not going to buy the Bowater mill in Corner Brook?"

DR. COLLINS:

Do you have all your Christmas cards done, by the way?

MR. TULK:

I believe I usually get one from the hon. gentleman. He probably does not know he sends it but I get it.

"Give me a letter," says the Premier to Kruger in the hope that he could walk into this House and scare the Opposition, intimidate the Opposition into folding, into forgetting about Bill 37, into saying, "Okay, Premier. If you have to have it, Kruger can take it." Mr. Chairman, I believe that if the facts were known that postponing was done at the request of the Premier, because he is great at cute little political tricks.

MR. NEARY:

The eighty agreements are not ready yet.

MR. TULK:

I told the member for LaPoile and the Leader of the Opposition (Mr. Barry) on Monday, "I bet you what the Premier will do is he will set up an opening for Wednesday and

when Wednesday comes he will postpone it." And my words were exactly right. And I believe that one of the reasons behind that was that the Premier wanted to play some cute little political tricks with Kruger, and the other reason I believe is that he was not ready to sign anyway.

MR. NEARY:

They have seventy-nine or eighty agreements to sign.

MR. TULK:

There were a few agreements that have not been put together. The Premier should have resolved this problem in 1981 when this case was first brought up about the definitions in the law. If he had a great many of the ills that are now with us could have been cured. He could have solved it. But no! He and the great and wonderful Minister of Labour and Manpower (Mr. Dinn) let all those things slip from 1981 to 1984. And now the Premier comes into this House and tells us that unless he gets this bill through Kruger is not going to buy the mill in Corner Brook, and that practically all of the major companies in this Province are going to go broke. He is setting up straw men. The Premier this evening could not have been farther removed from the so-called principled man who walked into this House in 1979. For example, he stood in this House and talked about peace for a great length of time, about how worthwhile peace was, and then went on to say that if you live in the real world you have to give up some things and perhaps not have peace.

What power does to men! His logic is convoluted. I say to hon. gentlemen on the other side who still worship the Premier, that

they are worshipping a man who is no longer around.

MR. NEARY:

A false god.

MR. TULK:

A false god. He says that the Leader of the Opposition (Mr. Barry) is not living in the real world. The Premier's problem is that the real world does not consist of only grasping for power as it seems to me that Premier has done. The Premier's real problem, and the government's real problem is that when they set a course for themselves - we have a prime example of it in this legislation - they refuse to change, they dig in. They will make no change at all in spite of the fact that the Leader of the Opposition (Mr. Barry), as the member for LaPoile (Mr. Neary) said in a great speech, suggested to the Premier of this Province a number of ways through which he could have gotten Kruger out from under. He did not want that, that was not the purpose for the Premier sticking Kruger into this debate in the first place. The reason he brought Kruger into the debate is he wanted to play on the misery of the Newfoundland people, to play on the misery of the people who are unemployed, to play on the misery of people who fear unemployment; he wanted to use that misery to get through a piece of distasteful legislation. And, of course, he was aided and abetted by the man who said he does not believe in closure, the man who said he will never believe in closure, who said in '71 and said it again this year on December 4, the Government House Leader (Mr. Marshall). Closure is most distasteful, said he, and he did not want to use it and he did not intend to use it. What is

even more distasteful, and it is covered very well in an editorial in The Evening Telegram, which once was known as a Tory paper but perhaps is changing somewhat now, because even a Tory paper is getting fed up with them; this Tory government. What is more distasteful is that you now have Kruger - so the Premier says but I do not believe it - and the large companies coming into this Province and telling us what we can pass in this Legislature. Well, the Premier and the Government House Leader are the people who have said that we should manage our offshore resources, and we have agreed with them. If Kruger is manipulating the government, is telling the government what to do in the case of Corner Brook, then you can very well wonder, and this was a point that was made this evening by the Leader of the Opposition and other people, what Mobil Oil is going to do with them. What are they going to do? How many problems are they going to solve outside of this Legislature their telling this government what they can do.

I believe the government knows this, and this is what makes it so sad for the people of Corner Brook. I can appreciate the member for Humber West (Mr. Baird) wanting to keep his people employed. So do we and we have no problem with that.

MR. BAIRD:  
You do not show it.

MR. TULK:  
I believe that the member for Humber West has been euchred again by the Premier.

MR. FENWICK:  
Is that painful?

MR. TULK:  
It could be. I believe that he has been fooled, because I do not believe the member for Humber West (Mr. Baird) would stand in this House and use the people of Humber West. I do not believe he would. But I can tell him, and I believe it to be correct, as do most people in this Province and most people in Corner Brook that the Premier used Kruger to get a very distasteful piece of legislation through this House.

This side of the House even proposed, as the member for Humber West knows, that if it could be proven beyond a shadow of a doubt that it was necessary, then we would make an amendment to the bill exempting Kruger because it is a new company coming into this Province and should not have to assume the liabilities of Bowater. Did the Premier consider that? No, because then one of his straw men would have been beaten down. Instead of that he chose to come into this House and try to use the people of Corner Brook to bully and intimidate the Opposition. When he found out he could not do that, he invoked what is one of the most distasteful parliamentary procedures that has even been invoked in this House or in any other parliament, and that is closure. But his bluff has been called and I feel sad for the Premier.

MR. WARREN:  
What about the member for Conception Bay South (Mr. Butt), did he speak?

MR. TULK:  
If the member for Conception Bay South rises to speak I do not believe he will agree with this piece of legislation.



MR. WARREN:

And the member for Twillingate (Mrs. Reid) will not speak on it.

MR. TULK:

I do not know the lady from Twillingate (Mrs. Reid) personally, but I have heard a great deal about her and I can tell you if the lady from Twillingate were to speak her mind, she certainly would not agree with this legislation.

I have one question to ask this government on this piece of legislation and it is where is that great, principled government of 1979? You have deserted your principles and that is what is wrong with your government. That is what is wrong with your government; you count numbers and you figure you are good. That is what is wrong with you. If your number of people in this House is up you are happy and that is where you stop. But you stop and look at what you are doing to this Province as well.

MR. WARREN:

I say the member for Twillingate will not speak because she was told not to speak in this debate. She knows in her own mind if she were to speak she would speak against the government and therefore she will not speak.

MR. TULK:

Mr. Chairman, if the member for Twillingate were to speak, she would stand up in this House and say that that legislation is wrong. Today perhaps was the worst of all. What the Government House Leader (Mr. Marshall) and the Minister of Justice (Mr. Ottenheimer) did today on the other side of this House was tear up the Order Paper. Because they could not get their own way, they

tore up the agenda of this House. That is exactly what they did. Tomorrow we could be in the middle of Question Period and somebody on the other side would not like the questions that were being asked and he could stand up and move that we move to Orders of the Day. That is what the great architect of the Public Tendering Act, the Government House Leader did today, all in the name of a bogeyman, Kruger, which he is using to try to get a very distasteful piece of legislation through this House.

The Government House Leader went to Ottawa and while he was gone they invoked closure. I do not know if he has spoken in this debate or not, but I suspect that he will. But while he was gone they torn up all of the principles that he believes in. When he got back he was either suffering from jet lag or he had been torn to shreds by a PC, in both sense of the word, Pat Carney.

He has lost another battle with the boys upalong, the people whom he has professed for the last couple of years not to like.

MR. WARREN:

(Inaudible) I bet the member for Twillingate is not going to speak in this debate.

MR. TULK:

Is the member for Twillingate going to stand up and speak or not?

MR. WARREN:

No, she will not, because she was told not to stand up.

MR. TULK:

Because if she stands up and speaks her mind, she will go against this bill.

MR. WARREN:

She was told not to speak.

MR. TULK:

If you look at the member for St. Mary's/The Capes (Mr. Hearn) over there who spoke yesterday, you can tell from the look of dejection on his face that he has a conscience and knows that he was wrong. The member for Fortune-Hermitage (Mr. Stewart) it totally. The member for Twillingate will not stand and support this bill. Somebody said it was the maiden speech of the member for St. John's West. No, it was not, it was his second one. He made one before. He talked about anticipating an inequity. When the member for LaPoile (Mr. Neary) was speaking on letting this problem move up through the judicial process and then perhaps acting, the member for St. John's West said we have to anticipate inequity. Now that speaks a little bit of God. And, Mr. Chairman, I submit to you that that is exactly what is happening here, the government is playing a little bit like God.

MR. BAIRD:

Mr. Chairman

MR. CHAIRMAN (Aylward):

The hon. the member for Humber West.

MR. BAIRD:

Thank you, Mr. Chairman.

What garbage we just listened to! I am sure you would need more than one dump to store some of the garbage that came across the floor of the House these past few days. Mr. Chairman, the whole import of this bill is the clear definitions of termination and temporary layoffs. Nobody likes to make a bill retroactive. The Premier has said it and members on both sides of the House have said it. No

government wants to bring in closure, it is certainly not the popular thing to do, but a government is put there to govern and we will bring in closure if we have to. I have no hesitation in supporting it.

As I said last night or the night before, if the people across the floor tonight were out in Humber West to see the anxiety of the people in Corner Brook, they would not think it quite so funny and they would not be filibustering, talking about closure and the limited time they have to speak on the bill, and all we heard were war stories and a lot of crap.

The Leader of the Opposition (Mr. Barry) and the member for Menihek (Mr. Fenwick) took it on themselves to write Kruger expressing their dissatisfaction. We will find out a lot more about Kruger if you poke your nose out around Corner Brook. It is a company, Mr. Chairman, that we are very, very proud this government was able to entice to come to the Province. They have a good reputation. They take an old mill and turn it into a success story, which is what we are looking forward to in Corner Brook.

Today we heard the member for Port au Port (Mr. Hodder) talking about how he could not get up in this House to present petitions, claiming his rights were taken from him. Well, Mr. Chairman, if it were a member on this side of the House creating so-called petitions I certainly would not call him a colleague. They had ample time to do it if they wanted to this afternoon, but they did not want to argue their position, like the Leader of the Opposition (Mr. Barry) earlier in the night when he wanted to sit down and

talk about bedtime stories.

MR. NEARY:

I just spoke to Corner Brook on the phone and I was told it is a pretty sad place out there today.

MR. BAIRD:

I dare say it is a very sad place out there today and a lot of it is because of the Opposition and some of their antics.

MR. NEARY:

You should talk to the fellow I just talked to?

MR. BAIRD:

I will talk to the fellow you just talked to anytime at all. If you want to come out and go on the stage with me in Corner Brook, Sir, I will accommodate you anytime at all!

SOME HON. MEMBERS:

Hear, hear!

MR. BAIRD:

I listened to the Leader of the Opposition (Mr. Barry) with his war stories but he certainly did not bring up a lot of the points that he claimed he was capable of bringing up.

As for the letters that were written by the Leader of the Opposition and the member for Menihek (Mr. Fenwick), I certainly have a pen too. I may not be as eloquent as some of you people, but I think my words are just as sincere and certainly listened to by a lot more people. We have a new company coming in here to provide jobs and take over an old mill which is now defunct, which was ready to close in another five days only for this government.

However, Mr. Chairman, this government certainly has no

intention of letting any mill close, whatever we have to do, and the people of Corner Brook have that assurance from the Premier. What foolishness came this afternoon from the member of LaPoile (Mr. Neary) about bringing Kruger officials to the Bar of the House because they wrote a letter seeking clarification. That is the kind of company we want coming in, a company that makes sure what they are doing and where they stand before they come in, not after. That is the kind of company you need to compete successfully in the market, and we are quite sure that they will compete successfully. The employees of the mill and the people of Corner Brook in general, and many of the fish plant workers in the area would be in trouble without this bill and I think they know that. I think the Leader of the Opposition (Mr. Barry) is going to wish his cake dough when the next election is called.

SOME HON. MEMBERS:

Hear, hear!

MR. BAIRD:

Fortunately, he has a law practice to go back to and I wish him well in it.

MR. BARRY:

You are gone! You are gone!

MR. BAIRD:

Why do you not come out and try me, Sir? I will even show you where the boundaries are.

Mr. Chairman, I have no hesitation supporting this bill, but I do so reluctantly, because, as I said, nobody likes to bring in closure, nobody likes to make a law retroactive; however, this government was elected to govern and govern we will. I am fully

supportive of what must be done for the people of this Province, I am fully support it with no hesitation at all. I will be in Corner Brook next week at the little reception that the people in Corner Brook wanted to have this week.

MR. BARRY:

When are they having it now?

MR. BAIRD:

You do not have to worry about when they are going to have it. You will not get an invitation anyway!

SOME HON. MEMBERS:

Hear, hear!

MR. BAIRD:

There are going to be a lot of people there. You can sit out at the bar with some of your cronies if you wish, but you will not be getting an invitation.

MR. WARREN:

Why not?

MR. BAIRD:

You will not be getting one either. I would be very glad to personally escort you there had you had a little bit of common sense and supported the bill, but you have not. And, as in many other things you have done, you will have to pay the consequences.

So, Mr. Chairman, I have no hesitation in supporting this Bill 37.

MR. BARRY:

Would the member indicate why government delayed the bill and did not go ahead with it when we were prepared to vote for it?

MR. BAIRD:

You were prepared to vote for Bill

37! Mr. Chairman, I think right now, considering what we are discussing, the Leader of the Opposition (Mr. Barry) certainly does get himself mixed up sometimes. Right now we are talking about Bill 37. I am discussing Bill 37, Mr. Chairman. The Opposition talks about how they were shut down, how they were silenced when the government pulled the numbers on them, but they have had about twenty-five or thirty hours of debate. If you go down and take Hansard to see what they were talking about from their side of the argument, I think you will find it very, very interesting reading. Over the next couple of weeks I certainly will be checking Hansard, making many copies of it, and the people of Corner Brook are going to be very, very familiar with what the Opposition had to say.

Mr. Chairman, we have twenty minutes left before the hon. gentlemen opposite are going to have little tears in their eyes and the people of Corner Brook are going to be celebrating. We will hear now what anybody else has to say, we will listen to their words of wisdom. Perhaps we will hear a few more war stories or the like.

Thank you very much, Mr. Chairman.

MR. CALLAN:

Mr. Chairman.

MR. CHAIRMAN (Aylward):

The hon. the member for Bellevue.

MR. CALLAN:

Thank you, Mr. Chairman.

Mr. Chairman, I am not in very good voice tonight but I have listened attentively. I listened to the member for Menihek (Mr. Fenwick) and his dissertation on

what this Bill 37 and the amendment to it is all about and how he perceives the government and their action on this particular bill, and also how he perceives the role of the Liberal Opposition.

Mr. Chairman, if I could venture a guess, I would concur with an awful lot that the member for Menihek had to say.

As I said in an earlier speech, Mr. Chairman, we are on the verge of the triple 't' years, the thirteen terrible Tory years. J. R. Smallwood managed twenty-three years. We can take a decade off that for this administration, Mr. Chairman, because, as the member for Menihek (Mr. Fenwick) explained, people are today a lot more enlightened than they were, say, back in 1959.

If I could just take a few moments to perhaps expand on what the member for Menihek was saying and the comparisons that he was drawing between the present Premier and former Premier J. R. Smallwood, there are many, many, many similarities.

MR. OTTENHEIMER:

You were elected as a Reform Liberal.

MR. CALLAN:

I do not need any help from the Minister of Justice (Mr. Ottenheimer).

MR. MARSHALL:

On a point of order, Mr. Chairman.

MR. CHAIRMAN (McNicholas):

On a point of order, the hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, first of all, I do

not see relevancy of the debate that the hon. gentleman is leading to in this resolution. At the same time I would like to ask, even though it is late, is this the night of the long knives? Is he sticking his knife now into poor Mr. Smallwood, who is sick, not in a position to be able to respond, whom the gentleman ran with and sat with over there.

MR. NEARY:

What crocodile tears!

MR. MARSHALL:

I am defending the former, former Premier.

MR. CALLAN:

I would have expected that from the hon. the member for St. John's North (Mr. Carter).

MR. MARSHALL:

The member for Bellevue sat over there with the inconsistent label of Reform Liberal. Mr. Chairman, the fact of the matter is the hon. gentleman is not being relevant to the matter before the Committee.

MR. CHAIRMAN (McNicholas):

To that point of order, I would remind the hon. member that we are dealing with the Labour Standards Act.

The hon. the member for Bellevue.

MR. CALLAN:

Thank you, Mr. Chairman.

I was just getting comfortable. Watching members on the opposite side, especially the Premier and a few others as well, I have learned that what you are supposed to do is forget that the furniture in this Legislature is paid for by the taxpayers of this Province, what you are supposed to do to get really comfortable is stick one

foot up on a chair and then, you know, you are really comfortable and that gives you lots of leverage to swing your arms and all that sort of thing. But, Mr. Chairman, the analogy that was being drawn by the member for Menihek (Mr. Fenwick) between the IWA strike of 1959, what happened there and what is happening here in these recent days, and I guess will continue into the next several days, the analogy is a very, very good one indeed.

MR. NEARY:

Wake up the member for Gander (Mrs. Newhook).

MR. CALLAN:

I remember, Mr. Chairman, the IWA strike quite vividly. As a matter of fact, I was teaching in a small community in the member for Gander's district, unless it has changed, in a little town on the railway track between Gander and Gambo called Benton and that was the year of the IWA strike. It was my first year as a school teacher, just fresh out of high school really, because I could not afford to go to university and get five, six or seven years university as some hon. members opposite did. I remember the IWA strike, Mr. Chairman. Even today the Premier and some of his colleagues take credit for getting a lot of PC votes in places like Hodges Cove and Southwest Arm, but it has nothing to do with this present Premier, it has nothing to do with PC or Liberal, it has all to do with the IWA strike. Mr. Chairman, some of the best loggers in Newfoundland are from Trinity Bay. I do not say that because I am from Trinity Bay, but some of the best loggers in Newfoundland came from places like Chance Cove. As a matter of fact, Mr. Chairman, the best logger that

ever went into the lumber woods in this Province is from Trinity Bay, Alfred Cooper, who is a constituent of mine.

MR. TULK:

He cut seven cords a day with a bucksaw.

MR. CALLAN:

That is right. He was the best logger that ever went in the woods. Now my father, Mr. Chairman, was a logger all his life, I am not ashamed of that. I say it proudly.

MR. TULK:

He cut a cord a day with a bucksaw.

MR. CALLAN:

That is right, and he did it day in and day out and week in and week out.

Mr. Chairman, the reason that people in Hodges Cove today are still voting Tory has nothing to do with the Tory party, it has nothing to do with the Liberal party, it has nothing to do with the present Premier, it has all to do with what Mr. Smallwood did in the IWA strike.

MR. OTTENHEIMER:

You came in on Joey's coattails as a Reform Liberal.

MR. CHAIRMAN (Aylward):

Order, please!

MR. CALLAN:

I know whose coattails I came in on and the Minister of Justice (Mr. Ottenheimer) knows whose coattails he came in on. He was here as Leader of the Opposition year in and year out like a voice crying in the wilderness and that is as far as he got. The fact that the Minister of Justice ever ended up in government had nothing

to do with him.

MR. OTTENHEIMER:

You came in on Mr. Smallwood's coattails and now you are criticizing the man.

MR. CALLAN:

I am not criticizing the man. The man made a mistake, the same blind mistake that the Premier is making today. The Minister of Justice, Mr. Chairman, came in on Frank Moores' coattails the same way that I came in on J.R. Smallwood's coattails with the Liberal Reform Party of 1975. I admit that now and I have admitted it before.

Mr. Chairman, the member for Stephenville (Mr. Stagg) does not often come to the House of Assembly, but yesterday, Mr. Chairman, sitting here I listened to some of what he had to say. It was as usual a repeat performance of speeches that he gave last year and the year before that, but I noted one thing in particular that the member for Stephenville had to say yesterday, Mr. Chairman. He said that the Liberals in this Province are satisfied to go to Ottawa for crumbs but the members of the PC party and the PC government are not satisfied with crumbs but want the whole loaf. He repeated it and it is in Hansard for anybody to see. I noted it as he said it. That is typical Tory philosophy. There is no halfway point with Tories and that is why, Mr. Chairman, we have these expressions that have stuck with the Tory Party like cliches and like proverbs. 'We do not want any crumbs,' he said, 'we want the whole loaf.' Is that not typical of a Tory, Mr. Chairman? They want the whole loaf. There is no halfway point between their saying we do not want crumbs but we would like at least half a

loaf. But no, no, Tories want the whole loaf! And the loaf I am referring to here, Mr. Chairman, is the Premier in his greed wants to get total credit for all of the deals that have ever been made since he became Premier. We have two pamphlets here which show he is not satisfied with half a loaf or the crumbs, that he wants all the credit. The Premier, Mr. Chairman, in heading down a blind alley with regard to this bill, and he is not prepared to compromise. The Leader of the Opposition (Mr. Barry), Mr. Chairman, a couple of days ago came forward in his letter to the Premier with an excellent compromise. He pointed out that Bill 37, this retroactive legislation, should not have to apply to Baie Verte and all of the fish companies and everybody else. He suggested that the new company coming in, Kruger, who should not have any liability for any deeds that were committed or uncommitted by Bowater. The Leader of the Opposition suggested, rather than have Kruger be liable for these possible payments of \$6.7 million, we should amend the legislation, amend Bill 37. But no, the Premier was not satisfied with that, Mr. Chairman. The Premier said no. The Premier's response was, 'We are going to get this legislation through the Legislature by hook or by crook.' Shortly after the Premier received this letter, Mr. Chairman, from the Leader of the Opposition, the Premier stood in this Legislature and announced that he was invoking closure on the Kruger bill and on Bill 37. As I said as I started off, Mr. Chairman, the Premier will discover to his peril that by wearing those blinkers he is wearing - he does not see to the left or right but only straight

ahead - ten years will be knocked off his years in power. Even though the Premier is so much like former Premier J.R. Smallwood in so many ways, he will not last as long, he will not last the twenty-three years. You can knock a decade off that because, Mr. Chairman, the people of this Province are so much more enlightened. Mr. Chairman, speaking about people being enlightened, some of the Premier's best friends around this Province, and I know them in my district -

MR. BAIRD:

I did not think there was any out there.

MR. CALLAN:

They are few and they are getting fewer every day. The Premier knows who I am talking about even though I do not mention their names. They are people who would not have an education today if it was not for the free education and free tuition policy of the former Liberal administration in this Province. That policy got them through university when they were just like I was and could not afford to go and could not afford to be sent but got through on free education and free tuition. Some of these friends of the Premier, Mr. Chairman, even now are so blinded by their love for the Tory party that they cannot see the error in the Premier's ways. We can understand that the Premier cannot see the error of his ways because it comes, Mr. Chairman, with power. The fact that the Premier cannot see and will not accept from anybody, even some of his best friends, that he is wrong is understandable. Power corrupts.

MR. BARRY:

On a point of order, Mr. Chairman.

MR. CHAIRMAN (Aylward):

On a point of order, the hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, we are rapidly approaching the witching hour that is mentioned in Standing Order 50 and I just thought I should mention to Your Honour that we have done a little bit of research in terms of how this matter of closure is supposed to proceed and we would like to submit to Your Honour and refer you to Dawson, Procedure in the Canadian House of Commons.

MR. OTTENHEIMER:

What about the Standing Order of this House?

MR. BARRY:

Mr. Chairman, we will refer you to Standing Order 50. As a matter of fact, it is the same Standing Order that is discussed in Dawson, Procedure in the Canadian House of Commons. We would like to point out to Your Honour the wording of this Standing Order 50 and the way that it has been interpreted, Your Honour.

MR. ANDREWS:

By you.

MR. BARRY:

No, By precedent in the Canadian House of Commons. We have rarely had the occasion, Your Honour, to have it interpreted in this House. But what happens at two o'clock, Your Honour, is that any clauses in Committee of the Whole, any clauses under consideration, fall under the guillotine. The guillotine has been invoked. The Premier had to try a couple of times, but after a few false tries he managed to drop the guillotine. But, Mr. Chairman, the guillotine only falls with



respect to clause (1) which is the clause and the only clause -

MR. DINN:  
As amended.

MR. BARRY:  
Yes, as amended. I stand corrected. The Minister of Labour and Manpower (Mr. Dinn) is correct. It is clause (1) as amended. That is the clause that is before the Committee. Your Honour will eventually go through the normal procedures, "Shall clause (1) be carried?" We have all heard those words many times, Mr. Chairman, in this House. Clause (1) is the clause that is before this House and on the wording, Your Honour, of Standing Order 50 it says at the end of Standing Order 50, "and if such adjourned debate or postponed consideration shall not have been resumed or concluded before 2:00 o'clock in the morning, no member shall rise to speak after that hour; but all such questions as must be decided in order to conclude such adjourned debate or postponed consideration, shall be decided forthwith."

Now in both places where postponed consideration is mentioned, Your Honour has to refer back about five lines down from the top of Standing Order 50 where it says, "may move that the debate shall not be further adjourned," and here is the relevant part, "or that further consideration of any resolution or resolutions, clause or clauses, section or sections, preamble or preambles, title or titles, shall be the first business of the Committee."

Now what we are dealing with is further consideration of clause (1), Your Honour. I refer Your Honour to W. F. Dawson, Procedure

in the Canadian House of Commons and the pipeline debate is probably the most famous instance of closure in the Canadian House of Commons. Dawson mentions, 'The use of closure in Canada has always been marked by strong feelings and violence of debate. It has been used only as a last resort.' - I think this is the first time, Mr. Chairman, that it has been resorted to where it was not a last resort - 'and has never become a common weapon of any government.'

MR. ANDREWS:  
Tell the people of Corner Brook this is not a last resort.

MR. NEARY:  
Do not be so silly, boy.

MR. CHAIRMAN (Aylward):  
Order, please!

MR. BARRY:  
Here is the point that is made on page 129 of W. F. Dawson, Procedure in the Canadian House of Commons, "It seems clear, however, that for 'postponed consideration' a clause must have been called at least briefly."

Now, Your Honour, the only clause that has been called before the clock reached two o'clock in this House is clause (1), as amended. The Minister of Labour and Manpower (Mr. Dinn) is correct, as amended, and the correct procedure now, Your Honour, would be to raise the Committee, report progress, and ask leave to sit again.

MR. MARSHALL:  
Mr. Chairman.

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

MR. MARSHALL:

Mr. Chairman, the hon. gentleman is so enamoured with clause (1), I suggest he look to Standing Order (1) of this House, which reads, "In all cases not provided hereinafter or by sessional or other orders, the usages and customs of the House of Commons of Canada as in force at the time shall be followed." So the first question one has to ask is whether or not there are any provisions under our orders? Now what the hon. gentleman refers to in his academic academia, which is the hon. gentleman's bent, and which the hon. gentleman will have resort to after the next election and will be very good at, is the fact that Mr. Dawson is not an authority. The authority in this House are Standing Orders first, the usages of the House of Commons, Beauchesne and Erskine May. He mentions Mr. Dawson. I know the hon. gentleman in the new role he is in will probably mention Mr. L.R. Curtis, Mr. P.J. Lewis, Mr. Max Lane, and finally get to J. R. Smallwood, Rossie Barbour, and all the rest of them, but, Mr. Chairman, I refer you to Standing Order 50. He referred to the first business of the Committee. The first business of the Committee, Mr. Chairman, was this reference to the Committee of this bill. And it says quite clearly at 2:00 o'clock in the morning, no member shall rise to speak after that hour; but all such," not question, Mr. Chairman, not clause (1), clause (2), clause (3), clause (4), clause (5), etc., etc., "but all such questions," which is plural, "as must be decided in order to conclude such adjourned debate or postponed consideration, shall be decided forthwith."

Now this Standing Order, Mr.

Chairman, was put in here by our forefathers. If you want to research it, never mind Dawson, whom the hon. gentleman in his academic bent goes towards, never mind him, but go back to the British parliamentary practice. What this does, Mr. Chairman, is guard against such a thing as the tyranny of the minority over the majority, the tyranny of the minority over the wishes of the people of this Province, and that is the whole reason why we have invoked closure. The reason for this closure is the future of Corner Brook, the jobs in the mill and the rights of the people in that community to gainful employment through the Kruger Corporation which would be denied them by the self-serving leadership of the Leader of the Opposition (Mr. Barry) who knows nothing himself but his own political ambitions. He is a PC one day, he is an NDP another day and he is a Liberal another day.

MR. CHAIRMAN (Aylward):

Order, please!

MR. MARSHALL:

So the fact of the matter is, Mr. Chairman, that Standing Order 50, which rules this Committee, says, 'No member shall rise to speak after that hour,' but all such questions' - which is plural - as must be decided in order to conclude such adjourned debate or postponed consideration, shall be decided forthwith.'

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

And the hon. the Premier when he made his motion said 'that further consideration of any resolution or resolutions, clause or clauses, sections or sections, which I

believe is plural, as I understood it, preamble or preambles, title or titles' - now that would interest the Leader of the Opposition (Mr. Barry) because he is so interested in titles, and very much interested in one particular title- 'shall be the first business of the Committee.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

Now the first business of the Committee, Mr. Chairman, was what was before the Committee, which is the Committee consideration of the clauses of this bill.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

So I move - and I do not need to move it, Mr. Chairman, because it has already been moved - that all questions necessary in order to dispose of this be put before the Committee.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Just a final brief word, Mr. Chairman.

MR. CHAIRMAN (Aylward):

Order, please!

A final submission to that point of order, the hon. the Leader of the Opposition.

MR. BARRY:

Yes, a final brief submission, Your Honour. To repeat, 'It seems clear, however, that for 'postponed consideration' a clause must have been called at least briefly.' I will go on and continue reading from W. F. Dawson

whose authority the Government House Leader (Mr. Marshall) does not accept. However, maybe he will accept the authority of Arthur Meighen. This view is certainly borne out by the evidence of Arthur Meehan in 1913 in the House of Commons when he answered a direct question on the subject by saying, that clauses which had not been called 'could not possibly come on again!'"

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

Mr. Chairman, I do not know if Your Honour can hear me, but it would help if Your Honour could hear me.

MR. CHAIRMAN (Aylward):

Order, please!

MR. BARRY:

'This view is certainly borne out by the evidence of Arthur Meighen in 1913, when he answered a direct question on the subject by saying that clauses which had not been called 'could not possibly come on again.' They must be discussed and the discussion postponed before they can be brought up on this last day'. In 1913, in 1917 twice, and 1919 this advice was followed in the House of Commons. Mr. Chairman, these are the precedents. The Premier mentioned our Standing Orders. I have to bring to the Premier's attention that on page 124 of Dawson, and I am quoting, Mr. Chairman, is the same Standing Order exactly. On page 124 of Dawson is the closure rule, which was Standing Order 33 at that time. Standing Order 33 has been carried forward. Gentlemen opposite may think that this Standing Order came out of the bowels of this House of Assembly but, Mr. Chairman,

Standing Order 50 has come through a long parliamentary tradition, and it has come through unchanged. And in 1913, in 1917 twice, and in 1919 when it came up - by the way, those were war years; if anybody is wondering why they had closure so often in that period of time, they had a bloody war on - the wording was exactly the same as the Standing Order 50 that is here today.

DR. COLLINS:

From the bowels of Dawson.

MR. CHAIRMAN (Aylward):

Order, please!

MR. BARRY:

Mr. Chairman, I would submit to you that we have a very serious precedent here. A Standing Order which has existed for many years in our House, in the House of Commons and in Parliament in Britain should not be trifled with by loose interpretation in this House at this point in time.

MR. MARSHALL:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

Order, please! Order, please!

To that point of order, the hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, I will just respond very briefly to the hon. gentleman.

MR. CHAIRMAN (Aylward):

Order, please! Order, please!

I said the Leader of the Opposition (Mr. Barry) had the final argument on that point of order. I would like to make a ruling on this point of order

now. I bring hon. members' attention to Beauchesne, Standing Order 334, Section (8), which mentions the precedents that the hon. Leader of the Opposition mentioned. 'Precedents conflict as to whether closure may be moved on a clause which has not yet been called and postponed in the Committee of the Whole. On four occasions (1913, 1917 (twice) and 1919) all clauses had been postponed before closure was moved. On two occasions (1932 and 1956) closure was used on clauses which had not been called.'

The more recent precedents in Beauchesne show that closure was called on clauses which had not been called. At the end of our own Standing Order 50 it says that, 'all such questions' - which is plural, 'questions', - must be decided in order to conclude such adjourned debate or postponed consideration, shall be decided forthwith.'

Therefore, I rule that there is no point of order.

Motion, that the Committee report having passed a bill, "An Act To Amend The Labour Standards Act" with amendment (Bill No. 37), carried.

On motion, that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. SPEAKER (Russell):

Order, please!

The hon. the member for Kilbride.

MR. CHAIRMAN (Aylward):

Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed bill

No. 37 with amendment and ask leave to sit again.

MR. SPEAKER:

The Chairman of the Committee of the Whole reports they have considered the matters to them referred -

MR. BARRY:

Mr. Speaker, this is a debatable report.

SOME HON. MEMBERS:

You are interrupting the Speaker.

MR. SPEAKER:

Order, please!

MR. BARRY:

I rise on a point of order, Mr. Speaker.

MR. SPEAKER (Russell):

The Chair is receiving a report from the Committee.

MR. BARRY:

Mr. Speaker, I refer Your Honour to the first Canadian Regional Seminar on Parliamentary Practice and Procedure. I am sure that more members opposite should be attending these Commonwealth Parliamentary Association Seminars on Parliamentary Practice and Procedure. And I recommend the Government House Leader (Mr. Marshall) and the Minister of Justice (Mr. Ottenheimer) might consider attending when the next one is called next year.

Mr. Speaker, on page 78, of the report of these proceedings - we have not had time to do extensive research, Mr. Speaker, but I will be happy to hear precedents to the contrary from the Government House Leader - Mr. Warner Jorgenson of Manitoba pointed out, Mr. Speaker, that when Premier Roblin a few years ago imposed an eighty-hour

time limit on consideration of estimates, which he thought was a bad mistake, as happened here, I think, he said, 'We had to find devious ways of circumventing that eighty-hour time limit and we used the report stage of Committees.'

SOME HON. MEMBERS:

Oh, oh!

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER (Russell):

Order, please! Order, please!

MR. BARRY:

May I finish my point?

SOME HON. MEMBERS:

No.

MR. SPEAKER:

Order, please!

The hon. the President of the Council on a point of privilege.

MR. MARSHALL:

I rise on a point of privilege of the House which has supercedes the hon. member's point of order.

MR. BARRY:

That is a big one. I assume we will get a chance to talk to that one, will we?

MR. SPEAKER (Russell):

Order, please!

MR. MARSHALL:

The hon. gentleman is bringing up an issue that has been resolved completely in committee under Standing Order 50. The hon. gentleman can invoke Mr. Arthur Meighen and can talk about precedents in the House of Commons which were set up long before they applied to this House when this House was a very proud country of

its own and had its own traditions and Standing Orders. He can, Mr. Speaker, refer to the Nuremberg trials all he wants to, he can invoke his own subjective feelings as the jealous Tory that he is but the fact of the matter is, Mr. Speaker, that as we are operating here, His Honour the Chairman of Committee has made a report. First of all it is a grave discourtesy for any member of this House to try to debate the report of the hon. the Chairman of the Committee. The Chairman of the Committee is sacrosanct in this House the same as Your Honour is. He makes a report to this House and that report is to be considered forthwith and without debate. The hon. gentleman also, Mr. Speaker, is touching upon a matter arising out of Standing Order 50 and Standing Order 50 which has already been decided by this House tonight says that after "2:00 o'clock in the morning, no member shall rise to speak after that hour; but all such questions as must be decided in order to conclude such adjourned debate or postponed consideration, shall be decided forthwith." So what the hon. the Chairman of Committee is proposing is one of these questions and in effect, Mr. Speaker, the final question that is required in order to conclude the debate. The Leader of the Opposition (Mr. Barry) is obstructing the House, he is trying to take the House on his back. He is attempting, Mr. Speaker, to do what he could not do in debate which was, in effect, to try to delay the provision of jobs to the people of Corner Brook and the West Coast of this Province. Mr. Speaker, the fact of the matter is that this government is the government, it intends to govern and it takes advantage of Standing Order 50.

The Leader of the Opposition refers to the Nuremberg trials and to somebody named Mr. Meighen, whoever he was, who was not known to this country at the time to which the hon. gentleman is making reference and has no application whatsoever. The only thing that applies is Standing Order 50, 'all such questions' as are necessary, this is one such question. This is a grave discourtesy to His Honour and a contravention of the rules of this House, Mr. Speaker.

MR. BARRY:

May I have a few brief words on that point of privilege, Your Honour?

MR. SPEAKER (Russell):

The hon. the Leader of the Opposition.

MR. BARRY:

I would just point out to Your Honour that the MHA from Manitoba stated: "We had to find devious ways of circumventing that eighty-hour time limit and we used the report stage of committees in order to debate matters which we thought should have properly been debated on the estimates that we did not have the time for." Now, Your Honour, I am sure that we all recognize that the sister province of Manitoba has Standing Orders and traditions which derive from the same British Parliamentary practice as does ours. Mr. Speaker, the point purely and simply is the fact that it has never been asked for before, Mr. Speaker, that members have not insisted upon their right to debate the report from Committee does not mean, with all due respect to the Government House Leader (Mr. Marshall), that on that reason alone it should be struck down. I would submit to Your Honour that it is a debatable

matter and we ask the opportunity to debate it.

MR. SPEAKER (Russell):  
Order, please!

To the matters raised there is no point of privilege and the point of order that was raised by the hon. the Leader of the Opposition (Mr. Barry) is certainly out of order. I refer to our Standing Order 62 which says: "All amendments made in committee are reported by the Chairman of the House, which shall receive the same forthwith." So it is not a debatable motion.

On motion, report received and adopted, amendments ordered read a first and second time now, by leave.

On motion, amendments read a first and second time, bill ordered read a third time on tomorrow.

MR. MARSHALL:  
Mr. Speaker.

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

The hon. the President of the Council.

MR. MARSHALL:  
Do you want third reading now?

SOME HON. MEMBERS:  
Yes.

MR. MARSHALL:  
By leave?

MR. NEARY:  
No, no leave.

MR. MARSHALL:  
Mr. Speaker, before I move the adjournment of the debate, I wish to record the deep division in the

ranks opposite.

Mr. Speaker, I move that the House at its rising do adjourn until this morning, Friday, at 10:00 a.m. and that this House do now adjourn.

On motion, the House at its rising adjourned until this morning, Friday, December 14, 1984, at 10:00 a.m.