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(Hansard)

Speaker: Honourable James Russell

Monday

3 December 1984

The House met at 3:00 p.m.

MR. SPEAKER (Russell):
Order, please!

Oral Questions

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

MR. BARRY:
Mr. Speaker, I would like to direct a question to the Minister of Energy (Mr. Marshall). Since the minister is recently back from discussions with Mrs. Carney, I would like to ask the minister whether he has now been able to ascertain whether or not the 25 per cent Crown back-in will apply to the Hibernia development?

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

MR. MARSHALL:
Mr. Speaker, it seems to be a matter of great concern to the Leader of the Opposition (Mr. Barry), he returns to it from time to time. The situation with respect to the 25 per cent Crown back-in is a matter of the policy of the federal government and, as the hon. gentleman knows, the federal government is in the position of reassessing its policy with respect to the Crown share or the Crown back-in. It has not yet made an announcement of its policy, so the position is the same.

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

MR. BARRY:
Mr. Speaker, I wonder would the minister agree that 25 per cent Crown back-in has been condemned

by Mr. Mulroney and his government because of its retroactive aspect? And I wonder if the minister agrees with that approach to legislation generally?

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

MR. MARSHALL:
Mr. Speaker, how patently obviously, how silly is the hon. gentleman's question. I will say to the hon. gentleman that we had an opportunity at one time to sit down as a group and debate general energy policies and formulate what was good for this Province, but the hon. gentleman did not want to discuss it as a group, he wanted to do it all by himself. And that, accompanied with the fact that he is still licking his wounds over having lost the 1979 Tory Leadership Convention, is the reason why he is over on the other side of the House.

SOME HON. MEMBERS:
Hear, hear!

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

MR. BARRY:
Mr. Speaker, a final supplementary. The minister is a little touchy. Generally that indicates that certain nerves are being touched, I believe, and that one is getting closer to the truth.

Would the minister indicate that his discussions with the minister revealed that possibly they may be prepared to reconsider their opposition to the 25 per cent Crown back-in, but only with respect to developments that took place after that approach to revenue collection was brought in,

and that they would maintain their opposition to any 25 per cent back-in in any form of retroactive aspect? And that, in fact, if the 25 per cent back-in were to apply to Hibernia, it would be retroactive and that in all probability the federal government, the Mulroney administration, will be eliminating the 25 per cent back-in with respect to Hibernia because of its retroactive nature and because they believe that is repugnant to the principles of the parliamentary democracy?

MR. SPEAKER (Russell):

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, I will just reiterate what I just said to the hon. gentleman. I can tell the hon. gentleman was trying to find some retroactive basis for the position that he is in now, trying to find retroactive justification of his crossing the House because the real reason has been shown to be so patently transparent. But I can tell the hon. gentleman that that particular policy of the federal government is under review. I can also tell the hon. gentleman that the letter, the agreement in principle, provides that if the Government of Canada maintains a Crown share that this government is going to share in it equitably, are the words that are used.

And I can also tell the hon. gentleman, which I know will be to his consummate disappointment because it serves him to try to paint a gloom picture of things, that, in the event that the Crown share is discontinued, I am quite sure that the people of this Province will enjoy some substitute mechanism for revenues

and can be able to compensate themselves for any lost revenues. Because, the hon. gentleman may be glad to know, that another clause in that letter, in that agreement in principle which we are very proud of, is that there has been an agreement that the provincial government can 'establish and collect' taxes and royalties as if the resources were located in the land. So we have been given a certain right and we will have certain manoeuvrability.

So I can tell the hon. gentleman, as he is trying to craft and construct his particular case, that the interest of this Province were well looked after by this administration in the way that it has held out over the period of time, that we are on the threshold of getting a formal agreement on a government/government basis which will protect the interest of the people of this Province and be an agreement which is good for all of the people in Newfoundland and Labrador, as well as the people of Canada generally.

MR. SPEAKER (Russell):

The hon. the member for LaPoile.

MR. NEARY:

Mr. Speaker, the hon. gentleman just accused my hon. friend there of trying to craft and construct his own case. Perhaps the Minister of Justice (Mr. Ottenheimer) could tell us how he is making out on his crafting and constructing his case with the Police Brotherhood? Could the hon. gentleman tell the House how he managed to get in hot water and be hauled into court by the Police Brotherhood? I suppose it is the first time in Canadian history that the police have sued the Minister of Justice. Is the case prepared? Has the date being set

down for the trial, for the minister to go to court and be tried for what he did? Would the hon. gentleman tell us just what it was he did? It must have been something awfully serious that the hon. gentleman did to the Police Brotherhood when they had to go to the trouble of taking him to court. Now would the hon. gentleman give us some kind of an explanation of what happened, what caused this animosity, this drastic breakdown in communications between the hon. gentleman's department and the Police Brotherhood?

MR. SPEAKER (Russell):

The hon. Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, certainly the hon. gentleman is aware that it is not infrequently that the Crown is brought to court. The Minister of Finance (Dr. Collins) had the honour of being charged a few months ago as, I think, have other colleagues. That is true in Newfoundland. It is true in other provinces. But actually the matter is about, and I do not want to speak at any particularity because it is before the courts, a difference of opinion with respect to the collective agreement and certain procedures with respect to promotion under the collective agreement. That is what it is about, difference of opinion between the Royal Newfoundland Constabulary Association and the Department of Justice and the Crown.

An offer was made by the Crown that we would be willing to go to arbitration and be bound by arbitration. Even though the time period under which a grievance could be sent to binding arbitration had passed, we would

waive that and go to binding arbitration. We would be willing to go to arbitration and be bound by it and not plead the time, but the Association wished to have the matter determined by the court and that is where it is now.

The hon. gentleman asked if the case is prepared. I feel that the Department of Justice will do an adequate job in representing the Crown and the matter will be determined by the court. I do not think I can speak on it or should speak on it any more than that because it is a matter of interpretation of collective agreement and procedures which ensued from it. One point of view is that the collective agreement was not properly adhered to and the Crown's position is that the collective agreement was properly adhered to. In the final analysis if one or both parties do not wish arbitration - in this case one party does not wish arbitration - then the courts are the natural institution for its determination.

MR. NEARY:

A supplementary, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for LaPoile, a supplementary.

MR. NEARY:

Mr. Speaker, would the hon. gentleman inform the House if his defence has been filed. I understand that the department, although the hon. gentleman indicated they do a good job, were dragging their heels on filing on defence. Has the defence been filled yet? Would the hon. gentleman when he is answering that question tell the House if negotiations are stalled because of the court case with the Police

Brotherhood. I believe they are more than a year overdue on an agreement. Will there be any negotiations before this matter is resolved before the court or will negotiations be postponed, stalled until the decision of the court is handed down? If so, would the hon. gentleman tell the House what that is going to do for the morale of the police who are under tremendous pressure these days because of increased vandalism and crime in this Province?

MR. SPEAKER:

The hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, I am quite sure that the solicitors of the Department of Justice will do an adequate job in representing the interests of the Crown in this case so I have no worry there and I thank the hon. gentleman for his concern.

With respect to collective bargaining, it is my understanding that a meeting in the collective bargaining context with Treasury Board is due within the next few weeks and, therefore, if that is correct, it would be before the matter is heard in court. That is what I understand, that there was a conversation some time ago and that there is due to be a collective bargaining meeting, I cannot state the date, but sometime within the next couple or few weeks.

With respect to the fact that the contract ran out some time ago, of course, when a contract runs out it continues to be operative until a new one is operative and this is the case with many unions. That is neither unusual nor extraordinary.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Menihek.

MR. FENWICK:

My question is to the Minister responsible for the Petroleum Directorate (Mr. Marshall). In view of his comments on the previous question, where he mentioned that the offshore oil developments will be in the best interest of all Newfoundlanders, I would like to ask him to confirm or deny a report that was made to us in private that indeed of the 1,600 people working the offshore oil industry something less than 20 per cent of them come from areas of Newfoundland outside of the Avalon Peninsula. Can he confirm or deny that report?

MR. SPEAKER (Russell):

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, I am not in a position to comment on the question raised by the hon. gentleman. I will say that this touches on a question raised by the hon. gentleman last week when he asked me to give information as to where all of the people working on the offshore were from. Now I am not sure that I can obtain that information, and as I then indicated to him, I am not sure that we really want to categorize people in that way. I can tell the hon. gentleman that this administration has worked hard and it will work hard in the future to assure that the optimum number of jobs in the offshore are provided to the people of Newfoundland and Labrador and we will do everything possible to keep these jobs open for everybody within the Province. I do not think that we

want to restrict them, that there has to be so many from this community and that community. The thing is that we will do out utmost, and we have, to provide jobs for everybody.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Menihek.

MR. FENWICK:

In view of the answer to that question, which I think is a good answer, is the minister then contemplating some form of an affirmative action programme on behalf of individuals that we know in our district and other districts that are farther away from St. John's so that they may have a legitimate chance of getting the jobs in this particular industry?

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, we have not discriminated from one part of the Province to the other and we will encourage people in all parts of the Province to find jobs and to secure employment. I can say that there is affirmative action in the sense that there is affirmative action for Newfoundlanders and Labradorians and we have worked very hard for this because we want to see, particularly in this new industry and with particular reference to the young people in Newfoundland that they have the opportunity to secure adequate training to participate in this new industry. We will continue to do that on a provincial basis but I do not think that we want to get

into discriminating against one part of the Province any more than another part and we will treat them all equally, as we have in the past and we will in the future.

SOME HON. MEMBERS:

Hear, hear!

MR. TULK:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I have a question for the Acting Minister of Fisheries (Mr. Goudie) and it concerns the Canadian Saltfish Corporation. As the minister is aware that corporation was established for social as well as economic reasons and probably saved the salt fish industry in this Province, was a God-send to many Newfoundlander fishermen and their families. The former Minister of Fisheries, now the member for Bonavista South (Mr. Morgan), at one point in time indicated the desire of the provincial government to open up the purchasing and/or the exporting of salt fish to private enterprise thereby changing somewhat the role of the Canadian Saltfish Corporation. I would like to ask the minister if this is the present position of the provincial government and, if not, what is the present position as it regards to the Canadian Saltfish Corporation?

MR. SPEAKER (Russell):

The hon. the Minister of Fisheries (Acting).

MR. GOUDIE:

Mr. Speaker, since I have assumed responsibility for the Fisheries Department on an acting basis, I have certainly not attempted, nor

at this point in time, have any desire to change any policies that were already in place, whether they were established through the good offices of the former Minister of Fisheries or some other mechanism. The policy still stands as it relates to the Canadian Salfish Corporation, as it does to all other sectors of the fishing industry.

MR. TULK:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I did not say it was a policy, I said it was indicated that there was a desire to change the role of the Canadian Salfish Corporation. Is the Acting Minister of Fisheries now saying that that was a policy and that that now stands, that the Canadian Salfish Corporation will be opened up somewhat to private enterprise?

MR. SPEAKER:

The hon. the Minister of Fisheries (Acting).

MR. GOUDIE:

No, Mr. Speaker, I do did not say that at all. I said I have not changed anything that was established either by the former minister or by any other mechanism to our present system. I can say in relation to the Salfish Corporation, though, that I am sure the hon. member will recall that one of his colleagues, one of the former ministers at the federal level, Mr. Rompkey, indicated his personal interest in seeing the Canadian Salfish Corporation play a major or leading role in setting up or being a part of the Northern

Fisheries Corporation. I am not convinced that that is the only way to go. There are a number of areas to be examined in which the Canadian Salfish Corporation and other bodies are involved or can possibly be involved somewhere down the road and that is being addressed but at this point in time I have not made any changes in the department in terms of policy, precedent or anything else to this point.

MR. TULK:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Fogo.

MR. TULK:

I realize he is an Acting Minister of Fisheries but I am amazed to hear that he does not really know what the feeling or the policy of the government is now towards the Canadian Salfish Corporation. My concern stems from the fact that in Mr. Wilson's statement, *A New Direction For Canada*, there is some question as to whether the Canadian Salfish Corporation along with other Crown corporations are going to be assumed by private enterprise. I would like to ask the minister if he knows if there is any possibility that Mr. Stevens and Mr. Wilson intend to dismantle, change the role of the Canadian Salfish Corporation and perhaps put it on the auction block as it appears to be doing with FPI and other Crown corporations? Has he been consulted on that or has he made any representation or indeed has the government made any representation on whether the Canadian Salfish Corporation, since he does not seem to know the policy, stays as is or as to have his mandate changed?

MR. NEARY:

And do not give us the same answer the Minister of Finance (Dr. Collins) gave us the other day that what is good for Canada is good for Newfoundland.

MR. SPEAKER (Russell):

The hon. the Minister of Fisheries (Acting).

MR. GOUDIE:

Mr. Speaker, I will give any answer I want in this hon. House of Assembly regardless of what the hon. member says.

SOME HON. MEMBERS:

Hear, hear!

MR. GOUDIE:

Mr. Speaker, a couple of days after I assumed responsibility on an acting basis for the Fisheries portfolio, a rather detailed list of items was sent off to Ottawa, to my counterpart there, Mr. Fraser, and I requested a meeting with him. Meetings will be taking place, one of them as early as a week and a half down the road, at which all Atlantic Fisheries Ministers will be meeting with the federal minister to discuss our concerns at a provincial level as a group, and there will be subsequent meeting with Mr. Fraser by myself, or whoever is the Minister responsible for Fisheries for this Province, at some point down the road, and fairly soon is the reaction I get. At that time all issues relating to the Fisheries, our policies, our concerns, our hopes for any future directions will be discussed. The hon. gentlemen can rest assured that as in the past this government will play the role that it has always had and that is of standing up for the fishing industry in this Province, fighting for the rights of the

fishermen in trying to gain some control over areas that we have not had control over before to make the fishing industry even more viable than it was in the past under the Liberals.

MR. TULK:

Mr. Speaker.

MR. SPEAKER (Russell):

A final supplementary, the hon. member for Fogo.

MR. TULK:

Mr. Speaker, the Minister of Fisheries (Acting) (Mr. Goudie) tells us that he has made certain views known to the federal minister in anticipation of a meeting, yet he is in this House now telling us that he really does not know what the feeling of the government or the policy of the government is at this present time towards the Canadian Saltfish Corporation and its mandate. So let me ask him one final supplementary, Mr. Speaker. What will the Minister of Fisheries say to his federal counterpart in Ottawa (Mr. Fraser) when he arrives with regard to the Canadian Saltfish Corporation? Will he say anything else besides like probably the Minister of Forest Resources and Lands (Mr. Simms) said, that he would not put him in the terrible position of having to commit himself? Can we expect this to be another decision that will come right out of the blue, and in this case it is Tory blue.

MR. SPEAKER:

The hon. Minister of Fisheries (Acting).

MR. GOUDIE:

Mr. Speaker, I suspect when I see Mr. Fraser the first thing is, "How is it going, John?" or

something along those lines. Following that there will be extensive discussions on all aspects of the fishing industry. The gentleman asked this question let him hold his tongue now and get the answer. Mr. Speaker following that, as I have already said, there is a detailed list gone to Ottawa of concerns that we want to discuss as one province. There will also be other meetings taking place of all of the Atlantic provinces ministers to discuss concerns relating to the fishing industry. All aspects of the fishing industry that there is certainly time allowed to discuss will be dealt with and that right now is where it sits. After the meetings take place, the general public, either through the Legislature or through some other forum, will be informed of how the meetings progressed. Whether it is in Tory blue or any other kind of blue there will be productive meetings, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. member for Torngat Mountains.

MR. WARREN:

I have a question for the Minister of Justice. I understand during the past weekend that three inmates of Her Majesty's Penitentiary were taken to the Health Sciences Complex after consuming some amount of duplicating fluid at the penitentiary. I am just wondering if the minister can give us some insight of how the inmates got possession of the duplicating fluid and anything else further that he can enlighten us with.

MR. SPEAKER (Russell):

The hon. Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, as has been announced on the media over the past few days, it was last Thursday apparently that three inmates were brought to the Health Sciences Complex after injecting a certain amount of Gestetner fluid which was marked poison and apparently was stolen or taken clandestinely from an area where it is kept under lock and key and I think used in conjunction with a school there. Three of them were brought to hospital, two I think are about to be released. One will be there for some additional time and is in serious condition, not in the sense, to the best of my knowledge, that his life is threatened, but serious condition in terms of the affects that the injection of this poison substance may have. Naturally when a matter like this occurs it is investigated. With three of them still in the hospital, although two are due to be released at any time, naturally the investigation has not been completed. There will be an internal investigation of prison authorities and invariably in any kind of a circumstance like that there is also an investigation by the Department of Justice itself.

MR. SPEAKER (Russell):

The hon. member for Torngat Mountains, a supplementary.

MR. WARREN:

Mr. Speaker, a final supplementary, did the minister say that the duplicating fluid was under lock and key and the inmates got possession of it? Could the minister advise if there was any force used to get this because it was under lock and key, or is there any other thing that he can tell the hon. House?

MR. SPEAKER (Russell):

The hon. Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, from what I understand this is stored in a room which is off the classroom or part of the area which is used for instruction, and it is generally kept under lock and key. Obviously it is not under lock and key when it is being used.

SOME HON. MEMBERS:

Hear, hear!

MR. OTTENHEIMER:

I am not saying that it is. I am not sure, and I do not know anybody is sure if the material was stolen when it was not locked up, in other words when that area was being used, or if it was stolen when it was locked. I do not know that anybody would know that yet. As I say, the people involved, if they have been questioned, it would have been on a very minimal level because they are still in hospital although two are due to be released. So these things will not be known for sure or until, I suppose, they have been reconstructed by asking questions. If all the answers coincide, then obviously they are correct. But until the matter can be enquired into, these things will not be known.

MR. SPEAKER (Russell):

The hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, I would like to ask the minister responsible for the Petroleum Directorate, the Energy minister, the Deputy Premier (Mr. Marshall). By the way, I have to ask one of these days if the hon. gentleman gets paid as Deputy Premier. I understand they created a new position of Deputy Premier. Is that a paid position

now or what?

MR. OTTENHEIMER:

As Government House Leader, the Minister responsible for Energy, and Minister responsible for Hydro, the Minister responsible for the Petroleum Directorate, and Deputy Premier he gets five full salaries.

MR. BARRETT:

He is worth every cent of it.

MR. NEARY:

Yes, he is. And do not forget the Bank of Montreal.

But what I want to ask the hon. gentleman is in connection with the Environmental Impact Study - if we ever get it. The hon. gentleman is attempting to keep it under wraps, keep it secret and keep it away from the people but it will eventually surface. Now when it does, would the hon. gentleman inform the House if it is the intention of the administration to fund groups who wish to react to that Environmental Impact Study? Because as hon. members know, Mr. Speaker, you have these big, rich oil companies that you have to contend with.

MR. SIMMS:

Here we go! Here we go!

MR. NEARY:

No, I mean they are very rich companies. How can local groups react to that Environmental Impact Study if they cannot hire the expertise and the consultants that they need? Now would the hon. gentleman tell the House if the administration there opposite will fund these groups, will financially help these groups to help to react to the impact study?

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

MR. MARSHALL:
Mr. Speaker, the hon. gentleman, I know, is in accord with the wisdom of our action in having the Environmental Impact Study delayed, so I am glad to see that he agrees with us on that basis.

It is not only the intention of government, but the government is going to do everything it can to foster public hearings of the Environmental Impact Statement and the development plan because this is a very important matter that the government will want to have discussed by every interested group in the Province. As to the question of funding and experts and all of the rest of it, that is something that can possibly be taken under advisement. There are certain financial constraints, as the hon. gentleman is aware, but we will do everything we can to nurture and foster a full and complete enquiry into the Environmental Impact Study. I am not quite sure that it is going to be necessary for large expenditure of funds to be made, and if there is any large expenditure of funds then we would have to look at it. But we always have to look at these things within the limits of our resources, Mr. Speaker.

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

MR. NEARY:
Mr. Speaker, the hon. gentleman just lectured me on financial restraints. Well, the Premier promised to get me some information on the Christmas shoppers who are going to the Orient and will probably cost \$100,000 or \$150,000. Could that money not be better spent by financing these groups that I am

talking about? I mean, there are all kinds of ways to obtain countervailing savings. All they had to do was keep that crowd home from the Orient and take the \$100,000 or \$150,000 and give it to one of these groups and let them deal with this Environmental Impact Study. Could that not have been done?

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

MR. MARSHALL:
Mr. Speaker, I know of another countervailing saving, Mr. Speaker, and I am looking right at him.

SOME HON. MEMBERS:
Hear, hear!

MR. MARSHALL:
As a matter of fact, I know several countervailing savings. Mr. Speaker, that question was not asked seriously and it has gotten an answer in the same refrain.

MR. SPEAKER (Russell):
The hon. member for Menihek.

MR. FENWICK:
Mr. Speaker, I would like to mention those are awfully bold words for a man with five portfolios and the money that goes with some of them.

I would ask a question of the Premier, because I did not want to make him feel left out. Being this is December 3 and getting along in the session, there was some indication earlier in the session that there would be a new Election Expenses Act or a new Election Act introduced. I would like to ask the Premier if, given the time that we are at now, whether that is still a possibility?

MR. SPEAKER (Russell):
The hon. Premier.

PREMIER PECKFORD:

Mr. Speaker, I cannot answer that question, that is up to the House. We intend to put the bill before the House, but whether, in fact, the House is willing to deal with it in this session will be up to the House when the bill is introduced. So I cannot answer for the House, I can only answer for the government. And it is the government's intention to introduce the bill, but whether in fact it gets through the House or not it is up to the House to decide.

MR. SPEAKER (Russell):
The hon. member for Menihek.

MR. FENWICK:
Mr. Speaker, seeing that is a very large bill and it will take quite a while to look at it, what time do we expect to see the bill being produced and printed up so that we can look at it and actually see it on the Order Paper?

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

PREMIER PECKFORD:

Mr. Speaker, surely the hon. member for Menihek (Mr. Fenwick) is aware that this bill was presented to a Select Committee of this House, before the hon. member was a member, I agree. But obviously he could get copies of that, although obviously there could be changes from that. There were public hearings, as the member for LaPoile (Mr. Neary) likes to have, around the Province by members of the Opposition and members of the government through a Select Committee. That Committee, after it held all of those public hearings, then

presented a report to the House. And since that report has been presented, the government has been studying the report of the Select Committee and now we are ready to present the bill. Not only the broad outlines but even all of the specifics of the bill are available to the hon. member. So all he has to do then is read through that bill that the Select Committee has already presented and then, when the bill of the government presents based upon that comes forward, we will be able to point out the few differences there are between what the Select Committee reported and what the government is now presenting and it will be easy. So the main study of the bill can be done by the hon. member now.

MR. SPEAKER (Russell):
The time for the Question Period has expired.

Answers to Questions for which
Notice has been Given

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

PREMIER PECKFORD:

Mr. Speaker, I undertook a couple of days ago to provide to the hon. the member for LaPoile (Mr. Neary) the details concerning the trade mission to the Orient by the Minister of Development (Mr. Windsor) and by the Minister of Mines and Energy (Mr. Dawe). I have the information here now. The hon. the member for LaPoile has already quoted to the press, of course, CBC Television especially no doubt -

MR. NEARY:
What have you got against CBC television?

PREMIER PECKFORD:

CBC Television do not know how to present the news, Mr. Speaker, that is what I got against CBC Television.

SOME HON. MEMBERS:

Hear, hear!

MR. NEARY:

They give you all kinds of coverage. What do you want?

PREMIER PECKFORD:

I expect them to give fair coverage to the member for LaPoile, and fair coverage to the Premier and fair coverage to all the issues. That they do not do.

Now, of course, the member for LaPoile has already quoted the figure of \$120,000 or \$150,000 for this trip. The people who are going are the hon. Neil Windsor, the Minister of the Department of Development, the hon. Ron Dawe, the Minister of the Department of Mines and Energy, Mr. Clarke, the Deputy Minister of Development, Mr. McKillop, the Deputy Minister of Mines and Energy, Mr. Stanley, the Deputy Minister of Forest Resources and Lands, and Mr. Andrews, the Deputy Minister of the Department of Fisheries, and Mrs. Anne Mills, Development Officer of the Department of Development who has been the organizer. Mrs. Anne Mills, Development Officer III, Department of Development, who has been doing the arranging of the things.

Now there is also going from business, Mr. Scott Campbell of the Iron Ore Company of Canada, Mr. Tom Rose of the BAE Group, Walter Tucker of the Bay Group, Clarence Dwyer, Easteel Industries, Mr. Clarke, Easteel Industries. They are all paying

their own way. It is nothing on government. Mr. Edison of Easteel Industries, Mr. Tom Whelan of the Marystown Shipyard, Mr. Frank Smith of NORDCO, Mr. Woodman of Woodman Fisheries, Lester Riche of Fisheries Products International, the Chairman of the Development Committee of the Town of Mount Pearl, and Dr. Richard Kuntze, Consultant for Transpacific Resources, of course, which is Baie Verte has its market over there.

The total cost of the trip, including the various things that the Government of Newfoundland are putting on in the Orient, is \$40,000 total, everything in.

Now, Mr. Speaker, I want to table this, and I would ask CBC Television news, especially, to take note of it and read it all before they do another superficial story on something and editorialize again. On Monday, December 3, there is a joint briefing session with the Nova Scotia delegation on Japan/Canada relations. There is a delegation from Nova Scotia over there at the same time. That is from 9:30 to 11:30 on December 3. Then as soon as Mr. Windsor finishes that he leaves and goes to speak to a Rotary luncheon at the new Otani Hotel from 1200 hours to 1400 hours. Then 1440 hours, Mr. Dawe and Mr. Windsor goes to MITI from hotel by Embassy Car, others by bus to MITI or the Ministry of Agriculture for the rest of the day - no, not for the rest of the day, that is until supertime. Then they have to go and call on the Director General of the Industrial Policy Bureau of MITI. Then later on in the evening, Mr. Andrews and Mr. Clarke and Mr. Stanley go and have a meeting with the Director General of the

Fisheries Agency. Then Mr. Windsor and Mr. Dawe and Mr. McKillop go for a briefing by MITI staff on industrial restructuring in Japan to focus on energy-intensive industries. That is one reason why Mr. McKillop has gone, because he is the Deputy Minister responsible for energy-intensive things.

The day is still not over. Then Mr. Andrews, Mr. Clarke, Mr. Stanley, Mr. Riche and Mr. Woodman attend briefing by Fisheries Agency staff on the state of the Japanese Fishing Industry, including a review of the Japanese activity off the Canadian East Coast.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

Then they return, but it is still not over. Then there is a reception hosted by the Government of Newfoundland for 150 Japanese businessmen and bankers. That gets you up to late that night and then they are going to sleep.

Then on Tuesday, Mr. Windsor and Mr. Stanley, because he is with Forest Resources and Lands, are going to the OJI Paper Company. Then Mr. Dawe and Mr. McKillop and Mr. Clarke and Mr. Campbell go to the Metals Seminar, and Mr. Windsor and Mr. Stanley then attend OJI Paper. Then Mr. Dawe, Mr. McKillop, Mr. Clarke and Mr. McKillop attend Metals Investment Seminar. Seminar to be opened by the Canadian Ambassador, B. Steers with the main presentation. The main presentation is been given by Mr. Dawe at this seminar that is being put on by the Canadian Embassy there.

I am tabling also with this one of

the presentations that the government are making to the Japanese officials to give you a flavour for the presentations that we are making and the way we are trying to attract industry.

Then Mr. Andrews and Mr. Riche and Mr. Woodman go to Japan Marine Products Importers Association by taxi. We have been very interested, through the Burin Peninsula Development Fund and through the Burin Town Council of trying to establish a marine products industry in Burin, as a matter of fact. There are some good work being done in Scandinavian which I saw last year, and there is also some good work being done in Japan.

And so on it goes through that day. They do not stop at all. That day they go to various forestry and fishing related things, then to another Investment Seminar at which Mr. Windsor and Mr. Stanley make a presentation. Then they go to another presentation on the offshore, then they go back to the Embassy where there is a reception being held by the Ambassador, that will take them up to 2200 the second day. Then they go back to the hotel and go to sleep again.

MR. WOODROW:

Thank God.

PREMIER PECKFORD:

Then on Wednesday they go to the Nippon Chemical Industrial Company. Then they go to the Shipyards with our person from the Marystown Shipyard. Then the fisheries part of the delegation go to Japan Deep Sea Trawlers Association, then they go to a fish market and that goes on all day, mostly fish that day.

Then they go and tour forest products related activity, holding ponds, docks, this kind of thing, and what they are doing in Japan.

Mr. Speaker, midday on Thursday there is the Canadian Chamber of Commerce luncheon at which both ministers make a presentation through the Canadian Embassy. And at the same time it is being jointly done with the Province of Nova Scotia. So the Province of Nova Scotia and the Province of Newfoundland that day the main participants in the Canadian Chamber of Commerce there in Japan.

Then they move from Japan after they finish that final presentation, Nova Scotia and Newfoundland, and go to Korea.

MR. NEARY:
Yes, Seoul.

PREMIER PECKFORD:
They are going to save their soul.

There they will talk to fisheries companies/financial institutions about investment in Newfoundland because we have had some previous discussions with them, and then we go see the Trawlers Association, see some different types of fish plants and the fish hatchery, again dealing with aquaculture which we have five experiments under way in in the Province right now, then they leave Korea. There is other material hear indicating what they do then in Hong Kong. Then they go to Hong Kong, Mr. Speaker, and you should see what they have to do in Hong Kong.

SOME HON. MEMBERS:
Oh, oh.

PREMIER PECKFORD:
Once again, they are at the Canadian Chamber of Commerce. Mr.

Windsor is the guest speaker. They also deal with a number of companies who are involved in the offshore and are looking to invest in Newfoundland. So there is a big, big day on that day, and then they come on home. Here are the addresses they are staying over there in case the member for LaPoile (Mr. Neary) would like to call them. Also attached is a copy of all the airlines they are taking all along the way, going over and coming back. And then finally there is a copy of one of the presentation that they are going to make.

Now I am sure that either tonight or tomorrow night CBC television news will take it upon themselves to take up their whole hour going through the advantages of this trade mission to Japan, Korea and Hong Kong in the best interest of all the people of Newfoundland and Labrador.

SOME HON. MEMBERS:
Hear, hear.

Orders of the Day

MR. MARSHALL:
Order 8, Bill No. 37.

It is moved and seconded that Bill No. 37, "An Act To Amend The Labour Standards Act", be now read a second time. The debate was adjourned last time by the hon. the Minister of Labour (Mr. Dinn).

MR. DINN:
Mr. Speaker, I probably only have a few minutes to conclude my remarks. I made a few introductory remarks on Friday and I would like to capsulize in the few minutes I have left the basic reasons why and the basic things

we would like to do with respect to the amendments, to Bill No. 37.

We are, first of all, going to do something that was left out in a previous bill that we had in the House. I told hon. members Friday that in 1977 all these different pieces of legislation were combined into one piece of legislation called The Labour Standards Act. So we had all of this combined into this.

Having gone through it, I say that an excellent job was done on consolidating the bill but a couple of definitions were left out in particular, and these definitions have a very serious impact on the Province. A definition of temporary and permanent layoff was left out, a provision that a layoff which exceeds in duration a temporary layoff will be deemed to be a permanent layoff. And, Mr. Speaker, just to have a look at the old Termination of Employment Act, what it said there for 'temporary layoff' as a definition said, 'temporary layoff means a lay off of not more than thirteen weeks in any period of twenty consecutive weeks.' Well, Mr. Speaker, anybody who has looked at the proposed amendments that we are putting in this bill will see that 'temporary layoff' means a layoff of not more than thirteen weeks in any period of twenty consecutive weeks. So we are putting in the Labour Standards Act what was left out in 1977 and it caused a great deal of turmoil and uproar in the Province.

We will be proposing amendments when we get into Committee. The hon. House Leader (Mr. Marshall) or the Minister of Justice (Mr. Ottenheimer), whoever is acting Government House Leader that day,

will propose several amendments because we need to make certain provisions retroactive and others we need not make retroactive. Only those provisions that were in the Termination of Employment Act basically are the ones that we will be making retroactive - the ones that were left out. The other provisions will come into effect as of a current date.

Now, Mr. Speaker, having introduced the bill on Friday and spending some forty-five minutes at that, among the comments that I heard over the weekend about the legislation - and I have had indications from union leaders from Corner Brook that they are basically in agreement with what we are doing here in Bill No. 37 - it was reported that the Leader of the Opposition (Mr. Barry) recommended that we wait until the court hears the Wabush case. Now, Mr. Speaker, I took some forty-five minutes outlining the need to introduce this bill and to have it passed by the House of Assembly on Friday, and I certainly do not have the time to go through all of that procedure again. But what will happen if we wait? Let us say we decided to wait for the courts, the Tribunal having decided, to make their determination. Will it change the need to define what a temporary and a permanent layoff means in the bill? It will not change it in the least. If the courts overturn the Wabush Mines determination by the Tribunal will that change anything? Not a thing, we will still need the precise definition of what we mean by temporary and permanent layoff. We will still need that in the bill.

MR. BARRY:
Retroactively?

MR. DINN:

We will still need it in the bill. To the hon. the Leader of the Opposition (Mr. Barry), I say we will still need it in the bill. Now if, Mr. Speaker, they uphold the Wabush Mines case as laid out by the Labour Standards Tribunal, we will still need it in the bill. So, Mr. Speaker, it is not going to make any difference really what the courts determine or what the outcome of the court's decision is, we will still need the definitions of termination and of temporary and permanent layoff in the Labour Standards Act so that there is no ambiguity there, so that forever and a day we will know what temporary layoff means and what permanent layoff means and what termination means. We have to have that in the bill and we will still need it.

Now, Mr. Speaker, why did the Leader of the Opposition (Mr. Barry) recommend this? What would happen if we let this hang over the heads of the people until the courts determine? Mr. Speaker, this is what could happen: There is the possibility that since we are anticipating an agreement with Kruger in Corner Brook that that will not be signed until the courts decide. That could happen. Every fish company where there could be an application to the Labour Standards Tribunal for a determination because there was a layoff over the past three or four years, all of those companies would have to sit there and wait. Because what bank in its right mind would loan it operating capital for this year if they did not know how fluid these companies are, whether they are bankrupt or not bankrupt, Mr. Speaker? We are talking about over twenty companies. What, Mr. Speaker, would the effect be on the Baie

Verte mine? It is sitting down there just barely operating.

MR. BARRY:

You are kidding.

MR. DINN:

Mr. Speaker, it is just getting along from day to day. Thank God that the union leaders down there when the company needed to come out from under what was possible in the Labour Standards Act, agreed that the company could close without the long periods as outlined in the Labour Standards Act. They said, 'Yes, company, we know you are having a hard time. We agree that you should have the capability to lay off for a short period of time because there is a strike in India.' But, Mr. Speaker, what does the Labour Standards Act say to that? It says, 'Regardless of what employees agree with employers, no provision in this Act can be allowed to be weaker than or less than what the employees agree.' So the act supercedes, goes before, what the employees say. So, Mr. Speaker, here we have it. We will be waiting over the next period of time, and we will be listening, and the people of Corner Brook will be listening, and Baie Verte, and those areas where there are fish plants that could be in trouble will be waiting and listening for the outcome of this debate because it is a very, very important decision that we have to make here. We have looked at all the alternatives and we know that we have to act now. To delay this bill would be criminal. Mr. Speaker, surely as politicians in this Province, when we come up with a problem that could so adversely affect the thousands of people and companies in this Province, that we as politicians

can for once in our lives lay aside political advantage and vote in favour of jobs, Mr. Speaker. Because that is what we are talking about here, we are talking about the survival of some of our fish companies, mining companies, the newsprint industry in this Province, we are talking about the thousands of jobs that go along with that, and, Mr. Speaker, we are not taking a cent out of the pockets of any Newfoundlander. There is nobody awarded a cent yet. There is not a dollar in a person's pocket because of this bill, but if we wait there could be millions of dollars -

MR. BARRY:

Yes, in those same pockets. Is that bad?

MR. DINN:

Yes, it is bad. If you cause thousands of people in this Province to be unemployed, and that is the first thing the Opposition will do then if this happens. We have a 20 per cent unemployment rate in this Province, Mr. Speaker, it is certainly not something that any government can be proud of. We are doing our best in the offshore. As the hon. the Minister responsible for Energy (Mr. Marshall) said today, he said there are some 1781 Newfoundlanders, I believe is the exact figure, working offshore and onshore directly related right now.

MR. BARRY:

You said 1600 on Friday.

MR. DINN:

You said 1600, I said 1781. Now, Mr. Speaker, the near 1600 was based on five rigs. The hon. member should know there are seven out there now. So, Mr. Speaker, I say to hon. members opposite to

think very carefully about what you are doing with respect to this piece of legislation because it is very important. It is important to the preserving of jobs of people who are working now, both in newsprint, mining, and the fishery. It is important that we pass it now so that the jobs that are there can be protected and that new jobs can be created.

Mr. Speaker, I know I do not have much time I have, about a minute or so to clue up. I will answer any hon. member's questions they have with respect to the legislation.

MR. SPEAKER (Aylward):

Forty-five seconds.

MR. DINN:

I remind hon. members that there will be an amendment in Committee because we just want to put in this piece of legislation, Bill 37, what was left out in 1977 and, Mr. Speaker, that part, the definitions and the other parts that were not in the old Termination of Employment Act, will make it better legislation than there is existing across Canada when we make the amendment, Mr. Speaker. That part need not be and will not be made retroactive. So I thank hon. members for their time.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Aylward):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, in this legislation we have a threat not just to trade union members in this Province, not just to the labour movement, we have a threat, if we permit

this legislation to go through in the form in which it now is, to all the people of the Province because the rights of no Newfoundlander will be secure at any point in time, regardless of what the laws of this House of Assembly might be, regardless of what we pass as law from time to time, if it is to be permitted for a government, after the fact, in this case six years after the fact, to attempt to change the law retroactively. What security is there, Mr. Speaker, what certainty at any point in time for the citizen to manage his affairs, to know what his rights may be -

MR. TULK:

You have to leave now, have you not?

MR. BARRY:

The Government House Leader (Mr. Marshall) should leave because Mr. Speaker, the Government House Leader came into politics on certain fundamental principles, one of which was the principle of fiscal responsibility, that has been thrown out the window with the way that they cannot calculate a deficit any more or the fact that he accepts these growing deficits. And another principle, Mr. Speaker, that the Government House Leader, as a small "c" conservative, and a very small "c", very small-minded conservative, another principle that he has been fighting for has been the protection of rights given to individuals by legislation. We have already seen the third basic principle he was fighting for, the principle of public tendering, how that is being gutted. We will get back to that statute in a few days time, or a few weeks time, whenever it is called on the Order Paper again. But, Mr. Speaker, the

Government House Leader and other members opposite are playing a very dangerous game with the rights of individuals in this Province, and it is a threat, as I say, not just to workers but to all of us, to everybody, to every citizen.

Now, Mr. Speaker, it is very, very interesting that in the statements that we have heard, both from the Premier and the minister opposite, it has been acknowledged that we do not even know at this point in time whether this legislation is going to be necessary. The court has not yet ruled on the decision of the Labour Standards Tribunal. The Labour Standards Tribunal arrived at one interpretation of the legislation in question. Mr. Speaker, I have read their decision, I have it here, and I have to tell you, Mr. Speaker, that it is far from sure, far from certain that the Supreme Court of Newfoundland, or the District Court I believe it has gone to in the first instance, will arrive at the same interpretation. The Labour Standard Tribunal decided that because the contract of service had terminated that therefore they were not able to say that a temporary layoff did not require notice of termination. In other words, the question before the tribunal was whether a layoff is different from termination. Now we all know that in practice it is, that if there is a temporary layoff workers are put on notice that they are going to be brought back again, and usually they are going to be brought back in the order of seniority and usually they know in what period of time they will be brought back. And the worker, and the ordinary citizen of this Province can distinguish between a temporary layoff and the

termination of employment which is what the notice period is supposed to apply to. And it may be, Mr. Speaker, it is a matter of how a particular employer goes about notifying an employee. It may be that it is the employer's fault because they have gone about it the wrong way if they end up having to give a longer period of notice than they would otherwise have to give. It may be the fault of the companies for not having given the notice in the proper form. Because, Mr. Speaker, I do not believe it is necessary to have the contract of service terminated in order for a company to arrive at a temporary layoff. Mr. Speaker, in other words what I am saying is I believe that it is in law, with the existing legislation, possible to distinguish between employment which has been terminated and a mere layoff, and I am not convinced that the courts will not arrive at that conclusion and overturn the decision of the Labour Standards Tribunal. If that were to happen, Mr. Speaker, there would definitely be no need to make this legislation retroactive. Now whether or not it would be desirable to clarify it for the future and put in these definitions to make it clear, that, as we agree, Mr. Speaker, it is not reasonable that a sixteen week notice period be required for a temporary layoff of two weeks or three weeks, we can support amending the legislation for the future, although, as I say, the legal affect that that might have is questionable if the courts overturn the Labour Standards Tribunal, even that amendment may not be necessary. Mr. Speaker, I am speaking in opposition to this bill because we are firmly against the principle of retroactive legislation. That is not the

principle of the bill, Mr. Speaker, the principle of the bill has to do with the definition of employment and the termination of employment and temporary layoff, but we are against the principle of having a bill apply retroactively and that if the effect of clause 4 of Bill 37. Clause 4 says, "This Act is deemed to have come into force on August 1, 1978", more than six years ago. Mr. Speaker, how many people have been misled in the meantime by the fact that they believed they had certain rights because that legislation was in affect? How many people gave up exercising other rights or other choices they might have had to make? Maybe they would have preferred to leave the employment of one company and gone somewhere else had they not known that this legislation was in affect. How do we know how many times people, men and women in this Province, have made decisions based upon the fact that we have a Labour Standards Act which provides a certain notice period. Mr. Speaker, why should these people be the ones to suffer? It is government's mistake, let government pay. Now, Mr. Speaker, carried to the extreme, if we are talking about responsibility, why is it that the minister and his department had not had this legislation changed earlier? The minister has been there since 1979, if I recall. Why was it not modified in 1979 and avoid a lot of this difficulty if there was such a problem with the legislation?

So, Mr. Speaker, we are against this legislation because we believe it is, (a) not shown yet to have been necessary, (b) because it is premature, the courts have not yet ruled, we do not know whether there is any

problem for this House to deal with.

Mr. Speaker, we have some very real questions about the legislation from a Constitutional point of view. As well, when one gets into the attempt to make it retroactive, the Canadian Charter of Human Rights and Freedoms has certain protections. We have Section 7 which sets out certain legal rights: 'Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.' We have Section 8 of the Charter: 'Everyone has the right to be secure against unreasonable search or seizure.' There are other provisions that may be relevant as well.

Mr. Speaker, I submit that what the government wishes to do here is a possible infringement against both those sections because, Mr. Speaker, there are certain vested rights which flow from legislation. Individuals receive certain entitlements by virtue of legislation and attempts to have these rights taken away after the fact is something that the courts have always frowned upon and in fact it is something that legislatures have always recognized as not being the proper way to treat the citizens of a particular country.

Now I would like to refer to the approach of the courts. If the legislation that comes out can in any way be interpreted so as to avoid being applied retroactively or retrospectively, looking backwards, the courts will do so. There is a book called, *The Construction of Statutes*, by Mr. Dreidger, who is a former Deputy

Minister of Justice and Deputy Attorney General of Canada, and he has made it very clear why and he has quoted the classic case of *Philips vs. Eyre* which discussed the approach that the courts take to retrospective legislation. Judge Wilitson in that case - and that was back in 1870, in the English court of Queen's Bench - the judge there said, 'Retrospective laws are no doubt prima facie of questionable policy and contrary to the general principle that legislation by which the conduct of mankind is to be regulated ought, when introduced for the first time, to deal with future acts and ought not to change the character of past transactions carried on upon the faith of the then existing law. Accordingly, the court will not ascribe retrospective force to new laws affecting rights unless by express words or necessary implication it appears that such was the intention of the legislation.' Now, we all know that it is the legislature which has the final say subject to this new development that is now upon us as a result of the passing of the Charter, because it is now no longer the legislature in the immediate sense - it is still the legislature in the sense that it is the legislatures which can amend the Charter - but now until the Charter is amended it is the courts which will have the final say about legislation from this House and it is the courts which will determine whether or not a piece of legislation is Constitutionally valid. It is the courts which will still apply this basic approach to legislation and will attempt if it is at all possible to avoid making it retroactive. Now, I believe that this Clause 4, the draftsmen have done a reasonably good job of

making it very difficult for the court to avoid making that retroactive. The courts are going to have very little choice when they read Clause 4. They are going to have to pretty well say that it is the intention of the legislature to have retroactivity as we all know, as the minister has said - but the extent to which the courts will go back, unfortunately, and see our learned speeches in Hansard is limited. They will for certain reasons, not for others. Mr. Speaker, this Clause 4 will pretty well force the courts to treat the legislation as having retroactive affect subject to anything that they might find in the Charter. Now we know that there has been a reluctance on the part of the Government of Canada and the government of other provinces to put protection for property rights in the Constitution. I would not be standing here saying probably the Charter makes this law unconstitutional if that provision with respect to property rights were in there, because then I would be submitting it would be clearly unconstitutional. But the Government of Canada and the provinces backed away from spelling out directly that property rights are protected in the Charter but, Mr. Speaker, that does not mean that property rights, or at least some property rights, will not be protected by the courts. And there are already cases which have been prepared to find implied from these sections that I have read out - the right to liberty, security of the person, the right to freedom from unreasonable search and seizure - there have been cases where the protection of property rights have been implied by the courts. And, what we have at stake here, Mr. Speaker, is a threat to property

rights. The employees of certain companies have certain rights to payment of money or notice. If they get the notice, that is fine; if they do not get the notice then they have an entitlement to certain payments, and that money is property to which they are entitled. And if this government passes the legislation that is now before the House, this government will be taking away property rights of these people without compensation. It will, in effect, be expropriation without compensation. This, Mr. Speaker, is something that no government should be proud of, and it is something which this Opposition cannot support. We will not be part of expropriating the property rights of individuals without compensation. We will not be part of retroactive legislation which takes away rights which people of this Province have assumed that they have been given by the highest court in the land, this House of Assembly.

Mr. Speaker, what does it say of our position from then on as members of the House of Assembly? How trivial the job that we would then be doing! We would be passing so-called laws that could be wiped out from the very day that they are passed. The very day that they are proclaimed into law, Mr. Speaker, they could be wiped out. Now, is this something we want to encourage? Is this the sort of principle that this government believes should be promoted? Is this the protection of the ordinary man and woman for which all of us in this Province should be fighting?

Mr. Speaker, it is not unusual, governments do it all the time, they want to force through legislation and they have to find

some bogeymen to justify what they are doing. They have to find certain fears that they can try to have the people of the Province become concerned about and frightened by. Now, what are the bogeymen - I should say 'bogeypeople', I suppose - in this case? Well, first of all, we have the threat of the Kruger deal not going through. Now, we have already seen how this government puts the unions of Corner Brook into a completely untenable, unprotected position by using that same tactic during the course of negotiations, by letting a situation develop where they could say to the unions as the Premier, in fact, did say, 'If you do not sign what the company wants you to sign, then this deal will not go through and you will not have any jobs and the city of Corner Brook will not have a paper mill.' It is despicable, Mr. Speaker, for any government to take that approach, to put labour leaders who are trying to protect the membership of their union, trying to not just preserve jobs but also trying to protect rights which they have negotiated throughout the years, for a government to come in and put them out on the end of a branch and then start to saw the branch off. Mr. Speaker, that is not something that we can be very proud of. And, Mr. Speaker, they are trying to do the same thing again. But, you know, the significant thing, Mr. Speaker, is that even though the unions were in that position where they were being told, 'If you do not agree with what Kruger wants then you are going to have no jobs,' do you know something? There is one thing they dug in on. As Mr. Art Kelly pointed out a couple of days ago, the one thing they dug in on is that they would not sign a piece of paper

saying that they would give up all their rights which had accrued to them by legislation in the years that they had been working at Bowaters before they signed the deal. That was not something that the company could force the workers to give up in the course of negotiations. And now, what do we see? Is it possible that the arrangement was there all along that the government would do the dirty work on that particular point and that what could not be achieved by the company in the course of negotiations they knew they would be able to get the government to try to bring forward for them in the House of Assembly?

Mr. Speaker, again, if this was the case, I say that this government has betrayed the workers of Corner Brook by not revealing that this was the case at the time that they were involved in negotiating and signing their agreement. There has been a betrayal. Government has led the workers up the garden path and has brought them into a position where not only have they negotiated an agreement and given up certain things - we all know that the workers in Corner Brook had to give up certain elements of their contracts which they had negotiated over the years because they were put in the position of giving up those rights or possibly having a mill close down - but, Mr. Speaker, not only have they given up what was in the agreement they negotiated, they will have given up much more if we permit the government to pass this legislation, and we do not believe that that is right. Mr. Speaker, it is not just the bogeyperson of Kruger, government is saying, 'Oh, there are other companies and it is going to cost employers,

businesses in this Province, some \$27 million.' Now, Mr. Speaker, now is not the time for it on debate on the principle of the bill, but we are going to want at Committee of the Whole stage for the minister to give us a complete accounting of his calculations on that \$27 million and he should be on notice and ready to do that. Mr. Speaker, even with Kruger, even if we accept that that \$27 million has been calculated properly, it is done on the basis of what might be, what employees might look for. Well, we have a situation, for whatever reason, of Mr. Fudge, the Joint Mill Unions president, saying that they are prepared to accept the situation as is without seeking any rights to which they might be entitled under the existing Labour Standards Act. Mr. Kelly said they would not sign a piece of paper giving away their rights and Mr. Fudge has stated that it is the intention of his union not to make any claim. And, in fact, Bowater, without any recognition of acceptance of liability, I understand, has paid out some \$500,000 as payment -

MR. DINN:

(Inaudible). That is legitimate enough.

MR. BARRY:

- in lieu of notice, but they question whether they should have to make it. But they have made a voluntary payment. Mr. Speaker, even with respect to Kruger, there has not been the slightest shred of evidence to show members of this House that Kruger or Bowater is in any way threatened by the existing legislation.

Now, what about Baie Verte? Have there been any claims filed by the employees of Baie Verte? I am not

aware of any, Mr. Speaker, that have gone to the Labour Standards Tribunal or to the courts of this Province. Is the minister? We will be asking the minister this in the course of Committee of the Whole.

What we do have, Mr. Speaker, is the unheard of situation, unheard of in this Province - and I believe there are only a couple of cases that I will mention in a moment - where there has been a court case underway and the Legislature has attempted to intervene. What we have here, Mr. Speaker, is a Labour Standards decision brought down, the judicial process had started with this quasi-judicial body, after application was made by the United Steel Workers of America on behalf of the Wabush Mines local, applied for certain rights to which they believed they were entitled under the Labour Standards legislation.

Mr. Speaker, I am sure you did not know that this decision is currently under appeal in the District Court of this Province and is to be heard, I understand, on December 16 I believe it is. The minister can correct me if the date is wrong. I think that is the date for which it is scheduled to come up. And we have, Mr. Speaker, the unusual step here of a government intervening in the judicial process. We have the government saying, "Okay, although one group have won and one group has lost and the Court of Appeal at District Court level is going to decide who is right and who is wrong, the government is going to try and change the course of that case by having legislation introduced after the case has already started."

Mr. Speaker, that was tried back

in the days when Ontario was trying to put all their public utility companies for electricity into one body, and there is a famous case in constitutional law called the Beauharnois Power case where the government lost at the Trial Court level and were going to have to pay out much more money than they expected to pay, and tried to bring in legislation before the appeal was heard to shore up their position, to give them a stronger case. The court would not buy it, Mr. Speaker, and in very strong language pointed out how improper this attempt to affect the course of justice was on the part of the government.

Now, Mr. Speaker, there is a little bit of difference here in that it is not the government which is going to directly benefit, but, Mr. Speaker, I submit that it may be the government that will indirectly benefit because maybe the government would have had to give more to Kruger in terms of dollars and cents if it had not given Kruger its promise to go in and stab the workers of this Province in the back by the introduction of this legislation. Perhaps we would have seen Kruger then negotiate for a higher payment, or a higher guarantee, whatever, from government. So we have a very close similarity to that Beauharnois Power case, which is a case that has been very much debated and it has been questioned as to whether the courts might have gone too far in cutting down that piece of legislation. But I tell you, Mr. Speaker, if by chance we are not able to stop this legislation going through, I think we can be sure of much interesting litigation and we can be sure that the courts will bend over backwards and do everything

they can to avoid having to stick it to the workers of this Province the way the government is trying to have it done, by taking their rights retroactively for the last six years.

Mr. Speaker, we got a little indication of how much this government thought of the House of Assembly and how much it thought about the public of this Province, and how much it thought about democracy in this Province, when we saw the Minister of Manpower (Mr. Dinn) on Friday afternoon in a television interview bring up the threat of closure.

MR. DINN:

It was not played right either.

MR. BARRY:

It was not played right.

MR. DINN:

That is right.

MR. OTTENHEIMER:

What did your friend C.D. Howe do?

MR. BARRY:

C.D. Howe did not bring in closure before the Opposition ever had a chance to open its mouth on a bill, before the Opposition had said one word.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Aylward):

Order, please!

MR. BARRY:

And I must say the only thing that the Premier said all day with which I agree is to question the way the CBC is carrying the news, because we had, Mr. Speaker, the CBC permit the minister to make that shocking statement without the slightest comment, without the

slightest pointing out, Mr. Speaker, that never, never in the history of any Canadian province, never in the history -

MR. DINN:
Do you want clarification?

MR. BARRY:
No, I do not want any clarification. The minister will get his chance to stand up. I was watching the minister -

MR. PATTERSON:
You want to drive industries out of Newfoundland.

MR. BARRY:
The member for Placentia (Mr. Patterson), I can understand why he is a little uptight today because I am sure he is under tremendous pressure from all his colleagues for those courageous words that we all admired with respect to the shutdown of the Argentic vessel traffic system. He is the only person over there with the courage to point out the way the Government of Canada is slashing the people of this Province, he is the only one to point out how inconsistent the Government of this Province is when they attack the Liberal federal government for closing down the Shoe Cove Tracking Station and saying that it is going to make work less safe offshore, and they do not open their mouths, Mr. Speaker, they do not open their mouths when the Argentic station is going to be closed down and bring increased danger to 2400 fishermen in Placentia Bay. What are they saying? Are the lives of fishermen not worth as much as offshore workers? What is it? Or is it because there is a Conservative Government now in Ottawa that it is not going to be

as stormy out there? The fog is going to stop now, is it?

MR. PATTERSON:
It will never happen. It will never happen when Patterson is here. Do not worry.

MR. BARRY:
You know something, I think that that may be the case. I think that that member for Placentia will speak out regardless of the terrible pressure that I know he is under from his colleagues in caucus because of his courageous words. Now I hope he will have the courage to get up as a man who I know believes in the rights of the little man, I hope he has the courage to get up and speak on this Bill 37 and let us know whether he agrees -

MR. PATTERSON:
I am listening to what you are saying but I have not learned anything.

MR. BARRY:
- with this taking away the rights of individuals after the fact.

MR. PATTERSON:
All what you are doing now is for political expediency, you are finished politically. Come out and run against me in the next election and I will finish you.

MR. BARRY:
I heard that the member, unfortunately, might not be able to get the nomination because of the fact, Mr. Speaker, that his government has kept him muzzled so long. But if he speaks out once in a while, like he did the other day, he might have a chance of getting the nomination again.

Now, Mr. Speaker, I would like to just bring to the attention of the

media the fact, as the Premier pointed out, there should be fair coverage, and I would like to point out that one of the things the media has traditionally been alert to in other parts of the world, Mr. Speaker, is any threat by government to try and stifle debate in the House of Assembly, any attempt by government to try and stifle the Opposition. Now, Mr. Speaker, when we see a threat of closure from a Minister of the Crown on his bill before there has ever been a single word of debate by the Opposition on that bill, then, Mr. Speaker, there is something rotten in the state, there is something wrong with the mentality of a government which permits that type of approach. And, Mr. Speaker, we all know what it is, of course. It is the second prong of any government that gets into trouble. The first is the cloak of secrecy, Mr. Speaker, that they try and bring over everything. They will not release the Mobil Environmental Impact Statement. They will not release the comments they have made, the documents they have given to the Government of Canada. We heard the Acting Minister of Fisheries (Mr. Goudie) say that he has made representation to the Government of Canada but he does not know what his position is on the Salfish Corporation. Maybe that is why they are not prepared to release these documents. But in any event, Mr. Speaker, they are relying in one case on secrecy, and then, like all governments in trouble, they are going to start and try to muzzle the Opposition, to try and stifle debate in the House of Assembly, to try to frighten the Opposition from carrying out its duty by raising the threat of closure.

Now, Mr. Speaker, that is something that I hope we will see no more reference to in the course of this debate. This bill is not going to pass today, and it is not going to pass tomorrow, and it is not going to pass for some time until it has been fully, thoroughly and completely debated and until every aspect of this threat to the rights of individuals in this Province has been pointed out.

Mr. Speaker, the public has a right to know and it is our job to make sure that the facts get out to the people of this Province, and one of the ways we have of doing that is in the House of Assembly. It would be to make this House a complete farce if we were to succumb to the threats of ministers of the Crown when they stand up and say, well, if the Opposition attempts to delay this bill we are going to bring in closure. Let them bring in closure, Mr. Speaker. It is only going to hasten the day when closure comes down around their own ears. Because the people in this Province will not put up with that. They will not put up with attempts. The Minister of Forest Resources and Lands (Mr. Simms) may not want to put the Federal Minister on the spot, Mr. Speaker,

MR. SIMMS:

Get on with your speech, boy.

MR. BARRY:

- but the people of this Province expect the Opposition to put this government on the spot and we will whenever they bring in a piece of legislation that is so abhorrent, Mr. Speaker, to the very principles upon which our democratic system is based.

Now, Mr. Speaker, when government

brings in legislation that is progressive, that is dealing with the concerns of Newfoundlanders and looking after the interest of Newfoundlanders, we will support it. We showed that last week when the Minister of Justice (Mr. Ottenheimer), to his credit, brought in an amendment to The Human Rights Act. Mr. Speaker, we co-operated, we bent over backwards to make sure that that legislation went through as quickly as possible. Are we still debating second reading on that?

MR. SIMMS:

Wake up! Wake up!

MR. BARRY:

Everybody gets so excited, at how good the bill is. We did not finish second reading. It will go through, Mr. Speaker, as quickly as possible, if members opposite can be controlled in getting up and expressing their exuberance for it.

MR. HICKEY:

Are you against the principle of the bill?

MR. BARRY:

Mr. Speaker, I am not against the principle of Bill 37 with respect to defining temporary layoff, and with respect to making it clear that it does not make sense to have to give sixteen weeks notice for a two or three week temporary layoff, no, we are not against that, if it has to be clarified. But we do not know yet whether it has to be, that will depend what the courts say. But if that has to be clarified, sure, for the future. What we are against, Mr. Speaker, is making the legislation retroactive. It does not have to be done and it should not be done, and we are going to do our best to see that it is not done.

MR. TOBIN:

What should be done?

MR. BARRY:

What should be done is the bill should be amended for the future. It should be amended either to come into effect as soon as it passes this House or to come into effect on a day to be proclaimed, when the government decides to proclaim it. But it should not be made to apply back to 1978.

Now, Mr. Speaker, I would just like to refer to an editorial in The Evening Telegram. Once in a while they have a half decent editorial on. I must say the one of Saturday, November 17, pretty well sums up a lot of our position on this bill

MR. BARRY:

The Telegram said, 'If the government wants to correct what it considers is an injustice against the companies involved, then it is the government whose legislation created this injustice which should bear the brunt, not the companies, and certainly not the unions and their members or any other workers, unionized or not.'

They go on, 'By including this retroactivity clause the provincial government is in effect abrogating its responsibilities, as is the minister, of course.' They go on again, 'Worse still, it goes against the principles of British justice on which Canada's judicial system is founded. The ramifications of adding retroactivity clauses to our laws are frightening.' And they gave one analogy: Capital punishment legislation, if it were ever brought in, would that be made retroactive to cover the people who have been convicted of murder

and are on death row? That is an extreme example, sure, but that is an example.

About the only legislation that we would agree with, Mr. Speaker, that should be retroactive is if we could bring in retroactive birth control for some of the members of the ministry opposite. But I do not think we are to be able to manage that.

Mr. Speaker, the Minister of Labour and Manpower (Mr. Dinn) has gotten up in this House and has said, how crucial, how important it is that this legislation go through immediately, that the Kruger deal is going to be signed on December 10, and therefore we have to have this legislation go through so that that deal can be signed at that time. Well, I say hogwash, Mr. Speaker. That is pure and utter drivel, garbage, threats again. If there is any concern by Kruger about the existing legislation, government can ensure that the deal is signed and goes through merely by giving Kruger the proper assurances and proper guarantees that if there are any liabilities that might carry over to Kruger because of some claims that exist against Bowater, that government will see that Kruger is protected against these. That is all that needs to be done.

MR. TULK:

They will pay for their mistake.

MR. BARRY:

Now, Mr. Speaker, what makes it so ludicrous is if government was really so anxious to get this legislation through, how is it that it only comes up for debate after The Livestock Act, after The Pressure Boilers Act - what else did we have here? - after collection, Mr. Speaker, of pure

and utter trivia.

MR. TULK:

A good one.

MR. BARRY:

Let us see what is still on the Order Paper here. I think they have managed to get them through Committee of the Whole because it looks so embarrassing having some of these pieces of legislation on the Order Paper. They wanted to get them out of the public's mind right away. But we have been here for several weeks now and government decides what is the order of the bills that come up. Mr. Speaker, we have not had a chance. We have been waiting for Bill 37 for weeks and we have not had a chance to get at it, to get our teeth into it, because government is bringing up an Act To Amend The Livestock Act, an Act To Amend The Pressure Boilers Act, and -

MR. TULK:

To look after the psychologists.

MR. BARRY:

- An Act To Incorporate The Certified General Accounts, and an Act To Register Psychologists. What else do we have? What other mind-boggling legislation did we have put in?

So, Mr. Speaker, let us not hear government now try and bulldoze the House of Assembly by threats of closure when they have not seen it urgent enough to bring it up until this late date. We are going to have our opportunity, Mr. Speaker, to completely, thoroughly, and fully debate this bill and we are going to do everything we can to see, Mr. Speaker, that this bill does not pass.

Now, Mr. Speaker, I mentioned the questions about constitutionality. I would say there are other mistakes and I hope the minister is out there. Mr. Speaker, there are other matters that could be considered errors in the Labour Standards Bill. It is not a well drafted piece of legislation. One of the ones that I will mention to the minister now and that I will have an opportunity to discuss later as well is a mistake that goes right through all statements by the ministry over there, including the Premier, when he talks about and sets out the notice periods in other provinces. Mr. Speaker, the government, the Premier, the Minister of Labour and Manpower (Mr. Dinn) and members opposite have made the mistake of assuming that the only notice to which workers are entitled is the notice that is given by legislation. Well, Mr. Speaker, it so happens that it has long been recognized by the courts that there is such a thing as the precedent or practice or custom in an industry. Now, Mr. Speaker, there was a very serious error in the present legislation when it did not incorporate what was in the previous legislation. The Employment Notice Of Termination Act in the revised statutes, Mr. Speaker, this act had sections in it, and I expressly refer you to Section 10, 'Notwithstanding Section 7' where there was an express term for which notice had to be given, it said, 'where in any industry there is a well-established general custom or practice respecting the period of notice of termination of employment, the period of notice established by such practice or custom shall be the period of the notice of termination applicable in the circumstances.' In other

words, the previous act that was on the books of this Province recognized that the courts could say a worker is entitled to a longer period of notice than what was set out in the legislation if there was a custom or a practice or a precedent. Now, Mr. Speaker, you do not see any such reference in the existing act. A glaring oversight. Fortunately, Mr. Speaker, the courts were able to, by certain quick and fancy footwork, find that such a clause was implied. At least as long as there was a written contract of employment they were able to say, and they got around it by saying the existing act must contemplate that there can be implied terms and that those implied terms will say that the person is entitled to a period of notice to which the custom or practice in the industry would normally give them.

Now, I would ask the minister to look at that. I understand he is having a broader review of the legislation and that is something that should be cleared up. It is not something that has caused a problem but it may in the future if somebody gets into a convoluted argument and we may find the court deciding that has been wiped out now. The fact that people could at times be entitled to as much as two years notice or payment in lieu of notice by practice may have somebody try and argue now, because it is not in that bill that the minister now has to apply in his department, we might have somebody say that the two year period of notice has been written out. I think the average, Mr. Speaker, is an employee who has been working with a company now for any length of time, the courts generally say, if there is no collective agreement or no written agreement, that he is entitled to

at least six months notice or six months pay instead of the notice. That is twenty-four weeks and that contemplates, of course, permanent termination of employment and what we are dealing with here is a temporary layoff. But again it would be a question, if there was custom or practice with respect to temporary layoffs, even though this act might only say that they are entitled to one week, if there was a custom or practice or precedent in the industry, the courts will imply so that there could be more than one week that the parties are entitled to right now even if this present amendment goes through.

Mr. Speaker, the reason that we have these bills with these types of errors occurring is because of nothing other than the lack of consultation which has gone on between this government, labour leaders and workers in this Province. We have seen legislation go through this House without the proper consultation, and in a few moments I will have a few words to say about that lack of consultation and the effects and the results that it has had in other areas. Mr. Speaker, the reason why the minister is here before this House now trying to ask us to bring in this abhorrent, repugnant, retroactive legislation is because government and the department did not do its homework before it brought in that legislation. There should have been fuller consultation with the trade union movement, with the employees and with the employers, Mr. Speaker. They do not consult with anybody anymore, Mr. Speaker.

Now, Mr. Speaker, I have a lot more to say and in order to have an opportunity to say it at this time I would like to move,

seconded by the member for LaPoile (Mr. Neary), that all the words after the word 'that' be deleted and the following substituted therefore: 'This House declares that retroactive legislation is repugnant to the principles of parliamentary democracy.' Mr. Speaker, I have some copies of this for Your Honour.

MR. MARSHALL:

I do not think it is any surprise, Your Honour, that I rise on a point of order.

MR. BARRY:

Maybe Your Honour would like a few minutes to get this checked out and then after we hear the point of order I can resume.

MR. SPEAKER (McNicholas):

The hon. the President of the Council.

MR. MARSHALL:

I do not know how you can say that with such great confidence. Mr. Speaker, I am looking at amendments on second reading, Beauchesne, page 225 and 226. This is styled, I assume, as a reasoned amendment, which is a misnomer in the mouth of the Leader of the Opposition (Mr. Barry) but I presume he purports to bring it forth. Your Honour, I want to refer to paragraph 745 (4). "An amendment which amounts to no more than a direct negation of the principle of the bill is open to objection." As I hear the amendment, Mr. Speaker, proposed by the hon. gentleman, it is a direct negation of the bill because the bill does have retroactive aspects to it and what the hon. gentleman wants to do now is to preclude the bill. Because it says here 'this act is deemed to have come into force on August 1, 1978.' That is Section 4 of

the bill and makes the bill retroactive. So the hon. gentleman is proposing in effect to delete the operation of Section 4, it is a direct negation of the principle of the bill. I would also point out, Mr. Speaker, that that is the main reason. This comes under the area of 'Reasoned Amendments' and reasoned amendments are amendments that are very unusual to come in. The normal type of amendment on a second reading of a bill is a six month hoist. If the hon. gentlemen want to propose a six month hoist, as they probably will during the course of the events, that is the normal thing. But you are talking about a reasoned amendment. The motion before this House, Mr. Speaker, is that this bill be now read a second time. What the hon. gentleman wants to do is to bring in a reasoned amendment. I say it is a misnomer because for the hon. gentleman to come in with any reasoned amendments, but granted that he can come in with something reasonable, this is styled as a reasonable amendment. I would submit from what I have heard, the first I have heard of the amendment is what the hon. gentleman says, that what he is attempting to do is to negate the principle of the bill and that being so under the authorities is not in order.

MR. TULK:

Mr. Speaker, to that point of order.

MR. SPEAKER (Aylward):

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

MR. TULK:

I got a note here by the side of my book saying that this will be the Government House Leader's (Mr.

Marshall) argument against this amendment, Section 4.

Mr. Speaker, I want to speak to that point of order and that is that the minister has said that the principle of this bill is the retrospectivity of the bill and that is not the case at all. The principle of this bill is the definition of what types of employment we are talking about. Let me refer him to Section 4 that he talks about, "An amendment which amounts to no more than a direct negation of the principle of the bill is open to objection." He is eager to get ahead in this book, but let me take him back to section 431, "An amendment to alter the main question, by substituting the proposition with the opposite conclusion, is not an expanded negative and may be moved."

Now, Mr. Speaker, let me take him back up to the top of that page again to page 226, section 744, Reasoned Amendments, a reasoned amendment in order to be an order, "must be declaratory of some principle adverse to, or differing from, the principles, policy or provisions of the bill." If, Mr. Speaker, reads the declaration in the amendment itself, he will see that it says, "This House declares that retroactive legislation is repugnant to the principles of parliamentary democracy," and therefore I submit, Mr. Speaker, that the amendment is in perfect order.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Aylward):

Order, please! To that point of order, and to the motion moved by the hon. Leader of the Opposition, if it be okay with the House, we

will recess for a couple of minutes. It will not be a very long recess.

Recess

MR. SPEAKER:
Order, please!

The Chair rules that the motion moved by the hon. the Leader of the Opposition (Mr. Barry), seconded by the hon. the member for LaPoile (Mr. Neary) is in order. Therefore the point of order raised by the President of the Council (Mr. Marshall) is not a point of order.

The hon. the Leader of the Opposition.

MR. BARRY:
Mr. Speaker, it is a magnificent asset to have a House Leader who can get in there and research his precedent and do his homework and be able to tell you what the arguments of the Government House Leader are going to be before they come up. It is a tremendous asset to have, Mr. Speaker.

Mr. Speaker, what we have here now in the eight members in the Liberal Opposition is a wealth of experience and wisdom the equivalent, I would say, of not forty-eight, but I suppose sixty-eight of the accumulated members opposite.

MR. NEARY:
We have eight Senator Forseys.

MR. BARRY:
Eight Senator Forseys. Senator Forsey is only a joke, Mr. Speaker, to the wisdom that is arrayed on either side of me in

this House when it comes to parliamentary procedure.

Mr. Speaker, maybe we could have somebody check and just give me a little notice, but I believe I have an hour to go on now. I will need an hour but maybe you could check that out and just make, Mr. Speaker. We have to protect our privileges here, Mr. Speaker, and this is another important matter. Maybe it can be checked out so that we do not waste the time of the House later on. Because, Mr. Speaker, this Opposition is not interested in wasting the time of the House. This Opposition is interested in making sure that we have effective, complete debate on important legislation, legislation that is important to the rights of every man and woman in this Province, including the workers of this Province.

Now one of the problems that we have seen with the existing government, Mr. Speaker, is that it has developed a bad list, a bad tilt, Mr. Speaker, a tilt which the workers of this Province have found to be one that is against them. Now I do not know if it is by design by the government or whether it is just ignorance on the part of the government's ministers.

MR. WOODROW:
Do not be nasty.

MR. BARRY:
No, no, I do not mean ignorance in the sense of illiteracy. That may apply to a number of them, but, Mr. Speaker, I am referring to ignorance in the sense of lack of knowledge. I do not know if it is deliberate on the part of members opposite or whether it is just ignorance and lack of knowledge which comes from lack of

consultation.

Now, Mr. Speaker, we saw the leopard trying to change his spots in the last couple of days and I suspect that he must have had a poll done recently, he must have had a poll done because otherwise he would have tried to do as Mr. Buchanan did, and try and slip in on the coattails of Mr. Mulroney. But, Mr. Speaker, we suspect that there has been a poll done.

MR. WARREN:
We are sure.

MR. BARRY:
Yes, we have gotten a few leaks with respect to this poll and we understand, Mr. Speaker, that one of the things this poll has indicated is that the vast majority of the voters of this Province believe that the Premier and his government are not doing a good job in the area of labour relations. Worse than that, Mr. Speaker, the general public, the voters, believe that they are messing up the labour relations field in this Province and that that has the direct result, Mr. Speaker, of causing unnecessary delays in the settling of labour disputes. It has the result, Mr. Speaker, of creating unemployment because prospective investors look at this Province and see it as a bad place to invest.

MR. SIMMS:
Is that the same poll you did in Mount Scio?

MR. WARREN:
It was a good one, though, was it not?

MR. SIMMS:
How did Danny Williams show up on the poll in Mount Scio?

MR. BARRY:
Danny unfortunately did not do all that well, as did the minister, and as did a number of other interested individuals. No, they did not do all that well.

MR. SIMMS:
Tell us how Danny did?

MR. BARRY:
I have to confess, Mr. Speaker, they found me out. I have to confess, yes, I had a poll done in Mount Scio, and Mr. Speaker, do you know what that poll shows?

MR. SIMMS:
No, we know how you are going to interpret it.

MR. BARRY:
Well, Mr. Speaker, it is not a good habit to reveal your polls but I am sure members opposite have already gotten the leaks. Let us put it this way, Mr. Speaker: The good people of Mount Scio have shown that they place a lot of confidence in me as member, and the good people of Mount Scio have shown that they will be there. The poll has shown, Mr. Speaker, that if some of the members opposite, such as the Minister of Forest Resources and Lands (Mr. Simms), wish to have a seat a little closer to his office, that he would be more than welcome to come on down but he had better, Mr. Speaker, check into how this Termination of Employment Act applies to himself.

SOME HON. MEMBERS:
Hear, hear!

MR. TULK:
That is a fact.

MR. BARRY:
So, Mr. Speaker, there has been a poll carried out by government, by

the Premier, and this poll has told the Premier that if he wants to have any chance at all of getting any votes next time 'round that he is going to have to change his style.

MR. WARREN:

He did a few days ago, did he not?

MR. BARRY:

This is exactly what I am saying. The poll was carried out from early October to about the middle of November. Now, Mr. Speaker, that poll has been read very carefully by the Premier, and what did we see? A couple of days after he received the poll we saw the Premier sending out invitations far and wide. I believe just about every labour leader in the Province has been invited in. Do you know something, Mr. Speaker? It is the first time since we had the current Premier, since 1979, that he has issued that type of invitation. Now what is it? What is it, I wonder, that makes the Premier react that way? Has he, while walking down the corridor on the eighth floor, like Paul on the way to Damascus, been hit in the head by a bolt of light, so that all of a sudden he has had this revelation? My heavens, he is born again, Mr. Speaker.

AN HON. MEMBER:

He is very quiet.

MR. BARRY:

He is very quiet. He is subdued. We had an On Camera show, and, Mr. Speaker, he was very, very cool, calm, and collected. Where is this arm waving and this ranting and roaring that has been going on? Where is this approach that we saw when he brought in the freeze where he had this hard hitting, no consultation, bring

the union leaders in ten or fifteen minutes beforehand and say, this is the way it is going to be, take it or leave it? Ah, Mr. Speaker, what is happening now?

MR. TULK:

Do not forget the day of mourning.

MR. BARRY:

Yes, we cannot forget the day of mourning, either. What is happening now, Mr. Speaker?

MR. TOBIN:

What did you do with your black arm band ?

MR. BARRY:

Well, I never did have one fortunately. No, no, I never had one. I got too much sense for that sort of nonsense, you know that.

Well, Mr. Speaker, what is it that is likely to have the Premier change his mind about not talking to labour leaders and union members?

MR. WARREN:

I would say he is scared of our new Leader.

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

I am too modest to say that. But it may be that the Premier is taking a look at the polls and seeing that his previous approach was not working.

MR. TULK:

And that your image is more favourable as Premier of Newfoundland.

MR. BARRY:

His previous approach was no longer accepted by the people of

this Province because they could see what is happening. They could see that it was leading to longer strikes. They could see that it was leading to the types of mistakes, because of lack of consultation, that we have in this legislation.

MR. TULK:

And the Newfoundland people refused to buckle under tyranny.

MR. BARRY:

The Newfoundland people have never accepted tyrants. They have never accepted interference with the basic principles of parliamentary democracy. And one of the basic principles of parliamentary democracy, Mr. Speaker, is that men and women under a government have to be able at any point in time to establish what their rights are. And should be kept secure from having to look over their shoulders to see that these rights not be taken away retroactively.

MR. PATTERSON:

Give me liberty or give me death, is that what you are trying to say?

MR. TULK:

Of course. That is part of our history, boy. That is part of our history. I am surprised.

MR. BARRY:

Mr. Speaker, when the Minister of Social Assistance (Mr. Hickey) got up the other day, he said we have to respect our long tradition, such as the tradition that the man is breadwinner. And as the member for Placentia (Mr. Patterson) pointed out, if we had accepted those traditions there would still be slaves down in the plantations in Virginia, would there not?

Mr. Speaker, there comes a time

when men and women have to have the courage of their convictions and be prepared to stand up and be counted and speak out. And I know the member for Placentia (Mr. Patterson) has always been very concerned about the rights of individuals, and has always known what it is that put together gives us this liberty that we cherish in this Province and in this country. And liberty, Mr. Speaker, is not something that comes overnight. It is not something that comes in a burlap sack. It is not something that materializes out of thin air. It is something that is put together, Mr. Speaker, by bits and pieces over centuries. And one of the elements of liberty, one of the things that goes to create a free society where men have liberty is that they need not be concerned about retroactive legislation taking away their rights. And I know the member for Placentia (Mr. Patterson) when he gets up is going to agree with this. He has always been a greater fighter for liberty.

MR. TULK:

And if you do not want to put up with the Premier, come on over.

MR. PATTERSON:

Is there enough room over there?

MR. BARRY:

And the member for Placentia is always welcome over here and we will have him before the session is over, I believe.

MR. PATTERSON:

I do not believe that, boy!

MR. TULK:

The Leader here is a lot better than where you are.

MR. BARRY:

I would like to take a moment and go through this statement that the Premier drew up. It must have been drawn up in a hurry, Mr. Speaker. Unfortunately, we did not have the pleasure of hearing it read in the House, since it was ruled out of order, Mr. Speaker, or the Premier realized that it would be ruled out of order if he had stayed in much longer.

MR. TULK:

He got sulky and went out.

MR. BARRY:

But, Mr. Speaker, the Premier could have read this. He could have been the first member of the government to stand up instead of the Minister of Manpower (Mr. Dinn), and introduce the bill and he could have read that statement then, and there would be nothing that the Opposition would have said about it, nothing we would have wanted to say as to his presenting it. Now as for the content, that is something else.

Mr. Speaker, the Premier says, 'Should this ruling stand' - that is the ruling of The Labour Standards Tribunal just mentioned - 'and the legislation not to be amended, the potential cost to employers in this Province is conservatively estimated at a staggering \$27 million.' Well, as I have already pointed out, Mr. Speaker, we would like to see that conservative estimate and we would like to see the accounting that went into that.

Is this from today's Evening Telegram?

MR. TULK:

No, an earlier one.

MR. BARRY:

It is an earlier one, Mr.

Speaker. I think when the government first made it known that this Bill 37 would be going through, we have the Minister of Manpower and Labour (Mr. Dinn), and this is an indication of what that minister thinks about the rights of individuals to have their case heard by the courts or decided by the courts. Here is a quote that the minister gave to The Evening Telegram. The minister said, 'The government felt the law needed to be correct. And in order to correct all the situations from 1978 until now it had to be made retroactive.' Now listen to this, 'Asked if that was so there would be no further claims, the minister replied, 'That is right. Because, in our opinion, they are not legitimate claims.' Now, Mr. Speaker, have you ever heard the like? A minister of the Crown, knowing that there was a court case underway by the Steelworkers at Wabush Mines, knowing that that decision of the Labour Standards Tribunal is going to be appealed to the District Court, a minister of the Crown is standing up and telling the court that he does not believe that the claim of these miners is legitimate. Mr. Speaker, that is a shocking interference with the process of justice, it is a shocking statement on the state of mind of this government.

Now, Mr. Speaker, we have seen it before. We saw the Minister of Justice (Mr. Ottenheimer) himself, the man who was suppose to be protecting the courts against this sort of intrusion, we saw the Minister of Justice (Mr. Ottenheimer), as we mentioned in the House before, with respect to Judge Anstey down in Grand Bank make a comment with respect to the conduct of Judge Anstey. Now, the

minister is completely within his rights to ask that the matter under dispute be referred to the Judicial Council with respect to the Grand Bank Court, but the Minister of Justice was completely out of order, acting improperly when he went that one step further and said that in his opinion the judge had acted improperly. Mr. Speaker, it is not for ministers of the Crown in this Province or in any other democratic state to comment on matters that are before the courts, to comment on the conduct of judges, to comment on the claims of litigants until the courts have ruled and made a decision. Mr. Speaker, the reason I mentioned the Minister of Justice is because I believe that it is just symptomatic. What we are seeing is an example of how that entire government is thinking. That government has lost all concern with the rights of individuals. That government has one thing and only one thing before its mind right now and that is, 'How do we stay in power?' Mr. Speaker, it is regrettable and I am not going to be so unkind as to say that it is deliberate - I will permit the electorate to decide whether or not it is deliberate - but, Mr. Speaker, I will point out what is happening and let the electorate decide. What is happening is a disregard for the rights of Newfoundlanders, a disregard for the basic principles of parliamentary democracy, a disregard for the judicial system and the process of resolving disputes, and we have ministers of the Crown saying that is right because in our opinion they are not legitimate claims.

Now, Mr. Speaker, I do not think that that is going to see us get back to the situation that Uganda was in under Idi Amin or that some

of the other countries in the world are labouring under at the present time, the totalitarian systems. Mr. Speaker, I would ask members opposite to recognize and realize that what makes our country different from these other totalitarian regimes is often matters of great subtlety, it is often matters that appear, looked at in isolation, as insignificant, but, Mr. Speaker, taken together they go to make up that great principle of liberty, they go to make up a democratic system. I have mentioned one. I have mentioned the principle that there should not be retroactive legislation now. The other element that goes to make up a democratic system is that the rights of individuals should not be ignored, should not be decided upon by ministers of the Crown, should be decided upon by the courts of the land. A proper operating judicial system free from interference by ministers is a very important component of any free and democratic society. What we see of the other side, unfortunately, Mr. Speaker, regrettably, is ministers of the Crown so preoccupied and concerned with the trouble they now find themselves in in retaining power, so concerned about the negative effects generated amongst the people of this Province by their bad policies, so concerned, Mr. Speaker, with the fact that the polls are indicating that they are going to get turfed out when the next election is called, Mr. Speaker, they are so concerned - and I will be kind to them, Mr. Speaker - that what is happening is errors of judgement rather than deliberate attempts to subvert the democratic process, but, Mr. Speaker, they are very serious errors of judgement and they are errors of judgement which cannot

be allowed to pass unnoticed.

MR. TOBIN:

Does the Premier lose five seats on your poll?

MR. BARRY:

No, as a matter of fact, Mr. Speaker, as I understand the poll opposite indicates pretty much the same as the results of the federal election. If anybody were to look at the federal election they would see that there were fifteen seats

MR. DINN:

That does not say a lot for Mount Scio.

MR. BARRY:

Mount Scio would be an extra one for us.

But looking at the federal election results - and this is just outside the two St. John's seats, which is the Avalon Peninsula - outside the Avalon Peninsula there were fifteen seats

MR. DINN:

That is fourteen so far you have given us.

MR. BARRY:

No, no, I do not give you Mount Scio, I do not give you Bellevue, I do not give you any of the seats, either the ones that we have or the ones that you have now, but I am saying let us start from the Avalon Peninsula and go out. Do you know what the federal election results show? That is probably the best poll you could get. The federal election results analyzed show that the Liberals won fifteen seats, there were three or four others that were lost to the Liberals by two votes, by four votes, and there were a

dozen, Mr. Speaker, that were within 300 to 400 votes.

MR. TULK:

Why do you not tell them what their own poll shows?

MR. BARRY:

I will show them what their own poll shows in a minute.

That is a situation with a sweeping majority across the rest of the country, a great driving momentum by Mr. Mulroney sweeping across the country from East to West, and we see that type of result for the Liberals in this Province. Now, that same result was pretty well indicated with the poll that was carried out by the members opposite themselves. Now they can clarify, but the information that we have had supplied to us - maybe they have not gotten it from the Premier yet; members opposite should ask the Premier - because the poll that was carried out by the party of the members opposite shows - now listen, because you would not know this otherwise - Mr. Speaker, the Conservative poll indicates that the Conservatives would lose eighteen seats, that was as of a month ago, they would eighteen seats without doubt and there were another eight seats that in all probability would be lost, and they were on a decline, a long slippery slide, Mr. Speaker.

Now, Mr. Speaker, I have to mention the VOVM poll as well, of course. The VOVM poll, while not quite as scientific, Mr. Speaker, confirms the same approach, it shows that they have slipped a bit since they did their own poll, it just confirms the downward slide. But, Mr. Speaker, the Decima Corporation also does a poll. Mr. Alan Gregg whom I believe is

Conservative by leaning, the Tory pollster, his own poll that is carried out every three months came out on September 30 and that was before they really got into trouble, since the Wilson mini-budget and so forth, but it showed that right across the country there was a great upsurge of support and satisfaction for provincial governments. As a result of the federal election, people felt better, because there was a change of government in Ottawa, and it reflected itself in people all across Canada except in two provinces, Mr. Speaker. Do you know the two provinces where there was no upsurge of satisfaction, as a matter of fact where the governments have gone down, down, down, down? This government a few years ago, Mr. Speaker, was riding the crest, was at the top, Mr. Speaker, and these errors of judgement that have developed lately have brought it on a long slippery slope so that, Mr. Speaker, only Newfoundland and British Columbia did not show any increased satisfaction for the provincial government after the federal election.

MR. TOBIN:

It is hard to pass 80 per cent.

MR. TULK:

Hello, eighty per cent. You dreamer.

MR. SPEAKER (Aylward):

Order, please!

MR. BARRY:

I should mention, Mr. Speaker, that the Conservative government of this Province was lower than the Conservative government of PEI, and they just lost a by-election to the Liberals there. So, Mr. Speaker, the point I am making is that members

opposite have become obsessed with this steady flow of negative information, this steady flow of poor polls. We know they operate by polls, we know the Premier matches his every action, his every decision from the polls. Mr. Speaker, he does not know how to handle it anymore now that the polls are going against him. He does not know how to handle it anymore and as a result, Mr. Speaker, there have been certain very serious errors of judgement on the part of members of that government and members of that administration.

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

Mr. Speaker, could I have a little quite from my right here please?

MR. SPEAKER:

Order, please!

MR. BARRY:

Mr. Speaker, unfortunately what happens in these periods of trouble is we see governments starting to make errors of judgement, and, unfortunately, in addition to hurting themselves as they do, because it just keeps the slide going, unfortunately they also hurt many innocent people. And we see the results again of this error of judgement here today with the legislation which they are trying to ram through. Now, Mr. Speaker, these errors of judgement would not be occurring if the government was consulting.

MR. PATTERSON:

If you had stayed over there would have been -

MR. BARRY:

Yes, probably if I had stayed over there would have been less of

them, but it is hard, Mr. Speaker, when you are not listened to.

MR. SIMMS:

It is hard to be humble when you are perfect in every way.

MR. BARRY:

But it is hard to be humble when time after time you are proven right but people know that I remain my humble self. Mr. Speaker, the problem is that there is such lack of consultation by government with members of the trade union movement, with employers, with employees, that they bring in legislation and they do not fully understand what the implications are going to be.

MR. PATTERSON:

What a born loser! Were you on the side of the workers when you almost drove everything to Nova Scotia when you put Fishery Products into receivership?

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. BARRY:

Mr. Speaker, I am proud of what I did to help get a new company out of a group of insolvent companies. I am proud of that, Mr. Speaker. And the member for Placentia (Mr. Patterson) should go back and talk to some of his constituents and see if they agree with having insolvent companies with closed-down fish plants. The member should be out there working to keep fish plants open rather than having them closed down. And that is what I was doing, Mr. Speaker, and I am proud of it.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, let them go. I am sort of enjoying that. We see the real fears and concerns come out, Mr. Speaker. And I have to mention, Mr. Speaker, that I have been down to Burin in recent weeks and the member had better watch his bobber in Burin because the people of Burin know what is happening and the people of Burin know a bluff when they see one. And the hon. member better keep that in mind, Mr. Speaker. And the hon. member, if he ever hopes to make it into Cabinet, as I pointed out to him before, he is not going to get it by shouting wisecracks across the House. He is going to have to get up in this House, Mr. Speaker, and make a speech, manfashion, get up and show the courage of his convictions, show he is interested in the ordinary man and woman on the Burin Peninsula, and vote against this bill. Or is he for taking away the rights of the fishermen on the Burin Peninsula who may be entitled to notice of termination? Mr. Speaker, I will mention to the member for Burin-Placentia West (Mr. Tobin) that one of the companies that they are talking about here that will save money, Mr. Speaker, is Fishery Products International. And who do you think that money is going to be saved from? It is the member's constituents and he should be fighting for them instead of laying back in a cowardly fashion in somebody else's seat, instead of standing up and letting us hear is he for or against the bill. Is he for or against the bill? The member is

given petitions by his constituents and will not table them. Shame, shame!

Mr. Speaker, the interesting thing about this statement by the Premier is that he admits that he does not know himself yet, as has the minister, neither of them know themselves whether it will be necessary to have this legislation passed because they do not know what the approach of the courts is going to be when that decision of the Labour Standards tribunal comes before them. We see here that the Premier has stated that government intends to undertake a comprehensive review of the act in preparation for a complete revision. We support that, it is a good idea. And I note that the Premier says that the present amendment deals with only one of the shortcomings of the Labour Standards Act. Well, Mr. Speaker, there are other shortcomings in the Department of Labour in addition to the act, and one of the biggest is the minister.

MR. TULK:

That is right, get rid of him.

MR. BARRY:

And one of the best steps that could be taken to clear up the labour relations situation in this Province is to have a change of ministers. The minister should not have the courage to show his face in this House. Mr. Speaker, the way in which that minister has permitted the Premier - and I will grant it to the minister, he has usually not done it himself - but the way in which the minister has permitted the Premier of this Province to run roughshod over the workers of this Province, should make him ashamed of himself. The minister is supposed to be protecting the rights of the

workers and he is permitting the Premier to do what he wants. We had the situation with the Abitibi-Price negotiations and before ever a wage demand was placed on the table we had the Premier sending a directive out to Mr. Kelly and his bargainers to say that they better not ask for too much money. Can you imagine that, before there was ever a demand placed on the table, Mr. Speaker? Time after time we have seen that. I think in Labrador West it was felt that the minister was unduly delaying the conciliation process and was taking away the rights of workers to strike if they felt that they were not be treated fairly, that they were extending and renewing the time for the conciliation process and the workers very clearly felt that the minister was not treating them fairly. We saw in the Kruger negotiations the same thing. In the middle of negotiations we saw the Premier make a statement that could have no other purpose or intent than to put pressure on the employees! I mean, let us face it, Mr. Speaker, it was hard enough for those employees to match themselves against this corporation coming in, Bowater having said they were closing down and it was the only game in town and now Mr. Kruger is the only game in town. It is hard enough for a union to have to negotiate in those circumstances, but then to have the Premier of the Province come out with his press releases and his statements to add to the pressure!

MR. WARREN:

It backfired.

MR. BARRY:

Yes, fortunately it backfired. Although, regrettably, I have to say that I suspect that the

workers of Corner Brook have suffered, that they did not get as much in the course of those negotiations. The company eventually made some concessions, and they have to be complimented for that, Kruger did make some concessions from its initial starting point. It could have put them right to the wall as far as this government was concerned. Kruger could have pinned them to the wall, it could have totally stripped the contract from what they had had, what they had bargained over the years, as far as this government was concerned. Because, Mr. Speaker, this government did everything it could to get keep the pressure on the union. And do you know something? We will never know for certain, but I am almost positive that that meant that the final contract which those people were able to negotiate was not as good as it could have been. Now it was enough that they were able to sign it. They felt they did not have much choice. I think the way they put it was that they did the best of a bad job.

But, Mr. Speaker, the workers of Corner Brook would have had a better contract, they would have had better pay, they would have had greater rights had the Minister of Manpower and Labour (Mr. Dinn) been doing his job, which is to remain balanced between the employer and the employee, not to take sides, not to intervene in the course of collective bargaining to help the employer, which is what he did, and which is what the Premier has done, and which is what the government has regularly done.

MR. DINN:

Are you saying we should not be involved in conciliation services

with one side or the other?

MR. BARRY:

No, Mr. Speaker, I do not say that at all. What I say, Mr. Speaker, is that there is a time for government to speak out and it has to speak out in a balanced fashion, and it has to speak out fairly.

MR. DINN:

We do.

MR. BARRY:

No, Mr. Speaker, government did not do that in Corner Brook. Government did not speak out in a balanced or fair fashion. Government spoke out in terms of saying to the unions you had better do a deal with Kruger because that is the only game in town.

MR. POWER:

And that was the truth.

MR. BARRY:

That was the truth?

Are these people from the the other consortia telling lies when they say their offers were still there on the table? Where they telling lies? Is the minister saying their offers where not there?

MR. POWER:

The offer was not a viable offer for the workers, government or for Bowater.

MR. BARRY:

Let the workers decide what is viable for the worker. That is the problem with this government, it tries to take over and tell the workers what is best or what is viable for them.

MR. DINN:

If you are talking about a decision, they made one.

MR. BARRY:

If government would let the collective bargaining process operate the way it should, then the workers would be able to decide and make sure that they get what is best for them. And the workers are not stupid, they know that they can only ask for so much or they jeopardize their employment, they jeopardize the ability of the employer to pay, jeopardize the ability of the company to continue to operate.

How many times, Mr. Speaker, in the history of this Province have we seen employers put out of business because the workers got too much? I mean, have they lost all touch with reality? Maybe the minister will get up and tell us how many companies have gone bankrupt in this Province because the workers have gotten too much, either by collective bargaining or by legislation.

MR. DINN:

Do not be so foolish, boy!

MR. BARRY:

Do not the minister be so foolish. That is what the minister is saying. That is what the Premier is saying. The minister gets up and reads through the Premier's statement.

MR. DINN:

Because you and others made a disgrace of this House.

MR. BARRY:

After the Premier has given it in a press release, the minister gets up and, rather than giving us his own speech, he says what the Premier has told him to say.

MR. DINN:

That only took eight minutes. What did I say for the other hour?

MR. BARRY:

I must say if you did it in eight minutes, you are a lot faster reader than the Premier is.

MR. BAIRD:

He made more sense in eight minutes than you made in two hours.

MR. BARRY:

Or that the member has made in - how many years in the House?

MR. BAIRD:

Six.

MR. BARRY:

Six.

MR. BAIRD:

Never defeated.

MR. BARRY:

I wonder how many minutes on his feet in debate? One of these days we will have to do a little Hansard review. We will do a little Hansard research now and see. He does get off the occasional good quip there, I must say he is not bringing -

MR. BAIRD:

I am not afraid to go back to the people. I have never been defeated.

MR. BARRY:

He does good the occasional quip across the House, but the member has been conspicuous by his absence in standing up and debating in this House. So we have to go back and check for six years, the member says?

MR. BAIRD:

Yes.

MR. BARRY:

My, oh my! Six years. Mr. Speaker, if we can get six pages out of Hansard in that length of time then we are going to be doing well, I would say. But, Mr. Speaker, we have bigger things at stake now than the threatened political career of the member for Humber West (Mr. Baird). The member for Humber West better get on his feet soon because the time for him speaking in this House is running out, Mr. Speaker. He is not going to have that many more opportunities to get up. And I would like to see the member get up now and say a few words when it is his time to speak.

MR. BAIRD:

Just try me! I do not need you to tell me when to speak or not to speak in this House.

MR. BARRY:

Well, Mr. Speaker, we have serious problems when a minister of the Crown is prepared to come into this House and present, as his debate, the prepared speech by the Premier on the bill. I realize that they were running a tight ship over there, but this is getting ridiculous.

And I know that the Minister of Labour (Dinn) feels very uncomfortable at times with the steps that are taken by the Premier when he intervenes in these labour disputes and when he does tilt the balance against the workers of this Province.

MR. TULK:

Do you think he does?

MR. BARRY:

Yes, I have felt great embarrassment on the part of the Minister of Labour from time to time, great embarrassment when he

has had to get up in this House and try -

MR. TULK:

To put on a bold face.

MR. BARRY:

- to put on a bold face and support what the Premier has been doing. But, Mr. Speaker, it may be easier for him in the future because the Premier has gotten the message.

Now, unfortunately, so far all he has done is consult theoretically. He has invited union leaders in to talk to him, but the union leaders go out - we heard Mr. Parsons say so - and say not a thing has changed. Mr. Mayo, not a thing has changed.

MR. TULK:

They were talked down.

MR. BARRY:

Union leaders have been in to speak to him but this legislation is still going through the House, not a thing has changed. Maybe it is just a simple problem of definition. Maybe it is that the members, because Mr. Mulroney has told them that calling up to Ottawa and the federal ministers giving them their home phone numbers that that is what consultation is all about. And the fact that the ministers make up their minds before the Newfoundland ministers get there, then tell the Newfoundland ministers they are going to increase the rates on the Gulf ferry, and they are going to take the forestry centre from Corner Brook, and they are going to cut the UI programme, and they are going to do away with jobs for students and for youth, the Newfoundland ministers think that this is consultation. They think

as long as they are brought in to a minister's office in Ottawa and the minister sits him down and gives him a cup of tea or maybe something stronger, and has a nice little friendly chat with them and sends them back home with his phone number, they think that is consultation. And, Mr. Speaker, maybe they are getting wrapped up and they think that when they bring the union leaders in they think that is what the union leaders are going to be satisfied with. Bring the union leaders in and maybe give them their home phone number and talk to them, but change nothing. Mr. Speaker, the workers of this Province have more sense than that. The workers of this Province know what real consultation is all about, and it is not being told that we are going to do something before the fact and then have government go in and do it despite the legitimate protests of the men and women out in this Province trying to earn a decent living.

Mr. Speaker, it is time for government to get off our backs and get on the ball. It is time for government to start addressing the interests and concerns of the ordinary men and women in this Province, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

Do you know something, Mr. Premier? If it has not been necessary to put the member for Ferryland (Mr. Power) in on an emergency basis to try and save the Department of Education, I think that Corner Brook would have had a federal forestry centre.

MR. TULK:

He just said he would.

MR. BARRY:

Yes, I really do.

Mr. Speaker, I think the leadership campaign is already started, not just in Ontario, it is started in Newfoundland as well for the Conservative Party. Now, they have four candidates in Ontario, and we have identified three here already; we have identified the Minister of Development (Mr. Windsor), who is going over to do a little campaigning in the Far East, in Japan.

MR. MARSHALL:

A point of order, Mr. Speaker.

MR. SPEAKER (Aylward):

A point of order, the hon. the President of the Council.

MR. MARSHALL:

I know the hon. gentleman wants to be relieved, he must be because he is not relevant, Mr. Speaker, to the question before the House. Now I know the hon. gentleman dug a hole over the weekend for himself by saying he is going to filibuster and talk out the bill and all the rest of it. It has been shown from statements that have been made now that perhaps he ought not to dig in so much, so consequently he is skirting the issue of the amendment. Mr. Speaker, he has proposed an amendment before the House and the hon. gentleman should be relevant to the amendment he has proposed.

MR. SPEAKER:

Order, please! To that point of order, I do remind the hon. Leader of the Opposition (Mr. Barry) that we are discussing an amendment, proposed by himself, to bill No. 37.

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I am amazed that it has taken the Government House Leader (Mr. Marshall) an hour fifty minutes to find a little bit of irrelevancy in what I am saying. I am glad that he confirms that. For an hour and thirty-nine minutes I have been going on with very relevant debate.

Mr. Speaker, the labour leaders of this Province, and the workers of this Province, know what consultation is and they know that, unlike the leadership contender, the Minister of Forest Resources and Lands (Mr. Simms), and unlike the leadership contender in the Far East, the Minister of Development (Mr. Windsor), and the third and most recently declared leadership contender, the Minister for Career Development (Mr. Power), and I am sure there has got to be a fourth one there somewhere, but Mr. Speaker -

MR. BAIRD:

You are lucky there was not a fourth one in September or you would not have gotten in.

MR. BARRY:

The more the merrier. I would have only had 570 votes then if there had been a fourth one there, Mr. Speaker. But, Mr. Speaker, the workers of this Province -

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

Could I have ten minutes of quiet now, Mr. Speaker? I have a lot to say and I have not gotten a chance to say it all yet. But I am sure we will get another chance.

MR. SPEAKER:

Order, please!

MR. BARRY:

Mr. Speaker, the workers of this Province realize what real meaningful consultation is, and it is not being called in and being given a talking to and then shown the door with nothing changed. Now, Mr. Speaker, we are going to have an opportunity in the course of this debate to deal with some of the problems with respect to labour legislation generally. Mr. Speaker, we had a situation there where the Minister of Labour (Mr. Dinn) stood up in this House and gave assurances that there would be consultation with labour leaders when Bill 59 of 1983 was brought in. The minister got up in this House and gave assurances there would be consultation before the bill was proclaimed. Mr. Speaker, I am here to tell the minister that several labour leaders have come to me and said, "The minister called me up the afternoon that he was proclaiming the bill to tell me it was being proclaimed," and that was the consultation, Mr. Speaker.

Now, Mr. Speaker, that is not good enough. That is not the way, Mr. Speaker, to make sure that legislation that is brought in is well drafted and deals fully with the problems that are being experienced by the men and women who are working in this Province. Mr. Speaker, if there were better consultation, we would have had, with respect to Bill 59 of 1983, and I must say it slipped through, members of this House of Assembly do not always -

MR. TULK:

He promised the trade unions that he was going to make them better.

MR. BARRY:

Members of this House of Assembly do not get the opportunity to give the scrutiny to a bill that the Department of Manpower and its minister can before he brings it in. The rules only permit debate for a certain period of time. And, Mr. Speaker, it seems to me that there are things in Bill 59 of 1983, such as the way in which the rights of the essential employees apparently have been terminated completely, that I think we have to take a very hard look at and I urge the minister to tell the Premier that if he is interested in changing his approach to labour relations, if he is interested in showing that his concern about the ordinary man and woman in this Province who has to work for a living, then, as I recommended earlier, the Premier and the Minister of Labour should call a conference -

MR. YOUNG:

Oh, yes!

MR. BARRY:

- the Minister of Public Works (Mr. Young) need not be invited, but they should invite employers and employees, they should invite members of the academic community, and they should invite certain members of the private sector, they should have a province-wide conference on labour relations which would include Bill 59 of 1983 and improvements that could be made to it to ensure that essential services will be provided, Mr. Speaker, but also ensure that we have better protection for the rights of workers than we now have in this Province as a result of that bill.

I am sorry! I forgot, the fourth leadership contender is the member for Conception Bay South (Mr.

Butt). How could I have forgotten, Mr. Speaker?

But all of these leadership contenders, Mr. Speaker, are going to have to do more than sit back and wisecrack across the House. They are going to have to do more than just blindly follow the lead of the Premier and the Minister of Labour (Mr. Dinn) in keeping the workers of this Province under their heels. We are going to have to see, Mr. Speaker, those leadership contenders, we are going to have to see the member for Conception Bay South, and the Minister of Forest Resources and Lands (Mr. Simms), and the Minister of Development (Mr. Windsor), and the Minister of Career Development (Mr. Power), we are going to have to see them get up on their feet and give us their views and their ideas on the labour legislation of this Province.

But, Mr. Speaker, one of the problems has been that she is starting to deteriorate over there, starting to disintegrate and they are becoming so concerned, Mr. Speaker, with keeping their fingernails on the threads of power that they are making these serious errors of judgement, and these errors of judgement are hurting the workers of this Province.

Now, Mr. Speaker, one of the problems that we have with the administration as well is that the Premier has been afraid to do a really thorough job of housecleaning when it comes to a Cabinet shuffle. We have never had a real Cabinet shuffle in this Province, we have had a few mini-shuffles but we have all that young blood in the backbenches, Mr. Speaker, like the member for

Conception Bay South (Mr. Butt) who has energy and enthusiasm and is ready to go.

MR. NEARY:

He is in danger of losing his seat.

MR. BARRY:

Yes, and he is going to lose his seat if he does not get an opportunity to show what he can do in a portfolio. We have other members of the backbenches -

MR. TULK:

The member for Grand Bank.

MR. BARRY:

- the member for Grand Bank (Mr. Matthews), the member for Placentia (Mr. Patterson), the member for St. Mary's-the Capes (Mr. Hearn), and a number of others who fancy themselves as Cabinet material but unfortunately they have never shown themselves as having the ability because they do not get up and point out the errors that the Minister of Manpower is making.

MR. MATTHEWS:

You are the only one in the House who thinks you are better than anyone else.

MR. BARRY:

No, Mr. Speaker, I do not think I am better than anyone else, but I do think I am more ready than the member for Grand Bank (Mr. Matthews) to get up and let people know what I think. Why does the member for Grand Bank not get up now in a few minutes and tell us whether he feels that any payment that the fishermen of his district are entitled to from FPI should be taken away? Why does he not get up and say, yes, if that is what he believes?

MR. PATTERSON:

You had better watch your step there now. There are other issues in Newfoundland today other than that, you know. You were over here when Bill 59 was passed.

MR. BARRY:

Other than what?

MR. SIMMS:

He supported Bill 59.

MR. PATTERSON:

You supported Bill 59.

MR. BARRY:

Of course I did, Mr. Speaker, as we just pointed out, because members of the trade union movement were here in the gallery indicating that they had accepted the assurances of the Minister of Labour to consult, and the Minister of Labour never consulted, Mr. Speaker. And, Mr. Speaker, the member for Placentia (Mr. Patterson) shows more courage when he is outside the House or away from caucus than when he is in with the pack.

MR. TULK:

He got a tongue lashing today, that is all.

MR. BARRY:

I think he has been whipped but he will be back again because you cannot keep the member for Placentia (Mr. Patterson) down, he will speak out. He may have to go out in the district and speak out, he may not be able to do it while the Premier is keeping him under his thumb, but he will speak out and he will show the courage that got him elected although, Mr. Speaker, he is going to have to stand up now and show where he stands on this bill if he has got the courage.

MR. PATTERSON:

That is not the only bill in Newfoundland.

MR. BARRY:

Yes, but we will deal with them one at a time and that is the one before the House now, Mr. Speaker, one of the more important ones. Mr. Speaker, it is the one that has the greatest threat for what will happen in the future in this Province. It is the one that has the greatest threat, Mr. Speaker, for the people of this Province in knowing whether they are secure. When they have a piece of legislation that is on the books, will the people of this Province be able to say, 'Yes, we know what our rights are today and we know what our rights will be tomorrow', or will they be in the position from now on, Mr. Speaker, of never knowing what the rights that they plan on, the rights that they make their own business decisions on, the rights that they plan their household around, plan their income around, the rights they plan their employment decisions on as to whether they stay with Bowater or whether they stay with Wabush Mines or whether they stay working with FPI or go to work with somebody else, it all depends, Mr. Speaker, on what their rights are at any particular point in time? Now, Mr. Speaker, we saw the Government of Canada speak out before the election and since and say that they disagree with giving Petro Canada the 25 per cent back-in because that was retroactive legislation, Mr. Speaker, that was expropriation without compensation. Now, Mr. Speaker, we want to know whether the Government House Leader (Mr. Marshall) and members opposite, members of the government are going hand in hand with the Government of Canada or do we already have a basic, fundamental

disagreement?

MR. MARSHALL:

Mr. Speaker, a point of order.

MR. SPEAKER (Russell):

Order, please!

The hon. the President of the Council on a point of order.

MR. MARSHALL:

It seems to me that some time ago the hon. gentleman proposed an amendment to this bill which in effect has the affect of making the bill not retroactive. The hon. gentleman is talking about Crown shares and offshore agreements, polls and what have you, and one item of relevancy is when an amendment is proposed to a bill, Mr. Speaker, the rules of relevancy apply and the hon. gentleman is not relevant.

MR. SPEAKER (Russell):

Order, please!

To that point of order, the rule of relevancy as all members know is at the best of times difficult to make a ruling on and I am sure the hon. the Leader of the Opposition (Mr. Barry) would prefer to be relevant to this particular amendment.

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I do not know what could be more relevant to the amendment which says that retroactive legislation is repugnant to the principles of parliamentary democracy than to point out that this is a basic premise of the federal Conservative Government of Canada, it is a premise upon which they were elected, it is a premise that

they have confirmed since they were elected, they have established that they believe that that is a basic principle of our parliamentary system. They say that they are not prepared to let that 25 per cent back-in remain with Petro Canada, they say that they are going to take that 25 per cent away from the people of Newfoundland and Labrador and give it, Mr. Speaker, to Mobil and to the other companies. We want to know whether the government agrees with that approach. Do they agree with the approach of the Government of Canada with retrospective legislation being repugnant to the principles of parliamentary democracy or are they prepared to accept that we can have retroactive legislation, we can expropriation without compensation, Mr. Speaker, and we can have these interferences with the rights of the citizens of this Province that we are seeing in this bill? Mr. Speaker, we intend to fight this bill with every power at our disposal. We have only begun, Mr. Speaker, today. Members opposite will be hearing more on Bill 37 during the week, there will be other opportunities but, Mr. Speaker, we would like to hear members opposite now, we would like to hear whether they believe, whether they are satisfied to have this form of retroactive legislation as a matter of course in this Province.

MR. SIMMS:

Say something about the bill.

MR. TULK:

Why do you not give away another Forestry Centre?

MR. BARRY:

We would like to know, Mr. Speaker, whether, since he did not put the federal minister on the

spot for the Forestry Center, would he put the federal minister on the spot in terms of disagreeing with the principles that the federal minister has gotten himself elected on?

MR. SIMMS:

Do not ask me questions because you know I will nail you on them.

MR. BARRY:

Mr. Speaker, I will ask the member a question if I can find him.

Mr. Speaker, we are seeing here in this Province today a serious attempt -

MR. SPEAKER (Russell):

Order, please!

The hon. the Leader of the Opposition's time has expired.

MR. BARRY:

In mid-sentence. I will continue tomorrow.

SOME HON. MEMBERS:

By leave.

MR. SPEAKER:

Is leave granted?

SOME HON. MEMBERS:

No leave.

MR. SPEAKER:

Leave is not granted.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, we have got a very unusual situation from the other side of this House and that is that nobody on the other side of the House wants to stand up and

defend the government's position.

MR. SIMMS:

We just wanted to get all your boring speeches out of the way.

MR. TULK:

The member for Grand Falls, the Minister of Forest Resources and Lands (Mr. Simms), should prepare himself for when he goes to Ottawa again so that he does not have to look at the federal minister and say, 'Well, whatever you want you can have. I am just up here for a cup of tea and for you to say hello to me and to recognize me so that we can get on with this consultation.'

Mr. Speaker, we have an amendment before this House which I have to congratulate the Leader of the Opposition (Mr. Barry) on for bringing before this House. If ever there was any indication, Mr. Speaker -

MR. PATTERSON:

(Inaudible) as strong in Newfoundland.

MR. TULK:

The hon. the member for Placentia (Mr. Patterson) is suffering from a tongue-lashing that the Premier gave him about something he said over the weekend. I can understand his being upset, Mr. Speaker, but he will get over it and I am sure, as the Leader of the Opposition said, the member for Placentia will be on the streets again speaking against anything that goes against his principles.

Mr. Speaker, it is two minutes to six and I will adjourn the debate, Mr. Speaker.

MR. SPEAKER (Russell):

It has been noted that the hon.

the member for Fogo (Mr. Tulk) has adjourned the debate.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, I move the House at its rising do adjourn until tomorrow, Tuesday, at 3:00 p.m.

On motion, the House at its rising adjourned until tomorrow, Tuesday, December 4, 1984, at 3:00 p.m.

Index

Answers to Questions
tabled

December 3, 1984

presented by H.
the Premier in
reply to Question

3 Dec. '84

**Newfoundland
Investment Mission to
Japan and Hong Kong
December, 1984**

NEWFOUNDLAND INVESTMENT MISSION

DECEMBER 1984

PARTICIPANTS

Government Officials

Hon. Neil Windsor, P.Eng.
Minister
Department of Development

Hon. Ron Dawe
Minister
Department of Mines & Energy

Mr. H.M. Clarke
Deputy Minister
Department of Development

Mr. J. McKillop
Deputy Minister
Department of Mines & Energy

Mr. H. Stanley
Deputy Minister
Department of Forest Resources & Lands

Mr. R. Andrews
Deputy Minister
Department of Fisheries

Mrs. Anne Mills
Development Officer
Department of Development

NEWFOUNDLAND INVESTMENT MISSION

DECEMBER 1984

PARTICIPANTS

Business

Mr. Scott Campbell
Manager, Engineering & Technical Services
Iron Ore Company of Canada

Mr. Tom Rose, P.Eng.
President
The BAE Group

Mr. Walter Tucker, P.Eng.
Business Development Manager
The BAE Group

Mr. Clarence Dwyer
President & General Manager
Easteel Industries (1984) Ltd.

Mr. Don Clarke
Director
Easteel Industries (1984) Ltd.

Mr. Fraser Edison
Vice President - Marketing
Easteel Industries (1984) Ltd.

Mr. Tom Whelan, P.Eng.
President
Marystown Shipyards Ltd.

Mr. Frank Smith, P.Eng.
President
Nordco Ltd.

Mr. Fred Woodman
President
Woodman's Fisheries Ltd.

Mr. Lester Riche
Vice President - Resource Development
Fishery Products International Ltd.

Mr. Doug Vicars
Chairman of Development
Town of Mount Pearl

NEWFOUNDLAND INVESTMENT MISSION

DECEMBER 1984

• PARTICIPANTS

Business

Dr. Richard Kuntze
Consultant
Transpacific Resources

BUSINESS ITINERARY

JAPAN

December 2, 1984

Embassy Car to transport Ministers
Rented Bus to transport Delegation to New Otani Hotel

Monday, December 3, 1984

9:00 AM Embassy Car to pick up Ministers.
Rented Bus to pick up delegation to transport to Canadian Embassy.

9:30 - 11:30 Joint Briefing Session with Nova Scotia delegation on Japan/Canada - Japan Relations.

11:00 - 12:00 Separate Briefing with Embassy Staff on Newfoundland delegation Itinerary.

12:00 - 14:00 Mr. Windsor to attend Rotary Club luncheon at New Otani Hotel (Kojimachi Chapter).
Balance of delegation to make own lunch arrangements.

14:40 Mr. Dawe & Mr. Windsor to go to MITI from hotel by Embassy car.
Others by bus to MITI or Ministry of Agriculture as appropriate.

15:00 Mr. Windsor, Mr. Dawe, Mr. McKillop to call on the Director General of the Industrial Policy Bureau of MITI.

15:00 Mr. Andrews, Mr. H. Clarke, Mr. Stanley to call on the Director General of the Fisheries Agency.

15:30 Mr. Windsor, Mr. Dawe, Mr. McKillop and appropriate business reps to attend a briefing by MITI staff on Industrial Restructuring in Japan with focus on energy-intensive sectors.

- 15:30 Mr. Andrews, Mr. H. Clarke, Mr. Stanley, Mr. Riche, Mr. Woodman to attend briefing by Fisheries Agency staff on the state of the Japanese Fishing Industry including a review of Japanese activity on the Canadian East Coast.
- 17:00 Return to Hotel - Ministers by Embassy Car, others by bus/taxi.
- 18:00 Delegation transported from hotel to Residence of Minister (Economic/Commercial) Armand Blum by bus.
- 18:30 - 20:30 Reception hosted by the Government of Newfoundland for 120 - 150 Japanese businessmen and bankers.
- 20:30 Return to hotel by bus.

Tuesday, December 4, 1984

- 9:00 Mr. Windsor, Mr. Stanley to OJI Paper Company by Embassy Car.
- 9:10 - 9:30 Mr. Dawe, Mr. McKillop, Mr. H. Clarke, Mr. Campbell to Metals Seminar by Embassy car or minibus.
- 9:30 - 10:10 Mr. Windsor, Mr. Stanley attend meeting at OJI Paper.
- 9:30 - 11:30 Mr. Dawe, Mr. McKillop, Mr. H. Clarke, Mr. Campbell to attend Metals Investment Seminar. Seminar to be opened by Canadian Ambassador. B. Steers with the main presentation by Mr. Dawe. Seminar will be attended by 30 - 40 working level officials from metals firms, trading companies, associations and banks.
- 9:30 - 10:00 Mr. Andrews, Mr. Riche, Mr. Woodman to Japan Marine Products Importers Assoc. by taxi or Embassy car.

10:00 - 12:00 Mr. Andrews, Mr. Riche, Mr. Woodman to call on Mr. Morikawa, Executive Director of the Japan Marine Products Importers Assoc. (JMPIA).

10:10 - 10:30 Mr. Windsor, Mr. Stanley to proceed from OJI Paper to Forestry Agency.

10:30 - 11:00 Mr. Windsor, Mr. Stanley to call on the Director General of the Forestry Agency.

11:00 - 11:50 Mr. Windsor, Mr. Stanley to attend a briefing on Japanese Forest Products Sector by Forestry Agency staff.

11:50 Mr. Windsor to join metals Investment Seminar group. Mr. Stanley free for lunch.

11:50 - 13:00 Buffet luncheon for metals Investment Seminar participants.

13:00 - 14:00 Delegation to COGMIT Show by Embassy minibus.

14:00 - 17:30 COGMIT Show. Mr. Windsor to do a presentation on Newfoundland Offshore.

16:30 Mr. Windsor, Mr. Dawe to reception at the Ambassador's residence, by Embassy car.

17:30 Delegation to reception by hired bus.

18:30 - 20:30 COGMIT Reception at Ambassador Steers residence.

20:30 Return to hotel by taxi.

Wednesday, December 5

8:00 - 17:00 Mr. Dawe, Mr. McKillop, Mr. Campbell - all day tour of Nippon Chemical Industrial Co. in Nagoya.

- 9:00 - 14:00 Mr. Windsor, Mr. Clarke and company
reps to tour Nippon Kokkan
Shipyards.
- 10:00 - 10:30 Mr. Andrews, Mr. Woodman, Mr. Riche
by embassy minibus to Japan Deep
Sea Trawlers Assoc. (JDSTA).
- 10:30 - 12:00 Mr. Andrews, Mr. Woodman, Mr. Riche
to call on the President of JDSTA.
- 12:00 - 14:00 Luncheon with JDSTA. Afternoon
free.
- Thursday, December 6
- 5:30 - 8:00 Delegation to tour TSUKIJI fish
market (embassy minibus).
- 9:00 - 14:00 Mr. Windsor, Mr. Stanley by embassy
minibus to tour forest products
related activity (Holding ponds,
docks, traditioanl US 2 x 4
construction, etc.) Tour and lunch
being co-ordinated by Marubeni.
- 11:30 - 12:00 Mr. Dawe, Mr. H. Clarke by embassy
car from hotel to Tokyo American
Club.
- 12:00 - 14:00 Canadian Chamber of Commerce
luncheon featuring brief presenta-
tions by Mr. Dawe and Hon. R.
Thornhill of Nova Scotia on
Offshore Oil and Gas. (Delegation
members welcome to attend luncheon
- cost is 4000 yen each).
- 2:00 Delegation members depart hotel for
airport for flight to Seoul,
Korea.
- 3:00 Ministers depart hotel by embassy
car for airport for flight to
Seoul, Korea.
- 2:00 - 4:00 Mr. Andrews, Mr. H. Clarke to do an
investment presentation to
fisheries companies/financial
institutions. Interested delega-
tion members may attend.

Friday, December 7

7:00

Kushiro tour participants depart hotel for Haneda Airport.

8:40 - 10:15

Flight to Kushiro

Tour will include visit to public market, meeting with local trawl association, visit to surimi plant, fish auction and if time permits a fish hatchery. Tour being co-ordinated by Kanai Fisheries.

Saturday, December 8

17:15 - 19:00

Flight departs Kushiro for Tokyo.

Sunday, December 9

8:00

Depart hotel for airport.

10:00 - 13:50

Flight from Tokyo to Hong Kong.

BUSINESS ITINERARY

KOREA

DECEMBER 1984

Thursday, December 6

8:30 P.M.

Arrive Seoul Airport. Ministers precleared by Embassy. Balance of delegation to clear customs and proceed by hired bus to hotel.

Friday, December 7

AM

Commuter flight from Seoul to Ulsan.

Day tour of the facilities of Hyundai Heavy Industries Inc.

PM

Return commuter flight to Seoul

Saturday, December 8

9:30

Depart hotel for airport. Hired bus.

10:50

Flight departs for Hong Kong.

BUSINESS ITINERARY

HONG KONG

DECEMBER 1984

Sunday, December 9, 1984

10:00

Annual Remembrance ceremony for Canadian Soliders who sacrificed their lives for the defence of Hong Kong at Sai Won War Cemetery.

14:30

Briefing by J. Treleaven, W. Hanafi and B. Sinclair for delegation members.

Monday, December 10, 1984

9:30

Meeting with Commissioner Copithorne at the Commission.

12:00

Luncheon hosted by the Canadian Chamber of Commerce. Hon. Neil Windsor guest speaker.

Evening

Reception hosted by Government of Newfoundland.

Tuesday, December 11, 1984

9:30

Call on Mr. J.D. McGregor, Director of Hong Kong General Chamber of Commerce.

11:30

Call on Mr. Len Dunning, Executive Director of the Hong Kong Trade Development Council.

3:00

Mr. Windsor, Mr. H. Clarke to call on Mr. Peter Bryant of Arinfi Pacific Ltd.

Wednesday, December 12, 1984

12:00

Mr. Windsor, Mr. H. Clarke, Mr. T. Whelan meeting and luncheon with Swire Pacific Offshore Ltd.

8:00 PM

Flight departs.

Hon. Neil Windsor
Hon. Ron Dawe
Mr. H. Clarke
Mr. J. McKillop
H. Stanley,
R. Andrews
Ann Mills - Development Officer III

Scott Campbell, I.O.C.C.
Tom Rose, BAE Group
Walter Tucker, BAE Group
Clarence Dwyer - Easteel
Don Clarke "
Frazer Edison "
Tom Whelan = Marystown Shipyard
Frank Smith - Nordco
Fred Woodman - Woodmans Fisheries
Lester Rich - F.P.I.
Doug Vicars - Mount Pearl Town Council
Richard Kuntze - Trans Pacific Ltd.

Note: No Provincial Government subsidy to municipal or industrial delegates. Understood that some may have received assistance from the Federal Government's Promotion and Export Market Development Program.

Estimated cost of travel living expenses and official entertainment for Ministers and Prov. Government Officials is approximately \$40,000

HOTELS

VANCOUVER, B.C.

DELTA RIVER INN
(604) 278-1241
(-4½ hours time
difference from
Newfoundland.)

TOKYO, JAPAN

THE NEW OTANI HOTEL
(03) 265-1111
(+ 12½ hours time
difference from
Newfoundland.)

KUSHIRO, JAPAN

KUSHIRO PACIFIC HOTEL
(0514) 24-8811
(+ 12½ hours)

SEOUL, KOREA

HOTEL SHILLA
(+ 12½ hours)

HONG KONG

FURAMA INTER-CONTINENTAL
(852-5) 255111
(+ 11½ hours)

HONOLULU

THE WESTIN ILIKAI
(808) 949-3811
(- 6½ hours)

SAN FRANCISCO

THE AIRPORT HILTON
(415) 589-0770
(- 4½ hours)

TRAVEL MANAGEMENT
BECKS COVE
MURRAY PREMISES
ST JOHNS NFLD
CANADA A1C 6H1

DATE: 21 NOV 84 90246

PNR LOC: WQ3123RA

FOR:
DAWE HON R

--ITINERARY--

FROM	TO	CARRIER	FLT/CL	DATE	DEP	ARR	ST	MEALS
ST JOHNS NFLD	TORONTO	AIR CANADA	*195	F 30NOV	1425	1620	OK	DINNER
			RESERVED SEATS	10				
TORONTO	VANCOUVER	AIR CANADA	149	F 30NOV	1845	2040	OK	DINNER
			RESERVED SEATS	18				
VANCOUVER	TOKYO NARITA	C P AIR	403	F 01DEC	1400	1650	OK	LUNCH
TOKYO NARITA	SEOUL	NORTHWEST	009	C 06DEC	1805	2030	OK	DINNER
SEOUL	HONG KONG	THAI AIR	627	J 08DEC	1050	1450	OK	
HONG KONG	HONOLULU	SINGAPORE	002	F 12DEC	2030	1100	OK	
HONOLULU	SAN FRANCISCO	UNITED AIR	162	F 14DEC	1455	2145	OK	DINNER
SAN FRANCISCO	TORONTO	AIR CANADA	758	F 15DEC	0805	1540	OK	LUNCH
TORONTO	ST JOHNS NFLD	AIR CANADA	630	C 15DEC	1945	0002	OK	DINNER

Banking

There are seven Canadian banks with commercial banking licenses in Hong Kong. They provide complete banking services:

Canadian Imperial Bank of Commerce
Asia Pacific Operations Office

The China Building 19th Floor
29 Queen's Road Central
Hong Kong
Tel: 5-258144/6

Bank of Montreal
Alexandra House 16th Floor
16-20 Chater Road
Hong Kong
Tel: 5-224182/8

The Bank of Nova Scotia
Pacific Regional - Hong Kong Extension Office
6th Floor Admiralty Centre,
Tower 1
Harcourt Road
Hong Kong
Tel: 5-295511

The Royal Bank of Canada
Gloucester Tower 18th Floor
11 Pedder Street
Hong Kong
Tel: 5-214261/9

The Toronto-Dominion Bank
Hutchison House
Room 917-920
10 Harcourt Road
Hong Kong
Tel: 5-227189

Bank of British Columbia
3409 Gloucester Tower
Landmark
Hong Kong
Tel: 5-266677/8

National Bank of Canada
Regional Office, Asia/Pacific
3919 Connaught Centre
Connaught Place
Hong Kong
Tel: 5-237081

VII. USEFUL ADDRESSES

Commission for Canada
P.O. Box 20264 Hennessy
Road Post Office
Asian House 15th Floor
Hennessy Road Wanchai
Hong Kong
Tel: 5-282222/4
Telex: 73391
DOMCA-HX 73391
Cable: DOMCAN CANADIAN

CP Air, CP Rail
Wire House Room 1702
Chater Road
Hong Kong
Tel: 5-248161

Air Canada, Canadian National Railways
Prince's Building Room 1026
Chater Road
Hong Kong
Tel: 5-221001

Canadian Club of Hong Kong
P.O. Box 1587
Hong Kong

Canadian University Association
Sincere Building Room 713
173 Des Voeux Road Central
Hong Kong
Tel: 5-430351

Canadian Business Association in Hong Kong
c/o Richardson Securities of Canada (*Pacific*) Ltd.
The China Building
18th Floor
29 Queen's Road Central
Hong Kong
Tel: 5-258211

Hong Kong Trade Development Council
Connaught Centre 3rd Floor
Connaught Road Central
Hong Kong
Tel: 5-267922

Hong Kong Trade Development Council
Suite 1100, 347 Bay Street
Toronto, Ontario
Canada