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(Hansard)

Speaker: Honourable Patrick McNicholas

Wednesday

22 May 1985

The House met at 3:00 P.M.

MR. SPEAKER (McNicholas):
Order, please!

o o o

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

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

MR. MORGAN:
Mr. Speaker, the point of order I am rising on is in connection with Standing Order 86 (b) of the House of Assembly as it pertains to the rules governing a Standing Committee or a Select Committee of this Legislature and the orders or rules supplied to that committee, either directly by the committee itself or by this House. I refer to the Standing Committee appointed last week pertaining to my point of privilege and your ruling, Sir, indicating that the matter should be investigated, and subsequently a committee was appointed. Last evening at the first hearing of that Committee, the first proceeding of the Committee, I learned that the Committee decided that other members of this Legislature are not entitled to take part in the proceedings of the Committee, in other words, to ask questions of witnesses, including myself as a witness, and other witnesses. At the same time, Mr. Speaker, it means that I, as a member of the House, am also now not permitted to ask questions of witnesses involved in a matter of my breach of privileges. So, Mr. Speaker, quoting Section 86 (b) of the Standing Orders, "Any member of the House who is not a member of a

Standing Committee, may, unless the House or the committee concerned otherwise orders, take part in the public proceedings of the committee, but he may not vote or move any motion, nor shall he be part of any quorum." So, Mr. Speaker, my understanding of that ruling is that any member of this House may take part in the proceedings - not be part of the quorum, not be part of the Committee - unless this House or the Committee orders otherwise. My point, Mr. Speaker, is that the Committee has now ordered it. And I understand, Sir, looking back at Hansard, No. 13, dated 15 May, in reply to a point of order put forward by the Leader of the N.D.P. Party, the member for Menihek (Mr. Fenwick), in questioning his right to take part in the Standing Committee or be a member of it, that you, Sir, in reply to the member for Menihek, stated, and I quote you, Sir, from Hansard: "As I understand it, the hon. member" - referring to the member for Menihek - "is entitled to sit in on these Committees and ask questions, but he cannot make up part of the quorum or vote in the proceedings."

Sir, my point of order is that, based on your position taken on behalf of this Assembly last week, as the Speaker of this Assembly, the clear understanding was that the member for Menihek (Mr. Fenwick) could take part and ask questions, I could take part and ask questions, and, indeed, any member of this House other than and including the members of the Committee. So, Mr. Speaker, I put forward this as a point of order for clarification and maybe a re-emphasizing of your position taken last week, so all members will clearly understand that they can, indeed, take part, if they

want to, in the proceedings of the existing Standing Committee on Elections and Privileges.

MR. J. CARTER:

Mr. Speaker, to that point of order.

MR. SPEAKER (McNicholas):

To that point of order, the hon. the member for St. John's North.

MR. J. CARTER:

The hon. the member for Bonavista South (Mr. Morgan) is right in that Your Honour did interpret Section 86 (b) to suggest that other members of this House may participate in this Committee, but since that time, Your Honour, we properly voted on it in Committee and decided otherwise. It has been minuted and decided by majority that no other members shall be active in this Committee while it is having its hearings.

This is, in my understanding, our proper right, in fact our duty, because we were ordered by the House to handle this matter as expeditiously as possible. We had already had some indication of the kind of problems that we would be faced with if we were to open it up to all members, particularly to the member for Bonavista South (Mr. Morgan). We used our good judgement and, based upon all the events concerned, we decided to pass this motion and we have, strictly according to 86(b), 'the committee concerned' - that was us - 'otherwise orders'. It is properly passed and minuted in our minutes and I think it is quite clear, Mr. Speaker. So I rest my case on that.

MR. BARRY:

Mr. Speaker, I would like to speak to that point of order.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, the member for St. John's North (Mr. Carter) is technically correct in terms of the legalities having been followed by the Committee, But, Mr. Speaker, I would like to have it pointed out that the majority came totally from the government members on that Committee, that the Opposition member who was present indicated in the strongest possible terms that we feel that that is a bad ruling. One only has to consider, Mr. Speaker, what is happening here: We have a member of the House of Assembly alleging that privileges are being breached and now we have the Chairman attempting to muzzle that member in the Committee.

MR. BAIRD:

Was there a majority or was there not?

MR. BARRY:

There is no question the majority can rule, but a majority can also terrorize.

MR. TULK:

That is right.

MR. BARRY:

A majority can terrorize a minority. What we are trying to talk about here, Mr. Speaker, is fairness. What we are trying to talk about here, Mr. Speaker, what has been raised, is whether members of this House - remember, Mr. Speaker, the House can overrule the Committee - should now decide how that Committee is going to carry on its proceedings.

Now, Mr. Speaker, the problem here is that you have certain basic

principles of natural justice which apply in any type of hearing, be it a court case or a royal commission. Remember in the Royal Commission on the Sick Children's Hospital in Toronto, when allegations were being made about nurses, they bent over backwards to permit not just the nurses to ask questions but to have legal representation because, Mr. Speaker, of the concept that a person is entitled to confront his or her accuser, because a person is entitled when his or her interests are being affected by the decision are entitled to cross-examine witnesses either to establish contradictions in testimony or clarification where there is confusion that might adversely affect the interests of the person involved.

So, Mr. Speaker, we have two situations here really. One is the situation of a member of this House of Assembly, the other is the situation of other people who could be affected, namely, the Deputy Minister or the secretaries or secretary involved in shredding the former minister's documents or files. Now I would submit to Your Honour that, in fairness, any of these individuals should be permitted, if they would so wish, to question other witnesses in the course of this Committee's proceedings. But, Mr. Speaker, beyond doubt a member of this House should be so entitled. There has to be some reason other than just the nonsense that the Chairman of the Committee, the member for St. John's North (Mr. J. Carter) comes on with, that the Committee has been instructed by this House to act in an expeditious fashion. Expeditious, Mr. Speaker, insofar as that is consistent with fairness. It is the member for Bonavista South who

took the position he wanted to have that cleared up as quickly as possible, but he was not saying that he was going to be prepared to be muzzled and have his interests affected without having an opportunity to speak out. Now we are talking about basic equity and fairness. Mr. Speaker, it is not fair, and this House should not permit that Committee to carry on in a fashion that is unfair to members of this House or, indeed, unfair to members of the general public. I would submit that if the Deputy Minister or either of those secretaries wished to have the opportunity to question witnesses before that Committee, then that should be permitted by this House and I would so submit for Your Honour's consideration.

I would ask members on the other side not to make this a partisan matter because the work of this Committee is going to be under one more cloud, Mr. Speaker. There is already the question in people's minds as to why the minister's files were destroyed? And whether there was an attempt to cover up? Well, Mr. Speaker, it will only go to confirm that that was the case if this Committee acts in a fashion, and is permitted by members opposite to act in a fashion that attempts to muzzle the member for Bonavista South (Mr. Morgan). And I say, Mr. Speaker, members on this side of the House will not participate in a Committee that treats members of this House unfairly, we will not proceed in that fashion. It is a mere farce, it is a mere charade, and we will have to take other means, Mr. Speaker, to see that this matter is clarified.

MR. MARSHALL:

To that point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the President of the Council, to that point of order.

MR. MARSHALL:

The hon. gentleman does not want to try this in a partisan fashion but he did a very good job of doing just that a moment ago. The relevant Standing Order has already been quoted, 86 (b): 'Any member of the House who is not a member of a Standing Committee, may ... take part in the public proceedings ... unless the House or the Committee concerned otherwise orders.'

Now I would submit certainly it is a matter of the privileges of the hon. member that is being looked into. I think the major question concerned is that the issue be dealt with fairly. And certainly the hon. member for Bonavista South (Mr. Morgan) raised a prima facie point of privilege, and we moved immediately to have it referred to the Committee on Privileges and Elections, and that is what it is in the process of doing. And I know the hon. member for Bonavista South is affected by this, I fully realize that he feels very strongly about it, but on the other side of the coin as well, Mr. Speaker, you have to remember that there are other people affected as well by this, by the nature of the enquiry that the Committee is handling. Above all things, I think a Committee of this House had to be fair to everybody including, most especially, certainly, the hon. member for Bonavista South (Mr. Morgan).

Now the matter was delegated to a Committee; the House delegated the matter to the Committee and told the Committee to deal with it, and this is the process in which the

Committee has dealt with it. They have done it in accordance with the Standing Orders, they have done it in accordance with their judgment. I do not know the reasons why they did it because this is the first time I have become privy to the fact.. Although I know the hon. member for Bonavista South indicated that he was going to rise on a point of privilege, I was not here at the time so this is at first blush that I am hearing about it now. But I mean the whole situation, Mr. Speaker, is that we have got to be fair to the issue, we have got to be fair to the member for Bonavista South, and we have also got to be fair to public servants and people who are affected by this.

Now whether the Committee - and I do not know whether this was the reason - felt that because it was specific privileges, that, when you are balancing interests and making an inquiry, it would give a bit of a chance of giving a certain negative hue to the Committee itself or an advantage to a member whose privileges were infringed to have him cross-examining people who were coming in or vice-versa, I do not know.

But the fact of the matter is I am sure they acted, and when they acted they acted in what they thought and what they believed to be a spirit of fairness and the protection of everybody.

MR. BARRY:

It is all up to the House.

MR. MARSHALL:

I know it is all up to the House. Certainly, obviously it is up to the House. The hon. Leader of the Opposition (Mr. Barry) I fully

realize that. Although the House can act, I think because we delegated it to a Committee it should be up to the Committee to decide the matter. As I say, I do not know the reasons why the committee made the decision. We delegated to the committee, it made it, obviously it saw it as a different situation than another, and I am just assuming that this was one of the reasons. It is a very difficult question, Mr. Speaker, to respond to, but, as I just said, we have delegated it to a committee. And above all there has to be fairness, certainly to the member for Bonavista South (Mr. Morgan) and all members of this House, and also to other people who are going to be affected by this enquiry.

MR. TULK:

Mr. Speaker, could I make one brief point?

MR. SPEAKER (McNicholas):

The hon. member for Fogo.

MR. TULK:

Mr. Speaker, let me point out to the Government House Leader (Mr. Marshall) that we on this side have no other desire than to be fair to people, whether it be the member for Bonavista South (Mr. Morgan) or anybody who in any way could be implicated as a result of the point of privilege raised by the member for Bonavista South. Let me also point out, Your Honour, that the PAC, which is a Standing Committee of this House, the Estimates Committees of this House, have always taken it upon themselves to allow members of this House not to vote, certainly not to form part of a quorum, but to ask questions of any witness or any minister who should come before them. Now, let me make this point to the Government House

Leader (Mr. Marshall): As the Leader of the Opposition (Mr. Barry) said, technically the Committee is dead to rights in making that motion and passing it. But let me say in the interest of fairness and of justice to all of those people who are there, that the House itself, by leave, can make a motion to instruct the Committee - and I think it should so do - to, at least within certain parameters, allow cross-examination by witnesses who have been in some way involved by the raising of this point of privilege by the member for Bonavista South (Mr. Morgan). Certainly the member for Bonavista South and any other member of this House should be allowed to question witnesses. But as far as we are concerned in this House, we would even extend it further in the interest of what is known as British fair play. So I make that point to the Government House Leader (Mr. Marshall) and I invite him to put the motion, by leave, where we set no precedent, and where we are completely outside any Standing Orders, to put the motion, by leave, that within certain parameters people who are implicated in this would be allowed to question the witnesses.

MR. J. CARTER:

Mr. Speaker, further to that point of order.

MR. SPEAKER (McNicholas):

The hon. member for St. John's North.

MR. J. CARTER:

I have to say there is some confusion here with the Standing Orders that pertain to the Estimates Committees. The Estimates Committees are handled a little bit differently. There, I

understand, and I agree, that all members of the House may participate. But, Mr. Speaker, there are a couple of basic differences here. One, public servants have been named and are under a cloud of suspicion and therefore we are under a very strong obligation to handle this as expeditiously as possible. The last thing we want is to drag this out for ever and a day. I think, Mr. Speaker, it is very, very important, in fact vital, that this Committee be allowed to do its work unhampered. Remember too, Mr. Speaker, we had the choice to hold the hearings in camera but we elected to hold them in public, and I think that that is certainly in the interests of everyone concerned.

So, Mr. Speaker, again I reiterate, I think we were within our rights and I would urge you to find in our favour.

MR. SPEAKER:
Order, please!

The Chair has heard enough argument on this and I am ready to rule on the matter. As I understood it, the hon. member for Bonavista South (Mr. Morgan) raised a point of order rather than a point of privilege today. I would refer you to our own Standing Order 86(b). "Unless the House or the Committee concerned otherwise orders." I understood from the hon. member for St. John's North (J. Carter) that they have ordered accordingly, and it is up to the Committee to rule as they see fit in this matter. The House of Commons has exactly the same Standing Order as we have. In fact, I think ours was taken exactly, word for word, from the Standing Orders of the House of Commons.

I would also like to refer hon. members to Beauchesne, page 190, paragraph 569, subsection 3, which reads: "The Speaker has ruled on many occasions that it is not competent for him to exercise procedural control over the committees. Committees are and must remain masters of their own procedure."

And there is one final comment I would like to make here, because the hon. the Leader of the Opposition (Mr. Barry) raised it, about fairness and natural justice, or words to that effect. Joseph Maingot, author of Parliamentary Privilege in Canada, has a reference to procedure in the Standing Committees on Privileges and Elections, page 228. It says, "While the committee is also master of its own procedure, and while the committee may, with impunity, deny a witness natural justice, nevertheless the committee is guided by the basic rule of natural justice, i.e., that the person be given an opportunity to be heard."

So I rule there is no point of order.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
I ask leave to introduce a motion, which I would ask the Government House Leader to second, that this House overrule the Chairman of the Committee that has been set up to investigate the matter concerning the member for Bonavista South's (Mr. Morgan) files, and that the Committee be instructed to permit

the member for Bonavista South, the Deputy Minister, and either of the secretaries involved, to question any of the witnesses appearing before the Committee.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

The hon. gentleman is making a good fist at being non-partisan. I can tell the hon. gentleman that this person is not prepared to give leave until such time as I know, as one person - I do not know about other members on this side - but until I know the full facts respecting it. This is a matter that is of concern to the member for Bonavista South, all members of this House, but it is also a matter of concern to individuals outside this House as well. So I am not going to give leave to counteract the ruling of the Speaker, as far as I am concerned as one member, until I know more of the facts.

MR. MORGAN:

Mr. Speaker, on a point of personal privilege, which takes preference in the House.

MR. SPEAKER:

The hon. the member for Bonavista South.

MR. MORGAN:

Mr. Speaker, this Committee came about by means of this member establishing a prima facie case in this House of a potential breach of privilege. That Committee was appointed from this Assembly. It is an arm of the Assembly to investigate a matter of privilege in this House. So the Standing

Committee is really part of this Assembly, and if that Committee is going to take away my right as a member of this House to take part in that Committee, to take part with regard to -

MR. SIMMS:

(Inaudible).

MR. MORGAN:

Mr. Speaker, I want to do this uninterrupted, please!

MR. FLIGHT:

The member for Grand Falls (Mr. Simms) is interrupting.

MR. MORGAN:

Yes, he is.

MR. SIMMS:

I am sorry about that.

MR. MORGAN:

Mr. Speaker, what I am saying is that if I am now prevented by that Committee from taking part and carrying out my role as a member of the House, I think that my privileges are further being breached because all I wanted was to be able to participate as a member of the Assembly. The Standing Committee is part of this Assembly. The Standing Committee has now chosen to decide to make its own ruling., which it did have the right to do. I am not questioning its right to make the decision, but what it has done in making its decision is it has taken away a right from me, whom the whole matter is about. It is about my privileges, so it has taken the right from me to enquire about the breaching of my privileges. Mr. Speaker, what is this all about? The whole matter is about a breach of privilege.

So, Mr. Speaker, I am saying that the Committee, in its decision, is

further taking away my right as a member to function from this House, outside the House, on a Standing Committee proceeding. If the estimates committees were now called or the Public Accounts Committee or any other committee I can go in and ask questions, whether I am a member of that committee or not. I can go in and take part in proceedings, whether I am a member of the committee or not. I can ask questions of any witness brought forward - minister, deputy or whoever it may be - in other committees. So, Mr. Speaker, I am querying why, suddenly the rules are now changed that no members are allowed to ask questions, including this member who has put the case forward to have the committee established in the beginning. So, Mr. Speaker, I can assist the committee. That is the whole objective surely. As members of the House we want to find out whether or not my privileges are being impinged upon or violated. That is the whole matter we are addressing. We all want to get down to that answer as to whether these rights are being violated or not. I am of the strong opinion that they have been. So, surely the committee role and function is to have any member of this House assist them to determine if one of our peers in this House or colleagues in this House, in fact, had their rights breached or violated.

Mr. Speaker, if I, as a member of the House, cannot take part in a function or a process to determine whether or not there is a violation of privilege, whether it be the member for Fogo (Mr. Tulk), or the member for St. John's North (Mr. J. Carter), or elsewhere, in this case it is myself, if I cannot do that to help clarify this whole matter, I feel that my

rights have now indeed been impinged upon because I cannot function as a member of the House outside the House because of a ruling made by a committee. I understand there were three members of the committee who made the decision. So three members of the House can decide that all other members are excluded from taking part in these proceedings, in this case me, in particular is excluded. I feel, Mr. Speaker, that I am much more involved in all of this because the whole matter would not now be before the House, or before a committee, if it was not for my bringing forward the case of personal privilege.

Mr. Speaker, my point of privilege is this in essence and in wrap up: If I cannot assist with full co-operation and co-ordination in a Standing Committee of this House to assist them in determining, quite conclusively, that my rights were impinged upon and, therefore, my rights as a member is being further impinged upon. Further to the points I made last Tuesday with regards to my files - a separate matter - but now I feel my rights are being further impinged upon by not being able to help clarify the privileges involving the loss of my files because I cannot do that unless I can cross-examine witnesses and ask them questions, and also, as the Committee would hopefully agree, and the House would agree, as mentioned by the Opposition Leader (Mr. Barry), to let the other witnesses cross-examine me and cross-examine each other if necessary. The whole essence is getting down to the truth of all the things that happened. That is the essence of the whole thing, getting the facts and forwarding them back to this Assembly from the Committee. So that is all we

are asking to be done. Surely there is nobody in this House of Assembly who is going to deny anybody the right to assist and help in bringing back the truth to this House of Assembly from an arm of the House of Assembly now gone outside holding public hearings. So the fact that three members from this Legislature can decide in the formation of a Committee, in a mechanism called a committee, that none of us has the right to take part, Mr. Speaker, I want to go back again to point out that you, Sir, as Speaker of the House, can indeed order on behalf of this House that the Committee, which is part of this Assembly, can indeed follow your rules and the rules in this Assembly, and not just the rules set down by the Committee. Surely the major Assembly itself is the main decision-maker. Surely we cannot establish a committee of four or five members that will go out and make their own rules and make their own regulations. They have the right to do so, maybe, but surely this House will decide whether that committee is doing it rightly or wrongly. So, Mr. Speaker, I want to say that I further feel that the decision of the Committee, which was raised today in a point of order and you, Sir, have ruled there is no point of order, because I feel, Sir, there is a very definite point of order. I stood on a point of personal privilege and, Sir, I want this House of Assembly, where it was raised initially last Tuesday, to decide as to what rules should govern any proceedings to get down to the facts behind my point of privilege last Tuesday. Let the House of Assembly do it.

Mr. Speaker, may I conclude my point of privilege by saying, Sir, that -

MR. SPEAKER (McNicholas):

Order, please!

The hon. member rose on a point of order, has he switched to a point of privilege?

MR. MORGAN:

No, Sir, I rose on a point of personal privilege.

MR. SPEAKER:

As I understand it it was a point of order initially.

MR. MORGAN:

Mr. Speaker, I rose earlier on a point of order and you, Sir, ruled there was no point of order.

MR. SPEAKER:

So it is a substitute for that.

MR. MORGAN:

Because, Sir, I contend that there was a very legitimate point of order I had to rise on a point of personal privilege and I am saying, Sir, that the Committee should be ordered by this Assembly that any member of this Assembly, including the member who rose last week on that very point, the member for Menihek (Mr. Fenwick) and other members, all of us in this House who want to take part in any committee of this Assembly, especially if we are looking at the privileges of any member of this Assembly, that this House of Assembly should make the rules and orders regarding the proceedings that that committee will carry out.

MR. J. CARTER:

Mr. Speaker.

MR. SPEAKER (McNicholas):

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

MR. J. CARTER:

Mr. Speaker, this is essentially

the same point of privilege, just an elaboration of the point of privilege under discussion. I would point out that we have not made this decision lightly. We have consulted the other jurisdictions and this is the way they do it. The House delegates the authority to a committee to look into a point of privilege, that committee decides whether or not to hold public or private hearings, whether or not to involve other members of the House of Assembly or the parliament, depending on the type of parliament they have, and this is all in order, properly done. We are merely following precedence set in both the United Kingdom and in the House of Commons. I think to change from this is to invite a circus atmosphere into what should be calm, quick and expeditious deliberations.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Mr. Speaker, the last comment by the member for St. John's North (Mr. Carter) is a good example of irrelevancy. So what! So precedent in other places is that it is left to the Committee to decide how to operate. The real question is: Do those Committees operate in a fashion that is unfair to a member of the very House that sets it up? And I would submit that Your Honour would have to look a long way, Mr. Speaker, to find a Committee under a British parliamentary system that operated so as to muzzle one of the members, the member whose privileges, it is alleged, have

been breached.

Mr. Speaker, I would ask the Government House Leader (Mr. Marshall) to seriously, later on this afternoon, consider a certain motion. We can make it a non-partisan motion, and I think the member for Menihek (Mr. Fenwick) should be allowed to comment on this matter of privilege. It is something that goes beyond partisan politics. We are talking about basic fairness. We are talking also, Your Honour, about whether this Committee can be effective if there is that cloud which will now overhang it, if the decision of the Chairman (Mr. Carter) is permitted to stand, or the decision of the majority of the Committee, the government members on the Committee, is permitted to stand. What are they afraid will be brought out by proper questioning by the member for Bonavista South (Mr. Morgan) or any other affected party? The whole process will be tainted, Mr. Chairman, and the whole purpose of setting up the Committee will, I believe, be severely harmed, if not destroyed. The reason this Committee is there is to seek an explanation. I think everybody is aware already that the files are gone and that Your Honour's prima facie case is even more prima facie. The files are missing.

AN HON. MEMBER:
Are they?

MR. BARRY:
And I have to say, we do not agree with the member for Bonavista South (Mr. Morgan), with great respect, when he says that it is not the purpose of the Committee to find who the wrongdoer is. That is absolutely an essential part of the Committee's work, to

establish, not just whether there is a breach of privilege, but who caused the breach of privilege. That is all part of the one operation. But, Mr. Speaker, what we are talking about now is not just that justice be done, but that justice be seen to be done. Nobody in this Province of a fair-minded character, looking at this Committee, will have any confidence in the decision of the Committee if we do not have that ruling changed.

I would ask the Government House Leader (Mr. Marshall) to consult with the Premier. I do not think the Premier, Mr. Speaker, would support the position that has been taken. I think normally the Premier would take a position of opting - generally, it has been his practice in the past - of opting for a fair approach in these matters.

Now, if the Premier is going to take a different approach in this Committee on this issue, then all the greater the cloud that will exist and all the greater the question that will be in people's minds What are they trying to hide?

So, Mr. Speaker, I would submit to Your Honour that very serious thought should be given to this matter of the point of privilege that is now being raised. I think the member for Bonavista South (Mr. Morgan) may very well now be having his privileges breached if members opposite are prepared to condone, and by that condonation, participate in a further limiting of the privileges and the rights of a member of this House to participate in Committees and to ask questions.

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

I have a great regard for the knowledge of the hon. Leader of the Opposition (Mr. Barry) when it comes to parliamentary procedure and I welcome his contribution on it, but I do not welcome comments that I should recognize one particular individual.

MR. BARRY:
A point of personal privilege.

MR. SPEAKER:
A point of personal privilege.

MR. BARRY:
I think Your Honour might be getting a little touchy and it might be wise to -

SOME HON. MEMBERS:
Oh, oh!

MR. BARRY:
There was nothing intended with respect to any comments with respect to Your Honour or with respect to Your Honour's actions. What was stated was that, in an effort to have an all-party unanimous agreement on this motion, that the views of the member for Menihek (Mr. Fenwick), who represents a third party, would have to be sought. Now that is all. No more than that was intended or meant. If there was anything other read into it by Your Honour, I would suggest that Your Honour look at Hansard.

MR. SPEAKER:
Order, please! To that comment of the hon. the Leader of the Opposition, I am quite prepared to accept it. As I understood it, I felt at the time that he was directing that I should recognize an individual. But I certainly accept his explanation on that.

MR. BARRY:
Thank you, Your Honour.

MR. SPEAKER:

The hon. member for Menihok.

MR. FENWICK:

Thank you, Mr. Speaker. It never ceases to amaze me how I got through life without the assistance of the Leader of the Opposition (Mr. Barry) before I got into this House.

SOME HON. MEMBERS:

Oh, oh!

MR. FENWICK:

Actually, I was hoping to wait until the question of privilege for the member for Bonavista South (Mr. Morgan) was dispensed with because, quite frankly, I wish to raise a question of privilege myself on the same incident, but based on different arguments, because I think I have some substantially different arguments. But I think, since you are going to be dealing with that question of privilege, perhaps you had better deal with mine as well.

I specifically refer you back to last Wednesday when this Committee was struck.

MR. SPEAKER:

Order, please! We will deal with the first point of privilege first.

MR. FENWICK:

In that case I am willing to leave this particular issue of privilege go and then raise my own, not at a later date, but as soon as this one is completed. Because I understand I have no other alternative but to raise it at the earliest possible opportunity.

MR. SPEAKER:

Order, please! As the Chair understands it, the point of privilege raised is basically the point of privilege that has been

referred to the Committee on Privileges and Elections. So there is no new point of privilege.

MR. MORGAN:

Mr. Speaker, with all due respect, Sir, the point of privilege I am raising now is different altogether from the point raised earlier regarding my files. It is the point that I cannot serve as a member of this House and take part in proceedings of a committee of this House. And I am saying, Sir, because that Committee was appointed as a result of my original and earlier point of privilege, that now I am raising a new point of privilege because -

MR. YOUNG:

It is not in order.

SOME HON. MEMBERS:

Oh, oh!

MR. MORGAN:

Mr. Speaker, could we get some order? I cannot make my case without you hearing me.

MR. SPEAKER (McNicholas):

Order, please! I have already ruled on that point of privilege.

The hon. the member for Menihok.

MR. FENWICK:

Mr. Speaker, I also rise on a point of privilege. Mine is slightly different, as I said before, and I hope you will take it in that vein. The problem I have, of course, is that the committee set up to strike the committees in this House had no representation from my party. Not surprisingly, when it came back with the membership of the committees, I was not a member of any of the committees established to this point. This was a matter of some concern to me since I felt

it very difficult to carry out my obligations as a member of the House without at least some means of participating in committee hearings.

It was pointed out to me when I brought this up that rule 86(b) would indicate that I would have the privilege of sitting in on the committees and at least asking questions. At the time I felt that that was not a bad compromise, that that was at least something that I could do. I felt and still feel that I should have some representation on some of these committees somewhere, but at least this was an out for it. When this Committee was set up last Wednesday I immediately went to the Chairman of the Committee indicating my interest in sitting in on the deliberations of the committee and was informed that the first meetings, those on the investigation, would be held in camera and there would be no participation by any of the private members. I felt this was unfair, but at the same time, I felt that in light of the fact that he promised to hold public meetings in the future, perhaps that was something that I could live with. Then I found out yesterday evening at 6:00 o'clock, after the House had finished sitting, that the Committee had ruled that no member of the House would be allowed to question any of the members. I will try to quote as best I can, but the Chairman of the Committee said, 'You have the same rights as any member of the public to sit in the audience and watch what is going on.' At that point I felt it was a considerable violation of any rights that I have as a member of this House, because that was really the only avenue I have, since I have not been put on any

of these committees, and had no representation on the construction of any of these committees, I do not have the privilege of asking any of the members who are sitting on it if he would care to sit aside for a session or two so that I could even ask questions.

So, quite frankly, I feel that the whole question of representation on committees is called into question by the ruling of the Committee Chairman. As for a specific motion that I should put at the end of this, I am not sure what it is at this point, but, quite frankly, it is somewhat frustrating to not be allowed to participate in the Committee meetings at this point and to find that you are really doing so - how should I say it? - with the condolences, or whatever it is, at the best wishes of the Chairman. Quite frankly, I am not entirely impressed with the rights and privileges I have been given by the Chairman of that Committee at this point.

MR. J. CARTER:

Mr. Speaker.

MR. SPEAKER (McNicholas):

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

MR. J. CARTER:

To that point of privilege, Mr. Speaker. The hon. member for Menihek (Mr. Fenwick) is perhaps unfamiliar with the Committee system used in this House. As far as the Estimates Committees are concerned, he will be able to participate fully in them and ask questions as other members do. The distinction between a member on the Committee and a member of the House is extremely blurred. The Chairmen of those committees always allow questions and full

participation by any member of the House. I might add further, if last year, or the last five years, is any indication, the members who are on those committees usually do not all turn up, so the Chairman is certainly very grateful for any other member of the House who turns up and decides to participate. And I think one could assure the hon. gentleman all the participation he wants, and probably far more than he wants, if he decides to attend those particular committees.

MR. MORGAN:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Bonavista South.

MR. MORGAN:

Mr. Speaker, I want now to speak to the point of privilege raised by the member for Menihok (Mr. Fenwick), because he has raised essentially the same point of privilege that was just ruled on which refers to the Committee. Mr. Speaker, it is a different matter altogether. We are talking about now the rights and privileges of members of this House to participate in proceedings of a Standing Committee appointed from this House. I am fully supportive of the position taken by the hon. member for Menihok that indeed his privileges, as are mine, and those of other members of this House, are being breached by being prevented from participating in proceedings of a Committee appointed from this Assembly.

MR. FLIGHT:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the member for Windsor -

Buchans.

MR. FLIGHT:

Mr. Speaker, I rise to make a point in this debate in support of the hon. member for Menihok (Mr. Fenwick). I want to tell the House what I witnessed, and found to be a very disturbing situation at the Committee last night, a very distasteful situation. I wish that the member for St. John's East Extern (Mr. Hickey) were now present. The Committee bogged down into a procedural wrangle. The member for St. John's East Extern, being a member of this House of Assembly, stood to direct a question to the Chairman. He did not want to cross-examine anybody, he did not want to ask any questions relative to the case being made or anything else, he simply intended to ask a question of the Chairman. And the Chairman ruled, as a result of a vote taken by the Committee of five earlier, that he could not do that. I found that disturbing, Mr. Speaker, because we are setting a very, very dangerous precedent here. All Standing Committees are covered under our Standing Orders. I am not up to deal with whether or not one would have a right, whoever the party, to cross-examine. The Leader of the Opposition (Mr. Barry) dealt adequately with that, the House Leader (Mr. Marshall) dealt adequately with it, but I am concerned about the precedent we are setting with regards to a member's rights in this House when taking part in Standing Committees. Let us assume the member for St. John's North (Mr. J. Carter), the Chairman of the Committee, is allowed to do what he is doing. He is setting a precedent that was never been known before. There is no precedent for it. What is to stop

the Chairman of some Estimates Committee or the Chairman of the Public Accounts Committee at a sitting one month hence from putting in his own interpretations, saying we have a precedent, and, therefore, no members of this House of Assembly will be permitted to ask questions in those Committees? It is a very dangerous precedent. Each member of this House of Assembly should jealously guard his right to appear before Committees. The Chairman of this Committee is setting a very, very dangerous precedent, Mr. Speaker, that every member in this House should be concerned about. This House should instruct that Committee that they cannot deny, and will not be permitted to deny, the right of a member of this House of Assembly from coming before it and asking questions of the Committee, because if they permit it in this case, they may find they may well have to permit it in some other committee of this House later down the road. Mr. Speaker, there is no way we should put ourselves in that position. I support the position made by the member for Menihek (Mr. Fenwick). Cross-examining can be dealt with, but I am not prepared, as a member of that Committee, to continue to sit on that Committee if the rights of the members of the House of Assembly are denied and a precedent set that may well mean that they will be denied their rights forever.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the President of the Council.

MR. MARSHALL:

I just want to say a few words

arising out of what the member who last spoke said. As I understand the ruling, and I listened to the debate here, there is no precedent, as such, being set. I understand, although I am not privy to the decisions, the hon. the Chairman of the Committee, the hon. member for St. John's North (Mr. J. Carter), indicated that he had caused enquiries to be made with respect to the procedures taken in other jurisdictions, including, he said, the United Kingdom, on matters of this nature relating to the privileges of a member. As I say, I do not the reason for it, but I think the nature of the hearings is, I presume, the reason why the Committee, in its judgement, invoked that provision of Standing Order 86 (b). I just want to make sure of that, because the hon. gentleman is very much mistaken when he indicates that this is a precedent that has been set and one that is to be followed. The precedent is in the Standing Orders; it says there that a committee may order otherwise about participation in committee. It is there, obviously, for some reason. As I say, I am making assumptions. I assume the Committee, in its judgement, made that decision with respect to this because of the particular circumstances surrounding it. The hon. gentleman can say what he wants, but he should not get up and try to say that this is a precedent because it most certainly is not.

MR. FLIGHT:

The member for St. John's East (Mr. Marshall) would deny the rights of the member for Bonavista South (Mr. Morgan).

MR. MARSHALL:

We are talking about this

particular matter in that particular committee. That is the only point I want to make.

MR. FLIGHT:

Why can it not happen next week with another committee?

MR. J. CARTER:

Read your Standing Orders.

MR. MARSHALL:

It is not a precedent. You are governed by your Standing Orders. You are not governed by this.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, there is something bizarre happening here today. Maybe it is the eccentricity of the Chairman, the member for St. John's North (Mr. Carter) that has got us into this situation, but the Government House Leader (Mr. Marshall) would do well to consult with the Chairman and with the government members on that Committee and, for heaven's sake, find out what possible reason there could be. Mr. Speaker, are we in this House to accept that the Chairman of an Estimates Committee can utilize the government majority to prevent the Opposition from questioning government on the Estimates? Is that what he said? Is that what the Government House Leader is now accepting? And that will not be a precedent either, but we will be muzzled just the same.

DR. COLLINS:

What is in the Standing Orders?

MR. TULK:

The Standing Orders are exactly as they were read. Do not be so stunned.

MR. BARRY:

Mr. Speaker, I suppose the Standing Orders assume that there would be a certain basic, common sense applied.

DR. COLLINS:

Assumed? Assumed?

MR. J. CARTER:

That is quite an assumption.

MR. BARRY:

Mr. Speaker, it is possible you could have a situation where a member of this House of Assembly freaks out, gets a little strange, a little bizarre, a little weird, suffers from mental illness and is unable to participate in a committee without impeding the function of that committee, and I can see that as an explanation as to why that Standing Order would be employed to, maybe, ensure that the committee can function. That would be one possible use for the Standing Order. But for the member for St. John's North (Mr. Carter) as Chairman, and the other government member, whomever he or she was - shame on them! - to support the notion, in a cavalier fashion, that they are going to block a member of the House of Assembly from asking questions in a Committee of the House is something I would love for members opposite, any of them, to get up and point to the precedent where this has happened in the history of this Assembly, and not just since 1949.

Mr. Speaker, democracy is being set back in this Province. The rights and privileges of members of this House will be set back if we permit the ruling of the

government majority. Two people! Two people on that Committee are going to establish that precedent, are going to muzzle a member of this House of Assembly? Mr. Speaker, that is not right. There is something very wrong.

MR. SPEAKER (McNicholas):
Order, please!

To that point of privilege raised by the hon. the member for Menihek (Mr. Fenwick), quite frankly my hands are tied in this matter. My job here is to interpret the Standing Orders and the Standing Order that we are dealing with, 86 (b), is perfectly clear. Now, maybe the members want to change the Standing Orders. That is not my job. My job is to interpret 86 (b) and it is perfectly clear: "Any member of the House who is not a member of a Standing Committee, may, unless the House or the Committee concerned otherwise orders, take part in the public proceedings of the committee." So, I must rule that there is no prima facie case of privilege.

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:
In that case, I will have to raise a different point of personal privilege. What I am going to suggest is that my privileges were violated by the way in which the Committee on Committees was set up, and the way in which it appointed members to the Committees. I, obviously, will not question what it has done there. As a member of a third party in this House of Assembly I was not consulted about the makeup

of that Committee, or the makeup of any of the other Committees, and, as a result, my right to participate in a large number of functions of the House have been severely abridged. That is my point of privilege, Mr. Speaker.

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

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

MR. MARSHALL:
I want to make a comment on what the hon. gentleman said. First of all, the hon. gentleman is a member of a party outside this House, but the Standing Orders of this House are the precedents of this House. I think there is a ruling that for a group to be recognized as a party in this House it has to have three members. I think that is clear. The hon. gentleman is a member of the NDP Party outside this House, but he is a member of the Opposition, a single person, and he does not represent a party in the sense of this House.

I also want to say, Mr. Speaker, so this will be clear, because it is part of the mosaic of all hon. gentlemen there opposite to paint the government as a dictator and running roughshod over everything; we have on this side of the House, at present, thirty-six members. We have a twenty-seat majority. We have one of the biggest majorities in post-Confederation times. If you apply, as you do, Mr. Speaker, the numbers in the House to the Committees, we would be entitled, on a seven-man committee, to five members, in most cases, with two from the other side. In accordance with

the spirit of democracy, Mr. Speaker, which flows through all our veins over here, we said, We will not exercise our rights, instead of five we will have three. And we said to the Opposition, all the corporate gentlemen there opposite, including the member for Menihek (Mr. Fenwick), 'Look, you have three members, now decide amongst yourselves who is going to be on the committees.' Now, that is what we did and we can do no more. We are hardly going to put the hon. member Menihek (Mr. Fenwick) on. He would not accept it, and we would not offer him as a government on the committee, nor are we going to put any of the hon. gentlemen there opposite on. So that is the first point that I want to make.

The second point is this, Mr. Speaker: the Estimate Committees and most committees, regardless of what has been said today, operate under the general rule that members are entitled to come in, whether they are on a committee or not, and ask questions, unless the committee, or the House, otherwise orders for reasons that we have to look into, and that is here in the Standing Orders. Now, they may not vote.

But the hon. gentleman says his privileges are infringed. They are not. He has the same privilege as anybody else. If anybody's privileges are infringed it is corporately the government because the government was entitled to five members and we have four on the Committee. Now if the hon. gentlemen there opposite cannot agree amongst themselves, we are going to be the last one to impose an agreement upon them.

SOME HON. MEMBERS:

Hear, hear.

MR. SPEAKER (McNicholas):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, to the latest matter of privilege raised by the member for Menihek (Mr. Fenwick), I regret that I cannot support it. What it comes down to, Mr. Speaker, is that the ruling in the precedents of this House is, as the Government House Leader (Mr. Marshall) has said, there must be a group in order to obtain the prerogatives or the rights that flow from representing a group in the House of Assembly. One person is not a group. If the member for Menihek's party had been more successful in the election, if there had been more members elected, then the member would be entitled to put forward that argument. But, Mr. Speaker, it comes right down to the fact that there are fifteen members of the official Opposition and we do not consider in that circumstance that we should have to give up a seat on the Committee. If the government wishes to give up one member on the committee, all it needs is to have a majority and whether it is a majority of one or two, Mr. Speaker, does not make any difference at all. A majority is a majority.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

If the hon. gentleman would permit, surely he has lost a lot of his political sense but surely

he has not lost his faculty to add and subtract. I mean, if we have four and three and you ask us to give up another one, how can the hon. gentleman say we will not lose our majority? If you have four over there and three over here, it seems to me that you have the majority over there. So how can you say that we have given all we can? The fact of the matter is the hon. the Leader of the Opposition (Mr. Barry) is rather churlish and he would not allow the member for Menihek on one single tiny little committee. But I cannot, Mr. Speaker, do anything about the temper of the Opposition and the spirit of co-operation of the Opposition. If they cannot co-operate amongst themselves well that is there problem.

MR. BARRY:
If I could finish my point, Mr. Speaker.

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

MR. BARRY:
Mr. Speaker, the government can give up one of its seats on the committee to the member for Menihek (Mr. Fenwick) if it so wishes. But the Leader of the official Opposition has certain rights that flow from the fact of having gotten a certain number of members elected. The member for Menihek's problem flows from the fact that he did not get enough members elected. It is as simple as that. I might say, we will co-operate, as we have, in letting the member have access to question witnesses before the committees and so forth.

SOME HON. MEMBERS:
Oh, oh.

MR. SPEAKER (McNicholas):
Order, please!

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:
Thank you very much, Mr. Speaker.

The point, I think, obviously made in the last few minutes is there is not a huge amount of co-operation between myself and the official Opposition at this point.

SOME HON. MEMBERS:
Oh, oh.

MR. FENWICK:
I am not talking about representation as a group. All I am talking about at this point is the committees were set up to expedite certain matters that cannot be done by the entire House. They were not meant to be set up to take away an individual member's right to what he would have as a member of the House. I argue to you, Sir, the composition of the committees, the way they were set up, means that in certain areas I have been denied the rights that I would normally have as a member of the House if the matter were dealt with here. As a matter of fact, I said very specifically last Wednesday, just before I agreed to the idea of going into the committee, that I had some questions to ask of the Premier and other members with relation to this issue and you informed me at that time there would be no problem, I could go to the committee meetings and ask whatever questions I want.

The point is that I have certain

rights in this House to ask questions and I am being denied it by a combination of things. I think that is very clearly a violation of my rights as a member, not as a group but as a member of this House, because I do not have access to those Committees.

MR. SPEAKER (McNicholas):

To that point of privilege. First of all on the comments that the hon. member for Menihek (Mr. Fenwick) made about what I said to him some days ago, I think it was last Wednesday, that he could speak and ask questions at a Committee meeting, that is so, but it is subject to the permission of the Committee itself. About a member getting on a committee because he is of a different party, he is one individual like each individual here. He is not a member of a party as such and does not get representation because of that. So there is no point of privilege.

Orders of the Day

MR. SPEAKER:

This is Private Member's Day and the motion is by the hon. member for Port au Port.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

May I just take one moment to introduce a number of people to the gallery. Mr. David Tulk, Chairman of the Local Service District of Aspen and a delegation of Mr. Ivan Coles and Mr. Junior Stratton.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

There are fifty students and three teachers, Dennis Galway, Edwin Penney and Edward Peddle from Acreman Elementary of Green's Harbour. And there are sixty-five students from Glovertown Regional High School with their two teachers Mr. Herb Scott and Mr. Austin Stewart.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (McNicholas):

The hon. member for Port au Port.

MR. HODDER:

Thank you, Mr. Speaker I believe, this resolution is timely, particularly in light of the, I suppose, discontent and dissatisfaction that we have experienced in the Province over the past Winter because of electricity rates. Most hon. members in this House, I think, have certainly during the past election heard the feelings, the people of the Province have made their feelings very well known. Now, Mr. Speaker, the resolution which I have put forward today is not substantially different than the one I put forward last year. Mr. Speaker, the one I put forward last year, 'BE IT RESOLVED that the provincial government quickly reach a settlement with the Government of Quebec on the Upper Churchill contract which will see an equitable provision of revenue to this Province from the sale of Labrador power, as well as the development of other hydro projects in Labrador. AND BE IT FURTHER RESOLVED that the revenue then available be invested in our fishing, mining, forestry and agricultural industries and so on.'

Now, Mr. Speaker, I know that when the Opposition member stands to

speaking he will mention some of the whereases but all I can say to that, Mr. Speaker, is that the scales have fallen from eyes. The substantive part of this resolution that I have this year is similar, or is almost identical, to the resolution that I put forward just a few weeks ago.

MR. FLIGHT:

That is not so.

MR. HODDER:

Mr. Speaker, the hon. member for Windsor - Buchans (Mr. Flight) says it is not so. Mr. Speaker, when I sat as a member of the Opposition I opposed the policies of government. Now I would like to tell the member for Windsor - Buchans, who I understand is supposed to follow me in this speech, I would like to tell him that when I was in the Opposition I did my very best to oppose the policies of this government. But I would also like to point out to him that the 'BE IT RESOLVED' in this resolution was substantially, almost identical to the one that was put forward this year which says, "AND WHEREAS the government of Quebec has recently expressed a renewed interest in the co-operative aspects of Canadian federalism, BE IT THEREFORE RESOLVED that the hon. House encourage the Government of Canada and the Government of Newfoundland and Labrador to seek a resolution of the outstanding issues.' And, Mr. Speaker, I believe that this is a resolution that can be supported by all parties in the House. It was not put on the Order Paper in a partisan way and I do not think that members opposite can read anything partisan in this. I think it is something that benefits all people in this Province and it is something that we must strive as a

legislature and as a government to overcome.

Mr. Speaker, I wish to refer to the problems which we are presently experiencing in this Province. We are, at the present time, as a Province, in great difficulty over our hydro-electric power and it is something that will not go away. There are no new sites that can be developed in the Province. At the present time, we have 600 megawatts which comes from Bay d'Espoir, one of the early developments, we have 75 megawatts from Hinds Lake, 84 megawatts from the Upper Salmon, Cat Arm has 127 megawatts and Holyrood, 450 megawatts; and, of course, Holyrood is oil-fired generation.

Now, Mr. Speaker, in 1984, for the first time, production in the Province exceeded 5 billion kilowatt hours, and even though, Mr. Speaker, the economy has not been so good - we have been going through a recession - yet the consumption of hydro-electric power, the consumption of electricity in this Province, has been increasing by a rate of roughly 5 per cent per year.

Mr. Speaker, the increased demand on our hydro-electricity has forced us to go to oil-fired generation. As I pointed out before, we have only so many hydro-electric sites in this Province, and there is only one alternative left.

AN HON. MEMBER:

There is?

MR. HODDER:

Yes, there is one alternative. It is the Lloyds River diversion. That is the only cheap development left in this Province. The member

for Windsor - Buchans (Mr. Flight) made a career in politics on the Lloyds River diversion, because it is an environmental site which should not be touched. There are no other sources of cheap electricity on the Island. There are no cheap substitutes.

Mr. Speaker, members of the general public can point their fingers as much as they want at the government and say, 'You can do something more about it,' but it really boils down to the fact that there are no sites to be developed in the Province other than the Lloyds River diversion.

Mr. Speaker, I have said nothing partisan and I am trying to make a speech. If the hon. the member for Bellevue (Mr. Callan) would listen, as I proceed through in the short time that I have, perhaps he would learn something, and when he speaks, he can rebut what I have to say.

But, Mr. Speaker, this is why a renegotiation of the Upper Churchill contract has been and continues to be the top priority of government. The Churchill output is over forty billion kilowatt hours, eight times the total of Island generation, and virtually all of that goes to Quebec until the year 2041 at bargain basement prices, and that, Mr. Speaker, is where we stand at the moment. We stand at the moment with no new areas to develop in the Province other than oil-fired generation and we also stand with a power contract in Labrador whereby Quebec gets the benefits until the year 2041.

Now, Mr. Speaker, as our electrical energy needs grew throughout the 1960s and 1970s, oil generating units were built at

Holyrood to feed electricity into the Island grid and, in their day, when they were first built, they were cheaper by far than they are now, because in 1973, which is not so very long ago, Bunker C cost \$2 a barrel and, at the present time, it costs \$37 a barrel. So at the time that those oil-fired units were placed there, they were a good buy and they were there as a -

MR. FLIGHT:

He said it all then, he said it all.

MR. HODDER:

Mr. Speaker, I do not know what I said, but I am trying to tell the hon. member where we stand at present. I listened to some of the petitions that have been presented on the other side.

To summarize, the electrical consumption in the Province is growing by 5 per cent per year. The cost of oil has risen and we now have to look only to one other source, which is the Upper Churchill or the Labrador power supply. We have to look to our future needs with a link to Labrador. Now, Mr. Speaker, the problem that we have, which I am sure all hon. members know, is that the Province of Quebec, to sum it up in very short order, says that a contract is a contract. And, Mr. Speaker, -

MR. CALLAN:

And ERCO said it too and it was re-negotiated. The former Minister of Energy, our present leader did that.

SOME HON. MEMBERS:

Oh, oh!

MR. HODDER:

Yes, Mr. Speaker, the former Minister of Energy who

renegotiated the ERCO contract, I think it was the member for Windsor-Buchans (Mr. Flight) who replied to that and said it was not enough. But anyhow, Mr. Speaker, that is history. But, Mr. Speaker, I do remember the member for Windsor-Buchans standing up after the ERCO contract had been renegotiated, the member for Windsor-Buchans made a very good speech that day back in 1976 or 1977 and, I would way that if members are trying to talk about what their leader did they should refer back to the speech that the member for Windsor-Buchans made at that time. But, Mr. Speaker, I do not want to talk about that. I want to get on to other things.

Mr. Speaker, among the problems that we have faced in this recent year are two factors which we cannot control in the Province. One is the fact that we have mostly hydro-electric developments, and when the Cat Arm comes on stream now that should last up until 1990, but one of the problems is that for four years now we have had very little rainfall. We have had a lot of rainfall over the last four years, but this year has been a year when we have had very little rainfall. It has been a dry year and the resevoirs have been low and, of course, when that happens, you have to go to oil-fired generation. That is what we have done this year.

This year, Mr. Speaker, we had to burn about 15,000 barrels of oil every day at Holyrood at a cost of \$600,000 per day.

MR. CALLAN:

Now they just burn it off.

MR. HODDER:

Mr. Speaker, only somebody with a certain type of mentality could ever imagine that down at Holyrood, when since there is not a shred of evidence anywhere to suggest that they are burning off oil out in Holyrood so that they can fill up their tanks again. Mr. Speaker, it takes quite an imagination to be able to do that. I do not know who said it first.

Mr. Speaker, we are also in a situation in the Province where Hydro has eight industrial customers, and in 1985 the total sales to customers was estimated to be around \$70 million. Of course, Mr. Speaker, we are now subsidizing ERCO, of that \$70 million we subsidized them by \$16 million. That is \$13 million less than it would have been had the contract not been negotiated. But, Mr. Speaker, it is still \$16 million where ERCO is being subsidized by the Newfoundland Province and that was not a contract that was entered into by this government, Mr. Speaker.

Mr. Speaker, where do we stand at the present time?

MR. FLIGHT:

Where does Mulroney stand?

MR. HODDER:

Well, Mr. Speaker, he has made his statements. I believe that this resolution calls, if the member for Windsor - Buchans (Mr. Flight) wants to hear it again, it calls for the Prime Minister of Canada, and the Government of Newfoundland to come to some sort of a conclusion with Quebec, if he will read that.

But, Mr. Speaker, what about previous attempts to resolve this issue? Since the mid-1970s

Newfoundland has been trying to accomplish a negotiated settlement. These have failed because, while Quebec was willing to discuss other hydro developments in Labrador, it resolutely refused to address itself to the Upper Churchill contract and the inequities flowing from it. Basically, they have said a contract is a contract.

Mr. Speaker, Newfoundland has always continued to indicate its desire to sit down with representatives of Quebec and to seek an amicable resolution. Faced with the apparent firm position of Quebec's refusal to address the Upper Churchill the Province had no alternative - and at that point we decided that we would - that pushed Newfoundland I guess into the recall and the reversion cases and Newfoundland has opposed frequently the sale of power by Quebec to the United States before the National Energy Board.

And, Mr. Speaker, basically Newfoundland is looking for an increase in the mil rate to provide a fair return to Newfoundland on rentals and royalties from the Churchill Falls, and we are also looking for access to power from the Churchill River itself and we are looking for a reduction of the sixty-five year term, particularly as it pertains to the Upper Churchill. In the last set of negotiations between the Province and the Government of Quebec, that is what the Newfoundland Government was asking for, these three things.

In return for that, Mr. Speaker, in return for those three the government would recognize the contract. We would recognize that it was a legitimate contract but

only in the case that the contract could be changed, that the contract would be made fair, that the inequities would be straightened out, and basically that is what we have had to go on.

Now, Mr. Speaker, this is the problem we have to grapple with, and this is where Quebec is and this is where we are: In 1961, when the Newfoundland Government leased to the Churchill Falls Labrador Corporation for ninety-nine years the export of the power generated from the Upper Churchill. The price payable was 8 per cent of the profits of CFLCO before taxes and a fixed royalty of fifty cents per horsepower generated and sent out of Churchill Falls. Mr. Speaker, there were no reopeners. And it is important to note that the royalty amounts to about \$3 million, and the rentals vary between \$2 million and \$3 million. So, the total net to the Province is somewhere around \$6 million. That is what we receive at the present time, based on that contract, for ninety-nine years, which was commenced in 1961, not by this Administration, and which is what Quebec is holding out for at the present time.

Then on May 12, 1969 CFLCo entered into a power contract with Hydro Quebec for a term of sixty-five years, commencing on September 1, 1976, and this contract gives Hydro Quebec the right to take virtually all the output of Churchill Falls, which has a rated capacity of 5225 megawatts, far beyond the capacity of the Island as well, with the exception of 225 megawatts that replaced the output of the power generating station at Twin Falls, which the member for Bonavista North (Mr. Brett), I guess now, would know very well

since he and I worked on that particular project and know Twin Falls very, very well.

But the price that was paid by Hydro Quebec commenced at three mils per kilowatt hour in 1976, and declined, instead of increased over the term to two mils in the last twenty-five years of that term. So the mil rate which was negotiated when the contract was put forward was three mils but it declines to two mils per kilowatt hour over the last twenty-five years of the term. So, Mr. Speaker, that is where the Province stands at the present time. It means an enormous -

MR. BAKER:

What about the wheeling rights?

MR. HODDER:

Yes, Mr. Speaker, about the wheeling rights. Newfoundland feels that as far as the wheeling rights are concerned, the cost of wheeling rights should be no more than the cost of transmitting power through the Province. Mr. Speaker, that was another part of the contract which was entered into and which as hon. members know, we suffer from.

Mr. Speaker, I could go on further talking about the contract. I have here some of the details of negotiations that went on between Quebec and Newfoundland. Mr. Speaker, the member for Gander (Mr. Baker) asked about wheeling rights. Newfoundland's position was that Quebec should have never been permitted to exact more than the wheeling cost as the price of transmitting power through its territory. And secondly, that this Province should have enjoyed the same rights as other provinces to market their resources to other parts of Canada. And thirdly,

negotiations should never be based on the premise that Quebec is a sole broker of our power.

MR. BAKER:

What is Mulroney's stand on this?

Now, Mr. Speaker, it interests me in this House, particularly perhaps since I have served on both sides because I get a comment from the member for Gander (Mr. Baker) what is Mulroney's stand on this? Well, Mr. Speaker, if the member read the resolution and if the member had been reading the public press over the last six months, he would realize that the Prime Minister of Canada has expressed interest, and that is why this resolution is on the Order Paper, and that is why this government, again, hopes that something can happen which will put right this contract, which was signed by a Liberal Administration back in the 1960s. That is history now, Mr. Speaker, and I think there is no member who sits on that side of the House who was there at the time or who had any thought, but it happened at that time. It is an accident of history, and we have a contract which is ironclad. I think when I saw the -

AN HON. MEMBER:

It is 4:30.

MR. SPEAKER (Greening):

Order, please!

The hon. member's time has elapsed..

MR. HODDER:

Mr. Speaker, if I may just conclude.

SOME HON. MEMBERS:

By leave! By leave!

MR. SPEAKER:
By leave!

MR. HODDER:
Mr. Speaker, I thank my hon. members for leave. Mr. Speaker, in conclusion all I would like to say that it is a situation which has been upheld by law. It is a contract in which Quebec is held to. There are great inequities in the contract. And, Mr. Speaker, it was an accident of history. It is something that must be put right and there are not an awful lot of options. The Province has pursued whatever it can. We are now asking the House of Assembly to go on record as encouraging a very simple resolution, the Government of Canada and the Government of Newfoundland and Labrador and Quebec to seek resolution to these outstanding issues. It is another way in which we can pursue the problems which have beset the Province in the past and ones that will beset us in the future because our present source of hydro electric power we have now, including Holyrood, will only last until 1990, and that includes the new Cat Arm project.

Mr. Speaker, I put forward this resolution in a non-partisan manner. I do hope and I do believe that members of the Opposition, I would like to see them try to get out of being able to support this particular resolution and with a straight face, Mr. Speaker.

SOME HON. MEMBERS:
Oh, oh!

MR. HODDER:
Mr. Speaker, if they do so, they will do it at the peril of the people of Newfoundland and Labrador. Some of the things that

they have been said in recent times in petitions that have been made and when they throw the blame at buried off oil at Hydro and all that sort of thing, it is like when you have a major problem and you put up a smoke screen in order to try to fool the people as to the real problem. But, Mr. Speaker, this is a real problem. It is a problem that faces all Newfoundlanders and Labradorians and it is one that will only be resolved through negotiation. At the present time, the offer of the Prime Minister of Canada to help to negotiate this particular problem is not one that should be taken lightly or laughed at.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:
Hear, hear!

MR. FLIGHT:
Mr. Speaker.

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

MR. FLIGHT:
Mr. Speaker, the hon. member, in his speech to the House, was almost as convincing as he was when he stood on this side and gave the same speech that he refers to.

I will tell the member starting off, Mr. Speaker, that we have no problem with his resolution, we have no problem with the issue, but we have a great deal of problem, Mr. Speaker, with the wishy-washy, pious, warmed over, milky approach that this resolution takes. Mr. Speaker, the Labrador power, Churchill Falls, the Lower Churchill, Muskrat, Gull Island and the five rivers, is probably the most

important thing in Newfoundland's future, far more important than the offshore will ever be. It will be raining in Labrador long after all the oil is gone out of Hibernia. It will be raining in Labrador after all the oil is gone off the Grand Banks. Churchill Falls, the Lower Churchill and the hydro developments that we see developed up there in the future will still be there. Mr. Speaker, in that context we do not want to belittle the importance.

We do want to point out here though, Mr. Speaker, the blatant politics that has been played with this issue over the past years. We remember the Water Reversion Act, Mr. Speaker, where this Province was held up to ridicule in the nation, laughed at, thrown out of our own courts. We remember the Lower Churchill, Mr. Speaker, the blasts that started the tunnel that was going to bring an intertie with Labrador power in 1975. A tunnel started to bring the power in, we know, Mr. Speaker. The cost of developing the Lower Churchill in 1975 was less than \$1 billion. We know because these people procrastinated, Mr. Speaker, the cost is in excess of \$4 billion.

So, Mr. Speaker, it is ironic now that that particular member, moreso than any other member, would present a resolution like this. It is ironic that he would imply in his pious resolution asking for consultation, asking that the Premier of Newfoundland consult with Mr. Mulroney and Quebec. Where has he been, Mr. Speaker? He cannot be reading the Premier's press releases. The whole election was based on the Premier's ability to consult. If the Premier is sincere, Mr. Speaker, in consulting with the

Prime Minister then this resolution flies in the face of what the Premier is doing. It is pious. It is a waste of the time of the House, Mr. Speaker. He knows there is no consultation. Maybe the member now is privy to what is really happening between Mr. Mulroney and Mr. Peckford and maybe, Mr. Speaker, there is no consultation.

So, Mr. Speaker, the resolution is a sham. When one stands up in this House three weeks or a month after an election, after watching this Province this past seven years dealing with the federal government, and asks for consultation, he is really, in effect, saying, Mr. Speaker, I do not believe what the Premier has been telling the people of Newfoundland. Now, Mr. Speaker, the resolution was obviously fostered in ignorance, not the ignorance of the member, but ignorance of the facts.

The member crossed the floor of the House of Assembly. I presume he crossed the floor because he attached himself to the Premier's approach to Churchill Falls power. Mr. Speaker, so he should know. I wish he were in his seat. The members should know that his resolution flies in the face of everything that Premier Peckford, his leader, has said about Churchill Falls power or any negotiations between Quebec, the federal government and Ottawa.

I wonder, Mr. Speaker, is the member aware of the Premier's request to Mr. Trudeau by wire on May 7, 1985? I wonder is the member aware of what Premier Peckford asked Mr. Trudeau to do, and, indeed, he demanded that Mr. Trudeau do? What I am interested in, Mr. Speaker, and the whole

point of this will be, is Premier Peckford taken the same approach with Prime Minister Mulroney? Mr. Speaker, having lost the court case, having had Newfoundland ridiculed in front of the nation, Mr. Peckford wired a message to Mr. Trudeau and I will quote, Mr. Speaker, one paragraph of that message, dated May 7, 1984. I says: In view of this, in view of losing the court case, in view of being made a fool of, in view of having Newfoundland held up for ridicule, 'in view of this, we would appeal to you now to take steps to amend the National Energy Board Act or whatever other legislative initiative that is appropriate, to bring the Upper Churchill contract under federal preview and to give the federal government the power to set a reasonable price due to Newfoundland as a producer of power.'

Now, do the members opposite realize what the hon. the Premier was asking Mr. Trudeau, the Prime Minister of Canada, to do. Do they realize what he was asking? He asking them to unilaterally take over the Churchill Falls contract. I wonder, Mr. Speaker, if the same message has now gone out to Mr. Mulroney, asking Mr. Mulroney to unilaterally take over the Churchill Falls contract, and having done so, set prices that would give Newfoundland the benefit that the member pretends we are entitled to under the contract. If he has done that, I wonder if it is possible for this House of Assembly to be made aware of Prime Minister Mulroney's answer? I wonder if the member realizes the position that Prime Minister Mulroney is in right now, as a result of the last federal election, when it comes to taking over the Churchill Falls contract?

Mr. Speaker, if the member was aware of the present government's position, why would we need a wishy-washy pious resolution? Is the member aware that his leader, the hon. Premier of this Province, less than one year ago asked the Prime Minister of Canada to take over, unilaterally, the Upper Churchill Falls contract, because we had just been fools of, we had just been ridiculed in our own court and in the federal court and he saw no other way out? Is the member for Port au Port (Mr. Hodder), the mover of this resolution, aware that the Premier's approach was to ask the Prime Minister of Canada to take over the Churchill Falls Contract, take it out of the realm of Quebec altogether, and have the federal government give Newfoundland what they deserve? Is the member who moved the resolution aware that that is his leader's approach to the Upper Churchill contract?

AN HON. MEMBER:

Yes.

MR. FLIGHT:

I have not given leave.

AN HON. MEMBER:

He does not want the answer.

SOME HON. MEMBERS:

Oh, oh.

MR. FLIGHT:

Then why, Mr. Speaker, if the member is aware that that is the Premier's stand, would he bring in such a pious, warm-milk, watered-down resolution as this, asking for consultation?

MR. HODDER:

Mr. Speaker, if the member would permit.

MR. FLIGHT:

Go ahead. Go ahead.

MR. SPEAKER (Greening):

The hon. the member for Port au Port.

MR. HODDER:

Mr. Speaker, this government is saddled with a contract which was signed by the Liberal government back in the 1960s which is crucifying every Newfoundlander.

MR. TULK:

On a point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. TULK:

Mr. Speaker, would the hon. member just state when he stands up whether he is on a point of order or answering questions?

MR. HODDER:

Mr. Speaker, to that point of order.

MR. SPEAKER (Greening):

The hon. the member for Port au Port.

MR. HODDER:

Mr. Speaker, I was given leave by the member who was speaking. And further to that point of order, yes, this government, which was saddled with a power contract, which it could do nothing about, which was ironclad before it ever came into power, has tried every single way that it possibly can to overcome that particular contract. It has tried through the courts, it has tried before the National Energy Board, it has tried before the Prime Minister of Canada, and it is now trying again. It is something that this government had nothing to do with, and it is trying in every way

possible to try and rectify it, Mr. Speaker.

MR. FLIGHT:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Windsor - Buchans.

MR. FLIGHT:

Let me ask the hon. member this: has the hon. the Premier now gone back to the present Prime Minister, Prime Minister Mulroney, and made the same request? That is the question I want answered. And if he has, I want the member to tell us, and he can tell us when he closes the debate - he gets the right to close this debate, Mr. Speaker - what Prime Minister Mulroney's position is on the federal government taking over the Upper Churchill Falls contract and unilaterally changing that contract to the benefit of Newfoundland. Now, that is the question I want answered when the hon. member closes the debate.

DR. COLLINS:

That is a silly question.

MR. FLIGHT:

Mr. Speaker, does the member realize what the Premier requested of the previous Prime Minister? Does he realize what he was asking the then Prime Minister, Mr. Trudeau, to do, and what, I presume, he is now asking the present Prime Minister to do? When he talks about consultation with Quebec, does he realize what Quebec would do? What that would do with our ability to negotiate with Quebec?

Now, the member's resolution calls for consultation with Quebec, yet he has a leader, the Premier, who has asked the Prime Minister of

Canada to unilaterally take the contract under his purview -

SOME HON. MEMBERS:

Oh, oh!

MR. FLIGHT:

Mr. Speaker, I wish to be heard in silence.

Does the member realize what his leader -

SOME HON. MEMBERS:

Oh, oh!

MR. FLIGHT:

Mr. Speaker, could I make this point in silence, please!

MR. SPEAKER (Greening):

Order, please!

The hon. the member for Windsor - Buchans (Mr. Flight) wishes to be heard in silence.

MR. FLIGHT:

Mr. Speaker, I wonder if the member for Port au Port (Mr. Hodder) realizes the significance of what the Premier of this Province did a year ago, having lost the court cases, lost everything he had ever undertaken to bring about a change in the Upper Churchill contract? Does he realize what he asked the Prime Minister of Canada to do? And now he is in the position where he has to ask the present Prime Minister of Canada to do it. And we have a commitment from the present Prime Minister of Canada that he will insert himself into the argument between Newfoundland and Quebec. Well, the precedent has been set; the Premier of Newfoundland has requested the Prime Minister of Canada to unilaterally change the Upper Churchill contract.

Now, Mr. Speaker, supposing he

does it, and he will have our support if he does, what would that do to Quebec? What would Newfoundland do today if the shoe were on the other foot? If we were sitting on top of that contract and had a chance for the first time after 400 years of destitution - we signed a deal that did not look very good back twenty years ago, suddenly it becomes a good deal and suddenly Newfoundlanders say, 'Well, we got lucky!' Supposing the Prime Minister of Canada, at the request of the Premier of this Province, decided unilaterally to change that contract, what would our position be as Newfoundlanders? What would the position of Quebecers be?

MR. TOBIN:

His time is up, Mr. Speaker.

MR. FLIGHT:

And this member so foolishly supports the situation and asks for more consultation, knowing that the Premier of Newfoundland has already asked for unilateral action by the federal government to change the Churchill Falls contract.

At the time that this was written, the Premier probably did not realize that Mr. Mulroney would be the Prime Minister of Canada and that he would have sixty seats in Quebec. Can the member honestly stand in his place and say that he would expect the present Prime Minister of Canada, Mr. Mulroney, to take the Churchill Falls contract under federal purview and unilaterally change it? What chance would we ever have in negotiating for the five rivers?

MR. HODDER:

I do not follow you there.

MR. FLIGHT:

Of course, the member does not follow me, because he was not aware of the position the Premier took in the first place.

MR. HODDER:

Oh, absolutely, but I am wondering if the hon. member is supporting the Province of Quebec or the Province of Newfoundland.

SOME HON. MEMBERS:

Hear, hear!

MR. TULK:

Do not be so stupid!

MR. SPEAKER (Greening):

Order, please! Order, please!

MR. FLIGHT:

Mr. Speaker, may I be heard in silence?

MR. SPEAKER:

Order, please!

MR. FLIGHT:

Mr. Speaker, do I or do I not have your protection?

MR. SPEAKER:

Order, please!

SOME HON. MEMBERS:

Oh, oh!

MR. FLIGHT:

Now, Mr. Speaker, the member asks am I protecting Quebec or Newfoundland. We have watched for ten years, Mr. Speaker, the Churchill Falls power, all the hydro power in Newfoundland being played for nothing but partisan politics. There have been elections fought on it. Everything that this government has done to date, Mr. Speaker, has been done for public consumption, it has not been done with a view to improving the Labrador

situation. The Water Reversion Act was nothing but a PR exercise, the starting of the tunnel was a PR exercise. Everything that has happened with regard to Churchill Falls power since the original signing has been PR.

Mr. Speaker, I am on Newfoundland's side, but I am being realistic, I am saying, let us look at the Churchill Falls-Labrador hydro contract, let us look at the five rivers.

MR. BARRY:

Do not forget your amendment, Graham, you are running out of time.

MR. FLIGHT:

Let us look at it realistically and let us set up a situation where -

MR. SIMMS:

Move your amendment, Graham.

MR. FLIGHT:

We are prepared to live with the Premier's approach, demand unilateral action by the Prime Minister, and we are waiting for Prime Minister Mulroney's answer.

SOME HON. MEMBERS:

Hear, hear!

MR. FLIGHT:

Mr. Speaker, there will be lots more speeches on Labrador power in this House before the 40th General Assembly adjourns.

We will have to decide whether we will support this wishy-washy, warmed-up, pious resolution, Mr. Speaker. We will decide as the debate goes on, but we are going to amend the resolution to try to put some teeth into it, to try to make it an affirmative action. Mr. Speaker, I wish to move the

following amendment to the resolution by omitting the words "expressed an interest in helping", and replacing them with the words "made a commitment" - because that is what he did. He did not express an interest in helping, he made a commitment - and by adding after "Canadian Federalism" the following words: "and

WHEREAS the Leader of the Party that forms the official Opposition of Quebec has recently published a book which contains proposals worthy of close and serious attention by the Government of this Province for dealing with the Upper Churchill dispute and further hydro development in Labrador; and

WHEREAS it would improve this Province's bargaining position if the Government of Canada enacted legislation to entitle adjacent provinces to wheel electricity over the transmission lines of other provinces for a reasonable wheeling fee;"

I wish to further amend the resolution by changing the word "encouraging" to "insisting that" and by adding after the word "Quebec" the word "immediately". I wish to further amend the resolution by adding after the words "Labrador and Northern Quebec" in the BE IT THEREFORE RESOLVED the following further amendments: "and

BE IT FURTHER RESOLVED that the Premier of this Province be requested to meet as soon as possible with the Premier of Quebec and the Leader of the Liberal Party of Quebec; and

BE IT FURTHER RESOLVED that the Premier of this Province be

directed by this Honourable House to immediately call upon the Prime Minister of Canada" - and this is the key, Mr. Speaker, - "to live up to his commitment to resolve the above issues and specifically that the Prime Minister be called upon to introduce legislation to give 'wheeling rights' to Newfoundland and Labrador and indeed all provinces."

SOME HON. MEMBERS:

Hear, hear!

MR. SIMMS:

A point of order, Mr. Speaker.

MR. SPEAKER (Greening):

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

MR. SIMMS:

This amendment as presented by the member for Windsor-Buchans (Mr. Flight) is obviously a totally different presentation than intended in the resolution presented by my colleague, the member for Port au Port (Mr. Hodder). It totally changes the intent of the resolution, it is a completely new resolution, and, Mr. Speaker, it is totally out of order. I would urge Your Honour to take a short recess of a few minutes to really have a look at this particular amendment, because there is no question about it, there is no doubt about it in our minds, it is absolutely against the intent of the resolution, it has changed completely the resolution, and, therefore, it should not be permitted, Mr. Speaker.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (Greening):

The hon. Leader of the Opposition.

MR. BARRY:

Mr. Speaker, the points of order are becoming more and more ridiculous. Last week, Your Honour might recall, the member who just rose supported his party getting up and deleting everything after the first 'WHEREAS.' But you did not resign your portfolio.

MR. SIMMS:

I was not even here.

MR. BARRY:

I did not say you were here, I said you supported it. Now, Mr. Speaker, this is the same thing as we are seeing with this Committee that the member for St. John's North (J. Carter) is involved with, it is an attempt to muzzle. We have a very pertinent and relevant amendment which members feel is too stinging, it gets too close to the nerves, Mr. Speaker, and they do not want to be over there squirming today and next Wednesday, as they will be, as we go into the details of that amendment. The point of order is ridiculous. There is no point of order.

MR. SIMMS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Forest Resources and Lands.

MR. SIMMS:

The hon. Leader of the Opposition (Mr. Barry) is clearly trying to be as partisan as he can in trying to justify bringing in such a ridiculous amendment to a resolution that is totally different from what the hon. member for Windsor-Buchans (Mr. Flight) says in his amendment. That is the point I am making. The hon. Leader of the Opposition can be as partisan as he wants, it

has nothing to do with the resolution at all, and I urge Your Honour to take a few minutes to consider the amendment because I think it is out of order.

MR. SPEAKER (Greening):

The House will recess for a couple of minutes before I rule on that point of order.

Recess

MR. SPEAKER:

Order, please!

To that point of order, I rule that the amendment proposed by the hon. member for Windsor-Buchans (Mr. Flight) is in order.

DR. COLLINS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

Could we have the amendment read just for our information? It was sometime ago since it was entered, could we just be informed as to what it is?

MR. BARRY:

Maybe the Clerk could get some copies in terms of what the new resolution will not read as.

MR. J. CARTER:

It is very vague.

MR. BARRY:

It is a pretty good little resolution.

MR. J. CARTER:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for St. John's

North.

MR. J. CARTER:

Mr. Speaker, I can make a few preliminary remarks before the amendment arrives on my desk. I am sure that it will not matter too much, because the amendment merely suggests that we be a little firmer with the Government of Canada than the hon. member for Port au Port (Mr. Hodder) suggests.

I have the Churchill Falls contract right here on my desk. Now, where have we heard that before? "The contract is right on my desk". Who said that before? And I am very glad that the Leader of the Opposition (Mr. Barry) is here to listen to the debate because I would certainly agree that he is extremely knowledgeable in matters of electricity, he is quite a shocking fellow. I would like him to participate in the debate and we would look forward to his comments.

Now, the first point I want to make just for the sake of argument, is that it is not going to be easy to get a renegotiated deal with Quebec. Opinions can vary and some people will say, "Yes, we can do it." Other people will say, "No, we cannot." But for the sake of argument, for the sake of debate, let us accept as my starting point that we are not easily going to get a renegotiated contract from Quebec. Is that fair enough? Now we do have the right to recall 350 megawatts of the power but something over 200 megawatts of that power is required in Labrador itself. And since that much power is required in Labrador, there is only about 150 megawatts left to transmit to the Island. In order to pay for a transmission line to the Island, you need a minimum of 800

megawatts. In fact, I am glad to see the member for the Strait of Belle Isle (Mr. Decker) in his seat, because I think he will agree that in order to have a reliable transmission line down the Great Northern Peninsula you would probably have to have two transmission lines, one on either side to assure a security of supply. I think you perhaps agree with that. In any event, this is the proposal that Newfoundland Hydro favours, I believe.

MR. DECKER:

A point of order, Mr. Speaker.

MR. SPEAKER (Greening):

A point of order, the hon. the member for the Strait of Belle Isle.

MR. DECKER:

I am getting a little bit tired of hearing members on the other side of this hon. House referring to my district erroneously. I am not the member for the Straits of Belle Isle, Mr. Speaker, I am the member for the Strait of Belle Isle. Even on the sign where my car is parked they have "Straits of Belle Isle". I think it is utterly disgraceful for people to have such little knowledge of this great Province and that great district. I think, Sir, that that should be clarified. From here on it is the Strait of Belle Isle not the Straits of Belle Isle.

MR. J. CARTER:

To that point of order, Mr. Speaker.

MR. SPEAKER:

To that point of order, the hon. member for St. John's North.

MR. J. CARTER:

I am very glad to have this matter straightened out. At last I have

it straight. Do you wish to rule on the point of order?

MR. SPEAKER (Greening):

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

MR. J. CARTER:

Thank you, Mr. Speaker.

Now, the member for Windsor-Buchans (Mr. Flight) criticized our former premier for setting off two explosions on either side of the Straits of Belle Isle, and I think he was referred to as Boom Boom Moores. Now that was done, I think, just prior to the 1975 provincial election, and perhaps he could be criticized for playing politics.

AN HON. MEMBER:

Playing with dynamite.

MR. J. CARTER:

Yes, playing with dynamite. In fact, the Leader of the Opposition was part and parcel of that plot. Did the Leader of the Opposition actually push the button, or was he pushed?

SOME HON. MEMBERS:

Oh, oh!

MR. J. CARTER:

Now, I am trying to develop a serious point, Mr. Speaker, so I would appreciate if members could listen in attentive silence. My point is this, there was a body of thought that felt we should establish this link to Labrador, because once we established this link to Labrador then we would have a better claim to the power. I would like to quote from a document Newfoundland Hydro puts out and I will gladly table it. I am just going to quote from the relevant clause. It says, "Clause 2(e) of part one of the lease

grants to the leasee the right to transmit throughout the Province any electric power generated as the result of the harnessing of the whole or any part of the Upper Churchill and to export from the Province such power", and here is the operative clause, "provided that upon the request of the government consumers of electricity in the Province shall be given priority where it is feasible and economic to do so."

Now it is only feasible and economic to do so provided there is a link, a transmission link to Labrador, and the school of thought that culminated in the double explosion on either sides of the Straits, that school of thought held that once a transmission link is established between Newfoundland and Labrador, then our case for recall power would be much greater.

I am not a lawyer and I am not able to speak with any authority on this, but it appears to me, as a layman, that this is one very fruitful way to go about it. On the other hand, to develop the Lower Churchill you have 2,600 megawatts, that is too much for us, we would have to sell the excess which would be about 1,800 megawatts. The Muskrat Falls is 1,700 megawatts, we would still have 900 megawatts to dispose of. I think the Leader of the Opposition (Mr. Barry) would agree that 800 megawatts recall power would satisfy our needs for the rest of this century. Would that be correct?

MR. BARRY:

How much?

MR. J. CARTER:

Eight hundred megawatts. The recall power we are looking for,

would that satisfy our needs without any excessive reliance on thermopower for the rest of this century?

MR. BARRY:

It is hard to predict with the existing growth rate problem. If the economy improves we can expect that growth rate to go up. If you guys start creating a few jobs, we expect that growth to go up.

MR. J. CARTER:

That is true. Eight hundred megawatts may not be sufficient.

MR. BARRY:

I am glad to find that you are confirming we cannot expect any economic growth in this Province.

MR. J. CARTER:

Well, I started this debate by saying, for the sake of debate we assume that renegotiation with Quebec is difficult and remote. This is just for the sake of debate, I am not necessarily holding that view, and that is why I am advancing the suggestion that building that intertie with Labrador would strengthen our case with Quebec. Now, would the Leader of the Opposition agree to presenting that?

MR. BARRY:

How are you going to build the intertie until you have something to bring across?

MR. J. CARTER:

That is right. Quite so. This is the Catch 22 situation we find ourselves in. You cannot build the intertie because you cannot finance it unless you have an assurance of the power. So it is a chicken and egg, chicken and egg situation. All I am saying is supposing, for the sake of argument, that we had an intertie

with Labrador, would that not strengthen our case legally? I would just like the Leader of the Opposition's opinion on this and I would gladly give way if he would give it. I am quite serious.

MR. BARRY:

Strengthen our case? What do you mean?

MR. J. CARTER:

Our case for recall power from Labrador based upon Clause 2 (e) of the lease agreement that I have here. If one of the pages would take this over to the Leader of the Opposition, I would like him to look at it.

MR. BARRY:

It may, because it has to be economic and feasible.

MR. J. CARTER:

You know, there are a number of assumptions here.

MR. BARRY:

What is that?

MR. J. CARTER:

It is a brochure that Hydro puts out.

MR. BARRY:

How often do they put it out?

MR. J. CARTER:

I think they have a good stock of them, because I do not think the situation has changed that much. It is worth looking at.

MR. BARRY:

When did they put that out first? Are they going to put it out again?

MR. J. CARTER:

What I am suggesting, therefore, is that it is perhaps worthwhile to enquire, to sit down with the federal government and say, Look,

finance the construction of this intertie with Labrador and this will so strengthen our case that we will be able to get at least our 800 megawatts, or perhaps more, of recall power, and that although we realize that the power contract with Quebec on the Churchill Falls power is unsatisfactory, in fact, iniquitous, although there may be nothing we can do about this, and I am just suggesting this for the sake of argument, for the sake of debate, it is not my position necessarily. But if you accept that for the sake of argument, perhaps the way to go is to ask Ottawa for a one-time bail-out to finance an intertie with Labrador on the assumption that this will so strengthen our case that we will be able to get, perhaps, 1,000 megawatts of recall power from Labrador.

I make this suggestion seriously. Although I enjoy a little bit of partisan bantering back and forth now and then, I do make this as a very, very serious suggestion to the Opposition and, in fact, to the whole House. I think it would be a very, very forward step if the whole House would agree to make representation to the Government of Canada to request that they start looking into the financing of this permanent intertie with Labrador. It may be the only way out at the present time, but it does strike me as being a very fruitful avenue of negotiation.

So I will leave it at that. I will be very interested in what members opposite have to say. I assume the Leader of the Opposition (Mr. Barry) is going to get into this debate, and perhaps the House Leader (Mr. Marshall).

MR. BARRY:

What is your suggestion?

MR. J. CARTER:

My suggestion, just to summarize, is that supposing this power tie with Labrador is financed by the federal government - I know it is asking a lot - if they were to finance an intertie with Labrador, then this would strengthen our case for recall power. And I am just throwing this out as a suggestion. Because this is Wednesday, certainly, I am very, very pleased that the member for Port au Port (Mr. Hodder) advanced this particular proposal. And although it has been amended and perhaps we cannot agree with the amendment, because of the nature of Private Member's Day, the debate is fairly wide-ranging and I think perhaps we can agree on this aspect of the debate. I would hope that we could get constructive proposals from both sides, and I would appreciate a serious look at my proposal.

On that note, Mr. Speaker, I will take my seat.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I want to rise to support the amendment proposed by the member for Windsor - Buchans (Mr. Flight) which I think now results in a resolution which should obtain the support of all members of this House. If it does not, Mr. Speaker, most of the members opposite are going to have to do a lot of explaining, considering they have supported the position contained in the

resolution in the past. They are going to have to explain why they would take a different position on a matter of policy as important as this is to the Province just because there is a Tory Government in Ottawa, when they were taking the position that is contained in this resolution as long as there was a Liberal Government there.

Basically, all this amendment does is three things: First, it makes it less wishy-washy. We have all seen how members opposite, from the Premier down, have taken a position of bending over backwards to be wishy-washy on every representation that is made. So we see the clauses referring to the Prime Minister of Canada having expressed an interest in helping.

AN HON. MEMBER:

Expressed an interest.

MR. BARRY:

Expressed an interest in helping, Mr. Speaker. The Prime Minister of Canada gave a commitment to this Province that he would intervene and assist this Province to obtain what it should get, in fairness, from the Upper Churchill contract. That is what the Prime Minister of Canada has done. And for members opposite to stand up and put forth such a wishy-washy resolution when they should be going up man-fashion to the Prime Minister and saying, Thank you, Prime Minister, you are a great man for giving us that commitment, now live up to it. So that is the first thing this amendment does, Mr. Speaker. It removes all of the wishy-washy language and establishes that there is a commitment. And instead of talking about encouraging, 'BE IT THEREFORE RESOLVED that this hon. House go on record as encouraging

the Governments of Canada etc. to immediately seek a resolution', this House has to insist, this House has to use stronger language than that, Mr. Speaker. This House has to insist that the Government of this Province get together with the Government of Canada and the Government of Quebec to immediately seek a resolution. You know why we have to insist, Mr. Speaker, it is because within another very few months this Province will have to make a decision on a new generating source. The clock is ticking, demand is growing, a lot more slowly than we thought originally, before the Tory policies caused the economy to stagnate. That is the only thing that has kept the Province from having to install another generating source two or three years ago, the fact that members opposite have kicked the living you-know-what out of the economy over the last few years.

But we now are at a stage where time is running out and we are going to have to build a new generating source. So enough of this wishy-washy language like 'encouraging', this House has to insist the Governments of Canada, Newfoundland and Quebec get on with getting co-operation and a resolution of this.

Now, the resolution was also weak in that it ignored, Mr. Speaker, totally the very significant development which is taking place in Quebec with the renewal, like the phoenix from the ashes, of Mr. Robert Bourassa, the Liberal leader. The way that he has come on, Mr. Speaker, is one of the greatest comebacks in political history.

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

The man was defeated in an election, wiped out in an election, resigned -

MR. PATTERSON:

He ran a terrible government.

MR. BARRY:

No, no. He had his moments. The government, at times, got a little out of touch with the grass roots but, by and large, a hard-working individual with a lot of imagination, the father of the James Bay project, and, Mr. Speaker, we see this gentleman coming out with a book in recent weeks entitled Power From The North, and in that there are suggestions with respect to the Upper Churchill contract and co-operation on future hydro developments between Labrador and Quebec which should be considered in any resolution dealing with hydro matters before this House. Now, Mr. Speaker, the resolution proposed by members opposite was deficient and defective because it did not consider this new development where we see the Liberal Party of Quebec about to form the government, and where we see the leader of that party being very constructive and very positive in the proposals he is setting forth.

Finally, Mr. Speaker, the resolution is totally, totally defective by ignoring one point. Even after the election of this Tory government, in the document that went up from the Premier to Mr. Mulroney, it was pointed out that the very essence of this Province getting a fair deal on other hydro developments was having the right to wheel across the Province of Quebec, the right

to use the transmission lines through Quebec, for a fair price, to transmit electricity across that Province. The National Energy Board, Mr. Speaker, can be given the right to act as the arbitrator, the referee.

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

Mr. Speaker, I would like to have a little silence here I have a great speech going and I do not want to lose the momentum.

MR. SPEAKER (McNicholas):

Order, please!

MR. BARRY:

I have a magnificent speech. I am in full flight and the wings of eagles should not be clipped by turkeys, Mr. Speaker.

Now, Mr. Speaker, that is why this resolution has the addition, with this amendment we propose, that the Premier of this Province be directed by this hon. House to immediately call upon the Prime Minister of Canada to live up to his commitment, to resolve the above issues and, specifically, Mr. Speaker, that the Prime Minister be called upon to introduce legislation to give wheeling rights to Newfoundland and Labrador and, indeed, all provinces. Now, Mr. Speaker, members opposite have to explain why a resolution would flow from the bowels of their caucus and not contain a reference to wheeling rights. How else will Newfoundland obtain bargaining power in the course of any negotiations with the Province of Quebec, Mr. Speaker? Now that the Premier has shot his bolt as far as that legislation in the Upper Churchill is concerned and rushed

it to the courts, instead of staying at the bargaining table when that was there in the background and could be used as some bargaining. No, the Premier shot his bolt, lost the case. Now, where do we get our bargaining power, Mr. Speaker. Our bargaining power could come tomorrow from the Prime Minister of Canada saying to his party, the Tory party, we will introduce the legislation. They have a magnificent majority, Mr. Speaker, the legislation would go through in a breeze and it is within the constitutional authority of the Government of Canada to do that at any time.

If members opposite have any concerns on that score I will be happy to give them a copy of my little article, which I did a little while ago, which I have right here, which I will not table again because I have tabled it once already in this House. It is a nice little article called, Interprovincial Electrical Energy Transfers, The Constitutional Background. It is a dandy, Mr. Speaker, they cannot keep it on the bookshelves. Well, here you have everything you need to know about the constitutional authority of the Government of Canada to enact legislation that would permit Newfoundland to wheel power across Quebec in the same fashion, Mr. Speaker, that legislation was passed to ensure that railways could go across the territories of provinces, the same way that the oil and gas Act was passed, the pipeline legislation was passed, to ensure that pipelines could go through and across the territory of provinces. In absolutely the same way the transmission of electricity can go across another province utilizing its transmission lines with the

National Energy Board determining what the fair price would be and the price would be a mere bagatelle, a piffle. It would not be anything, a pittance and a piffle, Mr. Speaker. You would not even notice it. What would be a fair price to Quebec would not in any way eat into the money that this Province could make from developing the Lower Churchill and exporting part of it to the United States and transmitting the rest of it to Newfoundland. And we would have tremendous bargaining power.

MR. J. CARTER:

Do you think this is possible?

MR. BARRY:

It is absolutely possible. All that is needed is the political will of the members' friends in Ottawa. And, Mr. Speaker, in order to initiate that, we should have, instead of this wishy-washy resolution, a request going from the Premier of this Province to his good friend, the Prime Minister of Canada, asking him to immediately introduce that legislation. Why did not the request go up in September in that so-called background document? You know what happened. In that document the Premier referred to wheeling as being crucially important. Did he go on to the next step and ask the Prime Minister to authorize it, as he did with the former government? After pointing out how important it was, did he ask his good friend to supply this Province with what it is entitled to? No, he did not, Mr. Speaker. The amazing thing about that document is that it stopped and all it said was, 'It is therefore necessary for the Government of Canada to consider new initiatives.' The same sort of wishy-washy language that we

have in this abomination of a resolution that we are supposed to support. Like hades, Mr. Speaker, like hades. We will support this amended resolution, and we would expect every member on the other side of the House to get up and support this resolution, or let the people of this Province know the reason why.

MR. TULK:

The amended resolution.

MR. BARRY:

Yes, the amended resolution. We would like to hear from members opposite. If they cannot support this, we want to know the reason why so that we can carry it out to the byways and the highways of this Province, and we can let the people of this Province know that members opposite are now abdicating their responsibility to fight for the interests of this Province because there has been a change of government, and there are now Tory politicians up there in Ottawa. They are now unwilling to make not the sort of outrageous demand that occasionally the Premier gets on with, not fighting just for the sake of fighting, confronting for the sake of confronting, but a firm, reasonable, responsible request for something that every province in Canada will benefit from, not just Newfoundland.

As an example, Manitoba, Mr. Speaker, should have the right to transmit electricity across Ontario, if it wished to sell its electricity to Quebec or provinces East. Mr. Speaker, can you imagine the hullabaloo that would be raised if Ontario said to Quebec, 'Hey, we are not going to let oil and gas go across our province to Quebec from Alberta. We are going to insist that

Alberta sell it to us and then we are going to sell it to you guys and take the profit.' Can you imagine that happening?

Well, Mr. Speaker, we have a good thing going for us in putting forth the concept that there should be national legislation to apply to all provinces that would entitle an adjacent province to wheel electricity over the transmission lines of another province. And that is why we have in the WHEREAS, 'AND WHEREAS it would improve this Province's bargaining position if the Government of Canada enacted legislation to entitle adjacent provinces to wheel electricity over the transmission lines of other provinces for a reasonable wheeling fee.'

Now, as my final point I would like to talk just for a moment, Mr. Speaker, about how we might approach this matter of getting justice on the Upper Churchill contract. There are three ways that it could be approached. We could be doing, as the government opposite now seems to be doing, which is insisting upon having the Upper Churchill contract rewritten, without any discussion about other hydro developments or anything else. Now, that is the cleanest way to do it, there is no question about that, and we would like to see that come about.

MR. J. CARTER:

That is not possible.

MR. BARRY:

Ah, now the member for St. John's North (Mr. J. Carter) says, 'That is not possible.' Would he please tell the Premier, would he please tell the member for St. John's East (Mr. Marshall), because I tend to agree it is not possible.

It is not likely, anyhow, Mr. Speaker. Most things are possible. It is not probable. It is not probable that we are going to get everything we should get just by changing the Upper Churchill.

Now, the other approach could be that we get more money, more revenue, a greater share of the electricity, from a joint development, or maybe two or three joint developments where the rivers that flow from Labrador to Quebec are developed in a co-operative fashion. We get the lion's share. Who cares if it is dollars from the Upper Churchill or dollars from those developments? Who cares if it is electricity from the Upper Churchill or electricity from new developments? As long as, Mr. Speaker, we get enough. And that is the problem with that approach because I do not think, Mr. Speaker, that we can just go on getting a lion's share of future hydro developments. I think it is going to be very difficult to establish that there is sufficient profit from those developments to compensate for what we are losing on the Upper Churchill.

So, the most realistic approach, Mr. Speaker, is a combination of the two. The most realistic approach is for the Province of Newfoundland to go to the Province of Quebec and talk seriously, whether it be with the present government or with the new Liberal government after the next election. But I do not think they can wait until after the next election I think they have to start talking now to Mr. Levesque. We should talk in terms of some amendments to the Upper Churchill contract.

Mr. Levesque has already put an offer on the table that did not go far enough, but went a lot further than members opposite would have people believe, had a lot more value and a lot more worth than the \$7 or \$8 million that I think members opposite were talking about. It was an offer that was worth in the order, Mr. Speaker, of \$80 to \$90 million, that is \$80 or \$90 million a year, by the way, Mr. Speaker. That is about a billion dollar offer, and that is forever. And when you consider that the Premier is estimating about \$200 million in revenue from Hibernia a year, for fifteen years, you can see the significance of that offer that came from Quebec. It did not go far enough, but there is more on the table. This is the point, Mr. Speaker, there was more on the table and they left the table to early because they do not know how to negotiate. They left the table to early and they left that money on the table that they could have had, the additional money, the additional electricity, in negotiations. But also, in addition to getting an amended Upper Churchill contract, we have to get a co-operative development so that we get some of our lost profit from the Upper Churchill amendments and we get some of our lost profit from a greater share than we would otherwise be entitled to with respect to any future hydro developments between the Province of Newfoundland and Labrador and the Province of Quebec.

Thank you, very much, Mr. Speaker.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER (McNicholas):
The hon. member for Torngat

Mountains.

MR. WARREN:

Mr. Speaker, as the hon. member for Windsor-Buchans (Mr. Flight) said, a mouse following a elephant. I, no doubt, Mr. Speaker, probably believe that could be true, but, Mr. Speaker, a lot of good things come in small packages.

Mr. Speaker, to begin with, we will not be supporting the amendment. We have no intention of supporting the amendment because what the member for Windsor - Buchans has done in bringing in this amendment is defeat the whole purpose of the resolution by asking for a resolution to the outstanding issues. What we have asked for is a resolution to the outstanding issues and by the member for Windsor - Buchans bringing in this amendment, he is just defeating the purpose of us asking for a resolution to the outstanding issues. So, Mr. Speaker, how in the heck can you bring in a resolution that is defeating the whole purpose of our intended resolution in the first place? And furthermore, Mr. Speaker, may I say a part of the amendment "and BE IT FURTHER RESOLVED that the Premier of this Province be requested to meet as soon as possible with the Premier of Quebec and the Leader of the Party that forms the official Opposition of Quebec."

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. WARREN:

Why not, Mr. Speaker, continue with that and say, why would not

the Premier meet with the Rhinoceros Party in Quebec?

SOME HON. MEMBERS:

Hear, hear!

MR. WARREN:

Who else do you want the Premier to meet with? Is there some other party?

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (McNicholas):

Order, please!

MR. WARREN:

I think, Mr. Speaker, there is a Communist Party also that runs candidates in Quebec. Do they want the Premier to meet with the Communist Party members in Quebec also? Is that what the hon. the Leader of the Opposition (Mr. Barry) is talking about?

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. BARRY:

On a point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. BARRY:

(Inaudible) this matter going here now, Mr. Speaker. because the Premier, the Leader of the Party opposite, got up a couple of days ago and said that he intended to meet with Mr. Bourassa. Now, is the member for Torngat Mountains (Mr. Warren) going to prevent this from happening?

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

What is happening here?

MR. SIMMS:

To that point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

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

SOME HON. MEMBERS:

Oh, oh!

MR. SIMMS:

Here is what Minister of Finance would have said, Mr. Speaker, in this point of order. All the Leader of the Opposition (Mr. Barry) is attempting to do now, because the member for Torngat Mountains (Mr. Warren) is so ably striking a nerve, because he has pointed out very clearly that by them proposing an amendment, then the Opposition party themselves are against the resolution, which is to seek a resolve to the problem. I mean, they obviously must be opposed to it or why would they introduce an amendment? So the member for Torngat Mountains (Mr. Warren) has struck a nerve and the Leader of the Opposition (Mr. Barry) is trying to eat up his time, and furthermore, when the Leader of the Opposition was speaking, Mr. Speaker, you will recall he asked for your protection and asked to be heard in silence, and I think, out of respect, he should do the same for the hon. the member for Torngat Mountains.

MR. TULK:

To that point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. TULK:

The Minister of Forest Resources and Lands (Mr. Simms) should understand that what the Leader of the Opposition (Mr. Barry) was trying to do when he rose on the point of order was to set the member for Torngat Mountains (Mr. Warren) straight in the same way as the Minister of Forest Resources and Lands thought last year when the member sat on this side of the House that he had to set him straight from that side.

MR. SPEAKER:

Order, please!

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please! Order, please!

To that point of order, there appears to be a difference of opinion between two hon. members, but there is no point of order.

The hon. the member for Torngat Mountains.

MR. WARREN:

Thank you, Mr. Speaker.

It should also be worth noting, Mr. Speaker, that it was the hon. the Leader of the Opposition (Mr. Barry) who cost the taxpayers of this Province, when he was on this side, over \$100 million -

SOME HON. MEMBERS:

Oh, oh!

MR. WARREN:

- when he decided to make two big holes on both sides of the Straits. I think, Mr. Speaker, it was the hon. gentleman at that time who pressed the button that caused the taxpayers of this Province in excess of \$100 million.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (McNicholas):

Order, please!

MR. WARREN:

I would suggest, Mr. Speaker, that what this resolution is doing is asking that the hon. House go on record and encourage the Government of Canada, the Government of Newfoundland and Labrador and the Government of Quebec to seek a resolution to see that no more of our taxes, no more of the peoples' money, will go out to Quebec and to the Eastern States without, at least, Newfoundland getting its share of the revenue.

MR. DINN:

The member for Windsor - Buchans (Mr. Flight) attacked the then Minister of Mines and Energy.

MR. WARREN:

Yes, Mr. Speaker, in fact, all we have to do is to look at Hansard when the Leader of the Opposition (Mr. Barry) was the Minister of Mines and Energy here, when these two holes were drilled, or dug, and it was the member for Windsor - Buchans (Mr. Flight) at that time, who made a verbal, vicious attack on the leader at that time for those two big holes on both sides of the Straits.

There is another thing that we should also realize and I think it has been talked about during the last five or six years in the other party when a gentleman in Goose Bay brought to my attention that a particular business consultant had mineral rights, water rights and timber rights to a large portion of Labrador. And, Mr. Speaker, I was practically told by - none of the members

there present now - some of the senior members of government not in the Legislature any longer, "Do not say anything about that." But I think it cost the taxpayers of this Province \$62 million to buy back Labrador, which belongs to the Province. It cost the taxpayers \$62 million. Now, Mr. Speaker, this was because of the former administration in this Province for a period of twenty-three years when the Upper and Lower Churchill were developed. And one of the main reasons why the Lower Churchill could not be developed -

MR. TULK:

On a point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

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

MR. TULK:

I understand the member is now saying that the PC Government in this Province wasted money in buying shares in BRINCO, buying back BRINCO. Of course, I have no problems with that, I never did. Is he now saying that the PC Party was wrong in that regard? Is he disagreeing with his party?

DR. COLLINS:

A point of order, Mr. Speaker.

MR. SPEAKER:

A point of order, the hon. Minister of Finance.

DR. COLLINS:

To that point of order, I just rise to say that the hon. member opposite is once again abusing the rights of all members of this House by rising on a matter that in no way can be considered a point of order. He quoted no standing rule that is being broken. He stated no stipulation

in Beausheerne that the hon. member who had the right to speak was violating. He got up merely to inject himself into debate. It is totally out of order. It is totally scandalous. I would suggest he be named and all his family with him, that he be told to leave the House for at least six months.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (McNicholas):

Order, please! Order, please! To that point of order there is no point of order.

The hon. the member for Torngat Mountains.

MR. WARREN:

Thank you very much, Mr. Speaker. That is two nerves, Mr. Speaker, I only spoke for five minutes and it is already two nerves.

Now, Mr. Speaker, I was surprised when the Leader of the Opposition (Mr. Barry) spoke, and he spoke for twenty minutes and at no time did he outline to this hon. House his position when he was the Minister of Mines and Energy on this side. He never did, Mr. Speaker, outline to this hon. House what his position was and what he had done, what did he do to bring the three parties together? What did the hon. the Leader of the Opposition do to bring the three parties together to resolve the Upper Churchill?

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please! Order, please!

MR. WARREN:

So, Mr. Speaker, you know there

are a lot of questions need to be asked about the integrity of the hon. the Leader of the Opposition.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please! Order, please!

MR. WARREN:

Mr. Speaker, we should realize that the hon. member for Port au Port (Mr. Hodder) who, only three months earlier, was sitting on the other side of the Legislature. He realized that as long as any member sits on that side of the Legislature he will not do any good for Newfoundlanders and Labradorians. And, Mr. Speaker, in fact, that alone is reason enough to realize that we need action in this Province. This is why this resolution that the hon. member for Port au Port (Mr. Hodder) brought forward today. He is concerned about the high electricity rates that people in the Strait of Belle Isle, the people in Bonavista North or the people in Torngat Mountains are paying at the present time.

MR. TULK:

Or the people in Fogo.

MR. WARREN:

And the people on Fogo, yes Mr. Speaker. We are concerned, and this is why this resolution is brought in, and we urging, we are encouraging the three levels of government, both Quebec, Newfoundland and Labrador, and now the new government under Prime Minister Mulroney to get together and try to resolve these outstanding issues as they pertain to the Churchill power.

MR. SIMMS:

Why do they oppose that? Why do

they oppose that?

MR. WARREN:

There is only one reason, Mr. Speaker, and I think I want to go on record now and say that for some reason I think there should be an addition to our Standing Orders in this House saying that when a resolution is brought in there should not be any amendments on either one of the sides. I think we should have the intestinal fortitude on both sides of this House to either support the resolution or go against the resolution. And I think that by bringing in amendments -

MR. SIMMS:

You can probably make a compromise, but without the hon. members on that side.

MR. WARREN:

I do not think resolutions need to be amended. If an hon. gentleman brings in a resolution, then we either speak for it or speak against it, not try and amend it. All we are doing is doing it for the sake of political expediency.

MR. TULK:

(Inaudible).

MR. SPEAKER:

I believe, Mr. Speaker, the hon. gentleman from Fogo (Mr. Tulk) will realize I am speaking and it is going to be in Hansard and anybody at all can read it in this hon. House or outside. So let the hon. gentleman remember that, as far as I am concerned, by bringing in amendments all we are both doing is being political. I think the Upper Churchill issue is too important to the people of Newfoundland and Labrador. It is too important to think about Newfoundland and Labrador for any members to play politics with.

Now it is time for governments to get together and solve the issue and show that next year Mrs. Jones in Fogo can realize that her electricity rates are only what she should pay, not what she has to pay. This is what is wrong, Mr. Speaker. I think we need a co-operated effort on all sides to get this together. By bringing in an amendment to a resolution for the Premier to get together with Mr. Bourasso

AN HON. MEMBER:

Who?

MR. SPEAKER (McNicholas):

Order, please!

MR. WARREN:

- or Bourassa or whatever you mind to call him, who maybe the next Premier of Quebec, who knows?

SOME HON. MEMBERS:

Oh, oh!

MR. WARREN:

Mr. Speaker, he has been called worse. He has been called worse, Mr. Speaker, and I am sure in the future he will be called probably worse again.

Now, Mr. Speaker, I do not like to be interrupted when I am addressing a very important topic. I want to relate to the House, and it is because of this rotten deal that we got on the Upper Churchill that the people in my district are paying or have to pay the highest cost of electricity anywhere in this Province, it is because of the rotten deal at the Upper Churchill. I am not satisfied with it, and I am sure members on that side are not satisfied with it.

MR. FLIGHT:

Do not be so childish!

MR. WARREN:

Do not be so childish, the hon. gentleman for Windsor-Buchans (Mr. Flight) says. The hon. gentleman should realize that -

MR. TULK:

Make no wonder they are smiling, 'Garf', they do not believe a word of what of you are putting out.

AN HON. MEMBER:

Sure they do.

MR. WARREN:

Mr. Speaker, I have to say to the hon. member for Fogo (Mr. Tulk) with all due respect to him -

MR. SPEAKER (McNicholas):

Order, please!

MR. WARREN:

- if during the past five or six years, in fact, in the last resolution that came forward in this House, that if all members supported it and everybody joined together in making sure that a resolution of such a magnitude as this could be brought forward, then we could all maybe today realize that there could have been a settlement to this Upper Churchill issue.

MR. TULK:

Yes, he said you had four years to do it.

MR. WARREN:

Now the hon. member for Windsor-Buchans (Mr. Flight) said -

Yes, Mr. Speaker, the four worst years of my life. Mr. Speaker, let me say -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (McNicholas):

Order, please!

MR. WARREN:

- Mr. Speaker, the hon. member for Windsor-Buchans (Mr. Flight) also mentioned that it was, for the past number of years, a political game. The Upper Churchill was a political game.

MR. FLIGHT:

Indeed it was.

MR. WARREN:

Yes, so it was, because Mr. Trudeau would not move because he was afraid of his population and his popularity and a number of seats in the Province of Quebec.

SOME HON. MEMBERS:

Hear, hear!

MR. WARREN:

That is why, Mr. Speaker, Mr. Trudeau would not move because he had eighty-four seats in the Province of Quebec and why would he move against only seven seats in the Province of Newfoundland and Labrador.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (McNicholas):

Order, please!

MR. FLIGHT:

What will Mulroney do?

MR. WARREN:

Okay, Mr. Speaker, how many years, I do not want to call it months, how many years have Mulroney been in power so far? How many years? No years. Five months we got the offshore, and he has only been in power, I think, it is only seven or eight months so far. Now, Mr. Speaker, Mr. Trudeau was there how long? Fourteen years.

AN HON. MEMBER:
Seventeen.

MR. WARREN:
Seventeen years.

SOME HON. MEMBERS:
Oh, oh!

MR. BARRY:
He might have given us wheeling rights if you asked him.

MR. WARREN:
Now, Mr. Speaker, this is the reason. And the truth has to be known, it was political.

MR. SPEAKER:
Order, please!

MR. WARREN:
It was politics. And it was by Mr. Trudeau because he was afraid of losing his eighty-four seats in Quebec. But thank God that the Liberal Party lost their eighty-four seats in Quebec.

SOME HON. MEMBERS:
Hear, hear!

MR. WARREN:
The eighty-four seats are gone in Quebec.

Mr. Speaker, I am sure that the Prime Minister of Canada and the Premier of our Province will get together with the Premier of Quebec, whether it is Rene Levesque or whether it is Robert Bourassa, either one of them, whoever is going to be the Premier, Mr. Speaker, Boursaw -

AN HON. MEMBER:
Barasaw.

MR. WARREN:
Mr. Speaker, I want to say in closing that we are not going to support the amendment -

MR. SPEAKER (McNicholas):
Order, please!

The hon. member's time has elapsed.

MR. WARREN:
I have my time all gone.

SOME HON. MEMBERS:
By leave! By leave!

MR. WARREN:
In closing I want to say that we are going to support the resolution, we are not going to support the amendment because the amendment, as I said first, is saying, 'Look we do not want any resolution to this problem.'

MR. BARRY:
Read the last paragraph.

MR. WARREN:
If that is what it is saying, why amend it? The only reason to amend it is they want the Premier to sit down with the Opposition party in Quebec. That is the only reason, Mr. Speaker.

Now, Mr. Speaker, with these few remarks I have to say that I am supporting the resolution as put forward by the hon. the member for Port au Port (Mr. Hodder). I think that it is one of the most powerful resolutions that we will see in this Legislature during this Session and it is good to know that it came forward from the hon. member who only just two or three short months ago was sitting on the other side of this House.

SOME HON. MEMBERS:
Hear, hear!

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:

Mr. Speaker, I was quite prepared to discuss the resolution from the member for Port au Port (Mr. Hodder) and now that I have the amendment here to, I really have not had a chance to look over it very much. I think it would really be a little bit more difficult to say anything reasonably rational about the amendment. So is it possible to adjourn the debate now and then reconvene it next Wednesday? Is that acceptable to everybody?

MR. MARSHALL:

Mr. Speaker, the hon. gentleman is asking if we can call it 6:00 p.m.

MR. FENWICK:

Yes, could we call it 6:00 p.m.?

MR. MARSHALL:

As far as we are concerned, by all means.

MR. SPEAKER:

Is it agreed to call it 6:00 p.m.?

SOME HON. MEMBERS:

Agreed.

MR. SPEAKER:

Agreed. It being Private Members' Day I do now leave the Chair until tomorrow, Thursday, May 23, 1985, at 3:00 p.m.