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Speaker: Honourable Patrick McNicholas

Friday

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The House met at 10:00 a.m.

MR. SPEAKER (McNicholas):
Order, please!

Oral Questions

MR. LUSH:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Bonavista North.

MR. LUSH:
Mr. Speaker, the Premier is not here and I had some questions for him. I will go to the Minister of Finance (Dr. Collins), since he is a very important person with respect to employment in the Province. My question to the minister has to do with establishing objectives. Any person in government knows how important it is to establish objectives, goals, to know where we are going and how we are going to get there. My question relates to objectives in terms of the systematic reduction of unemployment over the next few years. My question to the minister is can he indicate to the House and to the people of Newfoundland and let us know by what specific percentage points the government plans to reduce unemployment over the next year or two, to let the people of this Province know, particularly the unemployed, that his government is in control? So by what specific percentage points does his government plan to reduce the level of unemployment over the next year or two, by what numbers that he plans to reduce unemployment in the next year or so?

SOME HON. MEMBERS:
Hear, hear!

DR. COLLINS:
Mr. Speaker.

MR. SPEAKER (McNicholas):
The hon. the Minister of Finance.

DR. COLLINS:
A very, very good question, Mr. Speaker. I should have checked with the hon. member for the Strait of Belle Isle (Mr. Decker) on this thing because I may have it wrong. But I think the expression is, 'By your deeds you shall know them', or by whatever you shall know them. But anyway that is the attitude we take in this government.

MR. OTTENHEIMER:
'By their works you shall know them.'

DR. COLLINS:
'By their works you shall know them.'

You shall know the results of our efforts as they unfold. And indeed, Mr. Speaker, they are unfolding. Employment in this Province will be related to how the fishery is doing, how the forestry is doing, how tourism is doing, how increased offshore activity is doing, and all this groundwork has been laid and it is paying off in many respects.

So I think the statistics will come out of this and it will be a bit artificial for us to say that the fish are going to come in in such and such a quantity on the inshore this Summer and, therefore, the plants will have so many workers in them. We do not know that because the fish are independent creatures. But we have no doubt that there will be

increasing activity in the fishery and there will be increasing employment. We know as the paper mills modernize themselves, indeed the modernization has started - I believe the first contract for the modernization out at Corner Brook has already been let - so as the paper mills modernize themselves - and, of course, we have a very modern paper mill in Stephenville anyway - there will be increasing activity in the woods and so on and that will give increasing employment. Offshore, of course, there is an -

MR. TULK:

A point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

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

MR. TULK:

The question put by the member for Bonavista North (Mr. Lush) was very specific, what are the objectives in terms of decreasing the unemployment rate in this Province, where are the objectives, what are the numbers. We do not need to hear a long, rambling statement by the Minister of Finance (Dr. Collins). I would suggest that Your Honour call him to order and ask him to either answer the question or take his seat.

MR. OTTENHEIMER:

To that point of order, Mr. Speaker.

MR. SPEAKER:

To that point of order, the hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

Mr. Speaker, as I listened to the hon. minister he was certainly being relevant to the point and

appeared to be outlining a very appropriate answer. It is a question of some complexity and naturally the minister will give it all of the attention that it duly deserves.

MR. SPEAKER:

To that point of order, we all agree that questions and answers should be as brief as possible. There is no point of order at this stage.

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, I will be guided very closely by your excellent ruling there and I will finish my remarks in short order. Just let me say that there is an excitement about the offshore, a real excitement. As hon. members know there have been announcements about new finds offshore and there are increasing numbers of visitations to the Province by those from outside who wish to invest or relate to the offshore and all this excitement and activity is, undoubtedly, going to not only increase the employment directly offshore but is going to increase and accelerate the spinoff employment related to the offshore.

MR. LUSH:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the member for Bonavista North.

MR. LUSH:

Mr. Speaker, the minister mentioned about his government having established the groundwork. I would say that what they have established, Mr. Speaker, is a mine field. The minister has demonstrated that the government do not know where they

are going with respect to a systematic reduction of unemployment. Again, my question is very specific. What is the acceptable rate, what is the acceptable level of unemployment that his government is aiming towards in Newfoundland over the next two or three years?

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, the hon. member has asked a very, very complex question. I am not sure that he understands the complexity of the question. At one time a rock bottom unemployment rate was considered to be something like 2 to 3 per cent. I mean, that was accepted by economists throughout the world, and I am thinking back, say, twenty or twenty-five years. But in recent times, with changes in world economies and so on, you can go to any number of economists and each one of them will give you a different number for rock-bottom unemployment, and it relates to the changing demographics of population, it relates to the make-up of the work force - there are more women in the work force, for instance - and it is related to modern technology. So that seemingly simple question, what is an acceptable rate of unemployment, is a thing that one could answer perhaps over four or five hours and bring documentation from various sources to say this, that and the other thing. It is a very complex question.

MR. LUSH:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. member for Bonavista North.

MR. LUSH:

Mr. Speaker, it is rather obvious that this government have no plans with respect to a systematic reduction of the levels of unemployment in this Province.

Now, Mr. Speaker, I am going to get to the offshore. The minister talked about the excitement in the offshore. Well, I want to ask him a question on this and it relates to training. I understand that the Minister of Development (Mr. Barrett) has gone to Norway to look into new technology and to look into the types of training that we should be offering in our post-secondary institutions to take advantage of the jobs that are on the offshore. Now, is this not a bit too late? We have known about the offshore for a long, long time and here we are, this session, talking about training for the offshore. It looks like the administration, Mr. Speaker, wasted their time in trying to legislate our way in, to try to legislate our way to the jobs through the Local Preference Policy and the chickens have come home to roost. I ask the Finance Minister (Dr. Collins) what have we been doing to this late stage in the game that we have not trained our people? Are we not too late? Are we going to lose all the big jobs to other Canadians and other nationalities? Are Newfoundlanders going to be left out in the cold with respect to the offshore development?

MR. SPEAKER:

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, if there is one comment made about this Province in relation to the offshore by those who know the oil industry it

is that this Province is more prepared than any other country in the world, or any other area in the world -

SOME HON. MEMBERS:

Hear, hear!

DR. COLLINS:

- with a large offshore development in prospect. For instance, in the United Kingdom they had a very stormy beginning to their offshore activities, their preparation for it. In Norway they had a very stormy beginning. I do not have to mention areas like, say, Indonesia and so on. Going back at least five years, and I believe beyond that, we have studied what has been going on in the rest of the world. We brought in regulations very early on that were a model for the rest of the world. We had in those many things that are now routinely put in regulations and agreements in regard to research and development, training and education, financial input by the developing companies into educational institutions and so on. So, far from being unprepared, we have been very well prepared. But that is not to say, Mr. Speaker, that we are stopping; we are continuing our preparatory movements and we will continue to do so. And that is one of the reasons why the hon. Minister of Development (Mr. Barrett), and the hon. Minister of Career Development and Advanced Studies (Mr. Power), made a trip recently to update themselves, to see the latest things that are going on. I am sure that we will need further updating as time goes along. The Minister in charge of the Petroleum Directorate (Mr. Marshall), is very knowledgeable about the whole industry and the whole activity. I am sure they

will bring back information at the earliest opportunity to this House. But it is ongoing process and we are doing very well with it.

MR. LUSH:

A final supplementary.

MR. SPEAKER (McNicholas):

The hon. member for Bonavista North.

MR. LUSH:

Mr. Speaker, we get again the same kind of prating and prattling and sabre rattling that we have gotten before on this offshore. And I say again that this government made a mistake, they tried to legislate our way there instead of training our people, and we are in trouble. I ask the Minister of Finance (Dr. Collins) if he can tell us this morning how many Newfoundlanders are indeed employed on the rigs on the offshore and what types of jobs they have? Do they just have menial jobs or do they have the high skilled jobs and the high paying jobs? And, I say, Mr. Speaker, the minister cannot answer that question this morning.

MR. SPEAKER:

The hon. Minister of Finance.

DR. COLLINS:

Well, Mr. Speaker, I can make a shot at it anyway. I think the numbers involved with the offshore are of the order of 3000 people and I think that the percentage of Newfoundlanders in that is of the order of 60 to 65 per cent.

MR. LUSH

Yes. Cooks and stewards!

DR. COLLINS:

And 65 per cent of rig operators are not in menial tasks. Many of them are in very demanding and

very high paid occupations there. Now, clearly there are some positions that have to be filled by people with years and years of training and experience in the activity and our people have not had an opportunity, up to this point in time, to gain that. But as times goes on I am sure that more and more Newfoundlanders will be moving up the scale. Indeed many of them have already moved up, but they will be moving further up the scale and be getting more and more of the high-powered jobs.

MR. DECKER:
Mr. Speaker.

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

MR. DECKER:
Mr. Speaker, it is a good thing for the hon. Minister of Finance (Dr. Collins) that the quotation he was groping for did not say, by your jobs you shall know that. My question is to the real Premier, I am told, the hon. Government House Leader (Mr. Marshall). Since this government has always taken the stand that CN would not be allowed to close out the railway in this Province, in view of the recent layoff of the train-men and the ultimate layoff which will follow of maintenance people, will the minister tell this House what action his government has taken to force Ottawa not to close down the railway and to improve the railway as the government has been asking for for the last year?

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

MR. MARSHALL:
Yes, Mr. Speaker, I will. And I just hope when I give the short

answer that the hon. gentleman does not get up raising his voice at me and testifying against my answer. That is what I am afraid of. I will answer very briefly that this government -

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

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

MR. DECKER:
I have noticed in the last few days that when I begin to speak people make remarks against me because I was a clergyman in the Christian church. Now, Mr. Speaker, if they want to make remarks about me personally, do it, but I will not stand in this House and see members opposite make fun at religion. Make fun at me personally but not at religion, Mr. Speaker. I will not stand for it.

MR. OTTENHEIMER:
Put on your halo.

MR. MARSHALL:
Mr. Speaker.

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

MR. MARSHALL:
Nobody is making fun of the hon. gentleman, Mr. Speaker. The hon. gentleman is taking himself a little bit too seriously.

MR. OTTENHEIMER:
Send over a halo.

MR. MARSHALL:
I shall respond to the gentleman by just saying that this government has a long -

MR. SPEAKER (McNicholas):
Order, please!

To that point of order, I have not noticed any particular comments that would suggest to me that there was any question whatever about anybody's religious beliefs. I have never heard it here in this hon. House and there certainly has not been any since I have been in the Chair. There is no point of order.

MR. OTTENHEIMER:

I wonder if I could just rise on a slight point of information, Mr. Speaker?

MR. SPEAKER (McNicholas):

The hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

Would it be possible for Your Honour to make arrangements to get a halo to send the hon. gentleman?

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Your Honour, we are waiting for your answer.

To get back to the original question, Mr. Speaker, all I can tell the hon. gentleman is that this government and this party have a long and proud record of support for railway services in this Province. The hon. gentleman may or may not remember that we conducted a long and arduous fight with respect to the passenger service. We have done everything

we possibly can to foster rail services in this Province, including our contribution to a federal Crown corporation for the dockyard in St. John's, and we will do every conceivable possible thing to nurture the railway and to see that the railway services continue at the present level and to an even greater degree in this Province.

MR. DECKER:

A supplementary, Mr. Speaker.

MR. SPEAKER (McNicholas):

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

MR. DECKER:

As the minister is no doubt aware, containers for the C.N. Labrador run are now being built in Nova Scotia, and Newfoundland companies, which have the capability to build those many containers, have not had the opportunity to place a bid and, of course, they do not have a contract. What is the policy of C.N. concerning tendering? Is the policy of C.N. acceptable to the Newfoundland Government?

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

As far as the policy of C.N. with respect to tendering is concerned, I suggest that the hon. gentleman should ask Canadian National. All I can just hypothesize is Canadian National was recently under the hammer of a party that never believed in any kind of public tendering and always agreed on shoving contracts out the backdoor to their friends. So I assume that that was the policy up to a few months ago. I am very confident that that policy has

changed now and that everybody is going to be given an opportunity to bid.

MR. FLIGHT:
Mr. Speaker.

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

MR. FLIGHT:
Thank you, Mr. Speaker.

My question is for the Minister responsible for Housing, Mr. Speaker. In the June 27 edition of The Evening Telegram, there was a paid announcement: "Notice: Provincial Home-ownership Assistance Programme Eliminated".

Now, Mr. Speaker, the advertisement announces the termination, the end, of the provincial home-ownership assistance plan, the \$1,500 grant that was paid to people to enable them to acquire their first homes. The CHIP programme has gone with the concurrence of the minister; the COST programme, all conversion has gone with the acquiescence of the minister; RRAP has practically disappeared, again with the concurrence of the minister. Every programme offering any kind of incentive to help people requiring housing has been eliminated.

Now, the minister has just eliminated the only programme that the provincial government was responsible for, the only programme of any relevance insofar as people, particularly young people acquiring their first homes are concerned. Will the minister tell us why he has eliminated this programme?

MR. SPEAKER (McNicholas):

The hon. the Minister of Mines and Energy.

MR. DINN:

Mr. Speaker, the home-ownership assistance programme brought in several years ago was brought in to stimulate housing activity in the Province because of the high interest rates and the need for people who were wanting to get into housing to add to their down payment. That programme has not been taken up as well as we thought it would originally. Certainly the applications now are down considerably and it has been determined that the programme is not as important as it was when it was originally set up.

The other thing, Mr. Speaker, is with respect to RRAP. I have been asked by hon. members opposite what the story is on RRAP in the Province and we have not gotten a complete profile yet as to what the cuts were in areas of RRAP other than Newfoundland and Labrador Housing, but I can tell the hon. member that last year we were allocated, I think, \$6.5 million and later on during the year, because we used up all of our allocation, it was upped to \$8.3 million. This year the allocation is \$5.2 million. We anticipate we will use up the \$5.2 million quite handily because we are very efficient and we know how to operate the RRAP programme. If it is true what happened over the past several years, that we take up monies that were originally slated to go in other provinces, if we take up our share relatively quickly, sometime between now and December we expect to have an additional allocation and whilst a cut -

MR. TULK:

What about home ownership? Why do

you not talk about that?

MR. DINN:

The hon. member asked a question about RRAP as well as the home-ownership assistance programme and the home-ownership grant programme. So I would like to inform the hon. member that the cut here in Newfoundland from last year to this year was \$8.3 million to \$5.2 million. I point out to the hon. member that that is an initial allocation. We generally get anywhere from \$1.5 million to \$2 million. If we get that \$1.5 million to \$2 million, whilst there will be a cut of approximately 9 per cent we should have a better allocation than anywhere else in Canada because the federal allocation has been decreased by 25 per cent.

MR. FLIGHT:

Mr. Speaker, a supplementary.

MR. SPEAKER (McNicholas):

The hon. member for Windsor-Buchans.

MR. FLIGHT:

Mr. Speaker housing starts in St. John's are down. Housing starts all over the Province are down. We hear the minister and the ministry talking about stimulating the economy and trying to create jobs and today we see a paid political announcement that will have the effect of removing an opportunity for people to get their first homes, young people in particular who are trying to acquire their first homes. Not only with this programme have the effect of helping to deny them that possibility, it will have a further adverse effect on the economy of this Province and it will delete jobs. The construction industry will suffer. Why has the minister

decided to eliminate that \$1500 programme. Never mind RRAP or cost, why has he eliminated the one programme that he was responsible for that had some positive impact on the young people of this Province and people trying to build their first homes, and also, by the way, on the construction industry?

MR. SPEAKER:

The hon. Minister of Mines and Energy.

MR. DINN:

Mr. Speaker, with respect to the home-ownership assistance programme, what we are saying in the announcement is that applications under the programme will not be accepted after June 30, but we will be honouring some 800 applications -

MR. FLIGHT:

Why did you cut it out?

MR. SPEAKER (McNicholas):

Order, please!

MR. DINN:

We will be honouring this year, 1985, some 800 applications which are in process. The anticipated future cost therefore, Mr. Speaker, for 1985 will be calculated anywhere from \$700,000 this year to \$1 million. So, Mr. Speaker, whilst we are not accepting applications we will continue to honour the applications that are here and therefore in 1985 the programme will not be eliminated. We anticipate that, by the time 1986 rolls around, housing construction in the Province will have increased to a point where the programme will not be required.

MR. FLIGHT:

A supplementary, Mr. Speaker.

MR. SPEAKER (McNicholas):

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

MR. FLIGHT:

Mr. Speaker, the Province paid for this advertisement, and it is very clear, and it says that the Newfoundland and Labrador Housing Corporation wishes to advise the general public that this programme is terminating in August.

The minister has tried to answer the question and he has not said anything that will satisfy the people of this Province. Let me ask him this: The House of Assembly is open, this is a government policy, Newfoundland and Labrador Housing answers to the House of Assembly and to the minister, so why did the minister sidestep the House of Assembly and go with a paid announcement? Why did the minister not take the opportunity to make a statement in the House of Assembly? It would have gotten more press than his paid advertisement is getting. Why did he take that unnecessary step which cost the Province extra money and decide to go the paid-advertisement route instead of meeting his responsibility to the House of Assembly and making the announcement here in the House of Assembly?

MR. DINN:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Minister of Mines and Energy.

MR. DINN:

Mr. Speaker, obviously we cannot account for what the hon. member hears or does not hear. The hon. the Minister of Finance (Dr. Collins), when he brought in the budget, announced that in the

Budget Speech. I was here in the House for three hours during the Estimates Committee. The hon. member was here, he asked some questions. He did not ask any questions with respect to that programme. Mr. Speaker, the fact of the matter is, there will be as much expended in 1985 for the home ownership assistance programme as was last year. What we are saying is that all applications which are in will be honoured if they comply with the regulations and guidelines as laid out in the programme. As I indicated to the hon. member, we will be expending somewhere in the order of \$700,000 to \$1 million in the fiscal year 1985 - 1986.

MR. GILBERT:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Burgeo - Bay d'Espoir.

MR. GILBERT:

Mr. Speaker, I have a question for the Minister of Social Services (Mr. Brett) concerning a particular group of unemployed people. We hear a statement from the minister last week concerning social assistance. There is one group in there that I have talked about, and they are not considered by anybody. When Canada Works are hiring people, they hire according to a certain priority. Priority number one is those people who have exhausted their unemployment benefits; priority number two is those who are receiving social assistance; priority number three are those who are without unemployment or social assistance. Now, the group I am concerned about are young people who are eighteen to twenty-three old, in most cases living at home, who are not a statistic, who have

not had unemployment, who are not exhaustees, so they do not qualify under your programme, they are not heads of families, so they do not qualify, they are living at home with their parents who in many cases in this Province of ours are unemployed as well.

So there is no way these people fit into the system, they are just sitting there. All of us are getting letters about it and we find people who have children or young people at home who do not intend to continue their post-secondary education and have nothing to do only stay home living off their parents. I do not think they should be. So will the minister change the hiring practices of his department so that these young people can get into the labour force?

MR. BRETT:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Minister of Social Services.

MR. BRETT:

Mr. Speaker, the hon. member could have said that in four or five words. He could have said, what are you going to do about it?

MR. GILBERT:

Give me the answer now, boy.

MR. BRETT:

Or he could have asked am I prepared to look at the single able-bodied category, which is, in fact, the group of people he is talking about I suggest to the hon. member that that is a problem not only in Newfoundland but all over Canada. I have to concur that, of course, they do find difficulty, whether it is with Canada Works or whatever. In most

cases it is the married man with a family who gets priority, and they are left on the outside looking in. It is a very serious problem all across Canada.

We recognize the need. Two weeks ago we held a two day conference in Gander to discuss our programme and to see if we could broaden its scope. It is very difficult because our mandate, I think, is to do the greatest amount of good for the greatest number, and in that case you do certainly take into consideration, first and foremost, the married man with a family. But we recognize in some parts of the Province we may have to look at the single able-bodied category. I would have to say that there is no firm decision to do so at this moment, but it is being considered.

MR. GILBERT:

A supplementary, Mr. Speaker.

MR. SPEAKER (McNicholas):

A supplementary, the hon. the member for Burgeo - Bay d'Espoir.

MR. GILBERT:

Mr. Speaker, I presented a petition here in this House earlier this year from 397 people who live in the Morrisville to St. Alban's area of Bay d'Espoir and they do even show up in the statistics, they do not have jobs. I think that every member here could bring in like petitions, but maybe not as extreme as this one. So I would urge the minister to consider taking some immediate steps to get those people employed because their parents, in many cases, as I said, are unemployed and cannot look after them. I think it is a social problem that should be looked after by his department.

MR. BRETT:
Mr. Speaker.

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

MR. BRETT:
Mr. Speaker, I do not think it is fair to say that it is a problem that should be looked at only by the department that I represent. It is a problem that all governments have to look at. We are addressing it as a government; in general, we recognize the need to create jobs for young people. And as I indicated, as a government, we are working on that. As the Minister of Social Services, I do not have a special mandate to provide jobs for single able-bodied people. But I am cognizant of the fact that there are a lot of them out there who do need jobs and I also indicated that we are taking a look at it. That should not be misconstrued that next week our department will have a programme to employ single able-bodied people, but there may be some categories.

For example, you could have a single able-bodied person living in and maintaining his or her own home. In that case, certainly, they should be considered. There may be specific areas of the Province where they should be looked at. But we are looking at the programme.

MR. CALLAN:
Mr. Speaker.

MR. SPEAKER (McNicholas):
The hon. the member for Bellevue.

MR. CALLAN:
Mr. Speaker, last Friday marked a month since bids closed on the Come By Chance refinery. We were

told by Petro-Canada at that time, on May 21, that they would have a decision in a month. In the absence of the Premier, let me ask the Minister of Finance (Dr. Collins) when does the minister anticipate that Petro-Canada will be making an announcement regarding the future of the Come By Chance refinery?

MR. SPEAKER (McNicholas):
The hon. the Minister of Finance.

DR. COLLINS:
Mr. Speaker, I wish I had new information for the hon. member but I will just have to say quite frankly that I do not and the government does not. The matter is really in the hands of Petro-Canada. We let it be known to them that we are anxious to hear the results of their analysis but we did not put any deadline on them. We do not know the full nature of the complexity of the assessment that they have to do, but we do understand that it will be a very detailed study and will require a considerable period of time. But they themselves will only know what they are getting into after they open the bids and after they have studied the submissions and so on. I am quite sure that they will take some time to make up their mind and they will have to dig out a lot of information. They might well have to go back to those putting in bids - and I am referring here to the bids that are aimed at renovation of the facility - they might well have to go back to those who put in bids asking for further information, they might well have to check out with the federal government what their attitude will be towards certain things that are proposed in the bids and so on and so forth. So I think it could well be a prolonged

analysis that is needed and we did not feel it would in anyone's best interest to lay down strict guidelines for them. We did say that we are anxious to hear just as soon as they possibly can tell us.

MR. LUSH:

A supplementary, Mr. Speaker.

MR. SPEAKER (McNicholas):

There is just time for a short supplementary. The hon. the member for Bonavista North.

MR. LUSH:

Mr. Speaker, could the minister indicate whether or not he knows for certain that there will be an announcement in the House of Commons today regarding the Come By Chance refinery?

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

I cannot confirm that, Mr. Speaker.

MR. SPEAKER:

The time for Oral Questions has now elapsed.

Orders of the Day

MR. MARSHALL:

Order 25, Bill No. 30.

Motion, second reading of a bill, "An Act To Remove Anomalies And Errors In The Statute Law." (Bill No. 30).

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, in the absence of the Minister of Justice (Ms Verge) I would like to introduce this bill. It is a very brief bill. The Minister of Justice is here now so she will take over the Anomalies Bill.

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, this bill, as all such bills, simply sets out corrections of minor errors and omissions in the statute law of the Province. One minor change of particular significance has to do with The Schools Act. Members of the House will recall that in the last session, last Fall, we passed amendments to The Schools Act respecting the election of school board members or school trustees providing for a minimum of two-thirds of school trustees elected by popular vote and for the holding of school board elections on the same day as municipal elections, which occur ever four years on the second Tuesday of November. This minor change provides for the transition that will occur in November coming by saying that outgoing school trustees will have their terms end at the end of the calendar year, on December 31, 1985, and the new members, elected in the November elections, will commence their duties at the beginning of the next calendar year.

So, Mr. Speaker, with that reference to one provision of the anomalies bill, I urge that this bill pass second reading.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, the first of the explanatory notes to the bill indicates, in part, what is being proposed here are technical amendments not involving matters of policy. We take that at face value and for those reasons we have no other comment on the principle of the bill.

MR. SPEAKER:

If the hon. minister speaks now she closes debate.

The hon. Minister of Justice.

MS. VERGE:

I do not think there is anything to be added to this debate. I thereby close the debate.

On motion, a bill, "An Act To Remove Anomalies And Errors In The Statute Law," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill No. 30)

MR. MARSHALL:

Order 26, Bill No. 31.

Motion, second reading of a bill, "An Act To Amend The St. John's Municipal Elections Act." (Bill No. 31)

MR. SPEAKER:

The hon. Minister of Municipal Affairs.

MR. DOYLE:

Mr. Speaker, this is a very short bill. Bill 31 simply brings the existing St. John's Municipal Elections Act in line with the present Municipalities Act. It is really of a housekeeping nature. While it is important in itself, it is not really earth shattering

in any way.

Clause (1) of this bill simply makes provision for the City of St. John's to hold its election on the second Tuesday of November, which is November 12, as it is in every other municipality right across the Province. It used to be the Tuesday of the first full week in November.

Clause (2) of the bill simply makes provision that a person has to be a resident in a community for a thirty-day period. It used to be a ninety-day period in the old act, now The Municipalities Act says it will be a thirty-day period for a person to be allowed to vote. And Clause (2) would remove the prohibition against incarcerated persons voting in a general election, now they can vote in the general election.

Clause 5 provides for the timing of nomination days for the purpose of a general election and Clause 6 provides that the hours between which nominations may be received by the returning officer, from 9:00 a.m. to 4:00 p.m. Presently, the hours are 9:00 a.m. to 5:00 p.m. And Clause 7 would provide that closing time of the polling booths on election day is 8:00 p.m. So, it is really just to bring the existing legislation in line with the Municipalities Act. I move second reading.

MR. BAKER:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. member for Gander.

MR. BAKER:

Thank you, Mr. Speaker. As the minister says, it is a very short bill and a technical thing and some minor changes to the St.

John's Municipal Elections Act.

The only point that I would like to make about it, Mr. Speaker, is the same point, I suppose, that could be made with regards to the general elections in the Province and that concerns removing the prohibition against incarcerated persons voting. I think, going along with that, there also could be a stipulation that the polling booths would be erected in places where these individuals could then exercise their right to vote. It is not really enough that they have the right to vote. They should also be able to cast their vote. So this is the only comment I have on the bill, Mr. Speaker.

On motion, a bill, "An Act To Amend The St. John's Municipal Elections Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill No. 31)

MR. MARSHALL:

Order 27, Bill No. 33.

Motion, second reading of a bill, "An Act To Amend And Consolidate The Law Respecting The Continuation Of The Incorporation And The Municipal Affairs Of The City Of Corner Brook". (Bill No. 33)

MR. SPEAKER (McNicholas):

The hon. Minister of Municipal Affairs.

MR. DOYLE:

Yes, Mr. Speaker, this appears to be a very, very weighty type of document, but it really is not. Again, this particular piece of legislation brings the City of Corner Brook Act in line with the Municipalities Act and just a couple of minutes on the thing.

Following the recommendations of the Royal Commission on Municipal Government in Newfoundland and Labrador a new Municipalities Act was introduced but, at the same time, we had those two other acts outstanding, the St. John's Municipal Elections Act and the City of Corner Brook Act. These two acts today have become, more or less, antiquated pieces of legislation. It has been necessary to draft a new act for the City of Corner Brook. We have drafted this particular act, incidently, in consultation with the City of Corner Brook. They have been involved in every single clause contained in this bill. We are going to be using this bill, incidently, as a base to introduce a new city act for the City of St. John's as well.

So the staff of Municipal Affairs, as I said, have been working quite closely with the City Council in Corner Brook and they -

MR. TULK:

Do you know that they are not expecting this until the fall?

MR. DOYLE:

Yes, but it is necessary to have this act passed today or before this session of the House ends simply because the City of Corner Brook right now are conducting their enumerations based on the thirty day -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (McNicholas):

Order, please!

MR. DOYLE:

So, Mr. Speaker, this act is divided into twelve different sections. I am certainly not going to go into every single

section of this act. Some of this stuff is rather mundane. It is of a housekeeping nature. It provides for the continuation of the city, the establishment of boundary changes which were never in the old act. It establishes procedures for the election of the Mayor and the Deputy Mayor, the creation awards and that type of thing which was never contained in the old act but it is in the new Municipalities Act which we have to bring this act in line with. It provides for the appointment of staff, establishes their rights and responsibilities, establishes the financial responsibilities of the council, the services that may be provided by the city, which were never really outlined before in the old act. It establishes the taxes that may be charged and collected by the municipality. It provides for the expropriation of lands in the same manner as in the Municipalities Act. It provides for the winding up of the city's affairs in the case of bankruptcy proceedings and what have you.

In general terms, it is to bring the act in line with the Municipalities Act. A couple of things there sets out the pictorial presentation of the Coat of Arms. So I am very pleased indeed to bring this act forward on behalf of the city of Corner Brook and to move second reading of it.

MR. BAKER:
Mr. Speaker.

MR. SPEAKER (McNicholas):
The hon. the member for Gander.

MR. BAKER:
Thank you, Mr. Speaker.

The minister is probably the only minister that could take a

174-page bill and explain it all so adequately in about a minute and a half. I congratulate him on his efficiency.

This particular bill has been dealt with, there has been consultation all the way along the line. The Corner Brook City Council has dealt with the particular bill clause by clause and given approval. Far be it from me to go against the City Council of Corner Brook.

However, Mr. Speaker, again, there is one point I would like to make concerning this particular bill and that is that I had hoped that the Department of Municipal Affairs will exercise discretion and leeway in implementing some of the clauses that are contained in Bill 33. I think perhaps this is the one area of concern that the City Council of Corner Brook may have concerning this particular bill, that it not be used as an opportunity for Municipal Affairs to exert any undue power or influence over the City Council of Corner Brook and that due recognition always be given to the fact they have a good operation that can run itself, that has all kinds of expertise available at its disposal and that the city of Corner Brook can survive pretty much on its own from the point of view of the administering of laws that are contained here in this particular act. So, my only caution to the minister would be that this is all very well that now we have the city of Corner Brook coming in line with the Municipalities Act but, as with all other larger towns in the Province, the Department of Municipal Affairs give leeway and not be too rigid on the interpretations of some of these particular matters contained in

the bill.

MR. SPEAKER (McNicholas):

If the hon. minister speaks now he will close the debate.

MR. DOYLE:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. DOYLE:

Mr. Speaker, I certainly want to thank the hon. gentleman for his comments on this particular bill and believe me his comments will be taken into account. They are very sound, logical, as always, comments from the hon. gentleman from Gander (Mr. Baker) whom I have a great deal of respect for his ability as a one-time Deputy Mayor of Gander. He is very familiar with all the rules and regulations, I am sure, contained in this act.

As I said, this act simply brings it in line with the Municipalities Act. It is done at the request of Corner Brook and I can assure the hon. gentleman that my department will exercise leniency, as we always do, with all municipalities in the Province in the interpretation of this act. As a matter of fact, the act will provide for a greater autonomy for the city of Corner Brook, which is important to the city. We feel as a department and as a government that the City of Corner Brook certainly deserves to have that autonomy.

I thank the hon. gentleman.

On motion, a bill, "An Act To Amend And Consolidate The Law Respecting The Continuation Of The Incorporation And The Municipal

Affairs Of The City Of Corner Brook," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill No. 33).

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

Committee of the Whole

MR. CHAIRMAN (Greening):

Order, please!

MR. MARSHALL:

Order 7 Bill No. 16.

MR. FLIGHT:

Mr. Chairman.

MR. MARSHALL:

Mr. Chairman, I think the member for Windsor - Buchans (Mr. Flight) wanted to have a few words.

MR. FLIGHT:

Yes.

MR. CHAIRMAN:

The hon. member of the Council.

MR. MARSHALL:

The fact of the matter is the hon. gentleman was here going through his papers and I just want to be sure that the hon. gentleman gets a chance to say what he wanted to say.

MR. CHAIRMAN:

The hon. member for Windsor - Buchans.

MR. FLIGHT:

Mr. Chairman, one could make the observation that the minister could have gone all the way this time and eliminated NALCO totally from the Province. I understand

that was impossible or it would have certainly made life miserable for NORANDA. I want to ask the minister though, with regard to the Point Leamington deposit, that is referred to in the basis of the old legislation, would the minister take a minute or two and tell us exactly what the status of that deposit is? What, in as far as he is aware, is the status and the possibility it will eventually develop into a mine?

MR. DINN:

Mr. Chairman.

MR. CHAIRMAN (Greening):

The hon. Minister of Mines and Energy.

MR. DINN:

Mr. Chairman, anything that I would say, over and above what we should say with respect to the deposit near Point Leamington, would be premature at this time. All I can say is that the site has some good base metal prospects, copper, zinc, etc. As the hon. member knows, he has the notes that were provided to him, the company is enthusiastic from the point of view of the fact that they are expanding their exploration programme this year and they anticipate it will take several years of exploration and assessment before they can determine viability. Of course, these things are also dependent entirely, almost, upon the world price metals, but from the point of view of the deposit itself, it looks very good, but they need several more years of exploration before they can arrive at a decision as to whether or not there is the capability of commercial or mine activity.

MR. FLIGHT:

Mr. Chairman.

MR. CHAIRMAN (Greening):

The hon. member for Windsor - Buchans.

MR. FLIGHT:

On another matter that the legislation alludes to and particularly, in the briefing notes that the hon minister was so kind to send over in the first place, is the minister satisfied with the results that he is achieving under the Minerals Impost Act 1977-78? Is he satisfied with the performance of the companies that hold concessions in this Province, and I mean all companies, that we are accomplishing what we set out to accomplish with that Mineral Impost act? If one wanted to dwell on it, there may well be some indications here that the Mineral Impost Act did not accomplish what the minister was hoping to accomplish. I am thinking in terms of taxes with regards the amount of work done on concessions and the rest.

MR. DINN:

Mr. Chairman.

MR. CHAIRMAN (Greening):

The hon. Minister of Mines and Energy.

MR. DINN:

Mr. Chairman, the hon. member obviously is aware that the Mineral Impost Act is dependent on two things. Number one, there is a level of taxation involved which has a provision that says that if the company does not do a certain level of exploration or spend a certain amount of dollars on their claim stake concessions, they have to give up a certain amount of their lands. If the hon. member just goes down through from the point in time when the Mineral Impost Act took effect, the NALCO

concessions themselves have decreased from a sizeable 21,000 square miles, I believe, down to what is three square miles now which is the concession that we are providing to NORANDA under the old NALCO concession deal because they have spent the required numbers of dollars and we feel that they have been a good corporate citizen and have supplied everything to the Province with respect to anything that was required under the act. Since they have spent that money, it would be unwise and, indeed, a breach of faith, it would send the wrong signals to the mining industry if we were not to allow them to continue to explore at that site.

MR. FLIGHT:
Mr. Chairman.

MR. CHAIRMAN (Greening):
The hon. the member for Windsor - Buchans.

Just a point of clarification. Mr. Chairman, the Impost Act was proclaimed on December 22, 1978. NALCO then held 11,000 square miles of concessions in this Province which was reduced to 10,000 miles. Over the next few years, it was further reduced to the 3,000 miles. Did NALCO pay the taxes required under that act on the lands they have held up to now, up to and including the 3,000 square miles we are talking about that NORANDA will work?

MR. DINN:
Mr. Chairman.

MR. CHAIRMAN:
The hon. the Minister of Mines and Energy.

MR. DINN:
Mr. Chairman, they either paid the

impost or they forfeited the land. That is basically what happens under the Impost Act; a certain portion of land is given up if a certain amount of tax is not paid under the Impost Act. That is what has happened here, and the hon. member can see the quite drastic decline in the amount of land that was conceded to them under the old NALCO bill.

A bill, "An Act To Amend The Newfoundland And Labrador Corporation Act, 1951." (Bill No. 16).

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend The Labour Relations Act, 1977." (Bill No. 14).

MR. MARSHALL:
Mr. Chairman.

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

MR. MARSHALL:
Mr. Chairman, I move that this bill be amended by adding immediately after Clause 1 the following: 'Clause 1.1, Section 2 of Section 37 of said act is amended a) in Paragraph (b) by adding after the word 'behalf' the word 'or', and b) by adding immediately after Paragraph (b) the following Paragraph (c): 'If as a result of a vote of the employees in the unit the board is satisfied that at least 70 per cent of the employees in the unit have voted and a majority of these voting have selected the trade union to be a bargaining agent on their behalf.'

The purpose of this amendment has

already been indicated by the minister. When he introduced the bill he indicated an intention to bring in an amendment like this, but I know the minister may wish to speak a little bit further on it.

MR. BLANCHARD:
Mr. Chairman.

MR. CHAIRMAN:
The hon. the Minister of Labour.

MR. BLANCHARD:
Mr. Chairman, when I introduced this bill, Bill 14, on May 2, I indicated that I would lead in an amendment at Committee of the Whole stage. The original bill simply made the voting procedures compatible. At the present time, a union must receive a majority of those in the unit in a vote in order to obtain certification, in other words, 51 per cent, or in excess of 50 per cent, and we had simply stated that we were going to make the revocation voting procedure the same as the voting procedure. Whereas now for revocation, it is only a simple majority of those voting. So the amendment to the bill will now make voting for certification and revocation of certification the same but it will introduce a new system. A union will still be able to be certified by the Labour Relations Board without a vote, where there is a clear majority of the employees who have signified their intention to be members of the union. They will still be able to be certified in the case of a vote where more than 50 per cent of those in the unit vote either for certification or decertified where more than 50 per cent vote for decertification. But the third dimension which has been added, Mr. Chairman, is that now, where a quorum of 70 per cent

of those employees in a unit vote, then a simple majority of those voting can also bring about certification or decertification.

Mr. Chairman, that is the explanation of it. If there are any questions, I am prepared to answer them.

MR. LUSH:
Mr. Chairman.

MR. CHAIRMAN (Greening):
The hon. member for Bonavista North.

MR. LUSH:
First, Mr. Chairman, on the bill itself, we expressed a couple of concerns. This was the bill that I had indicated to the minister that I was relatively pleased with, and not the bill that he suggested yesterday. This is a bill that, I believe, will certainly be very well received among the labour unions in the Province, the labour movement. I again demonstrate it does not address some of the more contentious issues for which labour has been negotiating over the years but we have got some real concessions here that labour, I think, will be reasonably pleased with, particularly the Rand formula. The problem seems to be that this crowd can never seem to put it altogether, that when they are getting along with labour they are not getting along with the employers. That seems to be the problem, Mr. Chairman. The minister came with every intention of trying to improve labour-management relations in this Province, and it looks like he has gotten off to a good start with the labour movement, but lo and behold when he starts improving relations with the labour movement, they fall down

with the employers.

Now, Mr. Chairman, if we can give any credence to what the employers are saying, they are saying that they were not consulted on this bill. They were not consulted. Now, Mr. Chairman, that is certainly not a very good thing to happen in this Province today, to neglect the employers, particularly coming from that side of the House where their philosophy is that it is the private sector, it is the business community, it is the employers who are going to stimulate the economy of this Province, that is going to provide for economic growth and what do they do, they neglect them. They neglect them. They do not consult them. Maybe the minister can iron this out this morning. Maybe when he rises in his place he can say that there was consultation. He can say that there was consultation and then we will have to see what the employers say. But all I have heard over the past few weeks is the employers, they have been in the electronic media, in the print media, and now they have organized a letter writing campaign to ask the government to give them time to consult with them. Mr. Chairman, that seems to be the problem.

So hon. gentlemen cannot seem to put it altogether. They are bent on confrontation and they must have confrontation with somebody, if it is not the federal government, then it has to be the labour movement, if it is not the labour movement it has to be the business community, the employers. They have to be in confrontation with somebody. They seem to love having a verbal war with somebody. They are not for peace, Mr. Chairman, and

harmonious relationships in the labour movement. So, Mr. Chairman, that seems to be the big concern. Maybe, the minister can tell the Committee this morning, Mr. Chairman, whether there has been consultation, whether he has been present.

If he tells us that, we have to question the employers. But I cannot see why the employers are saying that there was no consultation. Certainly, Mr. Chairman, we cannot leave out that important group the people that provide the fuel, the people that provide the energy to get the economy going, and here we have got these people disgruntled, we have got them disenchanted. I wish there is something we can do this morning.

I am in favour of the bill, but I cannot rest contented when I know that we have the employers of this Province unhappy. I am not sure that they are unhappy with the contents of the bill. It is just the fact that they were not consulted. Mr. Chairman, that is a human characteristic. We do not like to be slighted, we do not like to be thrown aside, we would like to have a say in matters that are of concern to us. Since this is of extreme concern to the employers with respect to certification and decertification and with respect to the Rand formula, and all of these matters, all of which, will have some impact upon employers, they certainly would like to feel at least that they were important enough with which to consult, Mr. Chairman. It looks like they have been neglected in accordance with the note I have here, Mr. Chairman, I have made some gestures. Mr. Chairman, that concerns us tremendously that this

government cannot seem to put everything altogether.

I would only wish that the Minister of Labour (Mr. Blanchard) this morning can allay our fears and our concerns that there was consultation and that now the employers organization that they are now happy with this bill. They are satisfied that they have been consulted and that they will not be slighted again, that they have made the point to the minister, that we do not want laws made in this land, that we do not want legislation made without our very important consultation, without their input.

So, Mr. Chairman, I would like for the minister to address that very important issue because it is a matter that concerns us. The minister must remember that in labour relations there are two groups, there is the employer and there is the employee. It is equally important that we have good relationship with both. That there will be harmonious relationship with both, with the employer and with the employee. Until that happens we cannot expect to reach the level of productivity that we want in this Province.

The other concern was with the public hearings, we have expressed some concern over that that we thought all parties should be entitled to a public hearing rather than the way it is now, left purely at the discretion of the board. That does not represent any significant change in the law, I do not believe, because I thought that the board always thought that that was the way it was, but certain court cases proved otherwise. I do not know what the legislation will do

now to make that any more effective, whether indeed it will carry along the way that it always did.

So just these two concerns, Mr. Chairman, at this point in time. I certainly hope that the minister can this morning satisfy us, satisfy all members that there was sufficient consultation with the employer's organization. It is a good bill. We said that. It is only in retrospect, because naturally, when we spoke to this bill on June 2, we did not know that the employers were not consulted. We just looked at the bill and we have figured that all parties, the employers and the employees, had sufficient input. We assumed that as a matter of courtesy and, above all, we assumed that the employers had been consulted, because that has been the record of the government. It was labour that they left out. But this time around, lo and behold, it changes - it is in the reverse. So we, of course, had no knowledge that there was not consultation by both parties. It was only after this we found out that there was not consultation. And we are still happy with the bill, but we are not happy when we find out that one of the major groups and a major component of our economic structure, the employers, were not consulted. I cannot believe that the minister did that. Now, maybe there was some confusion over the fact that there was a previous minister, maybe that was it, but then, the minister was deputy minister, so he knows whether there was consultation. So the minister can rise in his place today and tell us whether he was happy with the degree of consultation. He can certainly make us rest assured that we will

not hear from employers any more,
that they are happy.

SOME HON. MEMBERS:
Oh, oh!

MR. CHAIRMAN (Greening):
Order, please!

MR. FLIGHT:
Ask him about the
Johnny-come-lately term which he
called the representatives of the
management.

MR. LUSH:
We will let the minister deal with
that in his own inimical way, but
we want him to stand this morning
and tell us - because we think the
bill is a reasonably good one but,
when we find out that one party
was not consulted, well, that
changes, Mr. Chairman, the tone of
things. If the minister, this
morning, can stand and tell us
that there was consultation and,
on this weekend that we will not
hear one dissenting voice from the
Employers' Association, then, Mr.
Chairman, we will be happy.

SOME HON. MEMBERS:
Hear, hear!

MR. BLANCHARD:
Mr. Chairman.

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

MR. BLANCHARD:
Mr. Chairman, there were really
three points, I think. The hon.
the member for Bonavista North
(Mr. Lush) has a concern that the
employers were unhappy.

Now, Mr. Chairman, I have a lot of
respect for the hon. member and I
thought he was a little more
knowledgeable about our
legislation.

MR. FLIGHT:
Now, now! Be nice!

MR. BLANCHARD:
Just a minute now! It is
predicated on an adversarial
system and one or the other of the
parties are always going to be
unhappy. If we were in here this
morning with a bill that was
telling a union to do something
like, for instance, have a secret
ballot or something like that, he
would be on his feet for probably
an hour telling me how terrible
that was, that would make all the
unions unhappy. That would make
the other side, the employers,
very happy, but the fact is that
the employers are never going to
be happy. We do not want to make
them unhappy, but they are never
going to be happy with anything
that erodes some of their rights.
For instance, one of the clauses
in this bill tells them that if
they cannot make a collective
agreement with the union in the
first collective agreement, then
they can come to the minister and
the Labour Relations Board can
settle the terms of the
agreement. They do not like that.

But I do not want to waste the
time of the House. On the
question of consultation: Now,
consultation is a matter of
somebody's opinion of what is
consultation. I have a document
here, Mr. Chairman, that,
following a series of meetings
that my -

MR. TULK:
Table it.

MR. BLANCHARD:
No, no. Well, it is public
information anyway. It is a copy
of a press release from a press
conference that my predecessor
held on 7 March. In the press

release, he stated what government's intentions were in the ensuing months, that we were going to bring in the Rand Formula, we were going to bring in a change in certification and decertification procedures, that we were going to change the hearing process for the Labour Relations Board. I will admit this: The press conference did not contain the new process where, where there is a quorum of the employees in the bargaining unit who vote, then a simple majority of those could bring about certification.

MR. TULK:

On a point of order, Mr. Chairman.

MR. CHAIRMAN (Greening):

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

MR. TULK:

Is the minister saying that press releases and press conferences are now the mode of consultation that he is going to be using with the labour movement and with the business community?

MR. CHAIRMAN:

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

MR. BLANCHARD:

Mr. Chairman, if the hon. member had listened for another moment I would have told him. This press conference was the culmination of a number of meetings -

MR. TULK:

With who?

MR. BLANCHARD:

- with management and with labour. As a matter of fact with the employers group, which is the most displeased with this, the Newfoundland Employers Council, he

held two meetings, two separate meetings, one of which I attended as his deputy and the other I was not there. But there were two meetings held. We knew that they were not going to be happy with them. They told us the manner in which they were unhappy. Now let me tell you this.

MR. TULK:

So you are saying that they misled us when you said there was no consultation?

MR. BLANCHARD:

That is your word not mine if you want to say they misled us. I am saying there were meetings and if that did not constitute consultation in their minds, well, they are entitled to their opinion. But in my opinion there was pretty fair consultation on this bill.

Now just let me tell you that since the bill was introduced on May 2, I held a four and a half hour meeting with the council, from seven o'clock in the evening until eleven-thirty, and I said we will delay the bill as long as possible. I made an undertaking that I would ask the House Leader to delay this bill as long as possible to give them an opportunity to come back. I also, Mr. Chairman, held two meetings with the Board of Trade and during the first meeting that I held with the Board of Trade I said, 'Look, maybe the proper way to do this is for your to put in writing your real concerns so that my Cabinet colleagues can see and fully appreciate the depth of your concerns.' I have received a number of letters about it. So they were happy with that and they went off and did some good research, good study on the bill. I am not suggesting that I have

allayed all of their fears. As I said in the beginning, you are not going to make them pleased with a bill that erodes some of their rights. But just yesterday I talked to the President of the Newfoundland Employers Council, I talked to the President of the Board of Trade, I made an attempt to contact the representative of the Newfoundland and Labrador Automobile Dealers Association with whom I also met after the bill was introduced. Now, to my mind there was good consultation. Now, in the minds of the employers there was not sufficient - it is a case of degree - consultation.

If this makes the hon. gentleman happy, I believe in consultation. If it makes him happy I have made a firm undertaking that, in any further changes that we contemplate to the labour legislation I will ensure that there will be full and adequate consultation.

With respect to the question of the hearings, Mr. Chairman, the hon. member is absolutely correct when he stated that the Labour Relations Board thought that they had the right to decide whether or not to hold a hearing. That went on from the inception of the board in 1950 until about three or four years ago and they were never challenged. All of the sudden somebody decided, 'Well, look, we are going to challenge this group. I think they are denying natural justice to us. We have a right to a hearing here! so they challenged it and, of course, the challenge was upheld. I think most of us will agree that nobody wants to have frivolous hearings, hearings where you just bring all of the members of the Labour Relations Board, all five members in, they set up a hearing and

nothing new, no new evidence is introduced, nothing new is said, every point that they talk about has been investigated by the Board.

So what we have done, we have changed the language to conform with what most other provinces have found is working to give the board the right to decide upon a hearing.

MR. CHAIRMAN (Greening):

The hon. member for Bonavista North.

MR. LUSH:

I just want to again say, Mr. Chairman, in the event that in the future that something should turn out in this bill that the employers did not like that consultation is important. We are not supposed to know everything about legislation. We are not walking encyclopedias. We are not the fountain of all wisdom. This is why we have consultation on both sides. So, we on this side, Mr. Chairman, have to protect the rights of the people. We have to do that. That is our job, to protect the rights of people and we have to protect the rights of management and we have to protect the rights of labour. So there are two groups, management and the employees, management and the labourers, management and the workers, and I just want to make it crystal clear that in the future, in the event that something goes wrong with this bill, that we could have said that we stood up for consultation by the government with the employers. So that is very, very important. As we look at the bill we see nothing in it, as far as I am concerned and as far as the party is concerned, as a party and as an Opposition, that wants to

promote good labour/management relations in the Province. So that lack of consultation was a concern to us and we may have to come back to that, Mr. Chairman, at sometime in the future.

Just on the system of voting, I just want to ask the minister this question: In his consultations with the employers, those whom he met, were they happy with the process of voting with respect to certification and decertification? To me, again, it seems quite logical, it is the way we elect governments, by a majority. The people that do not show, they do not count. It is the way we elect governments so I cannot see how we can knock that system. As a matter, it is even a little tighter because it must be 70 per cent. In elections we do not ask that, we do not ask for any percentage at all. Only 45 per cent of the people could turn out and we could elect a Tory government, God forbid, but we could do that with only 45 per cent turning out to vote. So it is even a little tighter. I am just wondering whether that indeed is a concern? I cannot see how it can be, it seems to be the way, as I have said, that we elect our government and what is more important than that? It is the way democracy works and a little tighter with the 70 per cent requirement.

So two questions on that, I suppose, Mr. Chairman, are: How does this voting procedure fit in with other legislation across Canada in terms of the voting procedure; and, secondly, whether indeed the employers, the groups to which he spoke, whether they expressed some concern about this voting procedure?

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

MR. BLANCHARD:
Mr. Chairman, these changes, with respect to voting, will now bring us about seventh or eighth in Canada. We will not be the best. Most provinces have certification by virtue of a simple majority, no quorum, but in Saskatchewan, P.E.I. and I think one other they do not have that system.

Your second question, as to whether the employers with whom I consulted since the bill was introduced were happy, I would say most of their fears have been allayed, a lot of the, perhaps, misunderstanding, but I think I would be misleading the House if I said that they were totally happy with it, that they would say, 'Fine, I have no more complaints with this.' It is not going to happen that way because it is an adversarial system and any time we erode any right of the employer they are not going to be happy.

On motion, amendment carried.

On motion, clause 1 as amended, carried.

MR. CHAIRMAN (Greening):
Shall clause 2 carry?

MR. MARSHALL:
Mr. Chairman.

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

MR. BAKER:
Clause 2, Mr. Chairman, is similarly amended. I propos that clause 2 of the bill be struck out and the following substituted: "Section 51 of the Act is amended by adding immediately after

subsection (1) the following:

'Notwithstanding subsection 1 where on the direction of the Board a vote is taken to determine the wishes of the employees in the bargaining unit and

'(a) a majority of the employees in a unit vote in favour of the revocation of certification or termination of the bargaining rights of the bargaining agent; or

'(b) at least 70 per cent of the employees in the bargaining unit vote and a majority of those vote in favour of the revocation of certification or termination of bargaining rights of a bargaining agent, the Board may revoke the certification or terminate the bargaining rights of the bargaining agent.'

Now, I think the minister has already explained this. It is to give the same rules with respect to revocation of certification as certification itself. If the Committee needs further elucidation, I am sure the minister will be prepared to give it.

On motion, amendment carried.

On motion, clause as amended, carried.

On motion, clauses (3) and (4), carried.

Motion, that the Committee report having passed the bill with amendment, carried.

MR. MARSHALL:

Order 4, Bill No. 15.

A bill, "An Act To Amend The Public Service (Collective Bargaining) Act, 1973". (Bill No.

15)

On motion, clauses (2) through (4), carried.

Motion, that the Committee report having passed the bill without amendment, carried.

MR. MARSHALL:

Order 5, Bill No. 2

A bill, "An Act To Amend The Judicature Act". (Bill No. 2)

On motion, clause (1) and (2), carried.

MR. MARSHALL:

Mr. Chairman, as the minister indicated when she introduced the bill, I propose a customary amendment to the bill in clause (3), which merely says, "This bill is amended by adding immediately after clause (2) the following, clause (3), the act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council." Just by way of explanation, it would be intended to proclaim this very, very quickly but this is the normal way in which bills of this nature are done so that there can be consultation with the federal government with respect to the matter.

MR. SIMMONS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. member for Fortune-Hermitage.

MR. SIMMONS:

This is perhaps the appropriate time to ask the Government House Leader (Mr. Marshall) whether or not the people who do the drafting and the secretarial on those bills are not maybe being overworked. I

have seen a number of what may well be examples of that, the typos that we were correcting in another bill by way of amendment and so on, I have been absent from here for some years, but is this the normal way of doing things or is it a reflection of perhaps the pressures that are on those people in terms of workload, are they being asked to do too much? Do you need more of them down there?

MR. MARSHALL:
Mr. Chairman.

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

MR. MARSHALL:
It gives me an opportunity to pay a compliment to the Legislative draftsmen section of the government. They have performed excellently. There are three or four lawyers down there and I think that their drafting and the quality of their work is second to none and that the Province and the Legislature is very well served. So I thank the hon. gentleman for giving me an opportunity to say this.

This particular amendment is a relatively routine one and I think perhaps it was not caused by the Legislative draftsmen but just the lack of communication of instructions at the particular time. It was not a very difficult amendment to bring forth, but I thank the hon. gentleman for giving me the opportunity to note the high quality of work we are receiving.

MR. SIMMONS:
Mr. Chairman.

MR. CHAIRMAN:
The hon. member for

Fortune-Hermitage.

MR. SIMMONS:
Sometimes the gentleman from St. John's East (Mr. Marshall) disappoints me, slightly. He is a man I hold in high esteem but sometimes he disappoints me. I thought I gave him an opportunity to be magnanimous and to address the point. We did not shout and bawl and scream and so on and so forth.

We know the individuals involved, and I would not only be politically stunned but callous to get up and to even imply the kind of thing that he was by implication suggesting, that somehow I was saying they were not doing an adequate job. Of course, they are doing a first-class job. But I do not care how first-class you are, how competent you are, there are only so many hours in the day. And I was down in the precincts of the work place of those people a few days ago, and these people are run ragged. That is the point I am making to you.

Now, if you want me to be oratorical about it, if that is the way I have to do it, with a sledgehammer, fine! But the demands being placed on these people, Mr. Chairman, are unjustified. They are doing an excellent job, not just a first-class job, but there are only so many hours in the day. And I just raised the question, maybe a bit innocently, and I admitted that I had been away from here for a number of years, but I asked the question, given that the government can find extra resources to address various issues from time to time, have they had a recent look, have they had a review of the workload of those people with a view to

ensuring that we are not getting to the point where you have the law of diminishing returns taking over, where these people are being asked to do so much that they are not able to do the quality of work that they have become known for? That is the essence of the question.

A bill, "An Act To Amend The Judicature Act." (Bill No. 2).

Motion, that the Committee report having passed the bill with amendment, carried.

A bill, "An Act To Provide For Arbitrations." (Bill No. 3).

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend The Local School Tax Act." (Bill No. 22).

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend Certain Acts Having Regard To The Canadian Charter Of Rights And Freedoms."

MR. SIMMONS:
Mr. Chairman.

MR. CHAIRMAN:
The hon. the member for Fortune - Hermitage.

MR. SIMMONS:
I want first of all to say to the Committee that my colleague from St. Barbe (Mr. Furey) regrets very much that he cannot be here. He had intended to be here for this, but a domestic circumstance requires him to be elsewhere.

It is a bill, Mr. Chairman, that he as our Justice spokesman would

have wanted to spend a bit of time on, or, more to the point, would have wanted to raise some issues. I am disappointed the minister responsible for the bill is not here, because I had some notes that I was going to raise on behalf of my absent colleague.

We do have some concerns about the bill, none of which would be such as to want us to be opposed to the principle, of course, because the principle, as we said yesterday, is a very historic principle and is something that all of us in this Committee and this House rush forward to associate ourselves with.

That, Mr. Chairman, is not to say that there are not areas that different people would have approached from different angles, and that again is not to be critical of the way it was approached. But we are breaking new ground here in so many respects, and I guess that is one justification for the kinds of questions that come to mind.

Mr. Chairman, we take particular encouragement from the initiatives in this bill to remove discrimination on the basis of sex. Our Statute Law is just loaded with inferences of that kind of discrimination, not that anybody back then, the drafters in earlier days, were malicious about it, but just that they were in many respects reflecting the values and the traditions of the day. A case in point comes to mind. The Memorial University Pension Act, for example, as the minister will know, provides that when the President of the University dies then his pension shall be awarded to his widow. The presumption there, of course, is that the president would be a

male. That is just one small but significant example of how our statute law includes a large number of instances of de facto or outright discrimination on the basis of sex.

Section 15 of the Charter does provide that people are equal before the law, that they have a right to equal protection and equal benefit of the law. Not only is discrimination on the basis of sex barred by that charter, that section, but also on the basis of race or ethnic origin, colour, religion, age, mental and physical disability.

Mr. Chairman, I thought this morning when my colleague rose on a point of order during the question period that he, my colleague for the Strait of Belle Isle (Mr. Decker), had a significant point. I thought it was dealt with in fairly cavalier fashion, frankly. I have found over the years, reflecting on politics and reflecting on this patronage issue to make a parallel point before I get to the point raised by my friend for the Strait of Belle Isle, I have found you have really got to watch your language to the point that people are not at ease even these days when they talk about matters relating to sexual discrimination or racial discrimination and that kind of thing. I have always found it a bit hypocritical that we live in a country where, while it is, and rightly so, wrong to discriminate on the basis of sex or race or colour, it is accepted practice that you can discriminate on the basis of a person's political beliefs, his political label. It is quite all right to do that. Oh, he is a Tory, oh, he is a Liberal, therefore, we can do this to him. But you would never

say that he is a black or she is a girl or that kind of thing. I have always found it an indictment, an incompleteness in our approach to equality, that we allow that kind of attitude to continue.

The House saw it in another area this morning, it really did, and, Mr. Chairman, it is not a question of pedestals, it is not a question of over-sensitivity, it is not a question of being on a sanctimony trip, it has to do with the overriding issue that is addressed in Section 15 of the Charter. It has to do with equality, it has to do with the constant reality that people ought not to apologize for their sex or their race or their religion. I saw an instance this morning which was dismissed in a fairly cavalier fashion, but it is an instance that relates to this charter, to this Section 15, it is the whole guts of what we are talking about here. Now some of us come, in religious terms, from evangelical traditions, and my friend for the Strait of Belle Isle (Mr. Decker) is one. In the evangelical tradition, I say to the Government House Leader (Mr. Marshall), the term 'testify' has a very particular connotation. It has nothing to do with being before a court of law, and the Government House Leader knows that. He is, or at least was, the Anglican Chancellor. May I ask is he still the Anglican Chancellor?

MR. MARSHALL:

Yes.

MR. SIMMONS:

I had known that for many years he filled that office.

Now, as I was saying, and I know the gentleman must be talking of something rather important to the

Minister of Development (Mr. Barrett), but I was on a point relating to a matter he was involved in this morning, the matter raised by the gentleman for the Strait of Belle Isle (Mr. Decker). I was saying that those of us who come from the evangelical tradition know that the term 'testify' has a very particular connotation and it has nothing to do with a court of law. The gentleman for St. John's East (Mr. Marshall) for many years has served the Anglican diocese as the Chancellor, as I understand it, the top layman in the diocese, by appointment or by election. The top layman in the diocese, is that a fair statement?

MR. MARSHALL:
Pardon?

MR. SIMMONS:
The Chancellor is the top layman in the diocese, is he not?

MS VERGE:
Layperson.

MR. DECKER:
You should not have to repeat everything all the time, he should be listening.

MR. SIMMONS:
Now, you see, there is an example. If I had hours I would talk about the packaging of the feminine movement as opposed to the substance of the feminist movement. She insists I call that person a layperson, but I happen to know he is male so I am going to call him a layman. She might not like it but he is a layman. And if she wants to carry that to the ridiculous I have to call her attention to the root of the word 'woman' and start calling her a 'woperson'. You get the point where you subtract from the

substance of your cause by getting on with this absolutely ridiculous, silly nonsense about plays on words and that kind of silliness. Chairperson, layperson, woperson, why do you call her woman now, why are they not saying woperson? It is the one they have not discovered. So I take the point made by the woperson from Humber West.

MR. BAIRD:
What did you say about the member for Humber West?

MS VERGE:
A point of order.

MR. CHAIRMAN (Greening):
A point of order, the hon. Minister of Justice.

MS VERGE:
I am the member for Humber East.

MR. SIMMONS:
She misses the whole point and she fell in. If she insists on going all the way, that the gentleman who outside this House is known as Mr. Baird must be called the woperson for Humber West and she the woperson for Humber East. I am being deliberately ridiculous because it is a ridiculous point and it is where the feminine movement, in some respects - not the feminine movement, a segment of the feminine movement - got their jollies out of the semantics of the issues rather than the substance of the issue. The substance of the issue, Mr. Speaker, is what I was trying to address a couple of moments ago. A man gets up in this House and he is not pushing one of the popular movements, i.e., no basis on the discrimination of sex or the basis of colour or national origin, he is pushing another one that is kind of passe, religion. He gets

up and because his is not a popular one he gets laughed almost out of the Chamber. Now I submit to you that he, not only as a former clergyman but as a representative of a particular church and even more important as a human being, did something very important in this Chamber this morning and it got cavalier treatment. What he did is parallel and as important as issues relating to sex, relating to national origin, relating to colour, relating to race. I was saying, the term 'testify' in the evangelical tradition has a particular connotation. We know the gentleman with his record of service to one of the churches in this Province he knows the particular connotation. He is also a lawyer and he knows the connotation within a court of law of 'testify', but he also knows the particular concept of testify in the evangelical tradition. And he, in introducing that term in his response to a question from the gentleman for the Strait of Belle Isle (Mr. Decker) was being emotive. He knew that. He was being deliberately emotive in introducing that particular term. Look, we all make mistakes, Mr. Chairman. So what happened then? The gentleman for the Strait of Belle Isle got up and drew it to his attention. What happened then? Then we had the old sledgehammer approach that we see so often in this House, when he was given, by my friend from the Strait of Belle Isle, the opportunity to rise and say, "Look, I meant no personal aspersion" and get on with the job, what did we have? A great song and dance and then to add insult to injury, the gentleman sitting next to him, who unfortunately is not here right now, gets up and makes some joke

about halos.

Now, Mr. Chairman, I put it to you, because, you see, we can get here and make all the high sounding speeches we want about the Charter of Rights and how we are going to do it and how we are part of history and so on, but when the testing moment comes, when the moment comes for us in practical ordinary day to day terms, in ordinary dealings between human beings if we cannot put into practice what we preach then that Charter is not worth the paper it is written on and these amendments are not worth the paper they are written on. This morning I saw the gentleman from the Strait of Belle Isle test his rights under the charter and he got shot down.

Now, Mr. Chairman, I return to one other thing that I was alluding to a moment ago. Let us for a moment try and put aside the partisan considerations and let us talk for a moment as a committee about the concept of patronage. Again I undertake to the committee that I am not going to point fingers and say this Tory got appointed or this Liberal got appointed. I am not talking that, I am talking the concept of patronage whereby, we take it as accepted practice. When I say patronage I mean the rule that underlies patronage, the basic rule that says, if this fellow is a Tory, that is fine, you can do certain things, if this person is a Liberal that is fine, you can do certain things, the rules allow it because he has the right political label. That is what I am taking about, the axiom that underlies, that makes possible, the practice of patronage.

I do not condemn patronage. I

believe it is an essential part of our system. It is the glue that holds her together. I am not begging that point at all. But I am, Mr. Chairman, saying that the attitude that it is all right to discriminate against someone because he or she has a particular label, that attitude flies in the face of the Charter. So why is it not here? Why is political belief not mentioned as one of the categories? Race is, ethnic origin is, colour is, religion is, sex is, age is, why not political affiliation or political label? Because, Mr. Chairman, while we live in a country which has very laudable principles and practices on those areas articulated in the Charter, we live in a country that is absolutely primitive in the area of partisan politics. We go at the subject of holding ones political philosophy, let alone whether a guy ever goes out and says, I am a Liberal, I am a Tory, but we deal with the whole issue of political philosophy and the holding of that philosophy as a tenant by which you live by. We deal with that in a very primitive fashion, just as primitive a fashion as the framers of the other bills dealt with the issue of sex ten, fifteen, twenty, or one hundred years ago. That is where we are in terms of our thinking on political discrimination, it is alright. Just as you go back and read books, or read even the section I read from the MUN Pension Act just now. It was understood that if there was going to be a president of the university he was obviously a male so they write a regulation saying that when the president dies his widow, not the president's spouse, his widow, assuming that a president had to be a male. That was the bias that was in the mind of the framer of

that particular regulation, statute, or whatever it is.

I submit, Mr. Chairman, that in parallel we have the same primitiveness right now, in 1985, towards political discrimination, the same primitive, clumsy, thinking, the same bias, as we had towards sexual discrimination, for example, twenty, thirty or forty years ago. I predict, Mr. Chairman, that in the next very few years that issue is going to become an equality issue. It is going to become an issue of some confrontation. You are going to see cases where people are going to look for redress on the basis of having lost remuneration, having lost position, having failed to gain a position, not because they were not competent to do the job, but because they had the wrong political label to do the job.

Now, Mr. Chairman, there are a number of other things that could be said, but in the interest of brevity. I would terminate my remarks just about here having flagged one last time that particular issue. The minister may want to comment on it, but with that aside I wanted to be on the record on my own behalf, and, I believe, on the behalf of most of my colleagues as saying there is an incompleteness in the Charter. And this is not a particular criticism of the bill which the minister sponsors today, but there is an incompleteness in the Charter. Even more to the point, there is an incompleteness in our approach to equality in this country. There will continue to be that incompleteness as long as we say to discrimination, no, religious discrimination, no, ethnic origin discrimination, no, political discrimination, yes,

that is okay, we will turn a blind eye to that one, that is alright because we are a Tory and he is a Tory or we are a Liberal or he is a Liberal, so that is alright, we will turn our back on that one. That is what we are doing in this country and people who have very impeccable credentials to do a job are being denied the opportunity to get into a job, not because they are female as opposed to male, or they go to the Apostolic Church as opposed to the United Church, not for those reasons, but because they worship in a Tory pew instead of a Liberal pew, or vice versa. That is happening up and down this country. I am not begging the issue, Mr. Speaker, about the right of a government to ensure that its senior most trusted advisors at least share its philosophy. So, if there is a change of government here or in Ottawa, by way of example, then the new administration ought to have full right to put in senior positions of trust people whose advise it can trust.

Indeed, I have long felt that we ought to go a little bit towards the American approach in this respect only. There is much I dislike about the American approach but it seems to me that we might be well advised to be changing more of our senior people when a new administration takes over, not to the degree they do in the States, but I do not think we change enough of our people and you have different politicians but the same bureaucratic advice at times. But that is quite another issue.

I am saying that I believe a government has a right to change its advisers, but I am saying beyond that, I believe very strongly that we have turned a

blind eye - with serious consequences for people's reputations and careers - we have turned a blind eye to an issue of base discrimination. We would not allow it in the area of sex anymore. We did years ago, we would not now. We would not allow it in the area of religion. We would not allow it in the area of ethnic origin. We would not allow it in the area of colour, in the area of politics we turn a blind eye to it. There are many people out there in this Province and in this Nation whose careers have been thwarted, whose access to opportunities have been limited, and their only sin has been that at a particular time they took a public position in favour of a particular party, as opposed to another political party. That was their sin. Not that they were incompetent, or any of the other reasons that I have mentioned.

It is an important point, Mr. Chairman, and I predict it will become an even more important one. I do not think it will become more important, but will become the subject of more dialogue in the years ahead, and I hope as one who believe very strongly in what I have said during the past few minutes, that it is an issue that will be resolved reasonably quickly and as adequately as the issues relating to sexual discrimination and the other forms of discrimination have been resolved in Section 15 of the Charter.

MS VERGE:

Mr. Chairman.

MR. CHAIRMAN:

The hon. Minister of Justice.

MS. VERGE:

Mr. Chairman, I just want to

respond fairly briefly to a couple of the points made by the member opposite. This bill is a response to the Charter as it is, the Charter which guarantees the rights and freedoms set out in it, subject only to "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

This bill reflects what I call a positive and a very determined effort to bring our Statute Law in line with the Charter. Twenty-four of the 73 statute amendments set out in the bill relate to the equality rights which are enshrined in Section 15 of the Charter. I think the most significant section in the Charter, section 15 says that, "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law, without discrimination." And then it goes on to elaborate, "and in particular without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability."

Mr. Speaker, eliminating discrimination on the basis of sex has to involve eliminating sexist language, language which does not include all people, does not refer to people of both sexes, males and females. It seems that the Opposition spokesperson fails to appreciate the significance of semantics in matters of discrimination. In fact, research has shown that language does shape people's perceptions about themselves and does influence their attitudes. Research on the response of school children to reading materials written in the masculine gender only, which has been traditional, is taken

literally by the children. Material that is written in the masculine gender is interpreted by children as applying only to males. It is very important, therefore, that to comply with the spirit as well as the letter of the Charter that we, as lawmakers, frame our statutes and our subordinate legislation in words and terms that are inclusive of all people, both women and men. On that note, Mr. Chairman, I will end these remarks. Thank you.

MR. SIMMONS:
Mr. Chairman.

MR. CHAIRMAN (Greening):
The hon. the member for Fortune - Hermitage.

MR. SIMMONS:
I had not intended to speak again on this issue in Committee, but the Minister of Justice (Ms Verge) presents an opportunity in her remarks which is really too good to pass up. Let me go about it this way. Contrary to what she alleges, I do not fail to appreciate the need for language which is all-embracing. I submit she fails to appreciate the very important point I made at the end, such that she never even chose to address it. While she wants us to tidy up our language about sex or sex discrimination, she sees no need at all to address those people out there who were told - and the earlier comments I undertook not to be partisan about. Now, let me give you some partisan examples. When I see a Tory candidate or when I hear of a Tory Candidate going into a community in this Province and saying, 'If this community votes 70 per cent Tory, you will get your road', that is the kind of thing I am talking about. And that is at least as important as

the issue she is talking about, about the semantics of the language relating to sexual discrimination. That is an important issue, that a person is told, 'You do not have an unfettered vote, you have a vote which relates to your ability to deliver for me, and if you scratch my back, I will scratch yours.' I mean, this was done in very open terms in this election, and she is part of that. Now, if she wants me to be a little more circumspect in my choice of 'hes' and 'shes', I ask her to be a little more circumspect in her choice of Liberals and Tories or NDPs. I ask her to recognize that, while she is a woman, a member of one particular sex through no choice of her own. Whoever made the choice made a very good one, and I suppose in that context, that language would be called patronizing, but that is not what I am wanting to be. I am saying to her that her sex was not a matter of her choice, but the people out there who are Liberals or Tories or Socialists, have done it as a matter of choice. It is a matter of overt choice. And what do they get for it? They are told, in effect, 'You might be a Liberal or you might be an NDPer, but we want you to know that you had better swallow all that, because if this community votes a certain way, say goodbye to your road.' And there are members on this side who can identify with what I am talking about.

MR. CALLAN:

The Premier sent a letter to Bellevue district in the by-election.

MR. SIMMONS:

Now that, Mr. Chairman, is discrimination. Talking about people failing to appreciate, I

would suggest the minister failed to appreciate.

But let me go back to the earlier point, because it is what she says, and in making my own point, I do not want to dismiss hers as being unimportant. Her point is an important point. I am not in any way derogating or subtracting from it. Her point is a most important point. Of course, Mr. Chairman, we must ensure that the language that we apply to these situations must connote the equality that we want to achieve. We will undermine it all the time if every time I open my mouth, I am saying 'He, he, he' when I really mean to embrace both sexes. It is not my intention to undermine something that I so completely believe in. What I am saying, in effect, Mr. Chairman, is that I do not particularly get my jollies out of the semantics of the situation whether it relates to sexual discrimination or political discrimination or otherwise and I do not need any more lessons - and I need lessons in every area, Mr. Chairman - but I do not need any more lessons in the area of sexual discrimination than I do in areas of political discrimination or ethnic origin discrimination or others and I will tell the minister why.

I take great pride in having two particular claims to a very early exposure to matters of equality of the sexes. In one respect, my mother, who is still alive and well, was one of the earliest - not feminist in the context we know it today - but one of the earliest people, one of the pioneers in this Province in the area - of pioneers in her own community, her name never made the newspapers I am not saying that, but pioneer on the ground where it

mattered, in the local community - one of the pioneers in this old particular area. We can up through a large family situation, fifteen of us, and we understood from the day we could talk that there was no particular free ride because you were a male. You did it on the basis of other credentials.

And, secondly, as many of this Committee will know, I have had a lifelong association with the Salvation Army and, of course, that is an organization from its birth in the 1865s set out its original charter, its original constitution, the equality of the sexes and it provided for that in the original drafting of that particular charter. Indeed, the third leader of the Army Internationally back in the late 1890s was a member of the female sex, General Catherine Booth.

So I have, Mr. Chairman, much feeling and much commitment to the subject, but, Mr. Chairman, I would be an absolute hypocrite if I hid behind that statement only and did not say to you that I believe, and I have believed for many years. It might be the first time I have said so publicly, but I believe and have believed for many years that some of the people who parade themselves as feminists, as opposed to the vast majority that have made a marvellous contribution to the feminist movement and, even more important, equality of sexes - the umbrella equality of sexes cause - some of those who paraded themselves as feminists have done the cause much damage by concentrating on the semantics of the issue.

I happen to think that some of the language roots have no direct

relation at all to sex and if you got to go back in history and rewrite every word that has come to - you take, Mr. Chairman, when you come to - I was going to give you an example related to race but that would only get off on another long tangent so I shall not get into that example - but the point I was going to make is that if you got to back and undo the linguistic involvement of this country and of English speech, then, I think you are getting sidetracked. Having said that, if there are terms that are blatantly sexist, of course, you deal with them, but the example I gave you, Mr. Chairman, I have not even heard even one of the semanticists suggest that woman - a perfectly good term, we know what it means - I have not even heard the most silliest semanticist suggest that some of that should be wo-person, but if they follow their logic through to its ridiculous conclusion, that is what they should be saying.

Mr. Chairman, if there is language that can serve the cause, let us find that language, let us use it. To a large degree we have done that. But let us not make, and this is the point I wanted to make to the minister, and I am a little distressed and disappointed that she might have misunderstood this aspect of my comment, it is not the necessity to alter some of the words that I take exception to, I agree with that and I am part of it, but it is the idea that somehow the semantics become an end in themselves, that all that matters is that we have the right language; we can go on practicing discrimination as long as we say it in the right words. That is what I hear some of the are semanticists doing. They are out there, they are putting all

their 'he's' and 'she's' in the right places, all their 'chairpersons' and so on and so forth, and, yet, Mr. Chairman, nothing has changed. And that is the damage, that is the concern that I have about this issue.

I am very deeply committed to this issue, we on this side are very deeply committed to it, and I believe I have made my point about semantics in passing. I am a little disappointed that the minister did not give the Committee the benefit of her views on the issue of political discrimination. Perhaps she thinks there is none, and perhaps this is what her silence says to the Committee, and that, itself, will be instructed to us down the road.

MR. MARSHALL:
Mr. Chairman.

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

MR. MARSHALL:
There is just one very, very minor thing in section 72 of the bill, where it would appear there is an 'and' left out at the end of subsection a (i) so that it would logically follow that (b) follows (a). I move that clause 72 be amended by putting the word 'and' after the word 'proceedings'.

Motion, that the Committee report having passed bill No. 1, "An Act To Amend Certain Acts Having Regard To The Canadian Charter Of Rights And Freedom", with amendment, carried.

A bill, "An Act To Amend The City Of Corner Brook Act, The City Of St. John's Act, And The Municipalities Act." (Bill No.

24).

MR. BAKER:
Mr. Chairman.

MR. CHAIRMAN:
The hon. the member for Gander.

MR. BAKER:
There are a number of things I would like to say about this particular bill but I do not really know how far I can go with it. For quite some time I have had a great deal of respect for the Minister of Municipal Affairs (Mr. Doyle), his efficiency and his common sense. He usually shows that. However, lately there were perhaps two occasions when I began to have some doubts, and I hope those are the only two I will run up against, and this bill happens to be one of them, Mr. Chairman.

I suspect that what has happened here is that I really believe the Minister of Municipal Affairs has been tricked, duped by the Minister of Justice (Ms Verge). I am glad to see they are both in their seats. I really believe that the Minister of Municipal Affairs has been led astray here. Somehow I would like to make an attempt here this morning to get him back on the right track, rescue him from what I am afraid is going to happen in years to come. Since he is such an hon. gentleman, I would hate to see him get into a lot of trouble not of his own making simply because he was persuaded by some other minister or ministers into getting into this area that he is getting into here now.

First of all, it is a bill which deals with pornography, and let me say at the outset that there is a good case to be made for somehow

having some kind of control on the display of material that is offensive. I am not in any way saying that there should not be an attempt to do this. However, we are now saying that municipal councils may make regulations respecting the method of the display for sale or rental and so on. It goes through that clause (a) in section 3 relating to the Municipalities Act. Municipal councils are now going to enforce the regulations with regards to the display and sale of these materials that are deemed to be pornographic. There are few municipalities in this Province that are able to enforce any such regulations or able to attempt to, let me say, enforce any such regulations.

We have been told that this is a request that comes from the Federation of Municipalities. Be that as it may, the minister has an obligation to look at requests that come from the Federation of Municipalities. There are other requests that he has not followed through on and I wonder why, if this is indeed an official request from the Federation, why is he acting on this one and forgetting about some of the others.

To get back to my original point, I suspect the reason is that the government and the Minister of Justice (Ms. Verge) are under some pressure to do something to control the display and sale of these materials. The minister has been under some pressure for some time. The sensible - and this is really what I am talking here now, common sense because the Minister of Municipal Affairs is going to get into trouble on this particular bill in the years to come - thing to do, if in fact the government agreed with putting

limitations on display and sale of material deemed to be pornographic, would be to say, 'All right now, first of all, lets define what we mean by these materials, the definition in terms of what is pornographic' and look at the Frazer Report and so on and talk to the coalition against pornography and come up with some acceptable definition of what is in fact pornographic and what these regulations are going to apply to. Then, once that is done, however long it takes, then you sit down and you write a provincial regulation. Now it seems to me that this is the sensible, logical way to proceed.

I was utterly shocked when I saw this. Instead of taking this ordered approach, the Minister of Justice (Ms. Verge) probably said, 'Well, I do not really want to handle this now and because there is a request in from the Federation of Municipalities, let us pass it on to the Minister of Municipal Affairs (Mr. Doyle), he can handle this. He can handle it, give it to him. And then it is off my plate. I do not have to now go back and answer to the groups who are after me.' So the Minister of Municipal Affairs took it.

Now then, let us look at the logic of doing this through Municipal Affairs. Let us look at the logic of it, Mr. Minister. You have 300 municipalities in this Province, all of them have the right to make regulations with regards to these things, the display for sale or rental in shops of pornographic books, magazines and so on. They do this. So 300 councils make up their own regulations on how to control it and some of them say that these things are not going to be displayed anyway or that we are

going to set up little backrooms somewhere. Another municipality takes a different approach and says that these magazines, these are not the ones we are concerned with. We will allow these to be on display and others not. We are going to have the vast areas of the province unregulated, with no councils to make the regulations. We are going to have a mosaic of different regulations regarding the display of this material. As we go from one community to the next, we are going to wonder when are we breaking a municipal by-law, when is the municipal policeman going to come and tap us on the arm and say, "That is it, Charlie, you are gone".

But that is not the worse of it because, if the government in their wisdom and if the minister in his wisdom wants to go along with the municipalities and say, if in fact the municipalities want it, "Yes, you have the right to make these regulations", if the minister wants to do that, fine. That is fine.

But the really hideous part of all this, the really detestable part of all this are the Clause (Cs) that are attached to these particular regulations. The councils may make regulations respecting the definition of terms for the purposes of giving effect to this section. Now then, I am not a lawyer. I do not pretend to understand everything and all the various nuances of words and so on. However, to me that means that each individual council in this Province has the right to define what is in fact pornographic.

Now, here is where we come up against the really big hideous problem that the Minister of

Municipal Affairs (Mr. Doyle) is going to have to face in the years to come. How can we have 300 municipalities in this Province making up their own definition of what is and what is not pornographic for the purposes of this particular regulation? How can we put up with this kind of situation? Are we going to have 300 censor boards operating in Newfoundland? Is that we are doing, setting up 300 separate censor boards? Because if, in fact, they have the right to define the terms and 'pornographic' seems to be the key term there, if they have a right to define that then through the definition they can exhibit control over all kinds of things. What in one community would be deemed to be pure, could, in the next community, be deemed to be pornographic, if, in fact, individual councils are responsible for their own definition of terms. And, according to this, they are. 'The council may make regulations respecting (c) the definition of terms for the purpose of giving effect to this section.'

AN HON. MEMBER:

The model by-law.

MR. BAKER:

I still come back to my original point, why was this done? I am certain that the municipalities in this Province and the Federation of Municipalities have not asked the minister for the right to define what is pornographic in their municipality. They have not asked for that. They are getting it. And we are getting a model statement going out that the people responsible for the implementation are going to be the municipalities and they look at this and say, "well, now we will

use our own definition because here in this community our ideas are that these comic books are pornographic and all these novels are really pornographic." We could get into the real witch hunts that we have experienced from time to time.

MR. DECKER:

You will not be allowed to read Shakespeare in some parts of the province.

MR. BAKER:

Yes, most certainly. You will not be allowed to read Shakespeare in some part and I would suggest in other parts perhaps even the Bible would be suspect.

So why is this government and why is the Minister of Municipal Affairs (Mr. Doyle), all of a sudden, giving this right to all of these municipalities to create their own definition for pornography and then to apply their laws so that we have this vast mosaic across the Province, all these municipalities having not only different laws with respect to this, but different definitions of terms that they can apply the laws to?

I really believe that that is going to result in an absolutely intolerable situation for the Minister of Municipal Affairs. I think that a couple of years down the road he is going to be coming back to us and asking for amendments to this, because it is not going to work to his satisfaction. I think he has been tricked into doing this for some reason. I think somehow some common sense should prevail and members opposite and the minister and the people who drafted this legislation for him should look at this and say who should take

responsibility in this Province for determining what is pornographic? Surely an agency should have control over the whole Province. Much of this Province is not organized. If this is the method of control over the display of pornographic material, then we are going to be setting up little ghettos here and there where this is a porn town and this is not and so on, because the unorganized places have no regulations controlling them.

MR. SIMMONS:

Will it change with councils?

MR. BAKER:

Well, that is the other possibility as well, every four years there is a change in council, and these things can change from time to time, however, it seems to me that common sense should prevail, the minister should say, 'we ultimately, this House of Assembly or the government or the Department of Justice or whatever, we should take responsibility for the Province for making these particular regulations. We have a responsibility that is what we are here for. We are not here to pass it on to somebody else.'

You can make an argument, Mr. Minister, for passing on extra taxes to the municipalities and things like that, you can make those arguments because of the financial structure, but you cannot make the argument that we should pass on a decision about the definition of pornography and so on to all of the individual municipalities and make any sense to anybody, you cannot make that argument. I suggest that you have another look at this and you take it and you, perhaps, either add something that kind of limits this

power of definition of terms, you add something like the definition of terms applied to this section would have to be approved by the Minister of Justice (Ms. Verge), or something like this to get some control back in here and get some uniformity throughout the Province. That is one way of making it a bit more palatable and a bit more workable and so on. I suggest even with that it will not be workable. I suggest with that even if the Province sets the definition the enforcement is not going to work and eventually you are going to have to come back and the Province is going to have to take the power back. But at least, for Heavens sakes, put some common sense into this piece of legislation. For Heavens sakes, take some responsibility here and do not pass it off, take the responsibility to at least define the terms and say, 'Here are the definitions you are working with' and then if you want to give the municipalities the right to have their own by-laws to control the sale and distribution and so on in their municipality then fine. If that is what they want to do fine, but, at least, get some control over the definition of terms. I find it totally unpalatable that we should have 300 groups out there coming up with their own definition of what is pornographic and what is not.

I am just trying to make life a little easier for the Minister of Municipal Affairs (Mr. Doyle) and I hope that he takes to heart this particular suggestion because I think it is a flaw of judgement to bring this bill in in its present form.

MR. DOYLE:
Mr. Chairman.

MR. CHAIRMAN (Greening):

The hon. the Minister of Municipal Affairs.

MR. DOYLE:

Thank you, Mr. Chairman.

Mr. Chairman, I really do not think that there is any great difference in the way that the hon. gentleman is thinking and in the way that we wish to proceed on this particular matter.

First of all, to address why we bringing in this particular piece of legislation, in introducing the bill yesterday, I indicated that we are trying to address the concerns of the Federation of Mayors and Municipalities who did request that the Department of Municipal Affairs bring in some legislation to this effect. We realize very well that the publication of obscene material is prohibited under Section 159 of the Criminal Code, we all know that, but at the same time, I think, the Federation recognized and the Coalition of Citizens Against Pornography recognized, as well, that there were some gaping inequities there in that a great deal of pornographic material on display in retail outlets does not fall within the criminal definition of obscenity and, therefore, the Federation and the Citizens Coalition Against Pornography, recognizing that, decided to request of our department a piece of legislation that would help them adequately deal with the problem.

We do not purport or purpose that this bill was going to solve all the problems and we are not sure if it will create more, as the hon. gentleman has stated. I would like to clear up one thing. The amendment does not propose to

prohibit the sale of pornographic material, no municipality is going to have that right to prohibit the sale of pornographic material but what it attempts to do, of course, is to regulate the display of that material in corner stores, drug stores and what have you, so that people who are going about their ordinary shopping business will not have this offensive material on display and especially children can avoid eye contact with this particular type of material. I do not think that we are saddling the municipalities really in the Province with any great burden.

Again, I would say to the hon. gentleman that we are very much in agreement on a couple of points there. The municipalities who do not have the legal expertise at their disposal to come up with all these definitions as to what might constitute pornography will not be required to do that. We feel that because the Federation of Mayors and Municipalities did request this, they will be quite amenable to accepting a draft set of model by-laws which will set out for them, in clear cut definitive terms, what constitutes adult material and what have you, adult book stores, adult video cassettes and this type of thing. That model set of by-laws will be drafted by the Department of Justice, in consultation with the Department of Municipal Affairs, and given to the Federation of Mayors and Municipalities who will, in turn, distribute that to the respective municipalities around the Province.

MR. BAKER: Why can you not order that?

MR. DOYLE:

That will be done. We have every intention of doing that. We do

not expect each little individual municipality around this Province - and we have some 350 or 360 towns, local service districts and community councils out there - we would not expect a lot of these very small councils, who do not have the legal expertise available to them, to come up with a definition of what constitutes pornography in their own particular community. Well, they can, you know, we would expect that they would take a draft set of by-laws, a model by-law, that is prepared in consultation with Municipal Affairs and Justice, that they would take that and they would look it over and say, "Look, we will adopt this word-for-word and have it posted in the community as to what the definition of terms may be."

We have no preconceived notions that this particular amendment is going to be the end all and the be all, curing all the ills associated with pornography, but I do not think that is the intention of the bill itself. It gives the councils the rights to regulate the display pornographic material in their own respective jurisdictions.

The point was made yesterday as well by the member for Fortune - Hermitage (Mr. Simmons), about those areas in the Province that are not incorporated, that do not have any form of municipal council. Again, that is a problem that is very, very difficult to deal with, but I would remind hon. gentlemen that roughly about 80 per cent of the Province fall under one form or another of municipal government, whether it is a local service, a town council or a community council. I believe the figure is around 80 per cent of the people of the Province fall

within that category.

So we are going to have some problems with it and we are going to have to address these problems individually, I guess, as they come along. But, for the most part I think it is a very, very good means to allow municipalities to deal in their own respective jurisdictions with any problems that come about as the result of the display of pornographic material. And that is the intent of the bill.

So we are acting on this, as I said before, as a request from the Federation of Municipalities and the Citizens Coalition Against Pornography. It is a problem that people are concerned with out there in the general public. I remember when I was Minister of Communications, from time to time, I would say I would not be far out if I said a couple of thousand individuals at least contacted me in the year that I was there as Minister of Communications, with respect to what they perceived to be pornographic material on display on the television screen. And that indicated to me at that time that there was a very, very real concern by people out there to have this need addressed. Probably that is one of the reasons why the federation and the coalition came forward to try and have something done about it.

We sincerely hope that it will go a long way by allowing councils to regulate the display, although we recognize that there will be some problems in instituting the whole thing, as there is with any new law that comes into effect, but I want to assure municipalities out there that there will be model by-laws drafted up by the Department of Justice in

consultation with the department that will be sent out to councils.

MR. BAKER:

Mr. Chairman, one brief comment.

MR. CHAIRMAN (Greening):

The hon. member for Gander.

MR. BAKER:

I understand from what the minister says that this model by-law is going to be made mandatory, model definitions, and this is the one that is going to have to be used by the municipalities or do they still have the right to make up their own?

MR. DOYLE:

They have the right to add to it, take away from it, do whatever they want to do.

MR. BAKER:

Well, my previous comments will still stand. I would like to add one further thing, just take ten or fifteen seconds.

The reason that the Federation of Municipalities have come to the minister and asked that they be given the right to do this is simply because they are sick and tired of waiting for the people who should be doing it to do something about it, which is the provincial government, the Department of Justice, whoever. Somebody should have taken the initiative, taken the responsibility to do it. Municipalities were sick and tired and fed up with waiting for the provincial government to do this, so that is the only reason they asked to have the power to do it.

MR. CHAIRMAN:

Shall clause (1) carry?

MR. SIMMONS:

Not quite. This will only take a few seconds as well.

MR. CHAIRMAN:

The hon. member for Fortune - Hemitage.

MR. SIMMONS:

That point needs to be reinforced because that is the essential point we were making yesterday. The argument was used in Committee yesterday, or in second reading, that it was the municipalities that were in there saying, "Please, let us get our claws into pornography, please let us have a go at it. We have not got anything to do out here, please let us do it." That is not what they were really saying at all. They were saying, "If you people are not going to do your job, at least make it possible for us to do a job until then."

MR. DOYLE:

I never said anything like (inaudible).

MR. SIMMONS:

The minister had better check with the information that was given to the Committee yesterday when the overriding plea was that we are doing it because the municipalities are screaming for it. That is what we were informed yesterday in Committee by a minister.

MS. VERGE:

We had a meeting the year before last where they made a request to do this.

MR. SIMMONS:

Mr. Chairman, they are opening a very ugly Pandora's box on this one, if you can have an ugly Pandora's box. They are opening one awful can of worms on this

one. Perhaps the gentleman for St. George's illustrated why it should not be in the hands of the provincial government.

Mr. Chairman, we are just signaling a problem that is being created unnecessarily by this legislation. There is need to regulate the distribution of pornography. We are not disagreeing with the fact of that need. We are saying that this legislation is going to create more problems that it solves because of the bullheadedness of this government, the bullheadedness of the minister or his failure to understand the kinds of ancillary problems that he is creating. He is creating more problems than he is solving. He is going to have, just outside those municipal boundaries a free-for-all, an open invitation for the pushers of pornography to come in and sell what they want. Because they will be technically within the law, because there is no law covering those particular areas.

MR. DOYLE:

Sure anybody can come in now and sell. The municipality is not going to be able to regulate the sale of pornographic material. We are going to regulate the display. That is what the bill says.

MR. SIMMONS:

Oh, did you hear that, Mr. Chairman?

MR. DOYLE:

It is regulation of the display.

MR. SIMMONS:

Did you hear that from the sponsor of the bill? Let me decode it for you. He said all this activity in second reading and Committee has

been a waste of time, I, the minister, do not even believe in what I am doing. We will rest our case, in that case.

Motion, that the Committee report having passed a bill, "An Act To Amend The City Of Corner Brook Act, The City Of St. John's Act, And The Municipalities Act" without amendment, carried. (Bill No. 24).

A bill, "An Act To Remove Anomalies And Errors In The Statute Law". (Bill No. 30).

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend The St. John's Municipal Elections Act". (Bill No. 31).

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend And Consolidate The Law Respecting The Continuation Of The Incorporation And The Municipal Affairs Of The City Of Corner Brook. (Bill No. 33).

On motion, clauses 1 through 62, carried.

MR. MARSHALL:
Mr. Chairman.

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

MR. MARSHALL:
I have an amendment to propose to the bill, that at the end of clause 263 the following clause appear: Clause 263 (1) the council may make regulations respecting (a) the method of the

display for sale or rental in shops of pornographic books, pornographic magazines, pornographic films or any other pornographic reading or viewing material;

(b) the entrance of minors into the shops whose primary purpose is the sale or rental of any material referred to in Paragraph (a); and

(c) the definition of terms for the purpose of giving effect to the Section.

MR. TULK:

Excuse me. Are you back to bill 24?

MR. MARSHALL:

No, this is on this bill. It is related to bill 24, but the purpose of this bill is to include a provision to bring this particular bill in accordance with the amendment proposed that was just passed on bill 24. I so move.

On motion, amendment carried.

On motion, clause 263 as amended, carried.

On motion, clauses 264 through 466, carried.

Motion, that the Committee report having passed the bill with amendment, carried.

MR. MARSHALL:

Mr. Chairman, I move that the Committee rise and report progress.

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

MR. SPEAKER (McNicholas):
Order, please!

The hon. the member for Terra Nova.

MR. CHAIRMAN:

Mr. Speaker, the Committee of the Whole has considered the matters to it referred and has directed me to report having passed Bills Nos. 16, 15, 3, 22, 30, 31 and 24 without amendment, and Bills Nos. 14, 2, 1 and 33 with amendment and ask leave to sit again.

On motion, report received and adopted.

On motion, amendments read a first and second time, bills ordered read a third time, presently.

Motion, that the House resolve itself into a Committee of the Whole on Ways and Means, carried.

MR. SPEAKER:

Shall the amendment carry?

All those in favour 'aye'.

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

Those against 'nay'.

SOME HON. MEMBERS:

Nay.

MR. SPEAKER:

The amendment is defeated.

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

MR. CHAIRMAN (Greening):

Order, please!

MR. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the

Council.

MR. MARSHALL:

Mr. Chairman, I move that the total contained in the estimates being the amount of \$1,371,490,800 be carried and that a resolution be adopted to give effect to the same.

MR. CHAIRMAN:

Shall the motion carry?

HON. MEMBERS:

Aye.

MR. CHAIRMAN:

The motion is carried.

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

MR. SPEAKER (McNicholas):

Order, please!

The hon. the member for Terra Nova.

MR. CHAIRMAN:

Mr. Speaker, the Committee of Supply has considered the matters to it referred and has directed me to report progress and ask leave to sit again.

On motion, report received and adopted.

MR. MARSHALL:

Mr. Speaker, I move that the report of the Committee of the Whole on Supply with respect to the estimates for the year ending March 31, 1986 together with a resolution and a bill consequent thereto be referred to a Committee of the Whole on Ways and Means and that Mr. Speaker do now leave the Chair.

MR. CHAIRMAN (Greening):

Order, please!

MR. MARSHALL:
Mr. Chairman.

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

MR. MARSHALL:
I have to apologize to the House. I really missed a step in this arduous and complicated procedure and I move that those particular steps that we have taken in Committee now be negated and that we proceed again.

MR. TULK:
The Speaker should have put the main motion.

MR. MARSHALL:
Yes, that is right, as the hon. gentleman has mentioned.

I move that the proceedings in the Chair be negated and we will commence again and let the Speaker resume the Chair.

MR. TULK:
And put the main motion this time.

MR. MARSHALL:
All right. The Minister of Finance (Dr. Collins) has to get up and give his little thing. He brought it to my attention.

MR. SPEAKER (McNicholas):
Order, please!

MR. MARSHALL:
Mr. Speaker.

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

MR. MARSHALL:
The motion is, Mr. Speaker, that you do now leave the Chair and that the House resolve itself into Committee of the Whole on Ways and

means.

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

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

MR. TULK:
As I understand it, the amendment was voted on. Now, we have not yet voted on the main motion as amended. Is that correct? When does that procedure take place?

MR. MARSHALL:
We voted on the main motion.

MR. TULK:
No, we did not. There has been no vote on it. The Speaker put the amendment but he never did put the main motion.

MR. SPEAKER (McNicholas):
I understood I put the main motion immediately after the amendment.

MR. TULK:
You should have, but you did not, and we had a person who wanted to speak when you put the main motion as amended.

MR. SPEAKER:
I was looking at the hon. the member for Bonavista North (Mr. Lush) -

MR. TULK:
You put the amendment, Mr. Speaker, yes.

MR. SPEAKER:
- and, as I understood it, he partly got up. I did not put it immediately, but I put it just a minute or so later. And he did not get up, because I was looking particularly to see if he wanted to get up at that stage.

MR. TULK:

Mr. Speaker, I have to differ, and Hansard will show me to be correct, that his Honour put the amendment and it was carried.

MR. MARSHALL:

We can go back and resolve it, if Your Honour wishes. I think the hon. gentlemen mentioned it to me before, but I thought he was talking about the proceedings. But we have no objection. If the hon. gentleman wants to speak on the main motion, or any of the other hon. gentlemen, I will just move that we go back and that we are now at the stage, so we will all understand, where the proposed amendment to the Budget Speech was defeated and we are now on the main motion. Then, when we get through the debate we will go into that.

MR. SPEAKER (McNicholas):

The motion is that I do now leave the Chair for the House to resolve itself into a Committee of the Whole on Ways and Means.

The hon. the member for Bonavista North.

MR. LUSH:

Mr. Speaker, I wanted to voice my concerns with the 1985 budget, and certainly address what I consider to be the major flaw, the major weakness of this budget, and that is, Sir, that it does not address the major problem facing this Province today, that is does not have any solution for the number one problem facing the Province of Newfoundland and Labrador, and that is the colossal crisis of unemployment. This budget offers no hope to the 60,000 Newfoundlanders and Labradorians from all walks of life, the old and the young, and offers them no ray of hope whatsoever. The

sadness of it is that it comes on the heels of an election in which the government used the platform of calling for a mandate to create jobs. That is the unfortunate part about it. The election was called to give the government a mandate to create jobs. They got the mandate but the people did not get the jobs and that is the message, Mr. Speaker, that I want to leave about this 1985 budget. Much more significantly, Mr. Speaker, there is no plan, no strategy, whereby the government is going to systematically reduce the levels of unemployment over the next two, three or four years. They have no plan for the systematic reduction of unemployment. Now, Mr. Speaker, they have given a prescription but it is not a workable or a practical prescription. It is similar to a doctor giving some sort of a drug for a multiplicity of complaints, a drug which might have cured one complaint but was used for a multiplicity of complaints, and the analogy is this, Mr. Speaker, that we are offering now to the people of Newfoundland the idea that the private sector will generate the jobs for the people of this Province. We have dealt with that philosophy, asking how can we have the private sector generating jobs in Newfoundland when we have no private sector, particularly in rural Newfoundland? And the Premier agrees with that statement. So we do not have a prescription, we do not have a workable or a practical prescription, what we have indeed is a placebo. I believe that is the correct pronunciation. It is a word that is in my reading vocabulary but it is not one that I use orally an awful lot, and hon. members should know that our reading vocabulary, for most of

us, is much more extensive than our oral vocabulary. So what they have given us is a placebo and that Mr. Speaker, is nothing, it is what doctors give to hypochondriacs, and this is what we have for the cure of the problem.

MR. SPEAKER (McNicholas):

Order, please!

It is now one o'clock. Is it agreed to stop the clock?

SOME HON. MEMBERS:

Agreed.

MR. SPEAKER:

The hon. member for Bonavista North.

MR. LUSH:

If it is agreed, Mr. Speaker, I will not delay. I just have one or two other points to make. In addition to the fact that the government have no strategy for unemployment among our more mature population, we have nothing for the youth. And that is the sad part, Mr. Speaker, no employment strategy for the youth of this Province, and I do not know what it is going to do. The consequences of chronic youth unemployment is fathomless disillusionment, loss of hope, social breakdown, and the loss of whatever economic future that this Province may claim because of high youth unemployment and no hope for them. And, Mr. Speaker, the saddest part about it, and the government must hold some responsibility for this is the degree of acceptance throughout this Province of high levels of unemployment. It cannot be tolerated, Mr. Speaker. People in Newfoundland, because we have been living with these high levels of unemployment for so long, accept

it as a matter of faith. The provincial government must change this attitude. No longer can the people of Newfoundland go on believing that we must accept these high levels of unemployment and the government must be the leaders in terms of changing that attitude along with education, labour, and the business community. We must change this attitude because it is going to be devastating and destructive to our entire social fibre and fabric. Mr. Speaker, the budget has been a total and a colossal failure for not dealing with the problem of unemployment

Now, a final concluding point, Mr. Speaker. Today the Minister of Finance (Dr. Collins) held out the great hope, the great hope is the offshore, the Atlantic Accord, and we find out that the Minister of Development (Mr. Barrett) is just this week going to Norway to find out what types of programmes, what types of training, our people will need in order to get the highly skilled jobs on the offshore. What a time to be starting, Mr. Speaker! We knew about this offshore for four or five years that we were going to get started and we should have had a programme in place. But what did hon. members do? They started prating and prattling and sabre rattling about local preference. They tried to legislate ourselves into the work force on the offshore instead of setting up training programmes. Newfoundlanders did not want jobs by right of birth. Newfoundlanders wanted jobs because we were trained to do them. Our people are the best workers in the Western World, Mr. Speaker, and what they wanted was to be trained.

SOME HON. MEMBERS:

Hear, hear!

MR. LUSH:

And now we are behind the eight ball again just as we are in the development. We are going to lose out to other Canadians who are trained and other people in the world. Mr. Speaker, that is a travesty. So here was the one great hope that we had and we find out that our Newfoundlanders are not being trained. We are getting some of the menial jobs, as I said this morning, but we wanted our people to be qualified for the whole gamut of jobs on the offshore. I am afraid, Mr. Speaker, that that is not happening. Our people have to get experience and they are not even trained. Had we started four or five years ago training for these highly skilled jobs, these jobs requiring a lot of expertise, our people would have had three or four years to work on and gain the experience.

I would say, Mr. Speaker, we are in trouble in terms of our people benefiting from the whole gamut of jobs on the offshore and ultimately the responsibility must rest with this provincial government for not assuming this responsibility back four or five years ago and seeing that the training programmes were in place so that the people of this Province could get all of these jobs. Mr. Speaker, I think I have demonstrated that in terms of dealing with the unemployment of this Province that the budget has been a total and a colossal failure. Thank you very much, Mr. Speaker.

MR. SPEAKER (McNicholas):

If the hon. minister speaks now he closes the debate.

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, it is my great pleasure to close the budget debate. I have had the honour of doing this on six previous occasions, I believe it is six, and I am very pleased on behalf of government to close this one. In doing so I want to thank hon. members on both sides for their contribution to the debate. It has been a long effort and it has involved the House and the budget committees and the main Committee of Supply and I want to thank hon. members for their efforts there.

Normally speaking, Mr. Speaker, I would just leave it at that. But having heard the hon. member opposite I do have to make a comment because I think there is a deep philosophical difference between the two sides of this House. The hon. member, if I understood him correctly -

MR. DECKER:

He believes in people working and you do not.

DR. COLLINS:

Now, I did not interrupt the hon. member. I just want to make a simple point and I want to make it briefly because I am sure none of us want to stay any longer than absolutely necessary. But, if I understood the hon. member's remarks correctly, he was indicating that the workers of this Province must rely on governments for their future welfare, for their future employment. That must be their main reliance, not on the private sector. Well, Mr. Speaker, I think we have to look at the government sector in this Province if that is what he is advocating.

The government sector in this Province comprises the public service, a very important group of workers. It involves the Crown agencies as well as other agencies, and that group includes Hydro and Marystown and MUN and the school system and so on. Then it also includes FPI at the present time because FPI is partly a provincial government agency. But if you put all those together, Mr. Speaker, that does not make up the bulk of workers in this Province and we are fortunate that it does not. The bulk of workers in this Province are employed in trade, they are employed in the manufacturing sector such as we have, they are employed in the small fishing companies and they are employed in a variety of areas.

Now, Mr. Speaker, if we concentrate only on increasing the public service, and only increasing MUN, and only increasing Hydro and other public agencies, we are in deep, deep trouble in this Province. What we have to do is support the public agencies that need support, but also make conditions proper so that the private sector, the trade, the manufacturing companies, the small business companies of all sort can also flourish in this Province and they will employ increasing numbers of workers. We have a tremendous opportunity in regard to the offshore. There is going to be many, many companies arise out of the offshore and they are going to employ many, many people in this Province. That is where the hope for employment in this Province lies.

Mr. Speaker, I just want to put on the record our philosophy in that regard, which we are absolutely convinced is the correct

philosophy, and not leave on the record only the hon. member's philosophy, which I doubt is shared by his associates opposite, that the future for the works of this Province relies solely in the public sector. That is a fallacious philosophy and to have that on the record as a final word would be a disaster. With those remarks, Mr. Speaker, I close the debate.

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

Committee of the Whole
on Ways and Means

MR. CHAIRMAN (Greening):
Order, please!

MR. MARSHALL:
Mr. Chairman.

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

MR. MARSHALL:
Mr. Speaker, I move that the Committee of Ways and Means rise, report progress and ask leave to sit again.

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

MR. SPEAKER (McNicholas):
Order, please!

The hon. the member for Terra Nova.

MR. GREENING:
Mr. Speaker, the Committee of Ways and Means have considered the matters to them referred, report

progress and ask leave to sit again.

On motion, report received and adopted, Committee ordered to sit again, presently, by leave.

DR. COLLINS:
Mr. Speaker.

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

DR. COLLINS:
Mr. Speaker, I have received a message from His Honour the Lieutenant-Governor.

MR. SPEAKER:
Please rise for a message from His Honour the Lieutenant-Governor.

"To the hon. the Minister of Finance June 18, 1985.

"I, the Lieutenant-Governor of the Province of Newfoundland, transmit estimates of sums required for the Public Service of the Province for the year ending 31st. day of March 1986, by way of further supply and in accordance with the provisions of the Constitution Act of 1867 I recommend these estimates to the House of Assembly.

(sgd) _____

W. Anthony Paddon,

Lieutenant-Governor."

MR. MARSHALL:
Mr. Speaker.

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

MR. MARSHALL:
Mr. Speaker, I move that the message of His Honour the

Lieutenant-Governor be referred to the Committee of the Whole on Supply.

On motion, that the House resolve itself into Committee of the Whole on Supply to consider the message of His Honour the Lieutenant-Governor, Mr. Speaker left the Chair.

Committee of the Whole on Supply

MR. CHAIRMAN (Greening):
Order, please!

MR. MARSHALL:
Mr. Chairman, I move that the total amount of the estimates contained in the message from His Honour the Lieutenant-Governor be carried and that a resolution be adopted to give effect to the same.

On motion, that the total amount of the estimates contained in the message from His Honour the Lieutenant-Governor be carried and that a resolution be adopted to give effect to the same, carried.

MR. MARSHALL:
Mr. Chairman.

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

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

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

MR. SPEAKER (McNicholas):
Order, please!

The hon. the member for Terra Nova.

MR. CHAIRMAN (Greening):

Mr. Speaker, the Committee of the Whole has considered the matters to it referred and have directed me to report the passage of \$2,020,410,300, the total amount contained in the Estimates of Supply, and recommend that a resolution be introduced to give effect to same and ask leave to sit again.

On motion, report received and adopted.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, I move that the report of the Committee of the Whole on Supply with respect to the Estimates for the Year 1985 - 1986 together with a resolution and a bill consequent thereto be referred to a Committee of the Whole on Ways and Means and that Mr. Speaker do now leave the Chair.

Motion, that the Committee report having passed a resolution and recommend that a bill be introduced to give effect to same, carried.

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

MR. SPEAKER (McNicholas):

Order, please!

The hon. the member for Terra Nova.

MR. CHAIRMAN:

Mr. Speaker, the Committee of Ways

and Means has considered the matters to it referred and have directed me to report that it has adopted a certain resolution and recommends that a bill be introduced to give effect to the same.

On motion, report received and adopted, resolution ordered read a first and second time, presently.

On motion, resolution read a first and second time.

On motion, a bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred And Eighty-Six And For Other Purposes Relating To The Public Service", read a first, second and third time, ordered passed and its title be as on the Order Paper. (Bill No. 17).

On motion, the following bills read a third time, ordered passed and their titles be as on the Order Paper.

A bill, "An Act To Amend The Labour Relations Act, 1977". (Bill No. 14).

A bill, "An Act To Amend The Public Service (Collective Bargaining) Act, 1973". (Bill No. 15)

A bill, "An Act To Amend The Judicature Act". (Bill No. 2)

A bill, "An Act To Provide For Arbitrations". (Bill No. 3)

A bill, "An Act To Amend The Newfoundland And Labrador Corporation Act, 1951". (Bill No. 16)

A bill, "An Act To Amend The Local School Tax Act". (Bill No. 22)

A bill, "An Act To Amend Certain Acts Having Regard To The Canadian Charter Of Rights And Freedoms". (Bill No. 1)

A bill, "An Act To Amend The City Of Corner Brook Act, The City of St. John's Act, And The Municipalities Act". (Bill No. 24)

A bill, "An Act To Remove Anomalies And Errors In The Statute Law". (Bill No. 30).

A bill, "An Act To Amend The St. John's Municipal Elections Act". (Bill No. 31)

A bill, "An Act To Amend And Consolidate The Law Respecting The Continuation Of The Incorporation And The Municipal Affairs Of The City Of Corner Brook". (Bill No. 33)

MR. MARSHALL:

Mr. Speaker, before moving the adjournment of the House I would like to move the establishment of the select committee that the hon. the Premier (Mr. Peckford) and the hon. Leader of the Opposition (Mr. Barry) concurred upon with respect to accommodation and benefits of members. This committee will consist of the hon. the member for St. John's East Extern (Mr. Hickey) as Chairman, the hon. the member for Fortune - Hermitage (Mr. Simmons) as Vice-chairman, the hon. the members for Terra Nova (Mr. Greening), Humber Valley (Mr. Woodford), Port au Port (Mr. Hodder), Bonavista North (Mr. Lush) and Menihek (Mr. Fenwick).

I move that this committee be established as a Select Committee of the House and I think with the concurrence of the House, as well,

because all members are interested in a timely response to this. It should also be accompanied with a motion, I guess, if it is agreeable to the House, that the committee report to the House within ten days of the resumption of the House in the Fall.

MR. SPEAKER (McNicholas):
All those in favour, "Aye".

SOME HON. MEMBERS:
Aye.

MR. SPEAKER (McNicholas):
All those against "Nay".

SOME HON. MEMBERS:
Nay.

MR. SPEAKER:
Carried.

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, I believe His Honour is here for the purpose of granting assent to the bills.

SERGEANT-AT-ARMS:

Mr. Speaker, His Honour the Administrator has arrived.

MR. SPEAKER (McNicholas):
Admit His Honour the Administrator.

It is my agreeable duty on behalf of Her Majesty's dutiful and loyal subjects, Her Faithful Commons in Newfoundland, to present to Your Honour a Bill for the appropriation of Supply granted in the present Session.

A bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred And

Eighty-Six and For Other Purposes
Relating To The Public Service".
(Bill No. 17).

HON. A.S. MIFFLIN (Administrator):
In Her Majesty's Name, I thank Her
Loyal Subjects, I accept their
benevolence, and I assent to this
bill.

MR. SPEAKER:
May it please Your Honour, the
General Assembly of the Province
has at its present Session passed
certain Bills, to which, in the
name and on behalf of the General
Assembly, I respectfully request
Your Honour's assent.

A bill, "An Act To Amend The Loan
And Guarantee Act, 1957." (Bill
No. 23).

A bill, "An Act To Authorize The
Raising Of Money By Way Of Loans
By The Province." (Bill No. 25)

A bill, "An Act To Amend The
Labour Relations Act, 1977." (Bill
No. 14).

A bill, "An Act To Amend The
Public Service (Collective
Bargaining) Act, 1973." (Bill No.
15).

A bill, "An Act To Amend The
Judicature Act." (Bill No. 2).

A bill, "An Act To Provide For
Arbitrations." (Bill No. 3).

A bill, "An Act To Amend The
Newfoundland And Labrador
Corporation Act., 1951." (Bill No.
16).

A bill, "An Act To Amend The Local
School Tax Act." (Bill No. 22).

A bill, "An Act To Amend Certain
Acts Having Regard To The Canadian
Charter Of Rights And Freedoms."
(Bill No.1).

A bill, "An Act To Amend The City
Of Corner Brook Act, The City Of
St. John's Act, And The
Municipalities Act." (Bill No.
24).

A bill, "An Act To Remove
Anomalies And Errors In The
Statute Law." (Bill No.30).

A bill, "An Act To Amend The St.
John's Municipal Elections Act."
(Bill No. 31).

A bill, "An Act To Amend And
Consolidate The Law Respecting The
Continuation Of The Incorporation
And The Municipal Affairs Of The
City Of Corner Brook." (Bill No.
33).

HON. A. S. MIFFLIN (Administrator):
In Her Majesty's Name, I assent to
these bills.

MR. MARSHALL:
Mr. Speaker.

MR. SPEAKER (McNicholas):
Order, please!

The hon. the President of the
Council.

MR. MARSHALL:
Mr. Speaker, before moving the
adjournment of the House to the
Fall sitting I want to express
appreciation to all members of the
Opposition for their co-operation
and to the members of the staff
and everybody associated with the
efficient operation of the
Assembly. I trust that all
concerned will have a very happy
and restful Summer, and that we
will come back to the fray
refreshed in October.

Mr. Speaker, I move the following
motion: Be It Resolved that when
the House adjourns today it stands
adjourned until Monday, October

21, 1985 at 3:00 o'clock provided always that if it appears to the satisfaction of Mr. Speaker or in the case of his absence from the Province, the Chairman of Committees, after consultation with Her Majesty's Government that the House should meet at an earlier time than the adjournment, the Speaker or in his absence, the Chairman of Committees may give notice that he is so satisfied and thereupon the House shall meet at the time stated by such notice and shall transact its business as if it had been duly adjourned at that time.

Hear, hear!

MR. SPEAKER (McNicholas):

All those in favour of the motion?

MR. TULK:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the member for Fogo.

MR. TULK:

Before we move the adjournment let me say to the hon. Government House Leader that we too would like to thank the officers of the House for their kind co-operation and their unfailing efforts in this House. We would also like to wish the government a good Summer. And we would hope that among everything else when the Government House Leader (Mr. Marshall) comes back this Fall he maintains the same pleasant look on his face that he now has. We wish them all a good Summer, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

On motion, the House at its rising adjourned until tomorrow, Monday, October 21, 1985 at 3:00 p.m.

SOME HON. MEMBERS: