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Speaker: Honourable Patrick McNicholas

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The House met at 3:00 p.m.

MR. SPEAKER (McNicholas):

Order, please!

Before calling for Statements by Ministers I would like to welcome to the visitors' gallery eleven students and two leaders, Don Fitzpatrick and Don Carroll from St. Mary's School, Goose Cove, the Strait of Belle Isle.

SOME HON. MEMBERS:

Hear, hear!

Statements by Ministers

MR. MATTHEWS:

Mr. Speaker.

MR. SPEAKER:

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

MR. MATTHEWS:

Thank you, Mr. Speaker.

As minister responsible for amateur sport, I am pleased to inform this honourable House of our Province's excellent showing at the 1987 Canada Winter Games in Cape Breton, which finished on Saturday.

SOME HON. MEMBERS:

Hear, hear!

MR. MATTHEWS:

The Canada Games are a highlight in the lives of Canadian youth, providing a tremendous social and cultural experience, as well as being our country's foremost festival of amateur sport. For our Province's young athletes, the Canada Games are a unique opportunity to develop their abilities to the fullest, with the best coaching available, and to

test themselves against the finest athletes and teams Canada has to offer.

In the Winter Games just completed, the Newfoundland contingent made our best showing ever. In terms of medals, our athletes came home with over four times the number achieved in any previous Winter Games. Boxing, table tennis, judo, figure skating and wrestling, accounted for our thirteen medals: one gold, five silver and seven bronze.

Even in sports where we did not win medals our teams made significant gains. In nine sports our Province's placing was higher in this compared to the last Winter Games.

In the competition for the Centennial Cup, awarded to the province with the highest percentage improvement over the previous Winter Games, our Province placed third, the highest of any of the Atlantic Provinces. With a 10 per cent improvement over the last Winter Games, our contingent was close behind Saskatchewan and Quebec, with 11 and 13 per cent respectively.

Finally, our contingent was named co-winner of the Jack Pelech Trophy as the province best combining sportsmanship and performance. This honour, shared with the host Nova Scotia contingent, is particularly telling of our contingent's tremendous showing, as it is generally considered that the Pelech Trophy is reserved for the host province.

The 189 young athletes from 43 communities throughout the Island and Labrador - I think it is significant, as well, Mr. Speaker,

that there are 43 communities and not just the major centres - who represented our Province at these games deserve our congratulations for their outstanding effort.

The 38 coaches and managers of our games teams, as well as the hundreds of other volunteers who make amateur sport possible in this Province, are also to be congratulated and thanked for their essential contributions.

My department worked very closely with our officials and teams in preparing for these games. After the 1985 Summer Games we reviewed our sports programmes and delivered and implemented several new programmes and initiatives. Our emphasis has been on improving coaching and training and providing more funds for our athletes to gain more experience in competition, both inside and outside our Province.

The success of our efforts and the talents, hard work and dedication of our officials and athletes, have been very clearly demonstrated by our contingent's performance in these games, and bode well for the future. Everyone in Newfoundland and Labrador shares in the pride of our young athletes' achievements.

MR. HISCOCK:

Mr. Speaker.

MR. SPEAKER:

The hon. member for Eagle River.

MR. HISCOCK:

Mr. Speaker, this side of the House welcomes the Ministerial Statement. Every four years with the Winter Games or the Summer Games we have a tendency to pat ourselves on the back. I am struck by the words 'Our best

showing ever.' We seem to be impressed by the improvements we make from time to time. Instead of having a support system based in our Province to go for national and international standards, we seem to settle for second best, 'the best showing ever'.

I think we should commend the coaches and the managers of the teams from our Province who took part in Winter Games, especially when you consider the conditions under which they have to work. It has been proven by the high school federation here that there have been cutbacks in the system. There are many places in our Province which do not have arenas, there are many schools in our Province which do not have gymnasiums, but when you consider our Winter climate, it is amazing that we are satisfied with 'the best showing ever'.

For example, Labrador City has world-class cross-country skiing facilities which the United States and other countries use, as well as Canada, so there is no reason why athletes from various areas of the Province could not be going there each year to work out in training camps, and within ten or fifteen years we would not be saying that they are improving over Nova Scotia and P.E.I., but that they are taking part in national and international competitions.

SOME HON. MEMBERS:

Hear, hear!

MR. HISCOCK:

The Labrador - Straits Winter Games: I will be going down on March 9. They are sponsored by the Lions Club. About fourteen communities are going to be involved in these Winter Games.

They have asked for funding from the Province, but, of course, they have not received it; they say you have to be a sports organization like the Hockey Federation, etc. Every four years we pat ourselves on the back, but in the interim, as with the Labrador - Straits Winter Games, there is no funding. So how are we ever going to improve on 'our best showing ever'?

Here is another point I have been making since I was elected in 1979: We collect \$7.8 million from lottos. Mr. Speaker, a good proportion of that should be allocated to sports, recreation and culture in our Province.

It is good to see the students here from Goose Cove. I am sure they would like to have the the same recreation facilities as are enjoyed by Corner Brook, St. John's and other urban areas. If you were to check the number of athletes from the forty-three communities around our Province who took part in the Canada Winter Games, I think you would find that most came from the larger areas.

Mr. Speaker, we are pleased to offer our congratulations to the young athletes of this Province who did so well, and to the coaches, considering the hardships they have to work under. Every four years we pat ourselves on the back because of their endeavours, but in the intervening years we make no effort to provide the facilities they need to become even better.

Mr. Speaker, in concluding I call upon this government to do more than pat themselves on the back. They should begin funding new gymnasiums for schools, and arenas, and they should support

smaller projects, like the Labrador - Straits Winter Games, for example, and the Coastal Labrador Games, which are to take place this March. Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

Thank you, Mr. Speaker. I wish to also respond to the Ministerial Statement and thank the previous speaker.

MR. SPEAKER:

Order, please!

The only person who can repond to a Ministerial Statement is the hon. the Leader of the Opposition (Mr. Barry) unless there is a ruling made otherwise, and there has not been so far.

MR. FENWICK:

On a point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. FENWICK:

Mr. Speaker, the question of what the status of my colleague and myself is in the House is one that we have been trying to get clarified for the last couple of months. It seems to me appropriate that we rise on a point of order and indicate that it would be normal for a third party, recognized in the House, to respond to Ministerial Statements in this way. That is the reason I rose at this point. Since we have had another member in the caucus since December 9th., it seems, to me, appropriate, Mr. Speaker, that

the House now grapple with that question of whether or not we will be recognized as a party in the House. I am now asking you to make your ruling, but prior to your ruling I would prefer to hear comments from other parties in the House about what they feel about our status, as well.

SOME HON. MEMBERS:

Hear, hear!

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. SIMMONS:

Mr. Speaker, the hon. gentleman is right, he is a party outside of the House but he is certainly not a party here. Now, Mr. Speaker, we do not want to tell Your Honour what to do with regard to ruling as to whether or not the hon. gentlemen should be a party in this House. We will at the appropriate time make the argument. But what we would like to see Your Honour do now, rather than having the hon. gentleman try to force himself on the Legislature, is get on with the business of the House, particularly as it relates to some people who are sitting in the gallery today, and not just try to be holding ourselves up to get a bit of press.

MR. OTTENHEIMER:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. OTTENHEIMER:

Mr. Speaker, it would appear to me this may well be a matter that Your Honour would wish to take

under advisement, and it may well not. That is Your Honour's decision. But I would make a submission here not out of love of the NDP but in an attempt to be fair. I think a term has been used frequently in comments back and forth, and I do not mean today, but in the press and here and there, about whether such and such has party status or not. I do not think that that is relevant in the sense that the House, as such, does not deal with parties but deals with independent members and groups of members. So there is a government and there is the official opposition. Up until this session, in this Parliament not in other Houses of Assembly, there was one member who was not government and who was not official opposition but was sitting in opposition to the government. There was one member. I think the operative thing is whether there is a caucus? Now, the closest parallel that I can recall was in 1976. At that time there was the government, there was the official opposition, there was another group in opposition called the Liberal Reform of which the hon. the member for Bellevue (Mr. Callan), I think, is the only surviving member in the House - the others I think are all surviving in one capacity or another - and there was an independent member, Mr. Neary.

MR. TULK:

Independent Liberal.

MR. OTTENHEIMER:

Right. So there was the government, there was the official opposition, there were four members in opposition forming a caucus, and there was one gentleman on his own, an independent member.

Now, the question never came up with respect to the group of four - the gang of four, one could have said. To the best of my knowledge, Mr. Smallwood, who led that group, never wished to test it or never wished to comment, so it never came up. It did come up on one occasion when Mr. Neary, sitting as one person, got up and proceeded to comment on a Ministerial Statement. The ruling at that time was that the hon. gentleman could not because he did not represent a group. Somebody said, I believe it was Mr. Smallwood - it may not be in Hansard - 'he certainly represents a group outside the House.' But the operative thing was it is only groups within the House and that, I think, is what distinguishes the hon. member of the NDP who was here last time, that is what distinguishes his position now from then. The fact of being a leader of a party I do not think is necessarily relevant, it is a caucus in the House. In my opinion, there is now a caucus. There is a plural. The hon. gentleman is not sitting all by himself, he has one other person with him. It would appear to me that our rules are silent on it, our practice is silent, but I suppose one would have to draw inferences from whatever are the closest occurrences and then, as the Chair frequently does, use judgement and discretion. What I would submit is that now being a caucus there would be the right to comment on Ministerial Statements. I would suggest, since the Chair has evolved a practice that the Opposition have more or less half the time of a government statement, that perhaps concomitant with that there would be that the second group to comment on it would have roughly half the time of the official

Opposition. That is what I would submit as kind of probably fair and equitable, and perhaps drawing inferences from our practice, but there is no direct practice to quote from. So I leave it at that.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Mr. Speaker, again it is unfortunate that we have to delay getting to the business that a lot of individuals in the galleries are interested in seeing us move on to and that the member for Menihek would delay the regular business of the House on this matter.

I would ask Your Honour to look at the precedents closely, and to look at the precedents in other jurisdictions closely, and we will, with Your Honour's leave, submit some references for Your Honour's consideration subsequently, before Your Honour brings in a ruling. We make it solely on the basis of not in any way trying to put a muzzle on the member for Menihek (Mr. Fenwick) or the new member for St. John's East (Mr. Long), because all members in this House are due the respect which they should have from being elected to speak in this House. But there are a set of rules which have evolved, and these rules relate to the significance of certain members in the House having received the majority of members elected and they are the members entitled to form the government.

The party with the next largest number of members elected, they

are the Official Opposition. And that is a very important part of the British Parliamentary system. Not just the fact that we have an elected government, that is not sufficient to give you a British Parliamentary system, the role of the Official Opposition is also enshrined and a very important part of that system. So our only concern is that any ruling which Your Honour makes not impede or interfere with the role of the Official Opposition and the ability of the Official Opposition to perform the duties with which it has been entrusted under that system. And Mr. Fenwick will not have Your Honour to blame, he will not have any members opposite to blame or any members in this part of the Legislature to blame if he does not receive the recognition which he feels he and his two-member caucus should have, because the name of the game is he did not get enough members elected in the last election. If he is lucky enough to get enough members elected next time around, then we will be happy to see him form the Official Opposition, and we will be happy to see him as Leader of the Opposition, because we intend to be on the other side of the House at that point in time.

If I could just say to Your Honour that we are not surprised that members opposite and the Government House Leader have taken this approach. We have noticed a willingness, Mr. Speaker, to cater somewhat to the member for Menihek and his party. Look, let us put it on the table and let us call a spade a spade. The strategy, Mr. Speaker, of members opposite is to hope that they will build up the party to which these two members belong in the hope and expectation that it may divide the Opposition vote in the next election.

They are desperate! They know that they are on a slide, they know that their numbers are going to be reduced, their vote is going to be reduced, so they will do anything they can do to build up the member for Menihek (Mr. Fenwick), the member for St. John's East (Mr. Long) and the party to which they belong, as an act of desperation. They hope that it may cause a divided Opposition vote going into the next election in the expectation that they may squeak out even a minority government.

I will not delay Your Honour, I realize I am going to the fringes of Your Honour's tolerance and patience, but I will say that we are prepared to have that thrown on the Table of this House as a complete explanation of why the Government House Leader is prepared to depart, I would suggest to Your Honour, from the approach which he, I believe when he was in the Chair Your Honour, took on an earlier occasion. If Your Honour checks, I believe there was an earlier ruling where there had to be at least three in order to form the type of group that the hon. member opposite referred to.

So the precedents will speak, and the precedents in other Houses will speak. Mr. Speaker, the Opposition does not want to see an unholy alliance between the extremists of the right and the extremists of the left frustrate the popular will of this Province. It is from you, Mr. Speaker, we have to seek protection and we ask Your Honour to give due consideration to any decision with respect to members on my right, and that it not impair the ability of Her Majesty's Loyal Official

Opposition to carry on the job with which it has been entrusted.

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:
Just a couple of final comments, Mr. Speaker. The issue will not go away. The next thing we are going to be asking is to have a number of these Liberals flicked off the Public Accounts Committee, and the Estimates Committees of the House, as well. So this will also have to be decided in due course.

I just want to point out that as a single member I was denied access by the Official Opposition on a continuing basis to all the activities of those Committees and any membership in them. Just to make sure that it does not look like it is entirely self-interest that we try to get Party status here, or caucus status as the House Leader of the government side said, I must remind the Leader of the Opposition if one looks at the by-election results in December one clearly knows which way the Liberal Party is going, and it is quite obvious that we are protecting their position after the next election. Thank you very much, Mr. Speaker.

MR. SIMMONS:
Mr. Speaker.

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

MR. SIMMONS:
Mr. Speaker, just a brief word in response to what the Government

House Leader said. He made reference to Mr. Smallwood's group in 1975 and, I believe, gave the impression that no ruling had been made. I submit to him through you, Sir, that a ruling had been made. You will find that members of that caucus received stipends in respect of responsibilities in the House, such as a Whip and a House Leader and so on. That group was clearly recognized.

Now, the question is not whether two constitutes a group, I think we all understand the language enough to understand that two is a group, the question is whether two is a group for the purposes of this House. The Joe Clark government of 1979 fell partly because it had refused to recognize a group of six Social Credit members as a group for the purposes of applying the rules of the House.

So the question for Mr. Speaker is to determine, having in mind the precedents over the years in this Chamber, what is a group for the purposes of participating in the legislative process. I have rights here as an individual member. So does the gentleman from Menihek and the gentleman from St. John's East. I have those rights whether I sit in a government caucus, an Opposition caucus, as an independent or what have you.

In addition to that, the House traditionally has conferred certain responsibilities on recognized groups, and it is in that context that Mr. Speaker has to analyze what constitutes a group here.

I return to the earlier point. Nobody is arguing that two is not a group. I understand the

language and two constitutes a group. That is not the issue. The issue is what shall constitute a recognized group in this House for the purposes of the rules and the application of them. I refer Mr. Speaker to precedents elsewhere. I gave one in Ottawa, and there are others elsewhere. There are many in this particular House. Whatever happens, whether a group of two is recognized for the purposes of this House or whether it is set at some higher number, I would hope it would be decided, would be determined with a good scrutiny of the precedents of this House over the years.

MR. OTTENHEIMER:
Mr. Speaker.

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

MR. OTTENHEIMER:
Mr. Speaker, I do not intend to belabour it. The government has made its submission of what it thinks is fair and equitable and we leave it to the Chair.

MR. SPEAKER:
To that point of order, I have been approached by the hon. the member for Menihek (Mr. Fenwick) on a number of occasions, and he has written to me on this, so I have had a chance to study it fairly exhaustively. I would like to study what hon. members had to say today, and I would particularly like to get the references the hon. the Leader of the Opposition (Mr. Barry) has mentioned, and if he could let me have these by tomorrow, I would like to be able to rule before Statements by Ministers tomorrow.

In the meantime, the hon. the member for Menihek can speak by

leave of the House.

Does the hon. have leave?

SOME HON. MEMBERS:
Yes.

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

MR. FENWICK:
Mr. Speaker, to return to the original Ministerial Statement, I would like to thank the Liberal critic for giving kudos to the Labrador City facilities and, of course, to the athletes from Labrador City who have done very well at the games. There is one group I would like to mention in passing, and I really think they deserve mention because of the lack of attention they have received. It is my understanding that a large proportion of the individuals on our boxing team, our very successful boxing team, come from a part of St. John's called Shea Heights. I think they have done their community proud and I would like to stand up at this time and say that they should be recognized for that.

SOME HON. MEMBERS:
Hear, hear!

MR. FENWICK:
Other than that, Mr. Speaker, I am looking forward to the next Canada Games where we will do even better.

Thank you very much, Mr. Speaker.

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MR. OTTENHEIMER:
Mr. Speaker.

MR. SPEAKER:
The hon. the President of the

Council.

MR. OTTENHEIMER:

If hon. gentlemen would permit, and without counting in the time of Oral Questions.

SOME HON. MEMBERS:

Agreed.

MR. OTTENHEIMER:

I would just like to make a very brief point which I did discuss briefly with hon. gentlemen opposite, but did not with hon. gentlemen at my opposite and extreme left. What it comes to is this: As we all know, this is the first day of regular business of a new Session and I would like to propose to all hon. members, whatever side, that we endeavour to see if we can conduct the business of the House in, perhaps, a more parliamentary manner. It appears to me that if this works we all gain, that none of us lose and, indeed, the people of the Province whom we all represent stand to gain as well. I cannot see how any member, on any side, has anything to lose. I suppose what it really comes down to, and I am not speaking of one side or the other but all of us, is some form of self-discipline, individual and collective, and also, obviously, a recognition of co-operating with the Chair.

It appears to me that in the House of Assembly in the past few years House leaders have really been acting as policemen, up on continuous and frequent points of order which, number one, eats into time if it is in Question Period, but, apart from that, is quite divisive and gains nothing for anybody, that I can see. The usual practice, if one watches the House of Commons, or in any provincial legislature, is that

House Leaders are only up on quite serious matters: if a bill is out of order, an amendment is out of order, if there appears to be a genuine case of privilege, or if the rules and procedures of the House themselves appear to be under attack or undermined. But they are not up every couple of minutes.

What I am suggesting is that hon. members on this side and hon. members on the other side, since we are starting off, see if we can make a joint endeavour to conduct all our affairs in a more parliamentary manner. As I say, none of us have anything to lose and, if it works, we all, including the people of the Province, have something to gain. It is probably true that it is in Question Period that tempers maybe get the most frayed, and I think it is there we will all have to exercise a bit of self-discipline, on this side in giving answers of reasonable length and relevance, and on the opposite side in asking questions of reasonable length, as well. If we can both try to accomplish that, I would think both Opposition and government, and the people we represent, will gain. I am suggesting this as an experiment.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

The hon. gentleman as a Government House Leader (Mr. Ottenheimer) looks refreshing for this Legislature, but, I suppose, only time will tell whether indeed he is. I want to say to him today that the Opposition will co-operate fully in anything that

is good for the parliamentary process in this Province, but I want to underline to the hon. gentleman that we will not give up any parliamentary rights that will allow the government to hide itself from answering for its deeds or, indeed, I would say, its misdeeds.

Mr. Speaker, if the hon. gentleman is serious, then we on this side, of course, will endeavour to see that there is co-operation. We will endeavour to see that this place is a better place in which to work. I have to say to him again that the role of the Opposition is to oppose many of the things that government does, particularly when those things, as we believe, are not good for the people of this Province. We will not be stopped from doing that. And if the Government House Leader follows the line of some of his predecessors in trying to use certain rules to hide the misdeeds of the Premier and, indeed, the Cabinet, we will not stand for that. But if it is in good parliamentary tradition, then there will be no problems with having a better place in which all of us can work.

I also want to say to him that we will not be stopped from not only opposing but from putting forward the positive ideas that we believe we have on this side of the House.

If the hon. gentleman is going to look for co-operation and proper decorum in this House he can have it, but there will be times when he, himself, will have to bend to see that positive ideas come forward in this House from the Opposition, that they do not necessarily have to come from the government. Having said that, Mr. Speaker, we look forward to a

better Parliament in this Province and we look forward to the coming session to see that government does, indeed, answer for what we consider to be many of its misdeeds, after having this place closed for eight months.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, by leave of the House, before we get into the regular business of Question Period, I think it would be appropriate for members of the House to pass on condolences to the family of the late Geoffrey Carnell, who was a member of this House who passed away recently. Mr. Carnell was well known within the city of St. John's and indeed throughout Newfoundland. He was prominent in public life and he was a very refreshing individual, a very nice individual to meet on a personal basis. He made a contribution to his Province and this should be recognized, I believe, Mr. Speaker, in the appropriate fashion in this House.

MR. SPEAKER:

The hon. the President of the Council.

MR. OTTENHEIMER:

Mr. Speaker, on behalf of the hon. members on this side we certainly join with the sentiments of the hon. the Leader of the Opposition. The late Mr. Carnell was, I think, the member for St. John's North some years ago, I believe from 1962 to 1966. He was

certainly a well known and highly respected person in St. John's and, indeed, through out the Province. We also ask to be associated with an appropriate message that Your Honour might send to his family expressing our condolences.

Oral Questions

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, it is with great regret that we look over and see that, after eight months, the Premier is not in the House to answer questions, particularly questions relating to the Come By Chance dispute, which has to rest squarely on his shoulders in terms of responsibility. Because the Premier is not here we have to turn to the Minister of Labour (Mr. Blanchard). First, I suppose, I should try and find out if the Minister of Labour knows anything about the Come By Chance dispute. Would the Minister of Labour tell us whether he was consulted when the agreements between Newfoundland Energy, Petro-Canada and the Governments of Newfoundland and Labrador and Canada were entered into?

MR. SPEAKER:

The hon. Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, perhaps I should ask the hon. the Leader of the Opposition to clarify the question as to whether I was consulted. I am a member of Cabinet, I was in Cabinet when discussions were held relative to the reactivation of the refinery, but as far as

consultation on it, Mr. Speaker, as to where we were moving, no, I was not part of the team which consummated the agreement.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Did the Minister of Labour at any time, whether in Cabinet or out of Cabinet, make any attempt to have a requirement in the agreement with Newfoundland Energy that there be a mechanism in place to avoid the type of conflict, which anybody could have foreseen was going to occur with the demand for jobs that we have around this Province, with the unemployed union members that we have around this Province, with the people who do not have union cards who are unemployed? Did the minister as Labour Minister give any thought to this? Did he have any foresight? Did he make any recommendations as to how this should be avoided?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, I have all kinds of opinions, of course I do, about what ought to be done and what ought not to be done with respect to labour relations matters. The hon. the Leader of the Opposition, knows full well that discussions which take place in Cabinet with respect to matters that are being dealt with remain in Cabinet. I am not free to discuss, Mr. Speaker, I suggest to you, what an individual opinion is.

SOME HON. MEMBERS:

Oh, oh!

MR. BLANCHARD:

Well, you can laugh if you like, but you will not have the opportunity very early to find out what it is like to exercise that role. Mr. Speaker, the answer to the question is I do not consider that I am free to state in this hon. House what opinions I expressed in Cabinet on that particular matter.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Mr. Speaker, we now have a situation where Cabinet ministers will not tell us what the government is doing because it may have been discussed in Cabinet. Will the minister tell us did the government, of which he forms a part, see that there were any clauses in that agreement with Newfoundland Energy to ensure that the problem we now experience at Come By Chance could not happen? Is there anything in that agreement, on which the minister was consulted, to avoid that type of problem, or to help resolve that type of problem? What does the minister intend to do about it? Does he intend to let it fester forever? Is there anything in the agreement that would prevent that problem from arising? Perhaps at the same time he could tell us whether he agrees with the Premier's statement, and was he consulted before the Premier said that he is completely fed up with unions in this Province?

MR. BLANCHARD:
Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:
Mr. Speaker, I recognize full well that the hon. the Leader of the Opposition is going to posture for the gallery this afternoon. I expected that, there was no doubt about that.

MR. BARRY:
Answer the question.

MR. FUREY:
It is your leader who does the posturing.

MR. SPEAKER:
Order, please!

MR. BLANCHARD:
Mr. Speaker, the people who are in the galleries representing the unions in this particular dispute know full well where I am coming from.

SOME HON. MEMBERS:
Oh, oh!

MR. BLANCHARD:
I have met with them, Mr. Speaker, and listened to their problems on at least three separate occasions. I have had several telephone calls with them. They know my position with respect to this and they do not need I would suggest to you, Mr. Speaker, a question from the Leader of the Opposition to know my position with respect to it.

MR. BARRY:
A final supplementary, Mr. Speaker.

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

MR. BARRY:
Well perhaps he has told it to the union members, other than the

hundreds that I have spoken with over the last couple of weeks. But would he be kind enough, as a minister of the Crown with responsibility for Labour, to tell this hon. House and the people of Newfoundland and Labrador what is in that agreement to deal with this type of problem? What he intends to do to see that the problem is solved? Whether he agrees with statements made by the Premier, that he is fed up with unions? Whether he has advised the Premier or not as to whether he intends to sit down and consult with the people involved, not just the union members but the company with local residents, to bring about a settlement to this dispute? What is the minister doing? What has he done in the past to help get this settled?

MR. TULK:

A good question.

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, again the Leader of the Opposition is well aware that any employer has the legal right to endeavour or to attempt to operate without a union agreement. There are means, that are all kinds of provisions in The Labour Relations Act, Mr. Speaker, for a union to obtain recognition, bargaining rights. When they obtain bargaining rights the requirement is there for the issuance of a notice to commence collective bargaining within certain specified times. The provisions are there, Mr. Speaker, that a union can make a complaint, under Section 118 of The Labour Relations Act, that an employer has failed to bargain. There is no particular -

MR. FUREY:

What was in the agreement?

MR. BLANCHARD:

Mr. Speaker, the hon. member will have an opportunity to ask me a separate question. I am trying to answer a question from the Leader of the Opposition.

The structures are there, Mr. Speaker, in The Labour Relations Act for all of the things that the hon. the Leader of the Opposition is asking. Now he has asked me a question, what is in the agreement. I presume he is talking about the agreement between the government and Newfoundland Refining Limited. I suggest to you he is a little bit behind the times if he has not read the agreement, but there are provisions in there, Mr. Speaker, that local preference is to be given in goods and services, where they are available at competitive prices, local preference for contractors, where they are available at competitive rates and prices, and provision for local labour, Mr. Speaker, where it is available, capable of doing the work at competitive prices.

MR. BARRY:

Union or non-union?

MR. SPEAKER:

The hon. the member for Port de Grave.

MR. BLANCHARD:

Mr. Speaker, if I may finish the answer, he is saying, 'Union or non-union? I thought I explained, Mr. Speaker, that I can find nothing in the law to say that you must have a union.

MR. SPEAKER:

The hon. the member for Port de Grave.

MR. EFFORD:

Thank you, Mr. Speaker. Mr. Speaker, I would like to say in starting off that I have never heard such cries from a drowning administration as I just heard from the Minister of Labour.

I would like to ask the Minister of Labour a question, Mr. Speaker, in reference to the Successor Rights clause which was in the agreement between Petro-Canada and the organized unions of this Province. In the negotiations, not to sell but to give away the oil refinery to a company down in the United States or Bermuda, why, with the conditions of the labour unrest in this Province, was this clause not taken into consideration so that it would protect the jobs of those people and put the rights of the Newfoundland people where they belong?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

I would like to say that all the people in the galleries are very welcome, but they are not allowed to take any part in our proceedings, either by applause or in any other manner. If they do, I will be forced to clear the galleries, and I certainly do not want to do that.

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, notwithstanding that fact that I have already stated to the House that I was not part of the team which negotiated the restructuring or the agreement for the restructuring of the refinery, it is no secret that the owner, I

guess, of the project, Cumberland Farms, is a non-union company. They operate in their own country non-union, and I do not think it is any secret, Mr. Speaker. I think the Premier has been on the airwaves, on the media, and said that Newfoundland Energy would be offering jobs to all classes of workers, union and non-union. As we all know, the representative of the owner, the main contractor on the job, has openly stated so, Mr. Speaker. There is nothing, no authority that I have, to tell that representative of the owner that he must enter into a collective agreement with any union.

MR. EFFORD:

A supplementary, Mr. Speaker.

MR. SPEAKER:

The hon. the member for Port de Grave, a supplementary.

MR. EFFORD:

I would like to ask the Minister of Labour a question, Mr. Speaker. He said he was not part of that negotiation team, but he is the Minister of Labour and he is a member of the Cabinet. I would like to ask the minister this: Did he not have knowledge enough to look down the road and see the problems there were going to arise with the labour unrest in this Province? Since the fact is that they were giving a \$400 million refinery to Cumberland Farms for one dollar, could he not sell one clause in The Labour Relations Act to those people.

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, I am not exactly certain of the question. I believe I know the supplementary

question the hon. member is asking, but I do not know how many more ways, Mr. Speaker, I have to say that there were no preconditions imposed in the agreement between the government and Newfoundland Refining Limited to require them to have a union at the particular time.

Now, sure I am part of the Cabinet, Mr. Speaker, where these decisions were made. I am one minister and Cabinet operates by consensus. All of us know that there is no absolute requirement. There is provision for a special contract, where the contract is for a period in excess of three years, to be determined as a special project under the act, but none of those things were done, Mr. Speaker.

MR. CALLAN:
Mr. Speaker.

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

MR. CALLAN:
Mr. Speaker, the Minister of Labour indicated earlier that the documents have been made public. Would the Minister of Labour be prepared to table in this Legislature all agreements signed pertaining to the sale and reactivation of the refinery?

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

MR. BLANCHARD:
Mr. Speaker, I would suggest that the hon. member direct his question to the minister responsible for the -

SOME HON. MEMBERS:
Oh, oh!

MR. BLANCHARD:

Mr. Speaker, I am not in possession of all the documents on the total project. I have the agreement which I was asked by the labour people to get and to produce, and they have a copy of it, Mr. Speaker. I am sure it is open to him, it is public.

MR. CALLAN:
Mr. Speaker.

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

MR. CALLAN:
Mr. Speaker, if the Premier were in his seat where he should be today, then I would not have had to ask the Minister of Labour to table these documents, I would have asked the Premier.

But, Mr. Speaker, let me ask the Minister of Labour another question. Has the Minister of Labour conducted an investigation into the hiring of out-of-Province, and not only out-of-Province but out-of-country personnel at the refinery? Has the Minister of Labour conducted an investigation into how these people came to arrive in this Province? I ask that question, Mr. Speaker, in view of the Local Preference Policy that the Premier has been touting in this Province for years now, so how does that jibe? The people from Quebec and from outside of the country altogether working at the refinery, have they been investigated? Are they here under false pretences? How does that jibe?

MR. BARRY:
What are their credentials?

MR. CALLAN:
What are their credentials? And

how does that jibe, their presence at Come By Chance with the Local Preference Policy of this government?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, I have in front of me a list which is the latest update of information that I have from the refinery. It is as of February 27, 1987, and it shows a total of 197 employees at the refinery in Come By Chance. It has a breakdown of the various contractors that are there and it has a breakdown of the various classifications of workers. There are 85 labourers, all from the -

MR. CALLAN:

Where did you get that list?

MR. SPEAKER:

Order, please!

MR. BLANCHARD:

Mr. Speaker, I would suggest, if the hon. member wants an answer to the question, that he wait and let me produce the information.

There are 85 labourers, all from the general area - Sunnyside, Come By Chance, Clarendville. There are 19 electricians; there are 4 carpenters; there are 5 operators; 16 foremen; 4 mechanics; 2 boiler-makers, for a total of 135. There are 6 staff, 14 supervisors, 10 pipefitters, 5 welders, 10 millwrights, 7 millwright helpers, and 5 instrument technicians. Now that gives a total, Mr. Speaker, of 192. In addition to that there are 5 consultants who have been brought in from outside of Canada; there are three Americans, one other Canadian, and one Scottish National for a total of 197.

To complete the answer to the hon. member's question, Mr. Speaker, this information has been obtained through the office of my Deputy Minister. He has been in touch with the owner and managing director of the main contractor on site, and he has offered to provide a weekly update of that information, and to the best of my knowledge it is being provided. That was as of Friday, February 27. I understand another update will be provided.

Mr. Speaker, that is the entire information I have.

MR. CALLAN:

Mr. Speaker, a final supplementary.

MR. SPEAKER:

A final supplementary, the hon. the member for Bellevue.

MR. CALLAN:

Mr. Speaker, the minister obviously is prepared to table that document. I also ask him, in addition to tabling that document which showed the number of employees and the breakdown and so on, would he also table documents proving or indicating what safety practices are being conducted, what investigations and monitoring of safety at the refinery, how often that is done by his officials or whatever other officials have to do with monitoring safety? I am particularly interested, Mr. Speaker, in the safety of the employees who are there now. The minister mentioned consultants from away. What is the definition of a consultant? Do we have them in this Province under another name, I wonder? That would be answered, I assume, when the minister tables that.

I want to ask the minister, Mr.

Speaker, would he also table documents pertaining to the safety monitoring that is happening out there presently, and how this safety monitoring that is taking place now will impact on a reactivated refinery? Are the people out there welding pipes capable of doing the job as they should be? Could there be bad workmanship? Are they qualified or will someone go out there when the refinery is reactivated only to turn on a high pressure pipe and perhaps be in very grave danger? Would the minister answer that question?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, the hon. member asked a multifaceted question, I think. The first one is about safety and monitoring of safety practices. In the Occupational Health and Safety Unit in our department, we monitor on a continuous basis all work places. Any special matters brought to the attention of the department, Mr. Speaker, are looked into immediately.

We had complaints from the construction trades unions that there were problems on one of the downtown projects, on the Bank of Nova Scotia building, I think it was. We dispatched our people down there on three or four successive days. They found a number of unsatisfactory practices. They were corrected.

I am not certain of the last date, Mr. Speaker, when they visited the site at Come By Chance. I will check into that for the hon. member and I will produce an answer on tomorrow.

With respect to the tabling of the

documents that are produced to the department, Mr. Speaker, with respect to the investigation, I am not absolutely certain of the legality as to whether it is public information or whether it has to be provided under The Freedom of Information Act, but I will check into that also, Mr. Speaker, and I will provide an answer to the hon. member tomorrow.

MR. LUSH:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Bonavista North.

MR. LUSH:

Mr. Speaker, I have a question for the Premier. I wonder if the Premier could indicate whether he knows who the secret owners of Newfoundland Energy Limited are? And the second question related to it, is the Premier aware of any prominent Canadians or any high-profile Conservative Party connections with this phantom Bermuda Corporation?

PREMIER PECKFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Well, Mr. Speaker, first of all I am glad to get a question on the facility at Come By Chance, given that the taxpayers of Newfoundland are in the process of paying off \$49 million, incurred by the previous Liberal administration in that facility, that we still have to pay off. Everybody in the Province has to pay off \$49 million that was -

MR. BARRY:

IF we had waited for the Tories to

have Petro-Can take it over -

MR. MATTHEWS:

You would rather have it torn down, would you?

MR. SPEAKER:

Order, please!

PREMIER PECKFORD:

The other point that the members brought up on the other side, that we gave it away for \$1, nobody would take it. And if it was torn down it would cost us another \$10 million, Mr. Speaker. Nobody wanted it. Now we have 196 Newfoundlanders working at that facility today, Mr. Speaker, and there is no money from the Government of Newfoundland, there will be no more of our money spent, no more \$49 million, like the Liberal Party did when they were the government of this Province.

Mr. Speaker, as far as Newfoundland Energy goes, it is a corporation which has investors from the United States who have invested in that company. I think it has been made quite clear over the last number of weeks that there are no Canadians involved in the ownership of Newfoundland Energy Limited. So if the hon. member suggests, as some have suggested over the last three or four weeks that I was involved in it, or other ministers and members of the PC Party of Newfoundland, well, there is none. I am sorry to tell the hon. member, I am sorry to tell the members of the Opposition, Mr. Speaker, but there is nobody involved from the government or involved from the party in it. It is a corporation set up and invested in by Americans.

MR. LUSH:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Bonavista North.

MR. LUSH:

Mr. Speaker, I ask the Premier this. In view of the public assets associated with the oil refinery, and in view of the fact that the Newfoundland Energy Limited has the first call on Hibernia oil, and in view of our experience with mining companies, emphasizing the fact that this Province should get every dollar that comes from our natural resources, and in view of our determined effort, Mr. Speaker, to eliminate and discourage tax havens and tax shelters, does the Premier not agree that these are sufficient facts to demand and require full and specific details relating to the ownership of this company?

PREMIER PECKFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, the preamble of the hon. member is completely erroneous, there are no assets now owned by the government at Come By Chance. It is only the wharf, which was in one agreement transferred from the Government of Canada to the Government of Newfoundland and then on to the company, with provisions to ensure that if other people wanted to use the wharf in the future that would be allowed as well as part of the second agreement. So there are no assets there. The facilities at Come By Chance have been sold to a company that is doing business in the Province -

SOME HON. MEMBERS:

To whom? To whom?

MR. SPEAKER:
Order, please!

PREMIER PECKFORD:
-to American investors who have invested in Newfoundland Energy Limited, and they are a private company. There are no investments or assets there from the Government of Newfoundland or from the people of Newfoundland. It has been sold as a transaction between Petro Canada and Newfoundland Energy. In the bargain, we, as a government, had the wharf transferred from the federal government to us and over to Newfoundland Energy. It is a private sector operation where there is no money from the Government of Newfoundland - unlike the Liberal Government of the past which built this white elephant, put the taxpayers of Newfoundland in debt \$49 million that we are trying to pay off, and now we are trying to make it work, Mr. Speaker.

MR. LUSH:
A supplementary, Mr. Speaker.

MR. SPEAKER:
A final supplementary, the hon. the member for Bonavista North.

MR. LUSH:
I wonder will the Premier give an undertaking to table in this House, to put before this House, a shareholders list of this company?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Mr. Speaker, we are not involved in the company. It is a private company.

MR. FENWICK:
Mr. Speaker.

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

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

My question is to the Premier. In the eight month vacuum since the last time we met, the Come By Chance situation has come to a head and ownership has been transferred. Once the dispute started at Come By Chance, the Premier was asked from the media if in the course of negotiations the question of whether it would be a union or a non-union operation was brought up. I will paraphrase him and ask him to correct it if I get it wrong, but he said that they asked us about labour legislation -

MR. SPEAKER:
Order, please!

Would the hon. member please pose his question?

MR. FENWICK:
My question to the Premier is this: What specific information was given back to the people negotiating for the oil refinery at the time, and what did you say about our labour laws to them at that time?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Mr. Speaker, I said all the laws of the Province, obviously, that are in existence must prevail, and they are prevailing.

MR. FENWICK:
A supplementary, Mr. Speaker.

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

MR. FENWICK:

My supplementary, Mr. Speaker, is that we have a copy of the application form that individuals have to fill out in order to get a job with Newfoundland Refining, or Processing or whatever the subsidiary company is, and also the one for Marco Limited, which clearly state that you have to list whether or not you are a member of a union and what the name of that union is. We have been told that individuals who are hired have to sign an undertaking that they will not join a union. My question to the Premier is this: Given that The Labour Relations Act states very clearly that individuals shall not be interfered within their right to join a union, would he not say that this constitutes at least a prima facie case for investigation by the Department of Labour on whether or not they are violating our labour legislation?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, if there are any laws being violated, well then I would suspect that the people who know that the laws are being violated, or think they are being violated will take the appropriate courses of action before the Labour Relations Board or the courts of the Province. It is not up to me.

MR. FENWICK:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Menihek.

MR. FENWICK:

Given that this is indeed undermining the ability of construction unions to even exist,

would the Premier now admit that the combination of these events and his party's policy and his government's policy over the last couple of years indicate a clear preference for destroying construction unions and other unions in this Province from effectively representing their members? Will the Premier admit that today?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Absolutely not, Mr. Speaker.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I have a question for the Premier. It concerns the Harris Report, which was put together as a result of the strike in the construction industry last year, a strike primarily caused by double-breasting. That report says, and I quote from it, 'These problems in the construction industry derived from a structure' - in spite of the fact that the Minister of Labour (Mr. Blanchard) just told us that the appropriate structures are in place - 'that it is at best irrational and at worst chaotic and in which employees nor employers nor society at large are well served.' The report makes a number of recommendations that can settle the situation being experienced at Come By Chance today. Does the Premier agree with the recommendations that were contained in the Harris Report, if so which, and if not which, and why not?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

We will be responding to the Harris Report in due course, Mr. Speaker.

MR. TULK:

Mr. Speaker, a supplementary.

MR. SPEAKER:

A supplementary, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, let me ask this Premier a very serious question. That report, by the way, Mr. Speaker, was submitted the first of August last year, so I think it is about time that the Premier did make a reply to that report and make a public statement on that report. In June of 1986 the Premier agreed that Come By Chance would operate with union labour, we are told.

In view of the fact that labour has indicated their willingness to compromise and even accept some wage cuts that the Harris Report recommends, when does the Premier intend to intervene in this dispute and stop family member from being opposed to family member in this Province?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, the laws of the Province are being carried out as far as I know. If any law in the Province is not being carried out, then I think there are appropriate mechanisms, through the Labour Relations Board or through the courts, for that matter to be arrested.

MR. TULK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, let me ask the Premier was he again posturing, acting, being dramatic when he said in June of 1986, last year, that Come By Chance would be operated by union labour? Did you say that, first of all? If you did, were you just posturing or carrying on some dramatics like we saw with the CN Railway in this Province and like we recently saw in your statement on bankruptcy?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I do not know what the hon. member is talking about when he is talking about the railway of the Province. What is the hon. member talking about, bringing the railway in here? It is this government which saved the railway in Newfoundland, Mr. Speaker. We have saved the railway in Newfoundland. We were not willing to sell it out.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

All the laws of this Province are now being applied at Come By Chance, as far as I now. No law is being broken. If a law is being broken, then, as I say, appropriate action can be taken by people who believe that laws are being broken. There is a Labour Relations Board there which can hear various allegations that are being made by various other people in the Province, or organizations and unions in the Province. The

laws of the land, as far as I know, are being upheld. Why the railway is in there I do not know.

MR. SPEAKER:

Order, please! The time for Oral Questions has now elapsed.

MR. BARRY:

A point of order, Mr. Speaker.

MR. SPEAKER:

A point of order, the hon. the Leader of the Opposition.

MR. BARRY:

The Government House Leader (Mr. Ottenheimer) got up and spoke in terms of this new co-operative spirit and this great exchange of information during Question Period, that everybody was going to play the game. The member for Fogo gets up and asks the Premier a direct question: Did he or did he not agree to union labour for Come By Chance?

MR. TULK:

Did you make that statement?

MR. BARRY:

Did he agree to union labour for Come By Chance? The Premier says everything but the answer to that question. Now, that is not this co-operative spirit we are talking about.

PREMIER PECKFORD:

To that point of order, Mr. Speaker..

MR. SPEAKER:

To that point of order, the hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, is the Leader of the Opposition going to abide by the rules of the House or is he going to get up, under the guise of a point of order, and try to ask

another question when Question Period is over? Mr. Speaker, let the Leader of the Opposition learn the rules of the House.

MR. BARRY:

Answer the question.

MR. SPEAKER:

Order, please!

There is obviously no point of order.

Notices of Motion

MR. SPEAKER:

The hon. the Minister of Development.

[Interjections from the Galleries]

MR. SPEAKER:

Order, please!

Would you clear the galleries?

We are going to recess for a few minutes.

Recess

The House resumed.

MR. SPEAKER:

Order, please!.

Before the recess I recognized the hon. the Minister for Development (Mr. Barrett), but I do not see him in his seat.

MR. FUREY:

Mr. Speaker..

MR. SPEAKER:

The hon. the member for St. Barbe.

MR. FUREY:

Mr. Speaker, I have a notice of motion. I seek unanimous approval from the House to introduce and have immediately passed the following resolution:

WHEREAS Canada post offices have served as a very essential communication link for smaller communities throughout this Province; and -

MR. OTTENHEIMER:

A point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. OTTENHEIMER:

I just want to ask the hon. gentleman a question. He does not need unanimous consent to give notice of motion, so why not give the notice of motion and then we will see if there is unanimous consent. This is the time for notice of motion and then we will see. We do not want to imply that we are giving unanimous consent by not raising the issue now. That is all.

MR. SPEAKER:

Order, please!

I understand the hon. member already has a motion on the Order Paper.

MR. FUREY:

So what? It is not relating to this.

MR. SPEAKER:

If that is so, he cannot have a second.

MR. TULK:

Mr. Speaker, on a point of order. Will you give unanimous consent for him to have it read?

MR. OTTENHEIMER:

We will have a look at it. In the meantime, we will go on. If the hon. gentleman has a motion on the Order Paper, obviously he cannot put one on now. So, let us go ahead with the other Orders of the Day. We will have a chance to look at this and let the hon. gentleman know way before we close where we stand.

MR. TULK:

Okay.

MR. BARRY:

It objects to the post offices being closed.

DR. COLLINS:

We will send over a book of rules.

MR. SPEAKER:

Order, please!

Are there any other Notices of Motion?

Petitions

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, I would like to present a petition on behalf of the people in Grand Le Pierre and English Harbour East. This petition contains approximately 600 names. It reads as follows:

"We, the undersigned, being residents of the Province of

Newfoundland and Labrador, do hereby make petition to you to give immediate consideration to the allocation of funds that will permit the upgrading and paving of the thirty kilometer section of road from the Terranceville access through the community of Grand Le Pierre and as far as English Harbour East in Fortune Bay."

As I say, Mr. Speaker, there are about 600 people from the two communities who have signed this petition. The subject is one that is not unfamiliar to either me or the Minister of Transportation (Mr. Dawe). He will have had some representations on the matter. He will be aware that this is one of the pieces of road that became the subject of a commitment by the Premier when he visited the community of English Harbour East during the 1979 general election. He undertook at that time to ensure that the road would be upgraded and paved.

I do not think much time need be taken to talk about the need here. This is a very bad piece of gravel road. I know the minister will tell us that there are other pieces of bad gravel road in the Province, and I do not argue that point with him at all. But this is in very bad condition.

I was in the community on one occasion last year when the buses were unable to leave the community to take teen-agers to school in Terrenceville because of the condition of the road on that particular day. That situation often happens in English Harbour East where they are unable to get out of the community. It has implications not only for education but for getting to job commitments. It has medical implications and implications for

the arrival and dispatch of postal matters.

In short, Mr. Speaker, there is a pressing need here to have this petition responded to positively and, in so doing, honour the commitment that the Premier made about eight years ago now on the subject. I have pleasure in tabling the petition.

MR. DAWE:
Mr. Speaker.

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

MR. DAWE:
Mr. Speaker, I certainly stand in support of the petition as it relates to the necessary improvements, reconstruction and paving of the particular piece of road mentioned by the hon. member.

He is right in suggesting that I would probably say there are many kilometres of unpaved road and road that is in need of repair and additional funding in this Province. That is true indeed. The thirty kilometres mentioned represents about 2 or 3 per cent of the total unpaved roads in the Province that have to be addressed. It is an ongoing problem and certainly one that is being addressed in all sincerity by this administration as the record over the past number of years will indicate with the amount of money that we do have available and the numbers of kilometres of road that have been build, reconstructed and paved in the Province. We will continue to do that. Hopefully, over the next number of years we will see an opportunity to become involved in the much-awaited secondary roads

programme with the federal government that will speed up the process of addressing a number of the gravel and unpaved roads in the Province as well as addressing some of the major trunk roads that are paved, Mr. Speaker, but are now in need of some considerable upgrading and resurfacing.

We will be doing everything that we can to address not only this concern but also the concerns of many other residents of the Province who are in similar circumstances.

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:
Mr. Speaker, I am pleased to rise in support of the petition as well.

I know the road between Terrenceville and English Harbour East well having had to travel it during a Winter election in 1980. I hate to say that it was a federal election and the hon. member for that particular area right now in this House was my opponent in the federal election then and, unfortunately, I was not successful.

I did talk to a lot of the people in English Harbour East. They are fine people. They contribute a tremendous amount to the economy of Newfoundland. Many of them are trawlermen who work on the trawlers that are here in St. John's and have to commute back and forth after they finish their ten day stint; individuals who pay enormous sums in income tax on a yearly basis. Really what they are asking for at this time is

some of this tax money to come back in order to make their lot a little bit easier when they get off their boats and have to go back, and, of course, for the general transportation needs of the area. Mr. Speaker, I am very pleased to rise in my place and support the petition.

MR. SIMMONS:
Mr. Speaker, I have another petition.

MR. SPEAKER:
The hon. the member for Fortune - Hermitage, a second petition.

MR. SIMMONS:
Mr. Speaker, I say to the gentleman for Baie Verte, the Minister of Fisheries (Mr. Rideout), we have been waiting eight months in some cases to present some petitions and to do some other things and this is our big opportunity today. They might close her down again tomorrow, God knows.

Mr. Speaker, I would like to present a petition on behalf of about 550 people in Harbour Breton. I am sure my good friend Don Stewart would support this petition or would have done so had he had the opportunity. Yes, I see a lot of legible names, a lot of illegible names, yes, I would think that Mr. Stewart's name would be on the petition, certainly he would have signed it if he had the opportunity.

Mr. Speaker, the prayer of the petition basically is that the Department of Forestry provide a wood access road for the people of Harbour Breton. Now I would think, Mr. Speaker, that it is not often I say to the minister, who looks in fine fettle after his weekend ordeal in Corner Brook, I

would say to him it is not often that he gets a petition on this particular issue, the provision of access roads for the purpose of harvesting firewood. From that alone I would ask him to receive it as an indication of the seriousness of the problem down there as 550 people have taken the time to sign this petition. They are having real difficulty finding a place to cut some firewood, simply put. The two or three places that they have been using and the places that are easily accessible from the highway, the firewood potential has been essentially exhausted there or else the places where there is firewood are quite inaccessible.

So I would ask the minister to give serious consideration to this request from those people in Harbour Breton. The need is there I can tell him. I was in Harbour Breton last weekend and the issue was raised with me once again by the group that had undertaken the circulation of this petition. Could the minister have a look at this one, Mr. Speaker, with a view to providing the necessary funding to have the road completed at the earliest possible opportunity. I have pleasure in presenting the petition.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Mr. Speaker, it is a pleasure for me to get up in support of the petition so ably presented by the member for Fortune - Hermitage (Mr. Simmons). This is a road which is designed to allow people to reduce the cost of home

heating. It is a road which can be viewed as making economic sense. It would give access to a supply of fuel for home heating which is badly needed in the area. We now have people driving long distances in order to obtain firewood. That is a waste of valuable energy resources.

Mr. Speaker, this petition is in line with the policy that we put forward as a party in one of our resolutions tabled last Thursday that government look at ensuring that greater access to firewood and wood for domestic use is made available to citizens around this Province.

So we ask, Mr. Speaker, that you have this matter referred to the department to which it relates. Members of the official Opposition give full support to the points made by the member for Fortune - Hermitage (Mr. Simmons).

MR. SIMMS:
Mr. Speaker.

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

MR. SIMMS:
Mr. Speaker, I thank the hon. members for their comments with respect to the petition. Unfortunately, I have not seen it so I listened with great interest to the details being supplied by the member for Fortune - Hermitage (Mr. Simmons) as well as the Leader of the Opposition (Mr. Barry) but I have not seen the request personally.

The question of providing access for firewood is a difficult one to respond to because most of the funding that is provided in the federal/provincial agreement is

for funding to provide access roads to harvest logs and so on for industry purposes, but we have on occasion tried to assist, where we possibly could, in finding access or helping with access for people who wish to obtain firewood.

I will have to take the petition under advisement and have a look into it. I certainly can assure him that I will be prepared to have a look at it and respond to the first name, I guess, on the petition in due course.

MR. SPEAKER:

Are there any further petitions?

I think it was agreed that we would deal with this resolution of the hon. the member for St. Barbe (Mr. Furey) before we went on to Orders of the Day.

MR. SIMMS:

No, Mr. Speaker, I believe that matter is still being discussed at the present time. I think what we said was before the House closes at the end of the afternoon we would respond to his request.

MR. SPEAKER:

I understood it would be dealt with before Orders of the Day. All right.

ooo

MR. CALLAN:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Bellevue.

MR. CALLAN:

Under Standing Order 23 I ask leave to move the adjournment of the House of Assembly for the

purpose of discussing a matter of urgent public importance, namely the present state of labour relations at the Come By Chance Oil Refinery.

Mr. Speaker, the urgency of this debate is evident, I believe, to anybody in the Province. Of course it became a lot more obvious this afternoon when we listened to the questions and then listened to the answers to these questions during Question Period this afternoon.

There is no question that there is an urgency to debate labour relations not only at Come By Chance, Mr. Speaker. I am sure if my wishes are granted and if we do get into this debate this afternoon that there will be members on both sides of the House who will, of course, be talking about labour relations not just at Come By Chance but in various places all over the Province.

Mr. Speaker, the Premier in answering a question earlier talked about the laws.

MR. OTTENHEIMER:

A point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. OTTENHEIMER:

I would just like to point out that the hon. gentleman is now asking for leave under Standing Order 23. He is asking for leave to debate and, therefore, what has to be determined is whether it comes within the ambit of Standing Order 23.

MR. CALLAN:

Armpit.

MR. OTTENHEIMER:

It might come under the hon. gentleman's armpit but it comes under our ambit, 'A-M-B-I-T'.

MR. BAIRD:

(Inaudible) comes from under his armpit.

MR. OTTENHEIMER:

That was a bit unfair, Sir.

Mr. Speaker, I am sure that precedents will show that the essential criterion is not the urgency of the matter but the urgency of debate; that all other matters be set aside and the House address that particular matter. One of the matters that the Chair habitually looks at is what are the other opportunities for a debate of this. Hon. members are well aware that although we will be debating the fishery motion, the Address in Reply would allow the hon. gentleman and all hon. gentleman to address a broad variety of matters, including labour relations.

So I would submit, Sir, without saying that the matter is not urgent, that the criterion of urgency of debate has not been met and also the opportunity to debate the matter at a reasonably opportune occasion.

MR. CALLAN:

To that point, Mr. Speaker.

MR. SPEAKER:

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

MR. CALLAN:

Mr. Speaker, to that point of order, okay, we are going to debate, as the Government House Leader says, the cod deal with France.

Now, Mr. Speaker, I remember I was a school teacher in Central Newfoundland in 1958 - that is almost thirty years ago - when we had a labour dispute in this Province which resulted in violence. Mr. Speaker, we saw the demonstration this afternoon and how frustrated these unionized construction workers are.

Mr. Speaker, I contend it is a lot more urgent that we debate the labour relations, especially what is happening at Come by Chance, because I fear that something terrible, something violent, is going to happen unless these gentlemen, whom we saw in the galleries -

MR. J. CARTER:

You hope.

MR. CALLAN:

Now, Mr. Speaker, that is very unfair of the member for St. John's North (Mr. J. Carter) to suggest that I hope that violence will occur.

MR. MATTHEWS:

You do.

MR. CALLAN:

No, I do not.

MR. SPEAKER:

Order, please!

MR. CALLAN:

The member for St. John's North (Mr. J. Carter) may wish it, Mr. Speaker, but it is the furthest thing from my mind.

Mr. Speaker, I contend that a debate on this very delicate matter is very urgent when you consider that they have been out on the picket lines out there, or whatever you might want to call it, demonstrating for two months.

Today was the first opportunity that they had to come to the seat of government to vent their frustrations. And, of course, Mr. Speaker, what did we see? We saw them leave the Legislature more frustrated than they were when they came because no answers were forthcoming, Mr. Speaker, from the Premier or from the Minister of Labour (Mr. Blanchard) which satisfied any of the questions that were on their minds.

So, Mr. Speaker, to that point of order I contend that the urgency of this debate is a lot more important and takes priority over the urgency of a debate over a war with France which is a federal matter anyway, Mr. Speaker.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

To that point of order, Mr. Speaker, let me say to the Government House Leader (Mr. Ottenheimer) what he did this afternoon was a very laudable thing in asking that there be a better decorum in this House.

MR. OTTENHEIMER:

Yes, within the rules, we did not say suspend the rules.

MR. TULK:

If the hon. gentleman will now hold himself down in the chair. While the member for Bellevue (Mr. Callan) was standing on something that is urgent and that adds an urgency to the debate itself, we heard the member for St. John's North (Mr. J. Carter) over there in the back go on in his usual fashion the way that he has gone on for the past number of years,

attributing motives to the hon. member for Bellevue, saying that he hoped that there would be violence.

Mr. Speaker, if that kind of thing is going to continue in this House, if the Government House Leader cannot control his members, when a member who represents a district where a project is ongoing stands with sincerity, I would suggest to Your Honour, in this House to put forward something that we consider serious and urgent - and there is little room on this Order Paper for debate on this whole thing - it is urgent enough not to wait until the government decides to draw on the Address in Reply which might very well be another three or four weeks, if the Premier wants to bring in a few more resolutions to up his own popularity in the Province or to try to do that.

If he wants to do that kind of thing, Mr. Speaker, and if we are going to have the hon. gentleman from St. John's North (Mr. J. Carter) attack members on this side of the House the way he just did, then I would suggest to the Government House Leader that the decorum that he so piously put forward this evening, this idea of decorum in the House, is not going to last very long.

MR. J. CARTER:

On a point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. J. CARTER:

Some crude reference has been made to my suggesting that we would like to see violence. That is crazy talk. The gentleman from Bellevue (Mr. Callan) was the one

who suggested that there might be violence. If my interjections have succeeded in him withdrawing any such hope and assuring this House that he does not want violence, then my interjection was well placed.

MR. CALLAN:

To that point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. CALLAN:

Mr. Speaker, Hansard is there for anybody to read tomorrow or whenever it is available. Hansard will show, Mr. Speaker, that I talked about the potential for violence at Come By Chance as occurred at Badger almost thirty years ago over the IWA dispute when I was a school teacher in Central Newfoundland. It was the member for St. John's North (Mr. J. Carter), Mr. Speaker, who suggested that I hoped, he was the person Mr. Speaker, who used the word "hoped", that I hoped there would be violence. Nothing, Mr. Speaker, could be further from my mind. What I was doing, Mr. Speaker, was making an argument for the urgency of this debate and let us debate the matter now. Why wait and close the door after the horse is gone which so often happens?

SOME HON. MEMBERS:

Hear, hear!

MR. CALLAN:

Mr. Speaker, if I can continue? Mr. Speaker, if I can draw a comparison between the actions of the Premier of 1958, which have been by some people declared to be too pushy and too much, if I can compare that with the actions of

the present Premier, who takes a hands off attitude, Mr. Speaker -

MR. SPEAKER:

Order, please!

MR. SIMMS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Forest Resources and Lands.

MR. SIMMS:

May I just add a few words on the substantive point that has been raised. What we have been listening to in the last couple of moments is really not relevant to the question and it makes it more difficult for Your Honour to make a ruling if he has to listen to all of that kind of aside.

I would just like to refer Your Honour to Beauchesne's, Fifth Edition, Paragraphs 285, 286 and 287, all of which are extremely relevant because they define the question of urgency when it is raised under Standing Orders in the House of Commons, as the hon. member for Fortune-Hermitage (Mr. Simmons) would be familiar with, and the same thing applies to our own Standing Orders.

The appropriate points to be made here, as I read some excerpts from paragraph 285, "The Standing Orders appear clear that the question must be specific and must require urgent consideration." And, Mr. Speaker, there must be no other reasonable opportunity for debate.

The Government House Leader has clearly indicated that there are other reasonable opportunities because the Throne Speech is on the Order Paper, the Question Period is available for debating

questions. The Speaker can also take into general account the general wish of the House to have a debate. Paragraph 286 says it "must be so pressing that public interest will suffer if it is not given immediate attention." So, Mr. Speaker, "'Urgency' within the rule does not apply to the matter itself," as the Government House Leader pointed out, "but it means 'urgency of debate', when there are no ordinary opportunities otherwise provided by the rules of the House." That is clearly not the case here, Mr. Speaker, because there is an opportunity for the subject to be brought on early enough in the coming days, Mr. Speaker. I submit that the request for leave under this particular Standing Order is really not one that should require much more consideration.

MR. TULK:
Mr. Speaker.

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

MR. TULK:
Mr. Speaker, using the same rule that the hon. gentleman just used, 286 and 287 in the same section of Beauchesne, "Specific and important matter requiring urgent consideration for the discussion of which the adjournment of the House may be moved under Standing Order 26 in the House of Commons must be so pressing that public interest will suffer if it is not given immediate attention."

MR. SIMMS:
I just said that.

MR. TULK:
I know you just said it, but it is your interpretation of it that I quarrel with. Anybody who would stand in this Legislature and make

the point under 286 that what we saw today in the galleries of this House and what we are seeing every day in this Province does not show us that the public interest will suffer if this kind of debate is not carried on, is, at best, ludicrous. We have seen already today in this Legislature, just open one day, people in the gallery could not refrain themselves because of what they feel are injustices being carried out because of a lack of action by this government.

Now, Mr. Speaker, let us go on to 287, "Urgency within this rule does not apply to the matter itself, but means urgency of debate, when the ordinary opportunities provided by the rules of the House to not permit the subject to be brought on early enough and public interest demands that discussion take place immediately."

Now is the aide to the Government House Leader - I understand that the Minister of Finance (Dr. Collins) is also supposed to help him, according to the Premier, when he is not here - trying to tell us that public interest does not demand that discussion take place immediately in this Province? I think Your Honour has to consider very carefully, as the person who obviously will make the ruling here, that the public interest of this Province demands that discussion take place now, immediately, and that it will not be early enough otherwise. One minute is too late, another minute, another ten minutes, is not early enough and indeed is too late.

So I would ask Your Honour not to help the hon. gentleman try to cover up for the lack of inaction

in his own government, but indeed to see that a very nasty dispute is avoided, as the member for Bellevue was trying to tell us, and can perhaps be avoided by having this debate in the Legislature, and indeed bringing things to the forefront. So the urgency of debate, Your Honour, is there.

DR. COLLINS:

Just one brief intervention.

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

As the hon. members opposite admit there are opportunities to debate this. The Throne Speech is on the Order Paper. So I think the other point they are now shifting to is the public welfare. The public welfare does not demand debate; the public welfare demands what action will be taken. There is no way that the debate will change what action has been taken. Government has clearly stated the situation out there; and there has been no doubt cast upon this. The situation is that there is a private company out there that government is not directly involved with. It is a labour dispute. Government has stated its case. There is not any urgent matter that can be pressed on government because government has already stated what its case is.

The last point that the hon. members opposite are now bringing up is that there is frustration in the galleries, and that leads to a need to do something about this. Well, there are any number of ways of interpreting any frustration in the galleries. I think one of the interpretations was that they were frustrated with the inadequacies of the questions and the

understanding of the issue displayed by members opposite. They got no satisfaction from the questions they asked.

We cannot use frustration in the galleries, which can be interpreted in any number of ways, as giving rise to urgency of debate in this House. So I would propose, Mr. Speaker, that that issue can be debated elsewhere, there is not an urgent need to do something, government has already stated the situation out there, and the frustration in the galleries is quite irrelevant, and was directed at the opposite members.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

I am prepared to hear the hon. member for Fortune - Hermitage (Mr. Simmons) and then rule on the matter.

MR. SIMMONS:

Mr. Speaker, the Government House Leader (Mr. Ottenheimer) in making his submission about the availability of other opportunities needs to be responded to. We know that when we come to Orders of the Day we are going to get onto a fisheries debate. It is now essentially five o'clock. We are going to have a maximum of one hour on that debate today. I would assume, given the importance of that issue, we can expect to have a number of speakers over the next number of days. Wednesday is Private Members' Day.

I say to you, Mr. Speaker, that as I look at the week's calendar here in the House I do not see an opportunity to be off the fisheries debate this week. So I

put it to you, Sir, that the very earliest opportunity might be sometime next week. So that the argument about there being other opportunities in the short term does not apply. There are no other opportunities.

Private Members' Day is on Wednesday and we know that the Orders of the Day are blocked up with a special fisheries motion for essentially the rest of this week, I would assume. So, Mr. Speaker, there is not an opportunity under other items to be called this week for there to be such a debate.

Secondly, Mr. Speaker, there can be no doubt whatsoever about the immediacy, about the urgency, of this particular issue.

MR. J. CARTER:

You are debating it now.

MR. SIMMONS:

At least I am doing something intelligent.

SOME HON. MEMBERS:

Oh, oh!

MR. SIMMONS:

Mr. Speaker, this is a matter of urgency. We do not have to look to the gallery today. We can go by Come By Chance any day of the week. We can hear the frustration that is on the radio and on the media daily. Nobody in this Province who is alert to the issue will try and convince anybody that this is not an urgent matter or a matter requiring urgent debate.

My friend from Bellevue (Mr. Callan) had done well to refer to another set of instances almost thirty years ago because this has got the potential to be a very serious situation. I do not want,

as a member of this House, to have it on my hands that I was one of the people who prevented this thing coming to debate at this particular time. The time is now for the debate, Mr. Speaker.

The Fisheries question that is before us in a few moments, Mr. Speaker - the Speaker in the House of Commons in the last two or three weeks allowed an urgent debate on that, although there were many other opportunities, including the Throne Speech, before that Chamber at that particular time.

Now, Mr. Speaker, the issue is are there other opportunities? I say there are not this week. The second issue is, is it one requiring immediate debate? I say it is. It is one that is convulsing, that is involving the whole Province at this particular time because there is a grave issue involved out there. For the gentleman for St. John's South (Dr. Collins) to use the Pontius Pilate approach that 'we wash our hands, what has the government got to do with this,' as soon as he and his hon. crowd get the message that it is him and his administration that have created the problem at Come By Chance, that have aggravated it, and now, by refusing to act, are further aggravating the problem - he gets up and laughs about their problems. We expect nothing better from him. Mr. Speaker, yes, it requires immediate debate and, no, there is not another immediate opportunity. I appeal to you to allow my friend to move under Standing Order 23.

MR. SPEAKER:

Order, please!

First of all I would like to say

that one should not accept the premise that because there was a demonstration in the galleries that the particular thing we are asked to discuss is more urgent. It is not. Looking at Beauchesne, Page 91, Section 285 there must be no other reasonable opportunity for debate. And moving again to Page 92, Section 287, "'Urgency' within this rule does not apply to the matter itself, but means urgency of debate, when the ordinary opportunities provided by the rules of the House do not permit the subject to be brought on early enough and public interest demands that discussion take place immediately." There is ample opportunity under Address In Reply to deal with this matter. I do not accept the motion.

Motion 1, Address in Reply.

MR. OTTENHEIMER:

Motion 1, Address in Reply, I think, is Order 1. Motion one is a motion but perhaps I would just indicate before that the government has agreed and, I think, the NDP members have agreed, at least I am told by the hon. member opposite that the resolution with respect to post offices would pass without debate, unanimously. What is being done now is there was a change, which everybody has agreed to, being retyped so that it will be in the form in which it will be passed and probably, if agreed later on, I suppose ten to six or before we adjourn we will revert to it and pass it without debate. We will call a vote, yes.

Orders of the Day

MR. OTTENHEIMER:

Motion 1.

MR. SPEAKER:

The hon. the President of the Council (Mr. Ottenheimer) has moved:

WHEREAS on January 23 and 24, 1987 officials of the Government of Canada and the Government of France met in Paris and signed an agreement which commits Canada to provide access to France, etc. Is it agreed to take this as read?

SOME HON. MEMBERS:

Agreed.

MR. RIDEOUT:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Fisheries.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

Mr. Speaker, I am pleased to have the opportunity this afternoon to introduce for debate, and to in fact debate, the resolution placed on the Order Paper during opening day last week as it relates to the Canada - France Fisheries agreement.

Perhaps, in introducing for debate this particular motion, it might be worthwhile if I took just a few moments to briefly run through the facts as they exist today, in 1987, on this particular matter. It is, in many respects, I suppose, a quirk of history that in 1987 Newfoundlanders or Canadians, particularly Newfoundlanders, but Canadians, still have before them an imperial issue that has been around for perhaps 400 or 500 years. The fact of the matter is, it is still before us as an issue, and for those of us who live in this particular Province it is an issue

of great significance. How it is going to be resolved in the final end is an issue that will impact greatly on people in two significant regions of this Province, the East and Northeast Coast of Newfoundland and Labrador on the one side, and the Southwest Coast of Newfoundland on the other side. So the implications of what is about to transpire, the implications of what might take place, Mr. Speaker, and how this whole issue is dealt with is of such significance to this Province that I think we would be derelict in our duty as Newfoundlanders if we did not use every means at our disposal to ensure in as far as it is our responsibility, in as far as it is the responsibility of any member of this Provincial Legislature, that the interests of Newfoundland and Labrador are protected to the nth degree.

I said earlier that it was probably worthwhile that we try to look at this whole issue in a brief historic context. The issue itself goes back to the Treaty of Utrecht, in 1713, it goes back to the Anglo-French agreement in 1904, and there are various historic documents in between. It was finally supposed to have been settled with the famous Canada-France Treaty of 1972. That treaty was supposed to supersede and be the document that would guide the relationships between Canada and France from a fisheries perspective forever more, and supersede any other historic document that had existed for hundreds of years.

The purpose of the Canada-France Treaty in 1972 was to arrive at a mechanism whereby, hopefully, disputes could be solved, and where some day the boundary question itself would be solved,

but in the interim there would be some sensible management brought to the fisheries resources off the coast of Canada, which at that time was twelve miles, but which later, in 1977 as we all know, was extended to 200 miles.

So that is a brief historic perspective of what leads us up to the debate that we have been engaged in in this country and in this Province for the last several weeks.

Mr. Speaker, the Canada-France treaty, in one respect, was to expire in May of 1986. 'In one respect', by that I mean the amount of fish that was available to the fishing fleet of Metropolitan France, in the Gulf, those rights were to expire at the end of May 1986 and they have, in fact, expired. It was also provided for in that treaty that the rights of ten vessels based in St. Pierre and Miquelon, up to a length of fifty meters, would carry on in perpetuity, would carry on forever. I do not think there is any Newfoundlander who disputes the right of the people of St. Pierre and Miquelon to have access to an adequate amount of raw material so that they can continue to live on the islands of St. Pierre and Miquelon. That is not an issue. We are not fighting each other on that particular issue. The two issues, basically, that were left dangling, that lead us directly into the crux of the matter that we are debating here today, the two issues that were left dangling were what rights, if any, does Metropolitan France have in Canadian waters after the expiry of the treaty, and, if they have any rights, how do you quantify them in terms of the amount of fish that you make available to them, and thirdly,

how do you finally settle the issue of the boundary?

It is there, I think, Mr. Speaker, that we have to begin the debate. The 1972 treaty guaranteed to France certain undefined rights. It did not say that those rights were relegated to 3Ps, it did not say that they could not go into 2J+3KL or 2GH, it just left undefined certain rights that would at some future point have to be defined after the provisions of the treaty expired in 1986. France has taken the position that those rights include access to what we call Northern cod. Canada has consistently and adamantly, up until three weeks ago or four weeks ago, taken the position that that is not the case. Fish in the treaty is 'F-I-S-H', fish in the treaty is not 'C-O-D' and 'C-O-D' is what was signed in this particular document that was signed in Paris back a few weeks ago.

MR. BARRY:

Yes, and you agreed (inaudible).

MR. RIDEOUT:

Mr. Speaker, the Leader of the Opposition (Mr. Barry) has the exact same amount of time that I have to speak on this resolution. I will not be interrupting him, I will be making notes if in case I want to respond to him when my turn comes to wind up this debate. But I will not be interrupting him, and I would hope that he would be so courteous as to do the same.

I will talk about what we agreed to and what we did not agreed to. Let me say, Mr. Speaker, that I am speaking before the Legislature of this Province and I know what it means to ensure that every member who stands in his place in this

House tells the truth. The truth is what will be told from me. Some may not like it, others may say it is not the truth, but I have no intention of lying, nor ever had, nor, hopefully, will ever have. In other words, if you do not tell the truth you are lying to this House. What I will tell is the truth. Other people can dispute that if they wish, but it will be the truth coming from this hon. gentleman.

Now, let us go back to where we were, Mr. Speaker. The 1972 treaty, as I said, has a very unclear provision in it which the French interpret as meaning that they have the right of access to other fish resources inside Canada's two hundred mile limit once their rights to the fish in the Gulf expired in 1986. They do not quarrel with the fact that their rights to the fish in the Gulf expired in 1986, I mean, they signed the treaty, but they do quarrel with the fact that they are guaranteed other undefined rights. There have been negotiating sessions after negotiating sessions ongoing since 1972 with the previous administration, or the Government in Ottawa, right up through until January of this year in an effort to try to define what those other rights were. As I said to the House a few minutes ago, Mr. Speaker, we have never been able to reach agreement. France's interpretation is that that includes cod in other zones, specifically Northern cod. It has always been the position of Canada, very adamantly the position of this Province, that that was not the case. You could very well, perhaps, argue that it included access to fish in that zone, because fish can be other species rather than cod, but you

could not argue that it was cod only, and that was the position that Canada maintained, at the insistence of this Province, right through the whole bit and piece.

It was also understood that in order to reach any settlement on referring the boundary to arbitration that there would have to be some kind of an interim arrangement reached on access to fisheries resources. Because, you see, under the treaty as well, Mr. Speaker, either party - not both - either party can refer the question of access to fish to binding arbitration. France does not have to have the approval of Canada to submit to binding arbitration if they are allowed fish in 2J+3KL, they can do that themselves.

MR. TULK:

The boundary?

MR. RIDEOUT:

No, the access to fish. They can do that themselves, or we could do it ourselves, that is mutually exclusive. But to refer the boundary to binding arbitration, both sides have to agree. We cannot refer the boundary ourselves, neither can the French refer the boundary themselves.

So that is the bind. The French will not agree to refer the boundary so, therefore, the disputed area that we have all become so familiar with those days, 3Ps, part of that is claimed by Canada, part of it is claimed by France, and in the disputed territory, it is no man's land, everything is going on. Now, I will have more to say about that, but neither country has the power to force its regime on the other unless you want to - and some would take the position that you

should - go out and back up your sovereignty claim by force. But you have no legal mechanisms available to you to do that.

But the fish question itself can be put to arbitration. If France is not satisfied with the allocations they get within Canada's 200 mile zone they, themselves, can put that to binding arbitration, just as we could, conceivably, do the same thing ourselves.

So the whole idea then, Mr. Speaker, with the expiration of certain rights under this 1972 treaty, in 1986, was to do two things: the ultimate objective would be to get the boundary dispute to third party arbitration so that it would be settled once and for all. Some day, some time, somewhere, somebody has to make a final decision on what part of it is ours and what part of it accrues to the Islands of St. Pierre and Miquelon.

Canada has a position on that. I think the Channel Islands case articulates very well the position that Canada hopefully will arrive at at the end of the arbitration, but you have to find a way to get to arbitration.

Now, let me talk about the process in that regard. I do not think there is any dispute with anybody that a way has to be found. The dispute will be what price you pay should you have to pay a price and, if you accept the fact that you do, what price you are going to pay to get the French to agree to put this boundary question finally, once and for all, to third party arbitration so that the issue is finally settled and then we can enforce our laws and our management regime for

fisheries forever more.

Mr. Speaker, there have been a total, I believe, of eight rounds of negotiations between the countries, at certain stages, off and on since 1972. Those negotiation rounds became more operative and they became more frequent as the Treaty was starting to run out, in 1986. But there were a total of eight rounds of negotiations. In every round of negotiations, Mr. Speaker, whether it was with the previous government in Ottawa or the present government, since 1984, the Province of Newfoundland and Labrador was at the table, invited to be at the table, and had been guaranteed access to the table by the government of the day, in every single round, up to and including the last round that was held in Canada, which was in December of 1986. In all those rounds the Government of Newfoundland was present, officials from the Government of Newfoundland were present, and in the pre-negotiation rounds the position of Newfoundland, as articulated by the Newfoundland officials, was reflected in the positions that the Government of Canada would be putting on the table on behalf of the citizens of Canada. That happened all through, up to, and including December, 1986.

In the last two or three rounds of negotiations the Government of Canada expanded the consultative process to include other provincial governments in the Atlantic Region, to include representatives of the industry in the Atlantic region, and to include representatives from the unions. So there was an advisory committee, Mr. Speaker - and we were part of it, as well - set up

to advise the federal officials what our negotiating stance ought to be around the bargaining table in future meetings. But when it came time to go in around the table, the only provincial government that was physically around the table as part of the Canadian team was the Government of Newfoundland and Labrador. Now, that, Mr. Speaker, I hope is clearly understood. There was an advisory committee consisting of Atlantic-wide industry representatives, government representatives, and union representatives, but when any face to fact negotiations took place, there was only one provincial government part of the Canadian team, the two officials from the Government of Newfoundland and Labrador, one having to deal with the boundary question and one who would be there to deal with the fisheries question.

The last round, Mr. Speaker, of negotiations that we were present at took place in Ottawa in the early part of January. Members might recall that the French Prime Minister was supposed to visit Canada at that time but he did not, his foreign minister did. During the visit of the foreign minister, there was a round of negotiations which took place from January 13 to January 16, I believe it was, and again we were the only provincial government that formed part of the national negotiating team that talked during those meetings. Now, that, hopefully, by way of background, will bring us up to where we were.

To go back for a little while and look at the resolution itself that we are debating here, it is a very important, significant resolution, Mr. Speaker, in which there is considerable concensus, I would

think, not only in this Province but, from everything I judge and read, from right across the country. The first "WHEREAS" in the resolution says, 'Whereas on January 23 and 24, 1987 officials of the Government of Canada and the Government of France met in Paris and signed an agreement which commits Canada to provide access to Franceto non-surplus 2J+3KL cod notwithstanding the implementation of drastic reductions in Canadian quota for the same stock.'

Now, Mr. Speaker, you have to decide what you are prepared to give away, and hopefully have determined your bottom line in any round of negotiations.

If the French are not going to agree, as they made it blatantly obvious year, after year, after year that they were not going to agree to allow the boundary to go to arbitration, and the only way they would agree was by doing a separate side deal on the amount of fish that would be available to them while the boundary was being arbitrated, everybody would know that somewhere along the line you were going to have to try to define their undefined rights that existed in the 1972 treaty. You would have to try to define it, and in order to do that, one of the things, we think not the only thing, which I will make more reference to, but one of the things you are going to have to talk about is access to the fishery resource that they are so interested in. But there is no need, there is no legal obligation on Canada under the terms of that treaty to offer access to fish resources in any particular zone. There is no legal obligation for us to have to do that. The French can argue all they like whether it

is Northern cod or some other cod, but there is no legal obligation. There is a legal obligation to offer something.

We look at 2J+3KL, Mr. Speaker. This agreement was initialled in Paris on the 23rd. or the 24th. of January, when just barely twenty-three or twenty-four days before that the Government of Canada, having consulted with the industry and the provincial government and so on, announced our Groundfish Management Plan for 1987. One of the cornerstones, and some would argue that it was not a large enough cornerstone, some would argue that it did not go far enough, particularly the inshore fishermen in this Province and groups and associations working on their behalf, but one of the cornerstones of the 1987 Groundfish Management Plan was that we, Canadians, would take a reduction of 10,000 tons. That was one of the cornerstones on which the Groundfish Management Plan was designed. Take 10,000 tons reduction where, Mr. Speaker? In 2J+3KL, what we consistently and historically refer to in this Province as Northern cod. We did not like having to be a party to that reduction but, based on the scientific advice that was available to us, based on the best information that was available to us from fishermen, inshore fishermen and everybody else, we thought that that was the least we could live with. In fact, I can tell you that there was a lot of pressure to have a larger reduction than that. And maybe you could argue that that should have been the case and that may very well be so. But the final decision for us Canadians who live in Newfoundland was that there would be 10,000 tons less fish

available to us this year from the Northern cod stocks than there was last year.

Now we did that, Mr. Speaker, for reasons of conservation. We did it in the hope that this reduced effort combined with a number of other management tools that the minister announced at the time, like spreading the offshore effort evenly over the three zones, between 2J+3K+3L, combined with putting 100 per cent observer coverage on our own Canadian vessels, we did it in the hope that all of those factors together would reduce the pressure on that precious stock and allow it to rebuild and, therefore, while we suffered a short-term pain now we would hopefully have reason to be optimistic as that stock was built for better access down the road.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

So let me make that absolutely clear, Mr. Speaker.

The second "WHEREAS" in this particular resolution says, "AND WHEREAS the agreement fails to secure an end to flagrant French overfishing on the South Coast of Newfoundland or a binding agreement to refer the French claim to a 200 mile Exclusive Economic Zone off Newfoundland to third party international arbitration." Now, I will tie that particular "WHEREAS", Mr. Speaker, in with some of the comments that I made on the earlier "WHEREAS" that I addressed. Nobody, I do not think, will believe that we will ever get the French to binding arbitration on the boundary unless we are prepared to be flexible, unless we are prepared to give

something. The degree of the something and the degree of the flexibility we can continue to debate and arrive at a position. But you are going to have to give them something.

What this particular agreement signed in Paris does is simply this: Having acknowledged ourselves, as Canadians, that the Northern cod stock is in difficulty and we ought to reduce our effort in that stock, having asked Newfoundlanders and Atlantic Canadians to go easy and reduce their effort in that stock, we agree to allow non-surplus fish - key words 'non-surplus fish' - to be made available to a foreign country to which we have no obligations to offer fish within our zone, not fish defined as cod. But we made it available to them at the same time and without any quid pro quo on what was happening in another vital stock off Newfoundland and Labrador and, Of course, I am referring to the 3Ps South coast cod stock which means the lifeblood of communities like Isle aux Morts, Ramea, Harbour Breton, and dozens of others.

MR. GILBERT:

Burgeon.

MR. RIDEOUT:

Burgeon as well, yes.

Every Canadian official, Mr. Speaker, unless he was blind and dumb or a combination of both, knew that the French take in 3Ps was around 25,000 or 26,000 tons a year for the last three or four years, when the quota they have there is 6400 tons. They are blatantly and drastically and effectively overfishing the 3Ps cod stock. That stock is just as vital - I suppose people in that

area will say, 'When is somebody going to get up and talk about the 3Ps cod stock? All you can hear is Northern cod,' and that is a fair statement from time to time - but that stock is just as vital, just as necessary, just as critical to the people who live along that part of our coast and the people who live in St. Pierre and Michelon as is the Northern cod stock to the people of Labrador and Eastern and Northeastern Newfoundland. Yet this country accepted the principle that we will put non-surplus Northern cod on the table and we will not have a quid pro quo, that in the interim period of three or four years, or whatever it takes to have the boundary arbitrated, the French will confine their efforts in 3Ps to within mutually acceptable and total allowable catches.

I mean, talk about the brazen-faced agreement that we have here! You talk about a sell-out and a giveaway! if they had come to the Government of Newfoundland and Labrador - I have said this publicly before and I do not mind saying it again - and said, 'Look, we knew from day one that you were adamant that there would be no Northern cod go on the table because it is not a surplus cod, you have to cut back yourself and all of that, and we know there is no way in God's world that we are ever going to get your agreement on that, but, Old Man, the only thing hanging up an agreement on putting the boundary to arbitration and correcting, in the interim, the overfishing in 3Ps is to give them a few tons,' I mean, I would not like it, the principle would be just as offensive, but you would have to give it consideration, Mr. Speaker. The boundary, some day

or another for the sake of Newfoundlanders who live on the Southwest Coast of this Province, has to be settled. If they had done that, as I said, the principle would be just as offensive but you would have had to take a hard look at it to see if the price you were paying was worth the risk and worth the effort and worth the pain. But no, Mr. Speaker, this document gives access to Northern cod without any guarantee whatsoever, basically without any reference whatsoever, that there will be a resolution of the overfishing in 3Ps in the three or four or five years it might take to arbitrate the boundary, assuming we ever get to arbitration on the boundary. That is not guaranteed in this particular document here. All that is guaranteed here is that we have put access to certain fish stocks within our two hundred mile zone on paper, in writing, and placed them before the French and have agreed to try to negotiate a number that they will be happy with. If that can happen and we can negotiate the language of the compromise on the boundary, if those two things can happen, then it goes to arbitration. But if those two things do not happen, it might never get to arbitration and, at the same time, as I have said, there is no agreement on the overfishing in 3Ps. I have heard labour people, for example, say that this particular document that was signed in Paris at some point in time when we - which we must - get to binding arbitration could serve as the base case, could serve as the precedent for which the arbitrators will eventually make their ruling. You talk about shooting off your foot! So, Mr. Speaker, there is that aspect of it, the aspect that even though Northern cod is so precious to us,

even though Northern cod is so vital to us, we have to acknowledge that there are a group of Newfoundlanders who live in another part of the Province, on the South Coast of this Province, who are having difficulty because of France's activity in 3Ps and this agreement does nothing, absolutely nothing in the next three or four years, to solve that particular problem.

The next "WHEREAS" in this resolution, Mr. Speaker, says, 'and WHEREAS the Government of Canada deliberately excluded the Province of Newfoundland from participation in, or knowledge of the Paris meeting contrary to the established practice.'

Now, Mr. Speaker, I have reviewed for this Legislature our participation in this process, going right back to day one, the 1972 treaty. As the negotiations became more pronounced and started to speed up, obviously everybody took a renewed interest. But let it be clear to every Newfoundlander and Labradorian wherever he or she lives that this Province - no matter what the stripe of the administration was here or up there - this Province from the very beginning was part of and involved in all negotiations, all consultations, all strategy sessions, all around-the-table negotiations held between Canada and France on this issue, up to and including January 13 to 16, 1987. We were present. Our position was reflected in the Canadian position. Our strategy was reflected in the Canadian strategy. That all changed, Mr. Speaker, following the visit to Ottawa of the French Foreign Minister. Without our knowledge, a delegation of two negotiators were dispatched - I do not know on

what day they were dispatched - from Canada to go to Paris and they came back with a three page document, I believe it was, that not only signed away the potential future of generations of Newfoundlanders and Labradorians, but bought us no protection in the meantime on the Southwest Coast, in 3Ps. That is the net effect of what they have done.

Now, Mr. Speaker, I referred earlier to when any hon. gentleman makes a statement in this House he is hopefully making it consciously, that he is telling the truth. I cannot speak for anybody but me in this case. But, Mr. Speaker, on Tuesday, January 20, I was the recipient of a phone call from the federal minister's office asking me this question: 'What would be the reaction of the Government of Newfoundland and Labrador if Northern cod was placed on the table in any further rounds of negotiations with France?'

Now, it did not take very long to answer that question. 'Nothing has changed', I would have said or did say, 'nothing changed for us to change our position. Northern cod is a non-surplus species, a species that is so vital to Newfoundland and Labrador and there will be holy hell to pay if Canada changes its position and puts Northern cod on the table.' That was readily understood by the gentleman I was talking to. We then followed up with Telexes.

MR. BARRY:

Would the minister permit a question?

MR. RIDEOUT:

Mr. Speaker, just let me carry on for a second here, and then I will permit a question.

MR. SPEAKER (Greening):

Go ahead, please!

MR. RIDEOUT:

We then followed up, that same day, by reiterating in writing the Newfoundland position, 'that we would not be party to nor agree to Northern cod going on the table in any future rounds.' At no time during that conversation was there any hint, was there any word passed that a group was about to depart for Paris, at no point, at no time whatsoever.

Now, the people who have made those allegations, Mr. Speaker, have to live with themselves. I have to live with myself. But not only did they say that the Government of Newfoundland knew because the Minister of Fisheries knew and presumably the Minister of Fisheries, if he was half competent at all, would advise the Premier, but there are four or five or six officials who were alleged to have been called and told the same thing. They have spoken. You might want to quarrel with my recollection, I am a politician, but they have spoken. And the same individual who was saying that all of us had been told about this secret flight to Paris -

MR. TULK:

Name him.

MR. RIDEOUT:

He was named publicly.

MR. TULK:

He was?

MR. RIDEOUT:

Yes, Ron Bowers.

MR. BARRY:

Mr. Bowers.

MR. RIDEOUT:

Mr. Bowers. I have no problem with it at all. A fine young fellow. He worked for me. Mr. Crosbie put his name on the record. I am reacting to what it was put on, so I am not the one who named him publicly first, not that that matters to me too much. But he is a fine young fellow, a good Newfoundlander, a good fellow.

But the fact of the matter is, Mr. Speaker, on this particular question of who knew when, not only was I alleged to have known and five or six officials alleged to have known, but there was one person who was alleged to have received a call the same day, in my office, who was not even in town and had not been in town all that week. So I have to wonder. Again, that individual knows who he is and Mr. Bowers knows who he is, but that particular individual was not in town all that week when all those calls were made, yet he was alleged to have gotten one

So all I am saying, Mr. Speaker, is that I will stand by my recollection, and I am doing it here publicly in the House. Because if I were to do anything less, and I would not, and I do not think any member would, than tell the truth in this House, then the converse of that is you are lying and I am not about to lie to the House.

So that is the process in that particular regard, Mr. Speaker.

AN HON. MEMBER:

(Inaudible).

MR. RIDEOUT:

Well, I mean, maybe some members do, but that is another point.

AN HON. MEMBER:

Never.

MR. RIDEOUT:

I would hope not.

So, Mr. Speaker, there was a deliberate decision taken. You do not have to be, I would not say, too smart to wonder why the decision was taken. I mean, it had been Newfoundland's position from day one that we were not prepared to entertain Northern cod going on the table. So if they went over with the idea of putting Northern cod on the table, they would have known, obviously, that we would have blown it out of the proverbial water before they got across there. So it was to their benefit, I suppose, not to let us know.

What I am saying, as the Minister responsible for Fisheries in this Province, is that I was not told about the proposed Paris meeting. They sought my advice on one question only and that was the question of Newfoundland's reaction to the possibility of putting Northern cod on the table in any future rounds. I found out at ten after four that Friday evening of that same week, the twenty-third I believe it was. At ten after four that Friday evening my Député Minister informed me that he had been talking to an industry representative who said, "I suppose you are aware that there is a team gone to Paris?" I then immediately called Mr. Bowers, Friday evening, ten after, quarter after, twenty after four, whenever I got through to him and said, 'What is this I hear about a team gone to Paris? I had no indication of that. What is this about a team gone to Paris?' We then got into the discussion of, yes, the team was gone to Paris. So after I deliberated with Mr.

Bowers on the phone for a while, I suspect that most members would understand that the next place I was was in the Premier's office. I think the public record shows from there what we did that evening, what we did, I believe, the next day, which was a Saturday, what we did on Sunday, and a press conference was held on Monday.

Now, Mr. Speaker, those are the facts from this gentleman. Other gentlemen may have equally as held facts, but from this gentleman those are the facts. On stacks of bibles, or courts or whatever, that is my recollection and I think my memory is fairly good. It is not perfect, I do not remember every word exactly as it comes out, but I think generally it is fairly good.

MR. BARRY:

Would the minister permit a question?

MR. RIDEOUT:

Yes, sure I will.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

I thank the minister for his courtesy in interrupting the flow of his thoughts and permitting a question. One of the things that will be coming out in the course of debate is a question by the Opposition, and it would be fair to give the minister the opportunity to answer it before he sits down. I heard the minister himself, on radio, state that he had agreed to 1,000 metric tons off the Coast of Labrador in 2G+2H. Now, there might be some dispute over whether it was 1,000 metric tons or 3,000 metric tons.

We have received information that by mid-January this will become 3,000 metric tons that the minister was prepared to put on the table.

Now, we understand there are various cod stocks and the cod stock in 2J+3KL is not the same stock as you find in 2G+2H, but the Premier's brochure, printed especially as a result of this dispute, confirms my understanding, and I think the understanding of members on this side, that when the Premier, and I thought this was true of the Minister of Fisheries as well, talks about Northern cod he talks about cod going not just from 2J+3KL but right up to Cape Chidley, right up the Coast of Labrador, and, therefore, I just honestly do not understand when the minister gets up again today and says we do not want to see, and we told them we did not want to see, Northern cod on the table. Has not Northern cod 2GH been on the table and in fact traded by the minister earlier in December and January?

MR. RIDEOUT:
Mr. Speaker.

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

MR. RIDEOUT:
I thank the hon. gentleman for his question. It is one of the items that I intended to mention today as I go through my remarks here. I will mentioned it now as well as in any other place in my remarks.

Gentlemen will remember that I referred earlier in my remarks here that obviously if you are going to get any agreement to refer to boundaries of dispute, and there are undefined fisheries

left in the 1972 treaty, you are going to be expected to give some fish.

Mr. Speaker, I do not think there is any doubt about what every Newfoundlander, certainly this one and hopefully all members of this House, talk about when they talk about Northern cod. We are talking about the cod stock in 2J+3KL. Now, that is not to say that cod in 2GH is not Northern cod. Obviously, if for no other reason it is North of 2J so it is more Northern geographically than anything else but there are a couple of things peculiar about 2G and 2GH, Mr. Speaker. I am sure the hon. gentleman for Twillingate (Mr. W. Carter) knows them and probably the Leader of the Opposition (Mr. Barry) does as well. There are those who say that the same cod stock that we call the Northern cod in 2J+3KL is the same stock that is in 2GH. There are people who say that the stock is one and the same.

There are people who will argue that it is a different stock altogether that spawns and breeds in 2GH alone and sometimes the odd bit of it might swim into 2J. There are those who argue that it is a separate stock altogether but I do not think that is important, Mr. Speaker.

What is important is this: if you have to trade anything at all - and I will come back to that again a little later - but if you have to trade anything at all, you obviously should be looking at trading, if you accept the principle that you are going to have to do it, you should not be looking at the principle of trading access to a non surplus species.

Now, what is the situation with 2GH, Mr. Speaker? The situation with 2GH is that there it a total allowable catch up there, and has been for the last several years, of 20,000 tons of cod. It is available in 2GH to be caught.

You know already, Mr. Speaker, 12,000 tons of that is allocated to foreign vessels. It has been every year, I suppose, since 1977. I did not go back that far but I have gone back to 1981 and 12,000 tons has been allocated for foreign vessels up in 2GH every year for the last several years. Why is that so? Why is that up there as a surplus species? It is so for a number of reasons, Mr. Speaker.

The Canadian vessels, with very, very few exceptions, do not go that far North. They do not do it for a whole range of reasons rising from climatic conditions to the fact that the fish is very spread out and it is more expensive to go up there. There are a whole range of reasons why they do not go there, with few exceptions. What are the exceptions? For example, in 1981 Canadian vessels, even though we have an allocation up there consistently of 8,000 each year, Canada does, in 1981 we caught 404 tons of cod in 2GH. In 1982 we caught 3,200 and that is the highest it has ever been, by the way. In 1983 we caught 265 tons.

MR. TULK:
Why?

MR. RIDEOUT:
For the reasons I just said. Well, I mean these are what the people will tell you. In 1984, the Canadian caught 270 tons up there. In 1985 the Canadian caught 103 tons up there, and we

do not have the final figures in 1986, but we understand they are less than 500 tons.

Now that is the history of Canadian effort. It is Canadian fish; it is Northern cod in the sense that it is North of 2J. There is a scientific debate on whether it is the same biomass and whatever that they have different spawning grounds. But the fact of the matter is that it is surplus, surplus fish. If you are going to do anything I would hope that you would deal with a surplus species rather than a non-surplus species in another zone.

Now let me go back further than that to the Leader of the Opposition's (Mr. Barry) question. In December, Canada finally came to the conclusion that it had to offer France some cod somewhere. Newfoundland's position was adamant on what we called Northern cod, 2J+3KL cod. Everybody was aware, including the French, that there is surplus cod available in 2GH. So, we finally, after a lot of soul-searching, remember now we have to try a way here to get the French satisfied on fish and hopefully use trade levers and so on, but to get them satisfied on one side of the coin, to get the disputed boundary issue to arbitration on the other side of the coin. So finally, after a lot of soul-searching, Newfoundland agreed that Canada should put 1,000 tons of 2GH cod on the table, 1,000 tons in December.

What would that be on the table for, Mr. Speaker? Well, obviously you are hoping to get a fisheries agreement so that you can get agreement on the boundary, get the thing to arbitration and be settled, and that you would have

an agreement of no overfishing in 3Ps while the thing was being settled. On those principles, Newfoundland agreed and that was the Canadian position in December that we would allow 1,000 tons of this surplus fish in 2GH that Canadians are not catching, except in small amounts. I have read out the figures. So we agreed to allow them to put 1,000 - 'allow', I suppose, they can put on what they like - but our position was that you could go with 1,000 tons. That ultimately went between December and January to 2,000 tons, and that was the last figure that this Province agreed with, a figure of 2,000 tons. But I understand the principle has already been set. That was the figure that this Province agreed to. The document that was agreed to in Paris has the figure of 3,000 tons in it. So there was another extra 1,000 tons put into the document by the time they went to Paris, concluded the agreement and got back.

So, Mr. Speaker, I do not think that we have any difficulty in arguing, and have been reasonably safe in arguing, that there is nothing wrong in principle if you decide you are going to do a deal of trading some access to a stock that is surplus, provided you can get the other things you are looking for, the protection in 3Ps and putting the boundary to arbitration. But we have none of that! They have this fish now for 1987, Mr. Speaker. This is not what is going into the 1988 to 1991 agreement, the one that we are to, hopefully, sit down and work out over this year to September 29 on one issue and up to December 31 on the other issue, the interim fisheries agreement. This is for this year. They have that now. In addition, of course,

the federal government gave the 3,500 tons in the Gulf as well, basically, I think, about two-thirds of it on the Scotian Shelf side of the Gulf. But they got that for this year. Obviously, next year they will hope to improve on that.

The other thing they got, Mr. Speaker, in that agreement was a commitment. You hear some of the federal defenders trying to defend the indefensible, Mr. Speaker. You hear some of the federal people trying to defend the indefensible saying, 'Oh, we never gave nothing away in this agreement. It is only an agreement to negotiate. It is only an agreement to sit down and talk.'

Well, Mr. Speaker, I would assume that every member of this House has seen the three page document. It does not say that Canada might give Northern cod to France or that we will consider it or that we might end up doing it. The document says Canada will, w-i-l-l. That is what the document says. So all of that now, in talking about negotiation strategies and tactics, we have already given them access to the surplus stock that we have around. We might not like it, but I suppose you would be more favourably inclined to do that than you would be to do the reverse. We have already given them access, even though the number is not defined, to the Northern cod stock, the 2J+3KL stock because the agreement says we will give them access.

In all of that giving, what have we received? We have no agreement to stay within reasonable management catching levels in 3Ps, and we may or may not have an

agreement that will see the boundary go to arbitration. I would suspect, Mr. Speaker, that even if we do see an agreement that has the boundary go to arbitration, those figures of what has already been given will probably be increased in any final agreement. Of course it comes back again then to what is the figure going to be in 2J+3KL?

Well, we know what France gets now in 2J+3KL as a result of being a member of the European Economic Community. We know what France gets now. I am talking about cod now. We know what cod France gets now from that cod stock as a result of its being part of the European Economic Community. Therefore we have what we call an LTA, a Long Term Agreement, in place between Canada and the EEC which expires this year, in 1987.

There are 9,500 tons of cod presently under that agreement given to the European Economic Community. Again, it is non-surplus cod. I do not believe it was surplus when it was given away. It was not surplus when it was given away. This Province, as the record will show, publicly and adamantly, was opposed to it at the time, but it was done. Under the terms of that agreement, 9,500 tons of that cod goes to the EEC. The EEC then spreads that out among their various member countries.

France's share of that cod today is 1,545 tons. I would challenge anybody to expect that France is going to be looking for anything less than 1,545 tons. I suspect they are going to be looking, Mr. Speaker, for one heck of a lot more, but they are certainly not going to be looking for any less. The agreement says, we will,

w-i-l-l, give them some. That is what the agreement says.

MR. TULK:

It does not say how much.

MR. RIDEOUT:

No, it says we will give them Northern cod. But if you look at that question you can safely assume, I would think, that it will be no less than that, but they will want substantially more.

MR. TULK:

Does the minister any idea how much the Canadian Government is going to give them?

MR. RIDEOUT:

Of course we do not have any idea. Actually we do not, no. There are some new rounds of negotiations over the next while, so that may come out.

Mr. Speaker, that is the 'WHEREAS' portion of this resolution dealing with how a Province on two fronts, the Northern cod being absolutely vital to the communities from Labrador up to Cape St. Mary's and another cod stock being absolutely vital to all of the Southwest Coast or the South Coast of this Province.

Taking into account the fact that we have asked ourselves, our own people, to take less this year than they were entitled to take last year; taking into account the fact, Mr. Speaker, that if this were to happen in any other civilized country in the world, I would suspect that somebody would be drastically dealt with; we are doing, Mr. Speaker, what we have the Constitutional authority to do. We cannot do what we do not have the Constitutional authority to do.

We cannot go tear up the agreement, we would like to see it torn up, we can only ask that it be torn up. We cannot go and say well we will cancel the Aero Speciale agreement that was signed between Canada and France, I believe on January 28.

The same time that they were over negotiating, the same people, with the one exception of the fisheries guy, but they same time they were negotiating the terms of this infamous document here, they were over talking about special trade agreements.

Well, I asked a question in Moncton, New Brunswick last week at the Fisheries Council of Ministers meetings. I asked, "did you try to use those trade levers during those discussions or are they conducted separately? Do we have to sell fish for fish? Is that the principle of Canadian negotiations that this issue will be settled on fish alone?"

My God, Mr. Speaker, there is not enough fish out there to settle this issue if it is going to take fish alone at a time when our own fishermen are having to take less; at a time that the French are overfishing on the South Coast. There is not enough fish in the Northwest Atlantic to solve this issue if the French do not want to remain dogmatic. If they want to take the dog in the manager attitude. You will never solve that issue on fish alone. So how could you be over negotiating defence contracts and helicopter contracts for DND and not be cognizant of what you were trying to achieve here. It is a gross error on somebody's part and we all know who is responsible.

Mr. Speaker, the next WHEREAS in

this resolution says: "WHEREAS this agreement is an unacceptable abdication of Canadian Sovereignty over the waters and resources off Eastern Canada to the grave detriment of all Citizens of our Country."

Mr. Speaker, I think we have seen in Canada over the last couple of years the fact that there is a political will in Canada that perhaps was not there for several years, that perhaps was not there when this other infamous document, the 1972 treaty, was signed, there is other people who got to bear responsibility for that but I think there is a political will in Canada. I think we saw it with the sovereignty issue up around the Arctic with the Americans sending up a submarine. I think we saw a new political feeling across Canada on this particular issue that Canadians hopefully have awakened.

Once their government awakens, then we will be in fairly good shape. The government has not yet awakened or awoke - whatever the proper English is. But Canadians generally I think have awakened to what sovereignty means, what it means to be a nation.

Out here in an area called 3Ps there is another foreign power that claims part of it. There is not much we can do about that. Our own government claims part of it and there is not much we can do about that. We are not warmongers. We do not necessarily want to solve it by trying to blow each other out of the water. We try to be reasonable and offer some enticement to get the problem solved.

While all that is happening we see the negotiators for this country

adopt the spine of a jelly fish, Mr. Speaker. The negotiators for this country adopting a spine of a jelly fish while all of this was happening.

We had the French Foreign Minister in Ottawa from the 13th to 16th of January and that was when the last Ottawa rounds of negotiations took place, while all that was happening and Canada was not prepared to put Northern cod on the table, Canada was not prepared to do a deal unless we had a quid pro quo on 3Ps, Canada was not prepared to do a deal under a lot of conditions. While Canada was saying all that, the Foreign Minister for a Foreign country was saying, 'Well, we will send over the gun boats.'

That was the moment, Mr. Speaker, of reckoning for this country. The sabre rattling of a foreigner was more intimidating to the elected government of the people of this country, the sabre rattling. Well, let them send over their gun boat. I suppose we have a scattered gun boat too, have we not? That is not the kind of diplomatic international policy you want to enunciate, but you do not develop the spine of a jelly fish because they have threatened to, Mr. Speaker. Now we have committed the unpardonable and unconscionable public act of giving in to blackmail, of giving in to threats, of sending the clear signal that this nation is not a nation, because one of the fundamentals of being a nation is taking on yourself the ability to defend your border.

SOME HON. MEMBERS:
Hear, hear!

MR. RIDEOUT:
We have sent to the international

community, Mr. Speaker, the fact that this country is not prepared, even when threatened with blackmail, even when threatened with intimidation, the international community now knows that the lap dogs of North America will bow down. That is the signal, Mr. Speaker, that is being sent by this infamous document.

There is no way, Mr. Speaker, that any Canadian, there is no way that any Newfoundlander can try to wiggle and crawl around words in an agreement and say we do not have an agreement. That individual, no matter to what political party he is aspires to be a member, has to be challenged by those of us elected locally to represent the interests of Newfoundland and Labrador, Mr. Speaker.

SOME HON. MEMBERS:
Hear, hear!

MR. RIDEOUT:
So, Mr. Speaker, this resolution is asking this House to unanimously go on record as condemning this agreement, "made in the callous disregard of the livelihood of Canadians dependent on this fish resource and a deliberate denial of legitimate participation of the Government of Newfoundland and Labrador."

If you were to do this to the wheat fields of Saskatchewan, Mr. Speaker, there would be a revolution in this country.

It has to be clearly understood, even though fish is different, they have tails, you cannot confine fish, but it has to be clearly understood that the resources of the sea mean the same to those countries and provinces that are adjacent to the sea as

the resources of the land mean to other, more land-locked provinces. The principle is no different, Mr. Speaker.

It has to be realized that if you are going to hold a delicate balancing act of Confederation together, if you are going to hold a Confederation together you are going to have to do it by making every part of that federation believe that it is being protected, believe that its resources are being protected, believe that its people have an equal opportunity with other people in other parts of the federation and that is called protecting the national interest. We are one cog in that. You are not going to do that, Mr. Speaker, by bowing to international blackmail.

MR. SPEAKER:
Order, please!

The hon. member's time has elapsed.

MR. RIDEOUT:
I thank you, Mr. Speaker. I will just clue up in a couple of minutes. I suspect nobody else will want to go this evening anyway. I just want to clue up that we are also asking, Mr. Speaker, that the "House urge the Government of Canada to take all the necessary measures to have the boundary issue resolved without compromising the vital interests of the Province of Newfoundland."

Mr. Speaker, I have carried us through that part of the debate and up until January I think it could be legitimately argued that the Government of Canada was protecting the interests of the people of Newfoundland and Labrador on this issue.

But as of January 23 and 24, Mr. Speaker, the Government of Canada have abrogated all sense of responsibility to Newfoundlanders and Labradorians. It makes no difference what their political stripe is to me. What the difference is is that this, Mr. Speaker, has to be undone.

I am afraid that the price that will have to be paid by the fishermen of Newfoundland and Labrador to undo the injustice that was done here will be a price that the people of this Province will be bearing for years and, perhaps even decades, to come.

SOME HON. MEMBERS:
Hear, hear!

MR. W. CARTER:
Mr. Speaker.

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

MR. W. CARTER:
I will be speaking at greater length on tomorrow, Mr. Speaker, on this resolution. I think there are a few things that need to be said now while they are fresh in our minds like the hon. member's explanation as to why he and the government that he supports agreed to an allocation of Northern cod. It does not matter if it is 2GH or in 2J+3KL, that cod is Northern cod. If the hon. minister needs further proof of that fact, Mr. Speaker, I refer him to a document that was published by his government wherein a map showing Northern cod stock migration takes in all of that part of Labrador, including the 2GH area, North to Nain, I suppose, from Battle Harbour to Nain, in this document that cod stock takes in the entire Labrador coast. That fish is

referred to in this document by the government, this is a government document, as Northern cod stock.

MR. BARRY:

Adjourn the debate now.

MR. W. CARTER:

I want to adjourn the debate, Mr. Speaker, on the resolution.

MR. OTTENHEIMER:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. OTTENHEIMER:

Mr. Speaker, it has been agreed by the government and the members from the NDP that the resolution drafted by the hon. member for St. Barbe (Mr. Furey), with an alteration which was agreed upon, would be passed unanimously without debate.

SOME HON. MEMBERS:

Agreed.

MR. FUREY:

I wish to table the resolution.

MR. SPEAKER:

It is moved and second that this resolution pass. All those in favour, aye?

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

All those against, 'nay'.

Carried, unanimously.

SOME HON. MEMBERS:

Hear, hear!

MR. OTTENHEIMER:

I move that the House adjourn

until tomorrow at 3:00 p.m. when we will be continuing with debate on the Fisheries resolution.

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