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VERBATIM REPORT
(Hansard)

Speaker: Honourable Thomas Lush

The House met at 2:00 p.m.

MR. SPEAKER (Lush):
Order, please!

Before proceeding to the orders of the day, on behalf of hon. Members, I would like to welcome to the House of Assembly today, 90 Grade VII students from I. J. Samson school here in St. John's, accompanied by their teachers: Miss Chubbs, Mr. Sheppard and Mr. Fillier.

SOME HON. MEMBERS:
Hear, hear!

Statements by Ministers

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

MR. FLIGHT:
Thank you, Mr. Speaker. Mr. Speaker, as we are all aware, the price of milk has been much in the news for this past year. As well, you are aware that I have asked the Task Force on Agri-foods to review the issue of Milk Pricing in this Province. Mr. Speaker, to assist with this issue, the Task Force has initiated studies on the Newfoundland Dairy industry. Two local chartered accountancy firms with considerable experience in dairy cost production studies at both the producer and processor levels have been awarded contracts. Doane Raymond of St. John's, a national chartered accountancy firm, has been awarded a contract to undertake a detailed cost of production study of fluid milk at the producers' level. Deloitte Touche of St. John's also has been awarded a contract to undertake a detailed study of the cost of processing fluid milk. I have been informed by the task

force, that these studies will lead to firm recommendations for the establishment of a base price for fluid milk in this Province as well as an appropriate price adjustment mechanism that will be used in future years.

Mr. Speaker, I was first approached by the Milk Marketing Board seeking my support for a three cent increase to Dairy producers on a litre of milk. While I could not support such an increase, a three cent increase, I was willing to offer my support for a one cent increase for dairy producers until the Task Force presented its final recommendations. Then in December, after the Milk Marketing Board had gazetted its one cent increase, an appeal was taken against it by two dairy producers who felt that the proposed original three cent increase was warranted. Mr. Speaker, their appeal was heard in January and the tribunal handed down its decision on March 15th. The Tribunal ruled that an additional two cents per litre was justified to cover cost increases incurred by the Dairy Farmers of this Province. This past weekend the Province's Milk Marketing Board held its annual meeting in Corner Brook. I have been told the Board intends to comply with the recommendations of the Tribunal, but will delay the increase until October 1, 1990. This delay is for two reasons, Mr. Speaker,

1. They expect an increase to the farmers would cause milk processors to request an increase, which in turn would add too much to the retail price of milk at this time.

2. Secondly, Mr. Speaker, the October date would respect my

original request as Minister, that no major price increase should take place until the Task Force on Agri-Foods had reported and made a firm recommendation for both producer and processor costs and on a future pricing mechanism. I have requested the Task Force to do everything within their power to meet this deadline; and I am confident that they will.

I believe the Task Force's work will be beneficial to the dairy sector: producers, processors, and consumers alike. Many of the contentious problems surrounding the pricing of milk and the costs incurred by all those in the industry, will be resolved once and for all.

Mr. Speaker, I would like to commend the Milk Marketing Board and the producers for their actions in this matter. It is not easy for any group to forego an increase in revenue. As you can see the Milk Marketing Board has shown a sense of responsibility to the industry and as well to the consumers of Newfoundland and Labrador.

I am confident that the consuming public will recognize and appreciate the gesture of concern and good will demonstrated in the Milk Marketing Board's decision. Again, Mr. Speaker, I am very appreciative of the Milk Marketing Board's decision, and I hope that it will help lead to an improved and more understanding relationship between the Dairy industry and the consuming public of Newfoundland and Labrador. Thank you.

SOME HON. MEMBERS:
Hear, hear!

MR. WOODFORD:

Mr. Speaker.

MR. SPEAKER:
The hon. the Member for Humber Valley.

MR. WOODFORD:
Thank you, Mr. Speaker. First of all I would like to thank the Minister for giving me a copy of the statement in ample time before the House opened so I could just peruse it. In any case I would like to make a few comments with regards to the statement made by the Minister. Yes, his statement is no doubt correct. The Milk Marketing Board did meet last weekend in Corner Brook and they made a decision to do just what the Minister has stated.

In the second paragraph the Minister said that the Task Force has initiated studies on the Newfoundland Dairy industry. Some of the questions I ask is that there are three or four studies that already have been done with regard to the COP in the Dairy industry in the Province and done by reputable people. One of the Chartered Accountant Firms that was involved was Touche Ross & Company and another one was a fellow by the name of Carmichael out of New Brunswick and I think one of those was sanctioned by Ag-Canada. So to question the validity of the COP studies with regard to the dairy industry in the Province is one of my first questions to ask the Minister: what will the criteria be in this study and who will set that criteria? These are two very important questions that have to be answered. Some \$300,000 has been spent by the dairy industry in the Province in order to abide by what they have been told is the cost of production in order to be able to collect it. Some \$300,000

has been spent by the dairy industry and more specifically, as of late, \$35,000 just in the last few months to try to get the two people who appealed the decision of the Milk Marketing Board for the two cent increase.

In any case, Mr. Speaker, it comes down to, I suppose - whether well intentioned or not - there was definitely interference by the Minister and the Department involved last fall in the dairy industry. To say that the Milk Marketing Board came seeking their support for a three cent increase is probably right, I would say he is, and that would be, I suppose, keeping the lines of communication open between the Milk Marketing Board and the Minister. A good thing. But at the same time I think the Minister in his wisdom at that time should have probably supported the increase, especially coming from such reputable people. The question that I would like to have answered, and I suppose it will be in five or six months time, is what will happen after this COP is done? What will the Minister do then? Will he abide by the regulations and by the recommendations of the task force or Doane Raymond in their report, or will he take some other action?

One of the reasons, Mr. Speaker, the board took the decision last weekend in Corner Brook was because of the fact that they were afraid, to put it bluntly, that their Milk Marketing Board will be disbanded. That was one of the concerns they had and very honestly I think that is wrong. In any case the tribunal set an ultimatum and said that the task force would have to bring in their report by October 1, and if not they were going to go ahead with

their two cent increase, which was justified, and they should have had as of last year.

I think it shows, and the Minister stated so in his statement, some responsibility on the part of the dairy industry and I commend him for that. After the task force does come in with their report on the study I think the Minister should take whatever the recommendations are, abide by them, let the Milk Marketing Board do what it is supposed to do, and that is look after the producers in this Province and let the producers get on with the production of milk in the Province in order to serve every citizen in this Province.

Thank you, Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Education.

DR. WARREN:

Mr. Speaker, it is with pleasure that I inform Members of the House of a number of initiatives that are being undertaken by this Government to enhance the educational opportunities for students in the Province.

In recognition of the importance of information technology to today's society, the Department of Education, in cooperation with school districts, will initiate a pilot project known as "Lighthouse Schools". Each of these schools will in essence be a centre of excellence. It will be equipped with computer hardware and software to accommodate a number of innovative changes in the curriculum of our senior high schools in areas such as computer education, mathematics, science, and technology education.

A "Lighthouse School", Mr. Speaker, will allow a school district to experiment with and develop expertise in teaching methodologies involving computer technology. Meaningful ways of integrating the use of computers into the curriculum and the learning process will be identified, and through a cooperative, collaborative process, school districts will be able to share the knowledge and expertise that is developed. The professional education of teachers will be enriched, and the level of relevant, learning experiences for students, using computer technology, will be enhanced.

My Department, Mr. Speaker, will contribute over \$1.7 million in hardware and software for the establishment of these "Lighthouse Schools". Each school district in the Province will be given the opportunity to participate.

Mr. Speaker, in conjunction with the regular curriculum review process, my Department will stimulate the integration of computers into the mathematics and science curriculum. The necessary computer interface connections and software, as well as sensor devices, will be provided to schools participating in the pilot project for Physics 2204, beginning in the 1990-91 school year. As well, a number of comprehensive senior high school mathematics software packages will be purchased and field tested in a small number of schools.

These initiatives, Mr. Speaker, are an indication that this Government gives high priority to a level of excellence in computer education, mathematics and science as suggested in the Task Force Report on Mathematics and Science.

Mr. Speaker, I am very pleased that we can provide this amount of money (\$1.7 million) as part of a long range program for providing adequate numbers of computers for our schools.

Mr. Speaker, another initiative I would like to mention as a result of the extremely positive results of the Distance Education Pilot Project initiated by the former Administration. As a result of the increasing cost-effectiveness of the project, and the overwhelming requests from school districts for additional sites, I am pleased to announce that my Department will expand the Pilot Project in the 1990-1991 school year in the following ways: (1) The third mathematics course - Advanced Mathematics 3201 - will be available through Distance Education. (2) Ten new sites will be added, bringing the number of small or remote schools being served by Distance Education to a total of thirty in all parts of the Province. These sites will be chosen in consultation with Telemedicine and TETRA - the agencies providing the communications highway for Distance Education. (3). Mr. Speaker, Development of learning resources for Physics 2204, French 2100 and French 2101 will be initiated during the 1990-1991 school year, with a tentative implementation date of September, 1991.

The expansion of the Distance Education Project will provide students in rural Newfoundland and Labrador with stronger educational backgrounds to participate in careers requiring a high level of competence in mathematics, science and French.

Mr. Speaker, through initiatives

such as these, the Government of Newfoundland and Labrador clearly demonstrates a commitment to providing greater equality and excellence in education during the 1990's.

Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Member for Humber East.

MS VERGE:

Thank you, Mr. Speaker.

Mr. Speaker, on behalf of the Official Opposition I would like to begin by thanking the Minister for sending our office a copy of his statement one and a half hours or two before his delivering it in the House. I appreciate that courtesy.

The Minister has just made two good announcements for education in our Province and I am glad the students and teachers from I.J. Samson School are in the galleries to hear the announcements.

His second announcement is a continuation and strengthening of a progressive initiative by the previous Progressive Conservative Administration which some of us in the Opposition now, were pleased to be part of. As the Minister has acknowledged that initiative was begun a couple of years ago, actually when my colleague the Member for St. Mary's - The Capes was Minister of Education. It involves using modern technology which has been perfected at Memorial University right here in St. John's, using Distance Education to deliver courses to students in small schools,

isolated from the main centers of the Province. So we in the Opposition are glad the new Government has agreed with our start and is continuing it and expanding it.

The first announcement of the Minister involves Department funding for some schools in the Province to acquire computer technology, hardware and software. We certainly welcome that development, however, we have some questions about just how it is going to be done and about the financial implications for school boards.

The Minister's statement did not make clear on what basis the Department's funding would be provided. He uses the verbs, 'contribute' and talked about school boards 'participating'. It is important for boards and others involved and concerned in education to know whether this funding will be made available on the basis of 100 per cent funding from the Department, or whether it will require cost-sharing on the part of boards, if they are to participate and benefit.

If boards are called upon to contribute any portion of the cost, then they will be strapped to participate, since the new Budget brought down by the Minister of Finance a bit more than a week ago, cuts Government operating grants to school boards. This year school boards throughout our Province will have less purchasing power than they did last year.

SOME HON. MEMBERS:

Hear, hear!

MS VERGE:

Mr. Speaker, the Budget Speech

announced that there would be a 4 per cent increase in per pupil operating grants to school boards. What the Budget Speech failed to mention is that the number of pupils will be smaller - we have declining enrolments. What the Budget Speech also failed to mention is that the per pupil money is only one component of the complicated formula for determining total operating grants to school boards, and all the other components of the formula are being frozen. The net change in operating grants to school boards for this year, compared to last year, is the smallest ever, to my knowledge. It is only 0.7 per cent and that is versus the Government's projected inflation rate of 4 per cent. So this coming year, school boards throughout our Province will have less spending power than they did last year. Therefore, if the Minister's lighthouse school initiative is going to require cost-sharing on the part of boards, many of them will find it impossible to participate.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

I remind the hon. Member again, her time has expired.

MS VERGE:

Thank you very much, Mr. Speaker.

I will sum up by welcoming the announcements of the Minister and urging him to reconsider the Budget provision for operating grants to school boards, and try to persuade his colleagues to match the money flow with the rhetoric and to provide sufficient funding for quality education this

coming year. Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. R. AYLWARD:

On a point of order, Mr. Speaker.

MR. SPEAKER:

The hon. the Member for Kilbride on a point of order.

MR. R. AYLWARD:

Mr. Speaker, I have here on my desk a statement that was supposed to be made today, dated today, by the hon. the Minister of Works, Services and Transportation (Mr. Gilbert). He did not seem to want to get up on his feet. I do not know for what reason that he is ashamed to announce this report that has been given out by the Federal Government on the year around service to Argentina. Mr. Speaker, if he wishes me to announce it the same as I did for his point system I will be quite glad to do that.

SOME HON. MEMBERS:

Hear, hear!

MR. R. AYLWARD:

Mr. Speaker, this is a very important report, especially as it affects the towns of Port aux Basques, and the Town of Argentina.

MR. SPEAKER:

Order, please!

There is no point of order. If the Minister does not want to make the statement then he does not have to make the statement, (inaudible).

AN. HON. MEMBER:

A good try, boys!

MR. AYLWARD:

Mr. Speaker, to finish up that

point of order I just thought that the hon. the Minister forget and I was trying to remind him. He did this before for another statement one time last year and it never was announced. So I just wanted to remind the Minister if he is ready to do it, we are ready to respond to it.

MR. SPEAKER:
Order, please!

There is no point of order.

Oral Questions

MR. RIDEOUT:
Mr. Speaker.

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

MR. RIDEOUT:
Mr. Speaker, I have a question for the Premier. I refer the Premier to page 7 of the Ministerial Statement he made in this House in November of 1989, when he announced his new constitutional initiatives he would take, I think a day or two after the First Ministers' Conference in November. I would like to quote to the Premier from his statement, and lest he accuses me of not quoting at all or only quoting part of it, it is not very long, I will read the whole paragraph. The Premier said the following: 'The Government further believes that urgent consideration must be given to opening up the Constitutional Reform process to allow for meaningful public debate and the full participation of the people of Canada in deciding these important issues. This was also emphasized by both the Manitoba Task Force and the New Brunswick

Select Committee. Of particular interest is the Manitoba recommendation, that public hearings be held at the Federal and Provincial levels of Government after the First Ministers develop a proposal for constitutional change, and prior to the signing of the proposed constitutional change. The Task Force further recommends that if a Province chooses not to hold further hearings, then the Federal Government should hold hearings within that Province to give the Public the opportunity to participate in constitutional reform.' Mr. Speaker, that is the full text of a paragraph from the Premier's statement of November. Could I ask the Premier, Mr. Speaker, whether or not he holds that same view, today?

MR. SPEAKER:
The hon. the Premier.

PREMIER WELLS:
Yes.

MR. RIDEOUT:
A supplementary, Mr. Speaker.

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

MR. RIDEOUT:
Thank you, Mr. Speaker.

In the New Brunswick constitutional proposal recently tabled in the New Brunswick Legislature, made public last week I believe it was, Section 46.1 of that particular document has the following clause: 'No measure relating to an amendment to the Constitution of Canada may be adopted by the House of Commons or the Legislative Assembly of a Province, pursuant to Sections 38, 41, 43, 43.1, or 46, unless public

hearings in relation thereto are first held by the House of Commons or Legislative Assembly as the case might be.' Mr. Speaker, I would like to ask the Premier whether or not he could tell the House if he agrees with the essence of that particular provision contained in the New Brunswick proposal.

MR. SPEAKER:

The hon. the Premier.

PREMIER WELLS:

For anything that was of significance, yes. If it was just a minor amendment that affected only grammatical structure or corrected some error that everybody agreed upon, just a sort of routine thing that was not contentious in the country, I do not think such proposals would need to have wide open public debate. But anything that was major and significant, like the Meech Lake Accord, for example, I would agree that that is essentially an appropriate approach. What the Premier of New Brunswick is suggesting is that there be explicit provision in the Constitution to provide for it. I would have to give that some thought, as to whether that was the appropriate approach, but basically, as a matter of principle, I agree there should be such hearings, yes.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. RIDEOUT:

Thank you, Mr. Speaker.

I thank the Premier. So the Premier agrees with the Manitoba recommendation and the New Brunswick recommendation.

In view of the fact that the Prime Minister and the Government of Canada have referred New Brunswick's constitutional proposals in particular, or are about to refer, I guess, as of today, to a House of Commons Committee, expressly for the purpose of having public hearings, could the Premier tell the House whether or not he agrees with that process which the Federal Government is undertaking in regard to the New Brunswick proposals?

MR. SPEAKER:

The hon. the Premier.

PREMIER WELLS:

It is hard to say. I will wait to see what the Prime Minister says today. I do not know whether the Prime Minister is just playing games with it, or if he is serious. Is he seriously putting it forward as a proposal that the Federal Government is going to support? I do not know. Maybe we will find out more today. If he is, then it would have some significance. But if he is just sort of using it to play political games with it and try to divert attention, or cover the fact that they proceeded with the Meech Lake Accord as it is without public hearings, then really it does not achieve very much in that sense. I think what would be more significant is to hold a full-scale First Ministers' Conference or some other constitutional convention, where representatives of the provinces could state clearly their positions and that could be made known to the entire public of the country. I think that would be a more valuable and more effective approach. We will have to wait and see if what the Prime Minister is doing has any really depth or sincerity to it.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. RIDEOUT:

Thank you, Mr. Speaker.

It is interesting to see how the Premier on one hand, when it suits his mode, wants everybody to cool the constitutional rhetoric and debate issues, but, then, when it suits his other fancy, the Premier tries to impute motives and cast aspersions on other people who are trying to get on with this process.

Mr. Speaker, in the past we have congratulated this Government on the initiative it brought in early in its mandate, for example, on the Legislative Review Committees, whereby important and significant pieces of legislation coming before this House is referred to Legislative Review Committees for public hearings and for public input. In view of the fact that the Constitution of our country is certainly equally as important and, perhaps, in most cases, more important than any given piece of legislation, and in view of the fact that the Government of Newfoundland and Labrador has now tabled before this Legislature a rescinding resolution along with a revised constitutional proposal - I remind the Premier, although I am sure he knows, that the proposal tabled in this Legislature by him last Thursday is revised, in some cases, over the proposal he tabled last November, so there have been some changes and, therefore, it has been a revised proposal.

To be consistent, Mr. Speaker, with the stated position of the Premier in public hearings and other jurisdictions, would the Premier tell the House whether or

not he would be prepared to strike a Select Committee of this House and to refer his constitutional resolution and his constitutional proposal, his revised proposal, to that Standing Committee for the purpose of holding public hearings?

MR. SPEAKER:

The hon. the Premier.

PREMIER WELLS:

That is worth thinking about, Mr. Speaker.

I would ask my Cabinet colleagues to consider that and give it some thought. It has nothing to do with the other resolution that is before the House for rescission. That will proceed in any event. But once the rescission takes place, maybe it will be of some merit to put it before a Select Committee and hold hearings. I would certainly be prepared to consider that. I am hesitant to give an answer right now. Such a committee would be an expensive proposition. If the proposal is not likely to meet with the approval of Quebec or the Federal Government, then proceeding in that way may be just sort of a hollow or empty gesture, but I would certainly be prepared to provide the maximum level of opportunity for its full discussion.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. RIDEOUT:

Mr. Speaker, it seems to me that it would be quite appropriate to have the resolution and the alternate constitutional proposal of the Premier go to a Committee for public hearings first. That is what we do with major issues.

In any event, Mr. Speaker, in view of the fact that the Premier will have to admit that the vast majority of Newfoundlanders, like the vast majority of Canadians, say they do not even understand the Meech Lake Accord - according to polls, certainly the vast majority in Newfoundland and in Canada say they do not understand the Accord - and in view of the fact that the Premier has now brought a revised constitutional proposal before the House that the people of Newfoundland and Labrador have not even yet seen - it was only tabled in this House on Thursday, and in view of the fact that people, therefore, are not aware of some of the provisions of the Premier's revised position, and in view of the fact that the Premier is proposing, perhaps, at some date to ask people to participate in a referendum on this issue, would the Premier not agree that there must be public hearings held on his proposals so that people can become informed, get involved in the process, and that these must be held now?

MR. SPEAKER:

The hon. the Premier.

PREMIER WELLS:

There are several questions there, so it may take some time to answer, Mr. Speaker.

One is, would it not be appropriate to put the proposal and the Notice of Motion to rescind before the Legislature? The answer is, no.

It would be entirely appropriate to put the proposal before a committee to hold hearings throughout the Province before we ask the Legislature to approve it. But what we want to do with

the motion to rescind is to put Newfoundland in precisely the same position as Manitoba and New Brunswick, and take Newfoundland out of the terrible position the former Government put it in when it passed the resolution without hearings.

Now, Mr. Speaker, what we intend by that is to go back to where we were, properly. What we are saying in the resolution, Mr. Speaker, is that we would not see it passed by this House without an appropriate level of input from the people of Newfoundland and Labrador.

Now, the hon. Member opposite suggests that that be by public hearings. I have no quarrel with that, except that the time for it is getting kind of narrow at the moment. What we are saying is we are prepared to submit it to the ultimate public hearing, a referendum of the people of this Province. That is the ultimate in public say.

AN HON. MEMBER:

Call an election. Then we will see.

PREMIER WELLS:

I would be very happy to do so. Please do not tempt me. If hon. Members Opposite want a referendum by means of election, I am quite prepared to consider that too.

Mr. Speaker, there was another comment the Leader of the Opposition made. I think he said a vast majority of the people of this Province do not understand the Meech Lake Accord. What the polls said about two, or three months, or four months ago, was about 75 per cent of the people explained that they did not really understand the issues involved in

the Meech Lake Accord. That has been diminishing. It is down now, in the latest poll we have seen, to 52 per cent who say they do not understand it and 44 per cent who say they understand it sufficiently well to make a decision. But there is something else, Mr. Speaker. As the number of people who understand it increase, the number of people who oppose it increases,, also. Do not ever forget that.

Mr. Speaker, the former Government saw fit to ram this through this House without any public hearings. We want to bring the people of Newfoundland back to a position where they can have a say. And if hon. Members Opposite feel, once the recision has taken place, that any great advantage can be gained by having public hearings throughout the Province, we would certainly be prepared to consider that. We feel, however, that the ultimate public input of a referendum in the present circumstances is the proper way to do it, because, Mr. Speaker, it is academic unless Manitoba also approves. So we think we are proceeding in the proper way.

MR. RIDEOUT:

A supplementary, Mr. speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition on a supplementary.

MR. RIDEOUT:

Mr. Speaker, let me say to the Premier that the reason governments blame things on previous administrations is that there is only one other choice. That is the reason governments blame things on previous governments and previous administrations, there is no other choice but to do that or blame it

on oneself. That is the fact, Mr. Speaker.

Mr. Speaker, while the Premier may fly high today and continue to fly high for another number of days, before this issue is finished the people of Newfoundland and Labrador will see the culprit the Premier of this Province is. So ride high! Enjoy it! But, Mr. Speaker, there is an end coming to it, let me assure you.

Mr. Speaker, I am amazed the Premier would want to proceed with a rescinding resolution, the likes of which has never been done in this country before, without referring the resolution and the accompanying alternate constitutional proposals to the people of Newfoundland and Labrador for public input and public scrutiny. Is the Premier saying to this House that he lacks the confidence in his proposals to go before the people in a forum where they can respond - he has never done that, Mr. Speaker - to his proposals? Does he lack the confidence in his proposals to take those out to the people for public input before he rams them through this House, Mr. Speaker?

MR. SPEAKER:

The hon. the Premier.

PREMIER WELLS:

That also is a multiple commentary and question that needs some addressing, Mr. Speaker.

To begin with, this suggestion that this is a thing that has never been done before and this Government is doing it without holding public hearings, let me set the record straight, Mr. Speaker. The fact is these amendments to the Constitution are something that was never done

before, and the former Government put those through without any public hearings. How hypocritical!

Mr. Speaker, section 46 -

MS VERGE:

You campaigned on it.

PREMIER WELLS:

Yes, I campaigned on it, but Members Opposite were too afraid of the issue to take it up.

To the point, Mr. Speaker, where one voter, at least, wrote a letter to the editor and said, Because of the position of the Progressive Party, and I have been a Conservative all my life, I supported the P.C.s, this time, to save to Newfoundland and Canada, I must vote Liberal because of Meech Lake. There were numerous, numerous references.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

I want to point out to hon. Members again the difficulty at deciding when the Premier has answered the question. The Premier has been responding to side questions. I ask the Premier to get on with the answer so that we can have more questions.

The hon. the Premier.

PREMIER WELLS:

With all those silly side questions that distracted me, Mr. Speaker, I kind of lost the thrust of the question.

AN HON. MEMBER:

It was not much of a question.

PREMIER WELLS:

It was not much of a question? I was correcting some misstatement about the -

SOME HON. MEMBERS:

Public hearings.

PREMIER WELLS:

No, about having the public hearing.

Now, Mr. Speaker, what we are going to do is put Newfoundland and Labrador in the position the Province ought to have been at the time when a public hearing ought to have been called, before the former Government rammed the resolution through. So we are going to put Newfoundland and Labrador back in that position. Then we will consider, Mr. Speaker, whether it is desirable to go through the expense of public hearings in the present circumstances, or whether the most appropriate way is to go directly to a referendum, the ultimate public hearing.

And we are prepared to consider either proposal. It may have merit to go through a public hearing. If it does, we will certainly consider it.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. RIDEOUT:

Thank you, Mr. Speaker.

Mr. Speaker, let me correct a piece of misinformation given to this House by the Premier. The fact of the matter is, when the Meech Lake Accord was brought back to this House the then Opposition, under the leadership of now Mr. Justice Barry, and the NDP under the leadership of Mr. Fenwick, supported the Meech Lake Accord.

Plus all Governments in Canada,
Mr. Speaker.

MR. SIMMS:
Right on.

MR. RIDEOUT:
Plus all political parties in
Canada. Can that be said today,
Mr. Speaker?

MR. SIMMS:
It is not the same situation.

MR. RIDEOUT:
It is not the same situation at
all today, Mr. Speaker.

Now, Mr. Speaker, in view of the
fact that the majority of
Newfoundlanders - I ask the
Premier this again - like the
majority of Canadians, indicate
that they do not understand the
provisions of the Meech Lake
Accord, and they have not had any
opportunity to get to understand
the provisions of the revised
proposal the Premier tabled in
this House only a week ago, and in
view of the fact that public
hearings would, by definition, at
least give the people an
opportunity to be able to
participate, ask questions,
assimilate information, get to
know the issue inside and out, so
that the people of the Province if
they have to at some point, as the
Premier is proposing to ask them,
participate in a referendum would
at least participate in a
referendum knowing all the facts
and knowing what is at stake in
this particular business, does the
Premier not agree that public
hearings beforehand, public
hearings now, public hearings
beginning today in view of the few
weeks that are left, would add
immensely to this process and
would give the people of this
Province an opportunity to

participate?

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
The hon. the Premier.

PREMIER WELLS:
Mr. Speaker, either public
hearings of the kind the hon. the
Leader of the Opposition speaks of
or some other method: the hon. the
Leader of the Opposition speaking
around the Province, my speaking
around the Province, a variety of
other proposals; we could do it
through television programming,
any number of ways could be used
and it may well be that a public
hearings process through a
Committee of the Legislature may
be a good way to do it.

But I point out that a public
hearings process of the
Legislature is designed in the
main to get a feedback from the
people, not to provide information
out, something like a First
Ministers' Conference, where open
public debate in the nation would
help get information out. What we
want to do to meet the concern of
the Leader of the Opposition, is
to get information out so people
will understand. Now, we will
take a look at that. We are, in
fact, now taking a look at how we
can most effectively do that. It
cannot most effectively be done by
public hearings.

MR. SIMMS:
That is not what you said in
November.

PREMIER WELLS:
Yes, it is.

Public hearings can most
effectively provide for feedback
from the public rather than

information out, so we are taking a look at how we can most effectively ensure that we get information out.

Now, there are two issues here: One is rescission of this existing approval that was rammed through by the former Government without any public hearings. We are going to put things back to normal. We will then decide whether or not public hearings are necessary afterwards. Frankly, I would feel that once an effort is made to get maximum information out to the people of this Province, so they can judge it on their own, then the ultimate public response could be through a referendum rather than public hearings. But I do not close my mind to public hearings. I am quite prepared to consider that. But, in terms of informing the people, it is not the best method of doing it.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. RIDEOUT:

Thank you, Mr. Speaker.

Again, I must correct a piece of misinformation, no doubt thrown out by the Premier for obvious reasons. When that debate took place on the Meech Lake Accord in this House, my recollection is that every Member of the Opposition participated in it.

MR. SIMMS:

Right on!

MR. RIDEOUT:

There were amendments put down, Mr. Speaker. Some participated two or three times. Practically every Government Member participated. The debate went on almost a month.

MR. SIMMS:

That is right.

MR. RIDEOUT:

So much for ramming it through. And the Premier, Mr. Speaker, had the gall to insult this House by telling the media yesterday, in Corner Brook, Oh, a week's debate might be enough; four or five days might be enough, when there was a month of debate back in 1988.

Now, Mr. Speaker, let me ask the Premier this: The Premier says public hearings is not the appropriate manner in which to solicit public input into legislation or, in this case, the constitutional resolution. He said it is not the best vehicle with which to do that. Mr. Speaker, one of the prime things public hearings and public input could do would be to scrutinize the proposals of the Premier and the Government, to make suggestions as to where, perhaps, they could be improved. Now, is the Premier taking the position that his suggestions are written in stone, that they cannot be improved? And would he not, therefore, want his proposals to go to public hearings and public scrutiny, if, for no other reason, than to hope they can be the best that mankind and womankind can, at the end of the day, invent?

SOME HON. MEMBERS:

Hear, hear!

MR. SIMMS:

Personkind.

MR. RIDEOUT:

Personkind.

PREMIER WELLS:

He almost got in trouble with the Member for Humber East.

MR. SPEAKER:

The hon. the Premier.

PREMIER WELLS:

Mr. Speaker, I do not know what it takes to make it clear to the Leader of the Opposition. We are talking about two things here. We are talking about one, the resolution to rescind; second, and separate, the alternative proposal of the Government.

MR. SIMMS:

It is all in the one resolution.

PREMIER WELLS:

No, it is not. It is not! There is no resolution -

AN HON. MEMBER:

(Inaudible) order. It is all there.

PREMIER WELLS:

The Members opposite do not know that what is attached is not the Government's resolution, it is the Meech Lake Accord in its original form. They have not read it! They do not even know what the resolution says!

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

That is not the Order Paper. This is the Order Paper. Mr. Speaker, it is no wonder they are in a fog, they do not even realize that what is attached to the resolution is not the Government's alternative. What is attached to the resolution is the Meech Lake Accord in its original form.

SOME HON. MEMBERS:

Hear, hear!

MR. MATTHEWS:

You are out of your skin today. We have only started, and you are

out of your skin already.

MR. SPEAKER:

Order, please!

PREMIER WELLS:

Now, Mr. Speaker, let me just try to make it clear so that this will probably answer it.

The Government agrees that if we are ever going to be in a position where the Government's proposal, which is contained in the second column - the Meech Lake Accord, as it was originally, is in the first column of this pamphlet - the second column is the Government's proposal, and what is in the resolution is the Meech Lake Accord as it exists now. What we are saying, Mr. Speaker, is that we are proposing that the Meech Lake Accord, as it is, be approved only upon the approval of the majority of the people of this Province, or the majority of the people of Canada. If we get to the point where we are going to consider the Meech Lake alternative that the Government of Newfoundland and Labrador proposes, then I agree with the Leader of the Opposition, public hearings would be an appropriate course to follow.

AN HON. MEMBER:

How are we going to get time to do that?

PREMIER WELLS:

We will get time. If that is going to proceed, there is no June 23 time limit. That is imaginary.

MR. RIDEOUT:

(Inaudible) time after June 23.

PREMIER WELLS:

We will see.

MR. TOBIN:

Your dream will come true. We will all be Americans.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
Order, please!

PREMIER WELLS:
If the House is going to be asked to consider the Government's proposal as an alternative and express approval of it, we intend to have public hearings on the issue throughout this Province so that people can have an input. In the meantime, we will be taking steps to ensure, to the maximum extent we can, that the people of this Province are as fully informed as they can be about the content of the Meech Lake Accord as it is.

MR. SPEAKER:
The hon. the Member for Humber East.

MS VERGE:
Thank you, Mr. Speaker.

My question is for the Premier, also. When we in the Official Opposition read the Premier's resolution recinding the Meech Lake Accord last week, we had some immediate questions about its legality; we had questions about the legality of bypassing the House of Assembly in the referendum process. Since then, we have consulted constitutional legal experts and these experts have expressed serious doubts about the constitutional validity of the Premier's resolution, precisely the resolution printed on this Order Paper. My questions are: What is the Premier's view of these doubts? Does he have any concerns about the constitutional validity of his resolution? Since

he purports to be cautious and prudent in his approach to serious matters such as these, has he sought any independent legal advice on these doubts?

MR. SPEAKER:
The hon. the Premier.

PREMIER WELLS:
I have had consultations with other lawyers knowledgeable in the constitutional field about this matter. Mr. Speaker, my own view of it at the moment is that it is a red herring that the Opposition have tried to raise to cast some doubt on it. You see, Mr. Speaker, there is no delegation of the authority of the Legislature, and, to begin with, the Legislature has the authority to delegate authority if it wishes. The Legislature delegates authority in half the statutes that we pass; we delegate authority to some body or another to do something or make decisions. We also, in all of the statutes that exist at the moment, have numerous instances of provision where an approval is to be given or withheld, or action is to be taken or not taken upon the happening of a certain event. And that is perfectly normal. So we have provided here that upon the happening of a positive approval in a referendum, then the approval of the Legislature, which is spelled out -- the approval is given not by the referendum, not by the people, the approval is given by the House. Because what the resolution actually says is that the Governor General be authorized upon the happening of one or other of these events, and in the event of that, then it is deemed to have occurred. Approval of this House -- not of the people but approval of this House -- or authorization of this House as is

required under the Constitution Act would come into play immediately.

In any event, Mr. Speaker, I have no concern, because should it be necessary, I have no quarrel undertaking that the hon. Members who sit on this side of the House would quite willingly do whatever was necessary to reaffirm, in accordance with the wishes of the people of this Province, approval given, or fail to do it if that was in accord with the wishes of the people of this Province. Thank you, Mr. Speaker.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
Question Period has expired.

SOME HON. MEMBERS:
By leave!

Notices of Motion

PREMIER WELLS:
Mr. Speaker.

MR. SPEAKER:
The hon. the Premier.

PREMIER WELLS:
Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled "An Act To Authorize Certain Agreements Between The Government Of The Province And Other Parties Respecting The Future Operation Of The Corner Brook Newsprint Mill."

Petitions

MR. RIDEOUT:
Mr. Speaker.

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

SOME HON. MEMBERS:
Hear, hear!

MR. RIDEOUT:
Thank you, Mr. Speaker.

Mr. Speaker, today in this House we gave the Premier every opportunity, in response to several Oral Questions, to indicate to the people of this Province his commitment to hold public hearings in Newfoundland and Labrador on the rescinding resolution and on the alternate constitutional proposals that the Premier had laid before this House on two occasions now, first in November 1989 and again on March 22, just passed.

Mr. Speaker, the prayer of the petition that I am presenting today is this: the petition of the undersigned residents of St. John's: - we are pleased that the Government has introduced a practice of holding committee hearings on proposed legislation and that this is a welcome reform. That the level of public knowledge about the Meech Lake Constitutional Accord and the present constitutional position of the Government of Newfoundland and Labrador is quite low, as evidenced by various public opinion polls. Therefore your petitioners urge the Government of Newfoundland and Labrador to refer the resolution to rescind Meech Lake and the Government's own constitutional position to a select committee of the House of Assembly of the Province of Newfoundland and Labrador.

Now, Mr. Speaker, that to me is a very basic petition. We have

attempted to get from the Premier today what he has said in this House on previous occasions, that there ought to be public input. And, Mr. Speaker, the Premier somehow or other tries to make the vast jump between the difference between public input now before we take the unprecedented plunge of rescinding a resolution that was a constitutional resolution, Mr. Speaker, that was approved by this House in another life of another Legislature.

When I asked the Premier, Mr. Speaker, two or three weeks ago, first when we opened, whether there had been any precedence of this nature that he could refer to, whether any other legislature in Canada, Provincial or otherwise had approved a constitutional amendment, had approved a constitutional resolution, and then had moved, after another Parliament had been elected, to rescind that approval? I asked him that in this Legislature, Mr. Speaker, three or four weeks ago. And the Premier as is usual tried to get off, Mr. Speaker, with telling half a truth. The Premier tried to befuddle and hoodwink the people of Newfoundland and Labrador that somehow or other what we are doing in this Legislature or starting to do as of today was the same process that followed out of the Victoria Conference back in the early 1970s. In fact, he quoted it. He quoted the Victoria Conference and the Victoria formula that flowed out of that Conference as the precedent to support what he is beginning or trying to begin to do here today.

And when I reminded the Premier, Mr. Speaker, that the Victoria formula was never put to one single Legislature in Canada, his

face dropped by a mile. Because he did not expect, Mr. Speaker - as he refers to us sometimes as those stupid people in the Opposition - to know. He did not expect, Mr. Speaker, those people in the Opposition to know that the Victoria formula was scuttled before it even got referred to a Legislature. I suppose it is fair to say, Mr. Speaker, that the Victoria formula was scuttled before it even got drafted into legal language. The Meech Lake Accord was approved and then drafted into legal language and the First Ministers met and approved the final legal draft again some weeks after the all night session at Meech Lake. So, Mr. Speaker, by trying to perpetrate those half truths on the people of Newfoundland and Labrador, the Premier has ensured that there has not been, and is continuing to ensure, that there will not be any meaningful public input to his alternatives. That is what this resolution is all about, Mr. Speaker. It rescinds our prior approval and then asks the people to consider the Premier's alternative.

Mr. Speaker, I understand my time has elapsed. I ask that the petition be tabled and referred to the Department to which it relates.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Premier.

PREMIER WELLS:

Mr. Speaker, I guess I have to explain it to the Leader of the Opposition again because he still does not understand.

He finished his comments by saying what this resolution does is asks

this House to rescind the existing approval and consider the Premier's alternative, replace it with the Premier's alternative. That is his position.

The resolution does not do that. Read the resolution again.

Well, they thought, Mr. Speaker, until they just discovered and were told and went into a panic a few minutes ago when they discovered that the schedule attached to the resolution is not the alternative being proposed by the Government. It is the original Meech Lake Accord.

This resolution says nothing whatsoever about the Government's alternative, absolutely nothing whatsoever about the Government's alternative. What this resolution does is two things: it rescinds the existing approval of the Meech Lake Accord; then it authorizes approval of the same Meech Lake Accord but only on condition that there is first, Mr. Speaker, a referendum of the people of this Province or alternatively of the people of Canada. It says nothing about this alternative and does not put it forward in any manner. It does not mention it in any manner whatsoever. Now I hope the Leader of the Opposition has finally understood that.

I know they got a shock when they discovered that what was attached was not the alternative being put forward by the Government but the Meech Lake Accord as it is in its original form.

So what we are doing, Mr. Speaker, is asking this Legislature to put the people of this Province back where they should have been with an opportunity to have some say. An opportunity for the people of

this Province to have some say in what happens, either by a referendum or by public hearings. What the former Government did was deprive them entirely of any opportunity to have any say and we, Mr. Speaker, are going to try and correct that measure.

I do not know where that petition came from out of the blue, at this last moment, but we will take a look at it. I can say, Mr. Speaker, that the Government is not disposed to answer the prayer of that petition.

MR. SPEAKER:

The hon. the Member for Humber East.

MS VERGE:

Thank you, Mr. Speaker.

Mr. Speaker, what the Premier just said confirms the impression of some keen observers of the political scene in our Province. What the Premier is really all about in this constitutional process is killing Meech Lake, not improving Meech Lake, it is killing Meech Lake.

SOME HON. MEMBERS:

Hear, hear!

MS VERGE:

Surely, the Premier cannot expect the House of Assembly and the people of the Province to cancel our approval of the Meech Lake Accord without substituting something for it. We cannot just tear down without building up.

Mr. Speaker, I thought when the Premier tabled his resolution accompanied by his proposals for alternatives last week, that he was taking a responsible approach to offering a substitute. But here today he is trying to justify

an about-face on involving the public in the people's constitution by refusing to have public consultation through a select house committee holding hearings and involving the public on the rescinding resolution. Instead he is trying to split hairs. Lawyers are good at splitting hairs. But I would remind the Premier that he is not operating as a lawyer in this forum, he is operating as a politician responsible to all the people of the Province.

Mr. Speaker, it would be most irresponsible for any Member of this House of Assembly to contemplate rescinding The Meech Lake Accord, which the Premier is asking, without having an alternative, without proposing improvements to the Meech Lake Accord. Mr. Speaker, the Premier has consistently faulted the Meech Lake Accord because of the process by which it is arrived at. Mr. Speaker, despite the Premier's preaching the importance of the people being involved in developing the people's constitution, the Premier himself has acted quite differently although he tries to deny it.

The fact is that when he campaigned for election last Spring he steered clear of the constitution issue. In his campaign literature, in his brochures, in his T.V. ads, in the information he put out to the people by which the people judged him and his party, there was no indication of the Premier's position on the Meech Lake Accord. He tried to rebut that a week or two ago by saying that he did mention it in some interviews. Later he tabled newspaper clippings. The appearance of what he tabled is

that there were several clippings. When we got them and had a look at them, Mr. Speaker, we discovered that the only Newfoundland and Labrador paper represented was the Western Star in Corner Brook. There was not one clipping from a St. John's newspaper. All the others were mainland newspapers. And, Mr. Speaker, the readers of the Western Star, whether or not they had taken in the contents of those articles about the Premier's position on Meech Lake did not see fit to elect the Premier in that Corner Brook (inaudible).

Mr. Speaker, I wholeheartedly support the prayer of this petition, which calls for immediate striking of a Select Committee of this House to hold public hearings on the Meech Lake Accord, as well as the Premier's proposals for alternatives. In this way the petitioners feel their level of knowledge about these vital constitutional issues will be enhanced.

Mr. Speaker, in my experience going around the Province more and more people are thirsting for information about the Meech Lake Accord. Several have asked me to send them the Accord. The public opinion polls reflect wide-spread lack of knowledge about the Meech Lake Accord and it seems to me that a House of Assembly select committee involving Members on both sides would be an ideal way - not the only way - but an ideal way of putting out to the public more information about the constitutional issues.

MR. SPEAKER:

I would inform the hon. Member that her time is up.

MS VERGE:

Thank you, Mr. Speaker, I would like to sum up by stating my support of the prayer of this petition calling for a select committee of the House to hold public hearings on the rescinding resolution and the Premier's alternative. Thank you.

MR. BAKER:
Mr. Speaker.

MR. SPEAKER:
The hon. the Government House Leader.

MR. BAKER:
Thank you, Mr. Speaker. I move orders of the day.

MR. SPEAKER:
The hon. the Member for Humber Valley.

MR. WOODFORD:
Mr. Speaker, I would like to take this opportunity to-

MR. SPEAKER:
Order, please!

The hon. The Government House Leader.

MR. BAKER:
Mr. Speaker, after the petition was finished, I stood and moved Orders of the Day. That is a motion before the floor so the motion has to be put.

MR. SPEAKER:
I thought the Member for Humber Valley was up on a Point of Order. The hon. Government House Leader has moved Orders of the Day.

MR. RIDEOUT:
Mr. Speaker.

MR. SPEAKER:
To the point of order.

MR. RIDEOUT:
Mr. Speaker, the routine orders of business in this House, and I am sure Your Honour will want to have a look at it, but I can remember, day after day in this House when there was nothing else done, only petitions!

MR. SPEAKER:
Of course.

MR. RIDEOUT:
But the routine Orders of the Day, Mr. Speaker, are statements by Ministers, Oral Questions, Presenting Reports and so on, and now we are down to petitions and the Member for Humber Valley has a petition to present.

AN HON. MEMBER:
He was not recognized.

MR. RIDEOUT:
He was recognized!

MR. SPEAKER:
Yes, I recognized the Member.

MR. RIDEOUT:
The Speaker was about to recognize him, when the Government House - I am sorry Sir - when you are standing, I know I am supposed to sit.

MR. SPEAKER:
Yes. There is no question that the Leader of the Opposition is correct in terms of the petitions. I had assumed that the Member for Humber Valley was up on a point of order.

MR. RIDEOUT:
Oh no, Sir, no, no.

MR. SPEAKER:
But we will revert to the Member for Humber Valley. I called him and I -

MR. BAKER:
Point of order.

MR. SPEAKER:
Point of order.

MR. BAKER:
Mr. Speaker, it is perfectly in order any time during the proceedings, my understanding is, according to the rules of order, to move adjournment, to move the Orders of the Day be proceeded with and so on, and I made the motion. I was properly recognized by Your Honour, Hansard will show, and I moved that we get on to Orders of the Day and, Mr. Speaker, I am wondering what is happening to that?

MS VERGE:
Mr. Speaker.

MR. SPEAKER:
To the point of order.

MS VERGE:
Mr. Speaker, it has been a well established practice of this House of Assembly, in accordance with our Standing Orders and the authorities on rules, that there is no limit to the time that can be spent on petitions. There is no limit to the number of petitions that may be presented and, Mr. Speaker, the Member for Humber Valley, has a petition, which he wishes to present. Therefore, Mr. Speaker, I say to you, that it is necessary for you, as Speaker, to allow the Member for Humber Valley to proceed with presenting his petition. We had not finished this agenda item, and the Member for Humber Valley is ready to proceed with his petition.

AN HON. MEMBER:
The Speaker just said so.

MR. SPEAKER:

The Chair will recess the House for a couple of minutes.

Recess

MR. SPEAKER:
Order, please!

I want to first of all remind the media that the agreement entered into by all hon. Members is that there be no audio, absolutely no audio.

With respect to the situation that we are in, I might inform hon. Members that we have had two precedents, one on December 13, 1984 and one the very next day on December 14, 1984. So on this issue I am going to allude to the one of December 13, although the 14 one is similar. This issue arose December 13, 1984. A Minister moved Standing Order 21 which is that we proceed to Orders of the Day during Petitions. The Deputy Speaker, at the time, ruled the motion in order. And the Deputy Speaker quoted a 1976 ruling which in effect stated that the motion before the Chair, that the House move to Orders of the Day, was in order and not debatable. And I will quote the final decision of the Speaker, at the time it was the Deputy Speaker, Mr. Aylward as a matter of fact, and he was quoting a 1976 ruling of Speaker Ottenheimer. He says 'The motion before the Chair is that the Orders of the Day be read and is not debatable so I shall put the question. So then the Deputy Speaker proceeded to say 'I have to rule the motion by the hon. the Minister of Justice, Mr. Ottenheimer - that is who moved the motion - according to our precedent, is in order and I put the question before the House

that we proceed to the Orders of the Day.' And I now put the same question to the House. The motion is we proceed to the Orders of the Day. All those -

MR. RIDEOUT:

On a point of order, Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. RIDEOUT:

Mr. Speaker, this is a very serious matter and I will try to deal with it in a serious way. I refer Your Honour to yesterday's Hansard. At the end of two petitions having been presented to this Legislature, Your Honour; before proceeding said 'Are there any Further Petitions'? Two petitions presented yesterday, not one. There were two. And the Speaker asked if there were any further petitions? Today we had one petition presented and a Member standing ready to present another, we did not have the question: Are there any further petitions? We had the Government House Leader propose that under Standing Order 21, that the Orders of the Day be read.

Mr. Speaker, Standing Order 21 says 'A motion for reading the Orders Of The Day shall have preference to any motion before the House.' Mr. Speaker, there is no motion before the House until we are finished with routine Orders of the Day. If we finish with routine Orders of the Day, which includes petitions, and move on to something else, it is in the form of a motion of some sort, a bill, a resolution or whatever. There is no motion before this House until routine Orders of the Day have been dealt with.

Despite what may have happened in the past, precedents that Your Honour is quoting, there is no motion before this House. Let me take Your Honour back to Standing Order 14 which will make it clear that there is not a motion before the House. Standing Order 14 says the following: "The ordinary daily routine of business in the House shall be as follows, except where priority has been given previously by the House" there is an exception here if we were to do that but that certainly was not done today. There will be "(a) Statements by Ministers; (b) Oral Questions; (c) Presenting Reports by Standing and Special Committees; (d) Notices of Motion; (e) Answers to Questions for which notice has been given; (f) Petitions." And, it goes on to say, which I think is really operative again, Mr. Speaker, for this issue today, "The order of business for the consideration of the House, day by day, after the above daily routine, shall be as follows, except on Wednesdays." We all know what happens on Wednesdays. When it comes 3 o'clock we have to go to Private Member's Motions, but here are the orders on every other day. After you get past routine business of the House here is the order as laid down in Standing Order 14, "except on Wednesday: (a) Third readings; (b) Committee of the Whole on reports of select committees; (c) Committee of the Whole on Bills read a second time; (d) Second readings; (e)" which we are getting at here, "(e) Motions of which notices have been given by the Government." Motions of which notices have been given by the Government cannot be read until fourth on the order after we get past routine business. Today we did not finish routine business. There is no motion

before the House, Mr. Speaker, therefore we cannot put, according to Standing Order 21, that some other motion be read because there is no motion before the House. The last order, of course, is, "Motions of which notices have been given by private Members." Mr. Speaker, it is clear, despite precedence from the past that you rightly researched and read here today, but what comes first, Mr. Speaker, in this chamber is not precedence, it is not the Beauchesne, it is not the Standing Orders of the House of Commons, what comes first in this Chamber is this, the Standing Orders of the House of Assembly.

SOME HON. MEMBERS:
Hear, hear!

MR. RIDEOUT:
What comes first, Mr. Speaker, are the Standing Orders of the House of Assembly of Newfoundland and Labrador, not Beauchesne or the House of Commons, not even precedence, and there can be no doubt according to our own Standing Order 14, if there was any, Standing Order 14 eliminates it, there can be no doubt that we can only do as a fourth item of business after we get past routine Standing Orders of the day, we can only do as a fourth order of business a Government motion. Should there be any doubt then Standing Order 21 eliminates it altogether that you can only move under Standing Order 21 that the Orders of the Day have precedence when you get to a motion, and we have not reached the stage in this Legislature today, Mr. Speaker, where we got to a motion because we are still on (f) of our routine orders which is petitions.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
The hon. the Premier.

PREMIER WELLS:
Mr. Speaker, let us be frank about this. What we are facing here is a shameless and despicable attempt to prevent the debate of a serious and important resolution that would give the people of this Province an opportunity to have a say in their future for the next century - and they want it stopped.

SOME HON. MEMBERS:
Hear, hear!

PREMIER WELLS:
It is a shameless attempt to do it, and now Your Honour having made a ruling, a totally proper ruling based on sound precedent, based on the rules, now they are trying to appeal Your Honour's ruling.

SOME HON. MEMBERS:
You are wrong! You are wrong!

AN HON. MEMBER:
It is all in Hansard, we are not doing it.

MR. SPEAKER:
Order, please!

PREMIER WELLS:
There is only one thing that the hon. the Leader of the Opposition (Mr. Rideout) said with which I agree, this is what has precedence, of course, it does. And what the rule says in Order 21, and it says it for quite a specific reason, 'A motion for reading the Orders of the Day shall have precedent to any motion before the House.' The hon. Government House Leader stood and moved that motion. And that motion was before Your Honour.

SOME HON. MEMBERS:

Hear, hear!

AN HON. MEMBER:
(Inaudible).

PREMIER WELLS:
The hon. the Government House Leader stood and moved that motion.

Now, Mr. Speaker, Your Honour has ruled, and it is there quite properly, it is to prevent a gang of hooligans from taking the House on its back and preventing the order of business.

SOME HON. MEMBERS:
Unparliamentary.

PREMIER WELLS:
Let me reword that, Mr. Speaker, and take back that word 'hooligans'. It is to prevent a group of people, who have no concern about the future of this Province, but who are only concerned about their own political ends, trying to gain some short term political gain and who are prepared to play these kinds of games with the future of the people of this Province. Now that is what we are dealing with.

SOME HON. MEMBERS:
Hear, hear!

PREMIER WELLS:
Now, Mr. Speaker, the Government House Leader stood in his place and properly moved a motion for reading of the Orders of the Day as Your Honour has described. That is precisely the situation that occurred in 1984 and Your Honour has made the appropriate ruling. And I ask Your Honour to proceed with putting the question that has been moved by the hon. the Government House Leader.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
The hon. the Leader of the Opposition for a final submission.

MR. RIDEOUT:
Thank you, Mr. Speaker.

The Premier can rant and rave all he likes. But let me say this to the Premier. The rules of this House are here for the protection of that side and for the protection of this side, Mr. Speaker. And the Speaker himself knows that he recognized the Member for Humber Valley (Mr. Woodford).

AN HON. MEMBER:
Right on!

MR. RIDEOUT:
Everybody in this House knows, Mr. Speaker, that you cannot proceed under Standing Order 21 unless there is a motion before the House. And there is not a motion before the House. Ordinary routine Business of the Day has to be dealt with you before you can get any motion before the House.

MS VERGE:
It was not dealt with.

MR. RIDEOUT:
And it was not dealt with. Statements By Ministers, Mr. Speaker, is not a motion. Oral Questions is not a motion. Answers To Questions For Which Notice Has Been Given is not a motion. Petitions is not a motion. And the Premier says we are trying to somehow impede the future of Newfoundland and Labrador for our own political means. Mr. Speaker, if we were politicians about this and cared nothing about only raw politics, we would be in bed with the Premier on this issue, Mr. Speaker. That is where we would

be. But we happen to believe that the future of Newfoundland and Labrador, as part of the Canadian family, is an issue that the people of this Province has to seize their mind on and that the Premier is the nation wrecker, Mr. Speaker. That is what we believe.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
Order, please!

The Chair wants to be clear now on what the hon. the Leader of the Opposition is addressing. Is he addressing the point of order? Just what is the Leader of the Opposition doing?

MR. RIDEOUT:
Mr. Speaker.

MR. SPEAKER:
Yes, please. The Chair would like to know.

MR. RIDEOUT:
I am addressing the point of order, Mr. Speaker, and, hopefully, successfully rebutting the points the Premier raised when he addressed the point of order I originally raised. Is that in order, Sir?

MR. SPEAKER:
Yes.

MR. RIDEOUT:
Thank you, Mr. Speaker.

The point is simply this, Mr. Speaker: We are not going to jump in bed with the Premier because it might be politically opportune today to do so. We have a longer term view of Newfoundland and Labrador than between now and the 23rd of June, Mr. Speaker. We are ever conscious of what this track

the Premier has set out on can do: irreparable damage, Mr. Speaker, to every man, woman and child in Newfoundland and Labrador.

SOME HON. MEMBERS:
Hear, hear!

MR. RIDEOUT:
And when the Premier, as Leader of the Government, refuses a process to allow the people to participate in this infamous procedure that he is about to begin here today, then as Leader of the Official Opposition and as an Official Opposition we intend to use every parliamentary trick in the book, Mr. Speaker. We would be less than an Opposition if we did not use them.

One of the things we can use under the provision of our Standing Orders and routine business is to take the time today, tomorrow if we wish - not after three o'clock, though - Thursday if we wish, Friday if we wish, the next seventeen days if we wish, the next 170 days if we wish, to bring before this House petitions, Mr. Speaker. We can do it every single day. And we may do it for a day or two, we may do it for a week or so, but Mr. Speaker, we must stand on our rights and demand our rights. We cannot go to Standing Order 21 until there is a motion before this House, and no motion can come before this House until the routine Orders of the Day have been dispensed with.

Now, we are not irresponsible. We are not a group of people who want to -

SOME HON. MEMBERS:
Hear, hear!

MR. RIDEOUT:
Laugh if you like. Go ahead, have

your laugh while I am drawing another breath.

Mr. Speaker, we are not ones who normally stand up, as I have seen Oppositions do, in this House, in the past, and try to intimidate the Speaker into getting mad at them, try to get the Speaker to name them, try to put the Speaker in an embarrassing position, as the Government have done here today.

MR. SPEAKER:

I would ask the hon. Opposition House Leader to get to his point of order, please!

MR. RIDEOUT:

I will.

We are not ones to challenge the ruling of the Speaker lightly, but I would ask Your Honour, on behalf of the years and decades of tradition in this House, to read Standing Order 14, to read it in conjunction with Standing Order 21, and allow us to get on with what we are allowed to do under the routine orders of the House, the routine business of the House, and that is to present further petitions if we want to, consistent with Your Honour everyday asking: Are there any further petitions?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Government House Leader for a final presentation.

MR. BAKER:

Thank you, Mr. Speaker.

I would like to very quickly deal with the crux of the matter here. We are referring to a motion to read the Orders of the Day, which

exists in this House and exists in the House of Commons in Ottawa, and it exists for a purpose, Mr. Speaker.

If everybody would look at the Order Paper, you will see that there are two sections to the Order Paper. There is, first of all, some routine business, and then there are Orders of the Day.

Now, then, the Opposition contends that you cannot put a motion that we now proceed with Orders of the Day until after we get into Orders of the Day.

AN HON. MEMBER:

That is right.

MR. BAKER:

Now, Mr. Speaker, that is ludicrous. Why would parliamentarians develop systems of rules and have such an important procedure put in there if it has no function, it cannot be used? Why call Orders of the Day if you are already into Orders of the Day?

Mr. Speaker, it is obvious the reason for that parliamentary procedure, the reason for its existence is that at sometime during the regular, ordinary business it becomes necessary, and in this case it is absolutely necessary, to call Orders of the Day to prevent this kind of filibuster. Then, Mr. Speaker, the procedures are written into the Standing Orders so that that can be done, and to prevent the hijacking of the House by an Opposition unnecessarily. That is the purpose of it. There is no other function. If that were not the function, then the procedure of calling Orders of the Day simply would not exist.

Mr. Speaker, I think the case is clear. The precedents cited by Your Honour were accurate, that in previous Sessions in the House of Assembly exactly the same procedure was used with the same effect. Mr. Speaker, I suggest we finish with this nonsense and get on with the serious business of this House.

MR. SPEAKER:
The Chair has heard enough submissions on this.

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please!

For further accuracy and further clarification, the Chair is going to adjourn for a couple more minutes.

Recess

MR. SPEAKER:
Order, please!

I again refer hon. Members to the same reference. I quoted previously, and for the benefit of hon. Members I could refreshen their memories and enlighten those who need not have their memories refreshed, that the debate at that particular time, on December the 13, 1984, took exactly the same course it is taking today, with the Opposition of the day stating that there was no motion before the House. It was Mr. Neary who was speaking, and he said, 'We are presenting petitions. There is no motion before the House, so, therefore, the hon. gentleman is completely out of order.'

Then Mr. Ottenheimer rose and spoke for Government - he was then the Attorney General. He said, 'Mr. Speaker, I think one can reply to that point from two different perspectives. Standing order 21 is quite clear. A motion for the reading of the Orders of the Day shall have preference to any motion before the House. I think it can be assumed that most people in presenting a petition assume that when they do, it is moved that this petition be now tabled and referred to the department to which it relates. There is, in fact, an assumed motion. What happens with petitions is they are tabled and forwarded to the departments to which they relate, so there is, in fact, an assumed motion.' That was Mr. Ottenheimer's contribution, and the debate carried on for a little while, banter back and forth, until the Speaker recessed the House and went to the precedent of 1976.

Then, again, as I said on the next day the same matter arose, to move to the Orders of the Day, and it was again declared in order by the Speaker. We have checked with the House of Commons, and I am quoting from the annotated Standing Orders of the House of Commons 1989. It says, 'In relation to this matter, the weight of recent precedents favours the admissibility of motions to proceed to the Orders of the Day if moved before Orders of the Day, whether or not debate on another motion is currently in progress. So I make the same ruling. I rule that the motion by the hon. Government House Leader was in order, and now I submit the question. The order is we move to Orders of the Day. All those in favour 'Aye'?

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

Those against 'Nay'.

SOME HON. MEMBERS:

Nay.

MR. SPEAKER:

Carried.

MR. WOODFORD:

On a point of privilege, Mr. Speaker.

MR. SPEAKER:

The hon. the Member for Humber Valley.

Order, please! What is the hon. Member on?

MR. WOODFORD:

A point of privilege, Mr. Speaker.

MR. SPEAKER:

A point of privilege.

MR. WOODFORD:

Mr. Speaker, as far as I am concerned as one Member of this House of Assembly, today my privileges have been breached, period!

SOME HON. MEMBERS:

Hear, hear!

MR. WOODFORD:

One, Mr. Speaker, we were still on petitions. The former speaker sat down and I stood up. I took it for granted, Mr. Speaker, that it was the same as before - Are there any further petitions? I was up and I was prepared to present my petition. As a Member in this House, am I to assume, as of today, that only one petition is legitimate? That is the first question.

Secondly, Mr. Speaker, as a

private Member of the House it is one of the only avenues we have, except for speaking in debate, to present petitions on behalf of the constituents in our Province. On that note I would like to say to the Premier in particular, he got up a few minutes ago and said that we are trying to stymie and trying to stop a very important issue in the Province. Maybe it is an important issue in the Province. It is certainly an important issue to the Premier, because he has been spending all his time on it for the last ten months.

Now, I say to the Premier and to Members opposite that the concerns of the people in my District are more important to me today than Meech Lake. And I say that here publicly.

The people in Jackson's Arm or Sops Arm or Pollards Point, on whose behalf I had to present the petition, are just as important to me as Meech Lake; they have their families to look after.

SOME HON. MEMBERS:

Hear, hear!

MR. WOODFORD:

The people in Jackson's Arm want to work. They want to provide for their families. And that is obvious from some of the things I was going to say in the petition I was about to present, it would have been brought forward. I do not want to get into that now, I will do it at another time. But they are issues and they are concerned with trying to make a living and with putting the infrastructure in place to do that.

I tried today to present their concerns to this House. They asked me to do that in the form of a petition. We can only elect one

Member from each district in this Province, and that Member has the right to present a petition in this House of Assembly on constituents' behalf at any given time.

SOME HON. MEMBERS:

Hear, hear!

MR. WOODFORD:

I want to make it quite clear that I, as a Private Member, should have that right. I was recognized, Mr. Speaker. For whatever it was worth, I was recognized. There was nothing else. In fact, the Speaker commented afterwards, 'I thought the Member was raising a point of order,' which says that I was up and recognized. So, if somebody thought I was raising a point of order, why was I not recognized for a point of order?

Mr. Speaker, I want to make it quite clear to each and every Member in this House -

the first question I asked - are we to assume that only one petition will be presented from now on? As far as I am concerned, as a Private Member, my privileges were breached, period! I had a petition to present. There were no questions, there was no hidden agenda. It was concerning constituents of my District, it was legally signed by 147 people, and I was denied the right to present it today. Mr. Speaker, I want to make it quite clear that as far as I am concerned, my privileges were breached. Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

Hon. Members make reference to the fact that the Member for Humber Valley was recognized, and that is true. But I had also recognized the Government House Leader, who had said that we would move to Orders of the Day. Then, when I saw the Member for Humber Valley, I thought he was on a point of order, possibly relating to what the Government House Leader had raised, but the Government House Leader then immediately stood up on a point of order and protested the fact that I had not proceeded to recognize or deal with his motion. So, obviously, since he got up on a motion, we had to recognize his motion, which was that we move to Orders of the Day.

All the precedents state that this motion takes precedence over everything else and, I say to the hon. gentleman from Humber Valley, if we were to have our privileges removed by moving to Orders of the Day, quite obviously that rule would be quite useless and other Members could state that they had their privileges breached, as well. I rule there is no point of privilege.

O O O

MR. WINDSOR:

A point of privilege, Mr. Speaker.

MR. SPEAKER:

The hon. the Member for Mount Pearl on a point of privilege.

MR. WINDSOR:

Thank you, Your Honour.

Mr. Speaker, what is happening here today is a very serious event. I think it deserves to be treated in that light. Very clearly, it is a breach of

privilege of all Members of this hon. House. As has been said in previous debate and previous points of privilege this afternoon, we do have Standing Orders. Standing Orders are laid down for very good and valid reason, to protect the privileges of this House and, more specifically, Mr. Speaker, to protect the privileges of individuals of this House and, through the elected representatives, to protect the privileges of the people of this Province.

SOME HON. MEMBERS:
Hear, hear!

MR. WINDSOR:

What we are seeing this afternoon, Mr. Speaker, are the privileges of the people of this Province being taken away, in that the privileges of Members of this House are being denied. I have not only a privilege, Mr. Speaker, to address a petition, but a check with Beauchesne will find that I have a responsibility. I am duty bound as the elected representative of my constituents to present their petition, and, indeed, I must sign it. It is not a right at all, it is an absolute responsibility. A responsibility that has been laid down by parliamentary tradition in all of the British Commonwealth, is now being taken away from all Members of this House, this afternoon, through these proceedings which are taking place.

There is a correct and proper way to change the Standing Orders. If the Government House Leader wants to change the Standing Orders of this House, then he may make the appropriate motion. In due course it shall be debated, and by a vote of two thirds plus one, I think it is, the Standing Orders can be

changed. But until that is done, the Standing Orders are clear. And I would submit to Your Honour that regardless of precedent, and I am familiar with the precedent Your Honour quoted in previous rulings earlier today; I was here at that time and we disagreed with the ruling at that time in spite of the fact that the ruling was in favour of the Government at the time. We felt that the ruling made by that Speaker at that time was not proper, and I still think the ruling is improper today, Your Honour.

Very simply, this is a point of taking privilege away from the Members of the House, through the member, and all the people in this Province, a right for the people to have their petitions heard in the people's House and the responsibility of all Members to present those petitions in this hon. House. Thank you.

MR. SPEAKER:

Again, there is no point of privilege. When the motion to move to Orders of the Day had preference over the other motion and we had precedent in the House for it, then, quite obviously, Members' privileges have not been breached. I want to remind the hon. Member that what happened on that particular day was the Opposition appealed the Speaker's ruling but it was upheld by the Government.

MR. TOBIN:

A point of privilege, Mr. Speaker.

MR. SPEAKER:

The hon. the Member for Burin - Placentia West on a point of privilege.

MR. TOBIN:

Mr. Speaker, I have been elected

to serve in this Chamber on three occasions, and one of the many reasons why I have received an increasing vote of confidence from my constituents, each time I sought the right, was because of my ability to present their case to this Legislature. I was elected by these people to do that. I, too, had a petition to present today, a 1,000 name petition by the residents of Petit Forte, who are in the gallery, Mr. Speaker. Their rights have been breached

SOME HON. MEMBERS:

Hear, hear!

MR. TOBIN:

Mr. Speaker, the people of Petit Forte are not to be laughed at by the Premier, either, I can tell you that.

SOME HON. MEMBERS:

Hear, hear!

MR. TOBIN:

You do not have to tell the Speaker what to do, either. You cannot take the House on your back. You are only one Member.

These people are here today to watch me present a petition on their behalf. Give me the right under the Standing Orders, included in what went on today. I want the right to present that petition under the rules of this Legislature. I do not want the right under any other rules, I do not want any special treatment, Mr. Speaker, all I am asking for is the right that is provided me by the Standing Orders to present a 1,000 name petition to this Legislature.

MR. HODDER:

There were two Ministerial Statements today. Why could we

not have two petitions?

MR. TOBIN:

Yes, Mr. Speaker, there were two Ministerial Statements made today. We did not try to deny the Ministers of this Legislature their right to make their Ministerial Statements. We did not try to interfere with that, Mr. Speaker. How come the President of Treasury Board wanted to impede our rights to present petitions? How come, when my colleague was standing to present a petition on behalf of his constituents, the President of Treasury Board stood and interfered with his rights and the rights of all of us to make a presentation to this House? Mr. Speaker, I honestly believe my privileges have been denied me today. My rights to present a 1,000 name petition should not be taken lightly, a 1,000 name petition from people throughout this Province who have supported the people of Petit Forte, and rightly so. I do not know how I can be denied the right to present a petition on their behalf because of something Gerry Ottenheimer said when he was in this Legislature, ten years ago.

AN HON. MEMBER:

Something? He was the Speaker.

MR. TOBIN:

You wait. You wait. Give me time! Give me time. Now, Mr. Speaker, my privileges, it is quite clear, have been shattered. Do I not have the right to present a petition under the Standing Orders which give me the right to present petitions, item F? Do I not have that right? Should I not have the right? I ask you, Mr. Speaker, I beg you, Mr. Speaker. Mr. Speaker, if you want me on my knees begging, consider me in that position, but give me the right to

present my petition.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. The Government House Leader.

AN HON. MEMBER:

A point of privilege.

MR. BAKER:

Thank you, Mr. Speaker.

MR. FUREY:

He is responding to the point of privilege. Sit down!

MR. SPEAKER:

Is the hon. Government House Leader responding to the point of privilege?

MR. BAKER:

Thank you, Mr. Speaker.

I would like to point out that there is obviously no point of privilege. Members who wish to present petitions can present them any day.

MS VERGE:

Not today, though.

MR. TOBIN:

I just got mine today, before I came into the House.

MR. BAKER:

They could have presented them yesterday, they can present them again tomorrow and the day after, and the day after.

MR. WINDSOR:

Tomorrow you will take away Question Period.

MR. BAKER:

Mr. Speaker, there is no matter of privilege here. The Members'

privileges are not interfered with. They can carry on with their parliamentary duties and they can ultimately present their petitions -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please! Order please!

MR. BAKER:

They can ultimately present their petitions, Mr. Speaker, at any point in time. They do not expect us to believe that all of a sudden, magically today, 95 petitions appeared, all at the same time. None appeared yesterday, they appeared all at the same time, just before the House opened today. Mr. Speaker, that stretches anybody's credulity, that does! Mr. Speaker, they will have ample time to present their petitions. We will keep the House open all Summer, if needs be, so they can present their petitions. There is no point of privilege, Mr. Speaker.

MR. MATTHEWS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Member for Grand Bank.

MR. MATTHEWS:

Thank you, Mr. Speaker.

Mr. Speaker, a point of privilege.

AN HON. MEMBER:

Are you speaking to this point?

MR. MATTHEWS:

Yes, I will speak to the point of privilege, if that is what I am supposed to do. Mr. Speaker, it has gotten confusing in this House over the last few weeks, let me say. I want to concur with the

points of privilege that have been made in this House today, and say very sincerely that, in fact, my privileges in this House have been breached over the last few weeks, and this particular caucus has been breached over the last few weeks, when we saw another precedent, just last week in this House, with the recognition of someone who stood in Question Period. I had to leave this Chamber just last week, Mr. Speaker - you were not here, there was a Chairman in the Chair - because I had rightfully stood in my place to be recognized in debate, and the Chairman of the day recognized two speakers in succession from the Opposition - the Government. I am sorry.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. MATTHEWS:

Two Speakers from the Government side. I apologize for making that error. You should never be too big in life, Mr. Speaker, to admit that you are wrong. Now the Member for Burin - Placentia West had a petition delivered to him today by the residents of Petit Forte, who are in town. It has been pretty standard procedure in this House that you allow a Member to present a petition when his delegations are here; we saw it the other day with the Member representing Nain, and so on, and every year since I have been here. I am now into my tenth year, and for the first time I have seen my privileges breached in this Assembly. And I do not like it one bit. Mr. Speaker, I am a pretty blunt person, and when someone tries to take away my privileges or my rights, I usually

tell the truth, as I did once before in this Legislature, since this session started. Now, I did it once before and was penalized for it, let me tell the Minister of Works, Services and Transportation. I was penalized in this Legislature for telling the truth and I had to leave the Chamber.

MR. SPEAKER:

I would ask the hon. the Member for Grand Bank to please proceed with the point of privilege.

MR. MATTHEWS:

Mr. Speaker, with all due respect, we are talking about rights and privileges here today. The Premier referred to hooligans and yahoos here. Well, there are three or four of them right here in front of me who right now are interfering with my speaking. I do not appreciate that, and I expect, with all due respect to Your Honour, the protection of the Chair. Rules apply to both sides of the House, and it is the Speaker's responsibility to particularly protect the minority in the House. And I think it is time we saw a bit of that in this House.

Now, I probably have gone far enough, Mr. Speaker, in what I have said, but I say very sincerely that my rights in this Assembly have been eroded over the last number of weeks in this Chamber. I was sent here by an overwhelming majority, by the way, Mr. Speaker. My opponent did not even get his nomination fee back. I was sent here to do a job on my constituents' behalf, which I have done for ten years, and I intend to keep doing it. I have a 1,200 name petition, by the way, Mr. Speaker, on amalgamation -

SOME HON. MEMBERS:

Hear, hear!

MR. WINDSOR:

They are afraid of that one. That is what it is, they are afraid.

MR. MATTHEWS:

- which is very, very pertinent to the people of Fortune and Grand Bank, and they care a lot about it. It also means a lot to me, and I want my right in this Assembly to present that petition when I want to present it, on the Order Paper under F, Petitions. But I have been denied my right to do that today.

MR. WALSH:

(Inaudible).

MR. MATTHEWS:

I received a petition from the Mayor of Fortune this weekend, I would like to tell the hon. Member for Mount Scio - Bell Island (Mr. Walsh) - this weekend from the Mayor of Fortune. He had presented a copy of the petition to the Commissioners who were down for the hearings; he presented me with a copy and asked me to present it on behalf of the residents of Fortune in this Legislature.

MR. FLIGHT:

What happened (Inaudible)?

MR. SPEAKER:

Order, please!

MR. MATTHEWS:

Now, I want to do it on their behalf because they have asked me to do it, and they have elected me to come here to do that. I feel what has happened here today, Mr. Speaker, is an outright breach of my privilege as a duly elected Member of this Assembly.

I do not know what we are going to do to resolve it, Mr. Speaker, unless we call upon you to reconsider the ruling. I would say that if there is not a reconsideration of this particular ruling, in light of what we have seen in the last couple of weeks in this House, the decorum of this House is not going to improve; the workings of this House are going to deteriorate. And if the Premier was sincere about what he said when he first came into this Legislature, about raising the decorum of this House, we would not see happening today what has happened. I believe it was the direct input of the Government which has caused this particular situation to develop today.

AN HON. MEMBER:

Why?

MR. MATTHEWS:

Because, Mr. Speaker, you had left the Chair -

MR. WARREN:

You just listen.

MR. MATTHEWS:

- and then you came back shortly after.

MR. WARREN:

You listen.

MR. MATTHEWS:

And that makes one suspicious when these kinds of things develop.

MR. SPEAKER:

Order, please! Order, please!

I just cannot let this statement go from the Member for Torngat Mountains (Mr. Warren). I will check it out in Hansard, but I think while the Member for Grand Bank was commenting on what happened and that I left the

Chair, and he was making some reference to Government, somebody said that I listened. I take that to be very offensive to the Chair.

MR. WARREN:
Mr. Speaker.

MR. SPEAKER:
The hon. the Member for Torngat Mountains.

MR. WARREN:
Mr. Speaker, I was referring to the Premier, not to you, Sir.

MR. SPEAKER:
I am sorry. I will accept that.

MR. MATTHEWS:
I am sorry, Mr. Speaker.

MR. SPEAKER:
The hon. the Member for Grand Bank.

MR. MATTHEWS:
Were you asking me to withdraw something?

MR. SPEAKER:
No.

MR. WARREN:
I was referring to the Premier.

MR. SPEAKER:
The hon. the Member for Grand Bank.

MR. MATTHEWS:
I was going to say, Mr. Speaker, if I had said anything that was interpreted by Your Honour as being offensive, I will most certainly withdraw it. I thought you were referring to me, and I was wondering what it was I had said that was offensive.

I just want to conclude my remarks, Mr. Speaker, by asking you very sincerely to reconsider the ruling. In the name of decorum, which the Premier said he

wanted to raise, I will ask Your Honour to reconsider this particular situation so that Members on this side can go about their business as elected representatives and present petitions as on the Order Paper.

MR. RIDEOUT:
Mr. Speaker.

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

MR. RIDEOUT:
Mr. Speaker, I am speaking to the point of privilege raised by my colleague, the Member for Burin - Placentia West.

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

MR. RIDEOUT:
Thank you.

Mr. Speaker, I believe we see, and I think this is very, very valid, since this point of privilege has been raised by my colleague for Burin - Placentia West, exactly why we are dealing with a point of privilege and have dealt with points of order on a number of occasions today. Because as my colleague finished his remarks, the Government House Leader stood.

Now, Mr. Speaker, if you are in debate, if you are speaking on a Government Bill, if you are speaking on a Government motion, or, I suppose, as we are doing now, speaking in debate on a point of privilege, it usually flows from one side of the House to the other. But when we are on petitions, and this is the nub of what has happened here today, when we are on the routine Order of the Day piece of business called

Petitions, plural, it does not matter whether anybody on the other side of the House stands or not. It has never mattered, Mr. Speaker, whether anybody on the other side of the House stood or not, as long as there is a Member standing on this side of the House who wants to present a petition, or on the other side of the House who wants to present a petition. But the point is there does not have to be anybody standing on the other side of the House. Normal rules of debate do not apply under this routine item as long as somebody is standing here and is recognized and says, 'I want to present a petition on behalf of such and such a community and such and such number of people.' The only way for somebody else in this House, then, to get recognized is to stand on a point of order or to stand on a point of privilege. That is the only other way, Mr. Speaker, you can knock out the right of a Member over here to continue to stand and present a petition.

Now that raises this point, Mr. Speaker, valid, I would suggest to you, to this point of privilege. We had not proceeded from the routine Orders of the Day called Petitions. On what basis did the Government House Leader get recognized?

MR. WINDSOR:

He was not recognized. That is the point.

MR. RIDEOUT:

Was he recognized on a point of order? We have Hansard, Mr. Speaker. There is nothing in there saying the Government House Leader rose on a point of order. Was he recognized on a point of privilege? There is no indication here, Mr. Speaker, that he was

recognized on a point of privilege. Routine Orders of the Day, the heading of Petitions, nobody else could be recognized in this House at that particular point unless they rose on a point of order or on a point of privilege.

If that happened I would make another argument, that you could not use a point of order or a point of privilege to move Standing Order 21 anyway. But that did not happen. The nub of the privilege here is on what basis was the Government House Leader recognized? He should not have been allowed to speak, Mr. Speaker, unless he rose on a point of privilege, or a point of order, or to present a petition. Those are the only three ways the Government House Leader could have been recognized. And I say to you, Sir, that that goes fundamentally to the basis of this Parliament. We are always going to want to present petitions. Some days many of them, some days maybe a few of them, but a Member was rising to present a petition. Another Member had a petition, signed by 1,000 people who had a delegation in the gallery today to watch their Member make the prayer on their behalf for a road they should be getting as of right, but this Government wants to deny, Mr. Speaker.

So the real nub of the question of privilege here is how, in the first place, could the Government House Leader be recognized to move Standing Order 21? He had to be standing on a point of privilege, a point of order, or to present a petition himself, because we had not yet moved from the routine order of the day called Petitions. I submit to you, Mr. Speaker—

AN HON. MEMBER:
Sit down.

MR. RIDEOUT:
I will speak until the Speaker sits me down.

AN. HON. MEMBER:
(Inaudible).

MR. RIDEOUT:
We may do that, there is a provision under the Standing Orders to do that. The hon. gentlemen opposite were known to have done it when they were over here.

AN HON. MEMBER:
(Inaudible).

MR. RIDEOUT:
Oh, no. Did the Speaker not say today that the hon. gentlemen, when they were over here in 1984, did not like the ruling and went on to appeal the Speaker's ruling. Did he not? Did he not? Did the Speaker not say that, Mr. Speaker, or did a little bird fly in and drop a note and leave it on my desk. I believe that is what the Speaker said.

So the hon. gentlemen when they were over here, Mr. Speaker, used the provisions of the Standing Order to appeal the Speaker's ruling on a number of occasions during my time here. We can do that, we might do that. I do not know yet, but we are appealing to Your Honour to understand, and I know you do, that the Government House Leader could not be properly recognized and that is the nub of our point of privilege, could not be recognized today unless he stood to present a petition, unless he wanted to make a point of Order or unless he wanted to make a point of privilege. He did not stand to do any of that. He

stood to move Standing Order 21. I say to Your Honour by accepting that and the arguments put forth to sustain that, every Member over here not every Member over here today, Mr. Speaker, but every Member over here forevermore. That is why, Mr. Speaker, our rules say that if our rules are silent we have to look to precedence. If precedence is silent we can look to the House of Commons in Ottawa, but if our rules are not silent, Mr. Speaker, if our rules are not silent, and in this case they are far from silent, they are abundantly clear, that is why our rules are worded that way so that the first consideration that a Speaker must give, Mr. Speaker, is to our own rules. Not what Mr. Ottenheimer said or Mr. Speaker Aylward said, that is a consideration if our rules are silent. Not what has happened in the House of Commons, that is a consideration if our rules are silent. Our rules are not silent, and the Government House Leader could not be recognized, Mr. Speaker, today. My colleague was standing and because he was not recognized his privileges are breached. Each and every one of us have had our privileges breached and each and every Member who will ever come into this Legislature again to sit in the Opposition, will have to live under that improper decision, that wrong decision that was made in 1984 and concurred again today by Your Honour. We just cannot allow it to stand, Mr. Speaker. It is too important for the privileges of parliamentary democracy, too important for the privileges of parliamentary democracy for which people died, Mr. Speaker, to protect and defend. We cannot allow it to happen, that we cannot spend as much time as we wish to on any

given day as an Opposition, or a Government Private Member for that matter presenting petitions.

Oh the Premier could use his authority today, Mr. Speaker, to sit down a Minister of Works, Services and Transportation. The Premier could do that under a routine order called Statements by Ministers. He could do that. He has the authority that controls what the Minister of Works, Services and Transportation does.

MR. SPEAKER:

I would ask the Leader of the Opposition to get to his point of privilege and keep to it and clue it up please.

MR. RIDEOUT:

Thank you, Sir.

That could be done and was done, but nobody can ask any Private Member of this House, Mr. Speaker, least of all Mr. Speaker, nobody can demand that any private Member of this House voluntarily sit on their haunches and watch their privileges be taken away from them day after day.

What happened here today must be corrected. If we have not got the sense in this Parliament to correct it, some other Parliament hopefully sometime is going to have the sense to correct it, because this is dangerous. This is the majority, Mr. Speaker, taking the minority and hobnail booting them into the ground, that is what this is.

Not a privilege is sacred. Any day at all now, Mr. Speaker, if I come up here with five petitions or two petitions or the Member for Green Bay comes up with one or two, any day at all somebody can

stand on the other side of the House and move that it all collapse under Standing Order 21.

Your Honour knows, everybody knows, that was not and is not the intention of Standing Order 21. Standing Order 21 was when there were motions before the House and all the motions are outlined under Standing Order 14 and the order in which they can be before the House. In fact a Government motion is number four on the priority list so if there were some other motion on, if there was a third reading on, if there was a Committee of the Whole on, if there was a second reading on, the Government House Leader could use the Standing Order 21 to say, okay, that is enough. We are not going any further than this. The Opposition is creating a filibuster on a third reading of a particular Bill and I am going to use the provision order of Standing Order 21 to kill that and get on to another piece of business. That is what Standing Order 21 is all about. It is about the running of this Legislature when the routine Orders of the Day have been dealt with. That is what it is about, Mr. Speaker, and in that context if this ruling that was made in 1984, concurred in today, is allowed to stand, then no Opposition Member ever again will be able to use the rights and privileges that was conferred on that Member when he, or she was elected, to present petitions, not to present a petition, to present petitions, any number of them, a dozen of them if a person so wishes, 9500 of them if the person so wishes and got them day after day, day after day.

The most sacred right of an elector in this Province is to

petition their elected House of Assembly. How many times did I hear the former Member for Bell Island and LaPoile, Mr. Neary, say that. The most sacred right of every person in this Province is to petition directly to their elected Legislature. That is what we want to do. We want to continue to do it and we want to continue to do it because the privileges and the rights of Members of this House give it to us so to do.

MR. SPEAKER:

The Hon. the Premier.

PREMIER WELLS:

Thank you, Mr. Speaker.

All this nonsense that we hear coming from the other side has to be addressed. It is really not deserving of being addressed but I want to take just a couple of minutes to do it. The hon. the Government House Leader has made it quite clear just how illogical and silly their argument is about motions. The fact is if the Leader of the Opposition were correct in his proposition, the rule 21 would never be there because there would never have been any need for it, as the Government House Leader said. It could never be used under any circumstance because once you are into Orders of the Day what is the point of moving Orders of the Day. So the lack of logic and the stupidity of it just fills this House.

SOME HON. MEMBERS:

Oh, oh!

PREMIER WELLS:

As, Mr. Speaker, it is going to fill the electorate of this Province who are watching this.

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

Now what we are talking about here is not the tyranny of the majority, the majority of this House, Mr. Speaker, want to have an open public debate on this issue of Meech Lake. What we are talking about here is the tyranny of the minority who will not allow and who are attempting to use the rules of this House to prevent the business of the public of this Province to be debated in a sane and sensible democratic way. And, Mr. Speaker, if they want an election on that issue they may well have one, if they persist.

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

Mr. Speaker, I am not going to sit in this House and see Members opposite take the House on their back, insult Your Honour, as has been done here this afternoon, defy Your Honour's ruling, one after the other, as has been done here this afternoon without taking some steps to protect Your Honour's position. And if there is no other way to do it within the rules of this House I will ask the electorate of this Province to do it and let there business be debated in a proper way.

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

Now, Mr. Speaker, I am going to plead with the hon. Members of this House to put the interest of the people of this Province first and foremost, and allow for free open and public debate on this issue when all Members opposite can say -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please! Order, please!

I do believe that the hon. the Leader of the Opposition was heard in silence and the Premier is getting shouting and heckling from the other side. Every Member is entitled to silence in the House.

The hon. the Premier.

PREMIER WELLS:

Thank you, Mr. Speaker.

Now, Mr. Speaker, again I am going to remind hon. Members of this House that all of us may have strong opinions on this as a very significant issue. But the people of this Province who elected all of us and who are paying us for what we are doing here this afternoon do not forget that either. And it is their money that we are using up; who are paying us for these shenanigans that are happening.

Do not forget, Mr. Speaker, that we have a duty to the people of this Province to allow issues to be debated in a free and open democratic way so that the hon. the Leader of the Opposition (Mr. Rideout), the Member for Burin - Placentia West (Mr. Tobin), the Member for Mount Pearl (Mr. Windsor), the Member for Grand Bank (Mr. Matthews), the Member for Humber East (Ms. Verge), whoever wants to can have their say in a proper way, and we will sit in silence and allow them to listen to what they say, and if they make sense will probably be moved to act on the basis of what they say. But we are not going to be moved to act on the basis of the nonsense they are producing

here this afternoon and frustrating completely the workings of the House.

Now the people of this Province are going to call on Members of this House to pay the price for what they do to the time of the people and to the interest of the people of this Province. And if that is the objective then I do not mind going to the people and asking them to judge both sides on their performance in the House today.

Mr. Speaker, this is an important issue for the people of the Province and the country. And it should be debated in a proper way and dealt with in a proper way. And these spurious points of privilege that we have heard one after the other, to deliberately defy Your Honour's ruling, and that is the sole purpose of them. Your Honour has ruled on them. Your Honour has also ruled that the position does not constitute a point of privilege, and it is well known, it is clear to everybody that as long as the rules of the House are being followed it cannot possibly be a point of privilege. They do not like the rules that they asked be followed when they sat here. They caused that precedent to take place. They are the ones who propounded. Now they are hypocritically saying it should be otherwise. It was a wrong ruling at that time.

Now, Mr. Speaker, the business of the people of this Province takes precedence over the spurious attempts of the Opposition to prevent public open debate on the major issue in this country today, as well as in this Province today. I plead with hon. Members to put the interest of the people of this Province ahead of their

own political interest or the political interest of their confreres in Ottawa.

AN HON. MEMBER:

Right on.

PREMIER WELLS:

I remind them, Mr. Speaker, that we all have a duty to allow the public affairs to be debated in a proper way.

SOME HON. MEMBERS:

Hear, hear!

MS VERGE:

Mr. Speaker.

MR. SPEAKER:

The Chair is ready to make a ruling. Was the hon. the Member for Humber East rising on the same point of privilege? The Chair is ready to make a ruling. The Chair does not need another submission, but I will give the hon. Member a couple of minutes.

MS VERGE:

Thank you, Mr. Speaker.

As my colleagues have pointed out, part of the responsibility of Members of this House of Assembly, Members on both sides, is to represent our constituents by presenting their petitions: Petitions on the Canadian Constitution, petitions on the Petit Forté road, petitions on Municipal Amalgamations. Mr. Speaker, much has been said already in the debate on the Standing Orders of the House. Standing Order 14 sets out the daily routine of business a, b, c, d, e, and f is petitions. Petitions plural, Mr. Speaker. Standing order 92.1 says, 'In addition to the Member presenting a petition only two other Members, one each from both sides of the

House may speak to a petition.'

Mr. Speaker, here this afternoon when we had arrived at item f of the daily routine of business as set down in Standing Order 14, the Opposition Leader presented a petition the prayer of which was calling on this Assembly to strike a Select Committee -

MR. SPEAKER:

Order, please!

I am sorry but the Hon. Member is not making any new points. I thought the hon. the Member had a new point. I was willing to listen to it, but there is no -

MS VERGE:

I will sum up very quickly, Mr. Speaker.

The point I am getting to is that not only do we have to address the Standing Orders, the Privileges and rules, Mr. Speaker, we have to look at the way the privileges and the Standing Orders have been interpreted and administered by Your Honour, and by previous Speakers.

Mr. Speaker, since you assumed the Chair about a year ago you established a routine, a practice in announcing the routine of business. For example, in the case of Statements by Ministers, having heard one Minister's Statement then saying, 'Are there any other Statements by Ministers.' Here today there where two Ministers who rose and gave statements.

Mr. Speaker, after calling the routine business of Petitions and hearing one petition, it has been Your Honour's routine after hearing one petition to ask, 'Are there any other petitions.' And

that happened yesterday, Mr. Speaker. I refer Your Honour to Hansard for yesterday on page R16 when after the presentation of two petitions Your Honour said, 'Are there further petitions.' And today after the Opposition Leader presented a petition, the Premier spoke on the petition and then I spoke on it, which is all the Standing Orders allow, then you did not follow your routine of calling for any further petitions.

Mr. Speaker, I would ask you, in reviewing the situation and in reflecting on the points of privilege, to consider not only the privileges and Standing Orders, but to consider Your Honour's own routine, established after a year of being in the Chair, and perhaps, Mr. Speaker, check back further as to the routine of previous Speakers who similarly, if my memory serves me correctly, on hearing one petition then asked the Members of the House if there were any other petitions. Thank you, Mr. Speaker.

MR. SPEAKER:

There is no point of privilege, as I have ruled previously.

MS VERGE:

A point of order, Mr. Speaker.

MR. SPEAKER:

A point of order, the hon. the Member for Humber East.

MS VERGE:

Mr. Speaker, I refer to Beauchesne, 6th Edition, Page 136, Paragraph 462 (a). This has to do with the debatability of motions. The citation says: "Formerly all motions were debatable unless some rule or other parliamentary usage could be quoted to the contrary. But at present the rule is reversed. All motions are to be

decided without debate or amendment, except those specifically recognized as debatable under Standing Order 67. (2) Examples of motions which come under Standing Order 67 (1)(p) and are debatable are motions: (a) relating to the time of sitting and the business of the House." The Government House Leader has purported to make a motion relating to the business of the House calling for Orders of the Day. Now, Mr. Speaker, under this provision of Beauchesne, which clearly indicates that that is a debatable motion, on behalf of the Official Opposition I would like to begin to debate that motion.

MR. SPEAKER:

Order, please!

Again, the Chair would want to review that particular point of order before allowing the Member to proceed. It is now one minute to five. Do Members want to call it five o'clock, or do they want me to make a ruling on that decision before we close the House?

MS VERGE:

Mr. Speaker, I had not finished my presentation about the debatability of the motion. I was proceeding to elaborate on -

MR. FUREY:

You are addressing that point of order?

MS VERGE:

Yes, a point of order.

MR. FUREY:

He just ruled on that.

AN HON. MEMBER:

No, he did not.

MR. MATTHEWS:

He did not rule.

MR. BAKER:

To that point of order, Mr. Speaker.

MR. SPEAKER:

I just want to make sure we are straight here now. I got up to address the hon. the Member for Humber East to say that I would want some time to consider the point of order, and I think that is what I shall do. I asked hon. Members, being that it was close to five o'clock, whether they wanted me to stop the clock at five o'clock and give me a couple of minutes to look at it.

SOME HON. MEMBERS:

No.

MR. SPEAKER:

Hon. Members say, no. Well, the hon. Member should finish.

The hon. the Member for Humber East.

MS VERGE:

Mr. Speaker, I had not finished my presentation. Am I understanding correctly, that Your Honour wants to pause before I am finished?

MR. SPEAKER:

I will give the hon. Member a couple of minutes. I am not sure what we decided. It was five o'clock. Did we decide to stop the clock?

MR. RIDEOUT:

The Speaker leaves the Chair, we come back at 7:00 p.m., and my friend continues with her point of order.

MR. BAKER:

Mr. Speaker.

MR. SPEAKER:

The hon. the Government House Leader.

MR. BAKER:

Mr. Speaker, it is now five o'clock, so I suggest the proper procedures. We are going to have to leave the Chair and come back at seven o'clock.

Recess

MR. SPEAKER:

Order, please!

The hon. the Member for Humber East.

The hon. Member was on a point of order and I will hear the point of order for a few moments.

MS VERGE:

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MS VERGE:

Mr. Speaker, my point of order is that what the Speaker, Your Honour, appears to have recognized as a motion, namely a motion by the Government House Leader to call Orders of the Day, is a debatable motion. Mr. Speaker, I cite relevant sections of Beauchesne to support my position and my arguments that this is a debatable motion. First, Mr. Speaker, I would like to address your attention to Beauchesne Sixth Edition page 136, Paragraph 460, that paragraph is headed 'Debatable Motions' and, Mr. Speaker, it says 'That motions relating to the business of the House are debatable.' And surely the motion in question is that kind of a motion.

Now, Mr. Speaker, you have referred in an earlier ruling today to precedent. On that subject I would like Your Honour to examine Beauchesne, the same edition, pages 5 and 6, the section headed Precedent and Tradition. Mr. Speaker, in that part of Beauchesne it stated 'Speakers have used the flexibility available to them to develop procedure regardless of conflicting precedents in the past.' Then, Mr. Speaker, on the next page, page 6, under the heading Speakers' Rulings, Beauchesne states 'When possible the Speaker may defer a decision to give time for research and full consideration. Time, however, is not always available and unsatisfactory rulings may result.'

Mr. Speaker, it is our contention that the precedent Your Honour referred to in an earlier ruling this afternoon is such an unsatisfactory ruling. The Member then in the Chair, the Member for Kilbride (Mr. R. Aylward) then in the Chair has conceded that he made a mistake. The Members sitting on the Government side at the time felt that the ruling was in error, but since it was in favour of the Government did not appeal it.

Mr. Speaker, Beauchesne goes on to state 'Finally, it must be noted that rarely are two points of order precisely the same. While previous rulings may be useful guidelines, they may well lack the precision and certainty which might be desired.'

Mr. Speaker, with these references to Beauchesne, I submit to Your Honour that the motion of the Government House Leader that Orders of the Day be called, which appears to have been recognized as

such a motion by Your Honour, is a debatable motion. And I would ask Your Honour's ruling on this question and hope that we will be able to proceed to debate the motion.

MR. BAKER:
Mr. Speaker.

MR. SPEAKER:
The hon. Government House Leader.

MR. BAKER:
Thank you, Mr. Speaker.

Just very quickly I will deal with the specific point brought up by the Member for Humber East (Ms Verge). Unfortunately the Opposition House Leader is not here. Were he here, he would very quickly point out that there is a certain order that we follow in the House in terms of decisions. First of all we go to the Standing Orders of the House of Assembly.

MR. SPEAKER:
Order, please!

MR. BAKER:
Mr. Speaker, the order of precedence is first of all we go to the Standing Orders of the House of Assembly. Where these Standing Orders are silent, we then go to precedence in this House of Assembly. And that is what Your Honour has done and gone to two precedents in the House of Assembly and made a ruling based on that. If there are no precedence then we go to Beauchesne, and if there is nothing in Beauchesne then we go to some other authorities or use them as supplementary to our Standing Orders. But the process, Mr. Speaker, is clear. Standing Orders and then our precedence, that I might say most Members Opposite with a couple of

exceptions were around when these precedents were set, and they were sitting on this side.

So, Your Honour, it seems to be very, very clear to me that the ruling was a proper ruling, that Your Honour followed the course of events that I outlined, and the same ruling was made in these incidences as Your Honour made. So, I really can see that there is no point of order in the hon. Member's proposal.

MR. SPEAKER:

I will hear one more from the Leader of the Opposition.

MR. RIDEOUT:

Mr. Speaker, I think it is rather interesting, maybe even strange that the Government House Leader would rise and introduce the same argument - our own Standing Orders - the very same argument that I introduced today on maybe two or three different occasions on points of order and points of privilege.

The Government House Leader, Mr. Speaker, is correct. I repeat again, he is correct. I made the argument myself today that the first authority that Your Honour must consider is our own Standing Orders. And we have pointed out time and again today where our own Standing Orders, Standing Order 14 in particular, does not provide for the kind of activity that has transpired here.

Now there is a parliamentary way out of this, Mr. Speaker, Beauchesne, as my colleague for Humber East pointed out, a parliamentary way out of this. When a wrong decision is made, a bad decision is made, the Speaker is not bound. Mr. Speaker it was wrong enough for the Opposition of

the Day to challenge the Speaker's ruling, it was wrong enough for that, Mr. Speaker. So there is a parliamentary way out of this.

But more importantly, Mr. Speaker, is that my colleague for Humber East has cited a reference and an authority from Beauchesne which is applicable now, that Your Honour appears to have accepted this precedent, this so called precedent. Your Honour has appeared to have accepted it. But there is another matter before us now and that is whether or not the motion is debatable. And our rules are silent on that, Mr. Speaker. Standing Order 21 does not say that the motion that the Government House Leader finagled his way into proposing today is to be put with debate or without debate, our rules are silent. Now, when our rules are silent, Mr. Speaker, to quote the Government House Leader, we go to precedent. And when precedent by other authority is shown to be wrong, then we can go to that, and it has been shown to be wrong, Mr. Speaker.

Beauchesne clearly states, as pointed out by my colleague, that a motion having to do with the business of the House - and that is what Standing Order 21 is - a motion allowing the Government to call the Standing Orders of the Day. What is more clearly the business of the House than the motion under that particular Standing Order.

So a motion having to do with the business of the House is a debatable motion and we cannot hide behind the skirt of past precedence, bad precedence, good precedence, any precedence. We can only hide behind the skirts, Mr. Speaker, of the authorities

and the rules. Now our rules are silent and the authorities clearly point out that a motion affecting the business of the House is a debatable motion. And we, Mr. Speaker, are appealing to Your Honour to make that particular decision.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

To the point of order, the Chair can only say, to back up when I made the ruling on the point of privilege because it is relevant, that the Chair, when the Standing Orders of our House are silent then we can go to precedent. It is not the Chair's job to judge whether precedent is right or wrong. The Chair can only go to the precedent. We quoted three precedents: the one of 1976 and then the ruling that the hon. the Deputy Speaker at the time made, and then there was one made the next day on December 14, 1984 the same year and just a day after.

Secondly, we have checked this out with other jurisdictions and find that they interpret the rule the same way we do as well, even though their Orders just simply say that the motion to proceed to the Standing Orders has preference over any other business.

Now with respect to the motion being a debatable motion I again quote for hon. Members the annotated Standing Orders of the House of Commons 1989, and its notes on Standing Order 59, the one related to the Orders of the Day. I will read that, 'In 1873 the Speaker rejected an amendment to the motion that the House do now proceed to the Orders of the Day, stating that if the motion were adopted it would obliterate

the original motion and no further amendment can be proposed pending its consideration. None the less in 1880, the Speaker did allow an amendment to the motion, although since that time the original ruling has held. Since the motion is not included in Standing Order 67(1) which the hon. Member quoted, there is now no question that it is non-debatable and non-amendable.

I rule there is no point of order.

The hon. the Government House Leader.

MR. BAKER:

Motion 11, Mr. Speaker.

MR. RIDEOUT:

Mr. Speaker, a point of privilege.

MR. SPEAKER:

The hon. the Leader of the Opposition on a point of privilege.

MR. RIDEOUT:

I would like to raise one more point of privilege, Mr. Speaker, because I think it should be raised and it is this.

This evening outside the floor of the House the Premier was on the public airwaves saying that he expected the Speaker to get control of this House when it resumed at seven o'clock this evening, Mr. Speaker.

Now the first point I want to make, Your Honour, is that statement implies one of two things. It implies first of all that Your Honour has in fact lost control of the House which is a terrible reflection on the conduct and competency of Your Honour. I believe it is shameful for a Government Leader, an Opposition Leader, any leader to make that

kind of inference to the public of Newfoundland and Labrador.

Secondly, Mr. Speaker, if that is not the correct inference, the other inference is that Your Honour is going to take orders from the Leader of the Government in this Chamber and that is equally as disturbing as the first, Mr. Speaker.

Mr. Speaker, I believe we know why the Premier wants to get onto this Motion tonight. We know what his schedule is for Thursday and Friday, Mr. Speaker. It is not going to be to keep him busy in Newfoundland and Labrador. So we know that tomorrow is Private Members' Day. We know what is going on here.

But, Mr. Speaker, the point of privilege is this, if the Premier is going to use his office as Leader of the Government in this Chamber to improperly reflect on the conduct of Your Honour, or to try to intimidate, Your Honour, into supporting the position of the Government, then we may as well, Mr. Speaker, all pack our bags and go home. This Chamber will not operate at all unless we can all feel, Members on this side of the House as well as Private Members on the other side of the House, the House cannot operate and will not operate unless we can all feel comfortable and certain that the Speaker is protecting the rights and privileges of every one of us. It cannot be done, Mr. Speaker, unless that is the case, and to have the Premier and the Government, speaking for the Government, reflect as he did this evening does not make anybody comfortable, that our rights and privileges are going to be protected. It does not make any of us very comfortable. I would

venture to say, Mr. Speaker, I would be bold enough to say that it does not make Your Honour very comfortable.

The Premier and the Government have put the Speaker in the position he is in, not this side of the House, Mr. Speaker. We were proceeding today under the routine orders of this House, which has been done - talk about precedence! You can find three or four one way, but how many thousands of precedents can you find in the life of this Parliament and the life of this House of Assembly to suggest that day after day, week after week, dozens and dozens and dozens - some days we went for days, back in 1975, 1976, 1977 with a former Member of this House, presenting petitions on electricity rates. We can all remember, it went for days and never got to Government Orders, days, Mr. Speaker, so if you want to talk about precedence, there are thousands to the contrary, but my point now, Mr. Speaker, is not that. It is the privileges of every Member of this House that have been trampled upon, infringed upon by the improper reflections on the ability of Your Honour to control this place, or either, it is the intimidation of the Government or the threat by the Government to intimidate Your Honour. One is just as abhorrent as the other, Mr. Speaker, and it cannot be allowed to continue. I believe that it is a valid and legitimate point of privilege, and if Your Honour should be so inclined to rule, we would be prepared to put down the appropriate motion that would bring the Premier, hopefully, to his senses.

MR. SPEAKER:

The hon. the Premier.

PREMIER WELLS:

Mr. Speaker, it hardly is worthy of the dignity of a reply, but, lest my not replying should be taken as acquiescence in what has been said, let me say to Your Honour, that the whole of what I said to the news media, was: that Your Honour being a very tolerant and considerate person, had given the Opposition unlimited leeway, as you usually do, and they abused the proceeding and took control of the House this afternoon, abusing Your Honour's well known tolerance and kindness, but that I had no doubt, whatsoever, Your Honour would take control of the House this evening and ensure that the normal debating that is supposed to take place in this House, and the normal conduct, and that the business of the public of this Province could be allowed to continue. Just so that my sitting quietly and not responding is not taken by any Member of the House, Your Honour included, or anybody outside of the House, as any kind of an acquiescence in what the hon. the Leader of the Opposition has said, I rise only to address it and, obviously, there is no point of privilege.

MR. SPEAKER:

I have heard enough on this point of privilege and I am going to take it under advisement. I simply want to say to hon. Members that in making the ruling, the Chair did what it was supposed to do and quote precedence, and we quoted all of the precedence that we could find, that is the job of the Chair and I can assure hon. Members that this Chair is intimidated by nobody. I have no reason to be intimidated by anybody and I have made the ruling with the best advice that I could get from the people that advise the Speaker, the table Officers

and checking with other jurisdictions and to the best of my ability in studying what has gone on before and so, I want that put to rest and we proceed to the Orders of the Day.

MS VERGE:

Mr. Speaker.

MR. SPEAKER:

Yes, will the Member address what point she is up on?

MS VERGE:

Yes. I would like to appeal Your Honour's ruling on the question of order, as provided for on Standing Order 11(a) on page 3 of the Standing Orders of the House of Assembly of Newfoundland. I will read Standing Order 11(a) Mr. Speaker, if I may: 'Mr. Speaker shall preserve order and decorum and shall decide questions of order, subject to an appeal to the House without debate. In explaining a point of order or practice, he shall state the standing order or authority applicable to the case'. So, Mr. Speaker, this Standing Order clearly provides for an appeal to the House from a ruling on a question of order made by Your Honour.

MR. SPEAKER:

The Speaker's rule is appealed.

Those who want to sustain the ruling of the Speaker, say 'Aye.'

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

Those against 'Nay.'

SOME HON. MEMBERS:

Nay.

MR. SPEAKER:

Carried.

MS VERGE:

A division, Mr. Speaker.

MR. SPEAKER:

Call in the Members.

Division

MR. SPEAKER:

Is the House ready for the question?

All those in favour of sustaining the Speaker's ruling, please rise.

The hon. the Premier, the hon. the Minister of Fisheries (Mr. Carter), the hon. the Minister of Social Services (Mr. Efford), the hon. the Minister of Works, Services and Transportation (Mr. Gilbert), the hon. the Minister of Environment and Lands (Mr. Kelland), Mr. Hogan, Mr. Reid, Mr. Ramsay, Mr. Crane, the hon. the President of the Council (Mr. Baker), the hon. the Minister of Health (Mr. Decker), Mr. Walsh, Mr. Noel, Mr. Gover, Mr. Penney, Mr. Barrett, Mr. L. Snow, the hon. the Minister of Forestry and Agriculture (Mr. Flight), the hon. the Minister of Municipal and Provincial Affairs (Mr. Gullage), Mr. Grimes, the hon. the Minister of Education (Dr. Warren), the hon. the Minister of Employment and Labour Relations (Ms. Cowan), the hon. the Minister of Mines and Energy (Dr. Gibbons), Mr. K. Aylward, Mr. Murphy, Mr. Short, Mr. Langdon.

MR. SPEAKER:

All those against sustaining the Speaker's ruling, please rise.

The hon. the Leader of the

Opposition (Mr. Rideout), Mr. Hewlett, Mr. Doyle, Ms. Verge, Mr. R. Aylward, Mr. Matthews, Mr. N. Windsor, Mr. Tobin, Mr. Woodford, Mr. A. Snow, Ms Duff, Mr. Parsons, Mr. Warren, Mr. Hynes.

MADAM CLERK:

Mr. Speaker, the vote is twenty-seven for, fourteen against.

MR. SPEAKER:

I declare the Speaker's ruling upheld.

MS VERGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the Member for Humber East.

MS VERGE:

Thank you, Mr. Speaker.

I rise on a point of order. This is a different point from points made by previous speakers today. Mr. Speaker, there has just been quite a bit of discussion and a ruling or two by Your Honour involving precedent. Mr. Speaker, the course which Your Honour followed this afternoon in recognizing Speakers is a radical departure from long established precedents of Your Honour and Your Honour's predecessors in the Chair.

This afternoon when Your Honour called petitions under Standing Order 14 in the usual routine of business, Your Honour recognized the Opposition Leader who presented a petition calling for the House of Assembly to strike a select committee to conduct public hearings on the Premier's resolution rescinding the Meech Lake Accord. And also the Premier's alternative constitutional proposal. The Premier then spoke on that

petition and finally I spoke on the petition. And, Mr. Speaker, the Standing Orders provide for just that number of speakers per petition, in addition to the presenter, one Member from each side of the House.

So, Mr. Speaker, when I finished speaking to the Opposition Leader's petition it would have been usual, according to precedents of Your Honour and Your Honour's predecessors, for Your Honour then to ask: Are there further petitions? And, Mr. Speaker, just one instance of this precedent is found in Hansard for yesterday. Yesterday two Opposition Members presented petitions and following the presentation of the second petition and the speeches on that petition, Your Honour, asked: Are there further petitions?

Mr. Speaker, instead of asking that question when there was a Member of the Opposition on his feet - my colleague the Member for Humber Valley (Mr. Woodford) was on his feet - instead, Mr. Speaker, Your Honour did something which, in my time in the House is unprecedented, Your Honour recognized the Government House Leader - not on a point of order or on a point of privilege, but the Government House Leader attempting to deprive the Member for Humber Valley of presenting his petition and skip ahead to Orders of the Day.

Now, Mr. Speaker, there are many, many precedents for more than one petition being presented per sitting day of this Legislature. Yesterday, as I mentioned, two petitions were presented. Frequently, there are two or three petitions presented. Occasionally, in the past,

numerous petitions have been presented in one day and, Mr. Speaker, as some of my colleagues have already noted, it is the duty of Members to present petitions of their constituents.

Now, Mr. Speaker, it is extremely important for Your Honour to clarify what kind of precedent Your Honour set in the proceedings here today. Mr. Speaker, I submit that the precedent should be in accordance with past practice and precedent, and that would dictate that Your Honour now revert to Petitions and allow my colleague, the Member for Humber Valley, who was on his feet immediately after I finished speaking on the first and only petition presented here today, the petition presented by the Opposition Leader - and, of course, under the Standing Orders, I was the last speaker entitled to speak to that petition. My colleague, the Member for Humber Valley was, at that point, on his feet and perhaps Your Honour did not see him, but it would have been in accordance with precedent of this House for Your Honour to have recognized the Member for Humber Valley and then allowed him to present his petition.

After all, the Standing Orders, in listing the routine daily business, uses the plural. It says 'petitions', not one petition, but petitions. So, Your Honour, my point of order is that what happened this afternoon, perhaps inadvertently on Your Honour's part, was a departure, a radical departure from past practice and precedent, and I would urge Your Honour to correct that situation and now revert to Petitions and allow my colleague to present his petition.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

To that point of order, the salient point here is not what the Chair says in terms of when an item of business is finished. I think it would be putting severe restrictions on the Chair, indeed, if it were ruled that the Chair was not following precedent when, at the end of every item of business, I say, 'Are there further reports?' The Chair tries to do that in the hope that no Minister is missed, or some other Member who is presenting a report. In terms of recognizing, the Chair will have to look and see how the order of speakers went. But, again, there is no precedent in terms of recognizing one for one, a person has to stand and the Chair is always guided by who the Chair sees standing.

AN HON. MEMBER:

(Inaudible).

MR. SPEAKER:

Order, please!

There is nothing which prevents a Member from the Opposition presenting a petition. The fact that the hon. Member is saying 'petitions, that has nothing to do with it, whether it is the plural or whether it is the singular. The Chair recognized the Government House Leader. As far as I knew, the hon. the Member could have been presenting a petition. I had no idea what the hon. Member was about to do. He could be presenting a petition. So the Chair called the Government House Leader because that is who I saw. I had no notion that he was not going to present a petition, but I have to look at the order of the speakers to see precisely what happened. But very generally, if

we have an order, because a Member from the Opposition speaks we do not have to wait for another. If a Member for the Government speaks, the Speaker is not obliged or obligated to wait for someone else to rise. If a Member for Government rises, or the opposite, if a Member of the Opposition rises and there is no one else opposite rising, I can recognize another Member from the Opposition. The rule is that the Speaker recognizes who the Speaker sees. Now if hon. Members want to contest that, I do not know how we can do it.

The hon. the Premier.

MR. RIDEOUT:

A point of privilege, Mr. Speaker.

MR. SPEAKER:

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

AN HON. MEMBER:

You ought to be ashamed.

MR. RIDEOUT:

I am not ashamed, Mr. Speaker. Not because the Premier says I should be, I will be.

Mr. Speaker, I want to raise a point of privilege arising out of the ruling Your Honour just gave, because I think it is very important for the future functioning of this House. Now let us assume, Mr. Speaker, that the rulings that have been made here today, sustained by the majority in the House here tonight, backed up by a precedent of a few years ago, is now the Order of the Day in this Legislature. On this point of Privilege let me pose this to Your Honour: Tomorrow or Thursday, we are proceeding through the routine Orders of the Day as we did

today. Half way through Oral Question Period, somebody stands on the Government's side of the House, most likely a backbencher - I do not expect Your Honour would recognize a Minister. But if somewhere half way through Oral Question Period the Government does not like the flow of Question Period, does not like the questions being asked, can somebody on the Government side of the House move Standing Order 21, that the Orders of the Day be read? Now, surely, Mr. Speaker, that is a question that must be asked before we can continue any further to operate this House.

Similarly, Mr. Speaker, Statements by Ministers, the first routine Order of the Day. Some days it is not unusual that the Government might have four or five or six statements. Certainly it is not unusual to have three or four. We saw three today.

MS VERGE:

Two.

MR. RIDEOUT:

Two were presented, but one was cut off. But we saw three ready to go today. It does not say in Standing Order 21 who is allowed to move the motion or not, but I assume any Member can ask that Standing Order 21 be put. But when the Government is half way through its order of Ministerial Statements for the day, can one of us stand on this side of the House and move that the Orders of the Day be proceeded with under Standing Order 21?

SOME HON. MEMBERS:

Yes, you can.

SOME HON. MEMBERS:

No, we cannot.

MR. RIDEOUT:

I would assume we can, as a result of the ruling which has been sustained here on a number of occasions today. I would assume, Mr. Speaker, that the Government equally can in Oral Questions. Can we interrupt item number four, Mr. Speaker, Notices of Motion? Can a Member from either side of the House interrupt Government Ministers, or get recognized? Because we are all allowed to stand and give a notice of motion. We do not know. Usually, if a Minister is standing it is a Government notice. But can we? Can we stand on this side of the House and interrupt a Minister and be recognized and move that the Orders of the Day be proceeded with under Standing Order 21?

The point, Mr. Speaker, is that this has to be resolved one way or another. We can tie up the operation -

AN HON. MEMBER:

It has been resolved.

MR. RIDEOUT:

It has not been resolved, I say to the Premier. It might be resolved today to his satisfaction, but for the satisfaction and for the proper operating of this House it has not been resolved. Can we have Government now move to cut off Question Period when they feel like it by somebody being recognized and proposing that we move on under Standing Order 21? Can we have the Opposition cut off Government Notices of Motion when we feel like it? This Chamber will be stymied forever and a day if we want to continue under the ruling that has been sustained here today.

Mr. Speaker, I beg, I appeal for this to be cleared up. In this

point of privilege I am raising I am asking that it be cleared up, or will we start standing here the next day, tomorrow or the day after, asking Your Honour to proceed under Standing Order 21 when Ministerial Statements are being done, or halfway through Oral Question Period? This cannot go on.

MR. SPEAKER:

The hon. the Government House Leader.

MR. BAKER:

Thank you, Mr. Speaker.

I would like point out to Your Honour that this is exactly the same point Members opposite have been raising for hours and hours now, and each time it gets a ruling and each time they challenge Your Honour's ruling. Mr. Speaker, I do not know where this is going end. I really do not. I suppose they can go on for the next twelve months, but the fact of the matter remains that the reason for this particular procedure in the Standing Orders is to prevent exactly the kind of thing we are seeing happening here today. That is the whole point of it. I would say to the Leader of the Opposition that on the surface it seems as if a Government Minister can call Orders of the Day before Question Period and, so, bypass Question Period.

SOME HON. MEMBERS:

What? What?

MR. BAKER:

But a Government Minister would not do that.

SOME HON. MEMBERS:

Oh, no! Oh, no!

AN HON. MEMBER:

You did it today.

MR. BAKER:

The reason, Mr. Speaker, a Government Minister would not do that is because that would be just as great an abuse of the procedures in this House as we are seeing now from Members opposite.

Mr. Speaker, I know, they know, and people in the gallery, sitting behind them, know, that they had lots and lots of petitions today magically appear. They all appeared just before the House opened. They did not have them yesterday. They all magically appeared at the correct time and, all of a sudden, it was important that they all be heard at the same time. Mr. Speaker, we know what is going on.

MR. MATTHEWS:

No, you do not.

MR. BAKER:

Your Honour must certainly suspect what is going on. Everybody listening to the debate knows what is going on. So let us not hide behind these facades the Leader of the Opposition likes to throw up. Let us not hide behind this mock self-righteousness. Let us get on with the business of the House.

Mr. Speaker, we know that in the petitions the large number of the names were secretaries in the Members' offices - the Secretary to the Leader of the Opposition signed one of them.

MR. SPEAKER:

I ask the hon. Member to keep his remarks to the point of privilege, please!

MR. BAKER:

Mr. Speaker, the whole basis of the point of privilege posed by

the Leader of the Opposition was a hypothetical question as to what would happen or could happen in the future. Mr. Speaker, I will refer you to Beauchesne, Paragraph 323, Page 87, which indicates that hypothetical queries on procedure cannot be addressed to the Speaker from the floor of the House. Mr. Speaker, there is no point of privilege.

MR. MATTHEWS:
Mr. Speaker.

MR. SPEAKER:
I am ready to rule on the point of privilege. Is the hon. Member speaking to the point of privilege?

MR. MATTHEWS:
I want to speak to the point of privilege.

MR. SPEAKER:
Well, I do not need any more submissions on that particular point of privilege.

MR. MATTHEWS:
He is taking away further from the privilege.

MR. SPEAKER:
The Speaker has that right. I am willing to make a ruling on the point of privilege. Again, the Government House Leader made the appropriate quote. I will say again to the hon. Leader of the Opposition I did not make the precedent, I just extended upon the precedent. All I can say is that these hypothetical situations he raised never came to the fore since 1976, when the ruling was made; it never came after 1984. We will just see what will happen in the future. There is no point of privilege.

MR. MATTHEWS:
On a point of privilege, Mr.

Speaker.

MR. SPEAKER:
The hon. the Member for Grand Bank, on a point of privilege.

MR. MATTHEWS:
Thank you, Mr. Speaker.

What happened today, Mr. Speaker, was there was only one petition presented in this House of Assembly. That is the point. One petition. One petition.

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please! Order, please!

MR. MATTHEWS:
One petition. Not two, or three or twenty, one petition, Mr. Speaker!

MR. R. AYLWARD:
Tomorrow there could be one question.

MR. MATTHEWS:
Tomorrow there may be one question before the House Leader rises to call Orders of the Day.

I have a petition here signed by 1,200 people from Fortune, by occupation and address and telephone number; no secretaries from our office signed it.

AN HON. MEMBER:
Yes, and you had it yesterday, too.

MR. MATTHEWS:
No, 1,200 on this one, people of Fortune. I got it over the weekend. Now I think I should have a right as a duly elected Member, representing that community, to present that petition in this House when I want to. Today was the first

opportunity I had to do it.

MR. MURPHY:
(Inaudible).

MR. MATTHEWS:
Would the Member for St. John's South mind restraining himself. He slept through his plant being closed down, so now he wants to sleep through the rest of this.

SOME HON. MEMBERS:
Hear, hear!

MR. MATTHEWS:
That is not the way I represent my constituents. When they have a problem as pressing as the amalgamation issue in this Province, which they are directly opposed to with this 1,200 name petition I want to present on their behalf, I do not want anyone taking that privilege away from me in this House. And that is what happened here today, Mr. Speaker. I was prevented from doing that which is my privilege.

MR. SPEAKER:
Order, please!

The hon. gentleman is not making a new point of privilege, he is making the same point of privilege that has been made time and time again. The Chair has already ruled on it, and I cannot entertain any more points of privilege based on that particular matter. The House has voted on it. We allowed Members all afternoon. The Chair has been very flexible in allowing Member after Member to get up on a point of privilege. The point has been made and, unless there is a new point of privilege, the Chair cannot entertain it.

The hon. the Premier.

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

MR. SPEAKER:
The hon. the Member for Burin - Placentia West, a point of order.

MR. TOBIN:
Mr. Speaker, I do not think the President of Treasury Board has any intentions of misleading this House, nor would I suggest he was in his statements when he said we got secretaries to sign petitions. The record has to show that is not the case. I spoke here this afternoon. I had a petition that was brought to my office about twenty minutes to two by a group from Petit Forte, signed by approximately 800 to 1,000 people, Mr. Speaker, a lot from Petit Forte and Southeast Bight, and a lot from the District of Placentia, which my colleague -

MR. SPEAKER:
Order, please!

The gentleman is not on a point of order. There is no point of order.

AN HON. MEMBER:
He has not made it yet. He has not made it.

MR. SPEAKER:
Well, the hon. gentleman better make it quickly. He is on no point of order, he is talking about a statement the hon. Government House Leader made, and it is just a difference of opinion between two hon. gentlemen.

The hon. the Member for Burin - Placentia West.

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

Let me get to the point of order, and that, simply put, is that the

Government House Leader was wrong in suggesting that names which came here today on a petition were

MR. SPEAKER:
Order, please!

That is not a point of order. The Chair is not going to tolerate this kind of offence to the Chair. There is no point of order.

Orders of the Day

PREMIER WELLS:
Mr. Speaker,

MR. SPEAKER:
The hon. the Premier,

PREMIER WELLS:
Thank you, Mr. Speaker,

Mr. Speaker, we came here this afternoon to deal with a very serious matter, a matter of great concern and great moment for, not only the people of this Province, but the people of the whole of the country. And I greatly regret that we displayed to the Province and to the country as a whole what we saw occur in this House this afternoon. Nevertheless, I would like to move on and and discuss this most important matter, perhaps, Mr. Speaker, in the words of the editorial in The Evening Telegram, I think it was yesterday or today, I do not remember which, 'The single most important issue in this Province since Confederation, in 1949.' And I think the editorial writer had it right, because the editorial writer has taken a look at the impact of that on the future of this Province and I think he expressed it well.

Now, Mr. Speaker, an issue has been raised about the propriety of this Legislature moving to rescind the approval that was given in July of 1988 of the so-called Meech Lake Accord, and I want to deal for a moment with the propriety of that. When the amending procedure was adopted in 1982, one of the provisions of it is Section 46 (2), and that says specifically that a 'resolution of assent made for the purposes of this part maybe revoked at any time before the issue of the proclamation authorized by it'. Now that was put there for a reason. It was not put there to be joked or laughed at or never to be used. This is not only the first time that Section 46 (2) is being used, this is the first time that the general amending procedure is being used in the country. We are embarking on the first Amendment to the Constitution since the new procedure was adopted in 1982. In this circumstance, the Government, the Government that sits on the Government side of the House today, has been strongly opposed to what is involved in the Meech Lake Accord on the basis of its impact on the future of this Province and its impact on the future of the nation.

Now, I am ready to concede that there are divergent views as to what that impact is. Members on the Opposite side have, and I respect their right to have, and I respect our right to differ with their views on the impact of what is in the Meech Lake Accord on this Province and on the nation, but we are so concerned with the impact of what is in that Accord on the future of this Province in particular, and the future of the nation in general, that we would not under any circumstances have

approved it, and we said so when the Accord was brought to the House for debate in 1988, and we said so before that.

Mr. Speaker, that being so, we now find ourselves in the position where we are sitting as the Government of the Province with responsibility for making the decisions today that will impact on and guide the future destiny of this Province and its people. We have just as much responsibility to deal with that issue today as if we had been the Government at the time it was brought forward. We have the means at our disposal to stop that impact on the future of the Province and the future of the country. If we sincerely believe, as we do, that it is wrong for the country, then we have a responsibility to take the necessary steps to deal with it. It is not enough for us to simply sit back and say 'It was not us. We did not pass it, the former Government did. It is all their fault. If Newfoundland is going to suffer greatly in the future, it will be all their fault because they passed it.' When the means of correcting that error is open to us, we would be being fundamentally dishonest with the people of this Province and the people of the nation if we did not take the step necessary to rescind the resolution. And that is precisely what we are doing here today. So there is nothing at all, nothing at all improper or unprecedented about taking this step. This kind of step is taken and provided for in a variety of agreements and circumstances.

The Free Trade deal contains a clause that either party can terminate it on six months notice. Now, the fact that both parties signed it does not in

anyway make it improper or wrong for the parties to rescind or revoke that approval that was given at the time. It can be terminated at any time upon giving six months notice. The Constitution provides that the approval of the Meech Lake Accord that was given can be terminated at any time by any Legislature that gave the approval, prior to the proclamation. That is what we are asking this Legislature to do, and we are asking this Legislature to do it, Mr. Speaker, because we are so concerned about its significance for the future of this Province and the future of this country.

Now, I would like to take a couple of minutes to deal specifically with what the resolution will do, because there is obviously some confusion, judging by the comments from Members of the Opposition this afternoon. What the resolution will do is rescind the existing approval that was given in July of 1988. That is specifically provided for. Then it goes on to specifically provide that 'the House of Assembly of the Province of Newfoundland further resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by His Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto....' Now the schedule hereto is Meech Lake Accord, exactly as it was originally signed.

So we are asking this House to approve issuing authorization for an amendment to the Constitution of Canada, authorization by this Legislature as is required under the Constitution Act, to approve that to specifically authorize the

kinds of amendments provided for in the Meech Lake Accord upon the happening of either a referendum of the people of this Province or a referendum of the people of the whole of Canada, without regard to whether the people of this Province voted for it or against it.

Now there is a very good reason for that. I will explain to the House, Mr. Speaker, why the Government is following this particular course of action. If it should turn out, and frankly I have to say to Members of the House that I do not expect it will, because I have listened to all three Party Leaders in Manitoba: Premier Filmon, Mrs. Carstairs, the Leader of the Opposition, and Mr. Jewer, the Leader of the NDP, and they are speaking in unison. I saw them last night, speaking in unison, explaining Manitoba's position with respect to the Accord. They clearly take a position that is virtually identical with the position of Newfoundland. They state clearly that the Manitoba Legislature will not authorize approval of that amendment to the Constitution on the basis of the Meech Lake Accord as it is.

So I really do not expect that this possibility of a referendum within the Province is really going to arise, although it is possible. But should that situation occur, where Manitoba as well as New Brunswick approves of the Meech Lake Accord as it is, then Newfoundland, after the passage of this resolution, would be in the position where it would be the only Legislature that did not approve of it.

Now, Mr. Speaker, I, personally, am satisfied that that would be in

accord with the wishes of the people of this Province. Because everything I have heard around me and everything I have heard from everybody who commented on it in the Province, the newspaper writers, the talk shows, the polls and everything else, seems to indicate clearly that the majority of the people of this Province do not want the Meech Lake Accord passed as it is. It is also clear that a majority of the people of the Province, a bare majority probably, now acknowledge they do not fully understand the complexities of the Meech Lake Accord. But they understand the fundamentals of it. They understand its long-term impact, in essence, is to create different classes of provinces, and they are not prepared to accept that. And that will mean different classes of citizens. I believe, Mr. Speaker, that the people of this Province, as well as the majority of the people of this country, understand that basic flaw in the Meech Lake Accord and that is really what guides them to the opinions that have been expressed.

While I am satisfied that that is the view of the people of this Province, I feel it would not be right with so much riding on it, the matter being so significant, if Newfoundland's Legislature were the only Legislature that had not approved the Meech Lake Accord, every other Legislature in Canada had approved it. I would not feel comfortable if everybody on the other side of the House votes in favour of the Accord, having the majority, the thirty Members who sit on this side of the House, having them arrogate to themselves alone the decision to make this decision, because it is of such moment to the nation. And frankly, Mr. Speaker, in those

circumstances I feel it is incumbent upon the Government to submit the question to the people of this Province and let the people decide. And if the people of this Province want the Meech Lake Accord as it is, they should have it.

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

But if they do not want it, Mr. Speaker, they should not be forced to live under the economic and political shackles that will follow implementation of the provisions of the Meech Lake Accord, and I will not take responsibility for imposing that on the people of this Province against their will.

We, Mr. Speaker, intend to practice the ultimate democracy. This matter is so important to the long term future of the people of this Province that it is the people of this Province who should say 'we are so concerned with the adverse impact that we will not accept it,' or, in the alternative, 'we are so concerned about the doomsday that people are projecting if the Meech Lake Accord is not accepted, about the adverse impact on the nation as a whole, the possible breakup of the nation, that we are prepared to accept it anyway.' If they do that, then the people of this Province should be entitled to have it and we, Mr. Speaker, are prepared to live with it and acknowledge the right of the people to decide. And I cannot see how anybody can challenge that.

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

Now, Mr. Speaker, the resolution goes one stage further, it carries it one step further: it acknowledges, Mr. Speaker, that if Newfoundland is the only Province whose Legislature or people reject it, even if the people of Newfoundland reject it - I do not believe any one Province should hold up the constitutional development of this nation against the will of the majority of the people of the nation. So we have provided in this resolution for a means for the Prime Minister of Canada to bring about the ultimate solution. If he feels that Newfoundland is wrong in doing what it will be doing in rejecting the Meech Lake Accord, then we have provided the Prime Minister with the alternative to correct it. And I say without fear of hesitation, Mr. Speaker, that the people of this Province are Canadians of such stature and Canadians of such consideration and Canadians of such fair-mindedness that they would welcome, Mr. Speaker, an approval by the majority of the people of this nation and they would readily agree and conceded that we in Newfoundland, even though it was contrary to our personal wishes or the wishes of the majority of our people, should concede to the greater good of the whole of the country, if they want.

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

Mr. Speaker, that is what the resolution provides for. If it is passed, and I expect the majority will pass it, it will have the effect of placing Newfoundland in precisely the same constitutional position at this moment as Manitoba and New Brunswick are in. Exactly the same. No

different. We are then in a position to say to the Prime Minister and to the rest of the country, 'these are the terms and conditions under which we would pass the Meech Lake Accord as it is', and it is spelled out, or, in the alternative, we can say to the Prime Minister 'if you are prepared to discuss an alternative that Newfoundland and Labrador would propose, then we are quite prepared to sit down and discuss that and make any kind of compromise that can be put together that protects the interest of the people of this Province and the people of this nation, and we will be happy to work with you to find that compromise.'

Now, Mr. Speaker, the objections of the Government are not objections in a vacuum. They are not theoretical political science objections, they are theoretical constitutional legal objections, they are objections based on genuine concerns, not just for the people of this Province, but for the people of Canada, the impact that we see coming out of the Meech Lake Accord on the nation as a whole, as well as on the people of this Province. We cannot be so self-centered as to think only of our own interest, we have to think of the other 25.5 million people in the other nine Provinces of this nation. We are only 570,000 of the totality of Canadians. Even if we were 5 million, we would not be justified in thinking alone in terms of our own interest or our interest only. We have to recognize that there are other provinces and other people and those other people have the kind of aspirations for their own future that we do, and we must accord to them the right to have those aspirations and the right to

expect them to be reasonably fulfilled, bearing in mind the Canadian principle of fairness and balance to all of the nation, and providing for reasonable accommodations for all people from coast to coast. That is where the principle of fairness and balance comes from. Now I know the hon. Members of the Opposition do not like to hear me use that phrase - fairness and balance. It is a very attractive phrase to a lot of people, not only in this Province, but I hear that phrase used more and more and more across this nation, that the fundamental problem with the Meech Lake Accord is that it abandons fairness and balance, Mr. Speaker. And that is one of the reasons why the Members who sit on this side of the House are so opposed to what is in the Meech Lake Accord.

Mr. Speaker, we have to look at this nation and what Canadians, I believe, want this nation to be, at the fundamental precepts upon which this nation is built and on which, I believe, the people of Canada want it to continue, and if I can take just a few minutes, I will run over what I think they are.

Mr. Speaker, I believe there is more to this nation than the total landmass of the ten provinces and the two territories; there is more to being a Canadian than being a resident of a province or a resident of a territory. There is something about a Canadian citizenship that is in itself, and serves and lives of itself without being directly related to any one province or any one territory. There is a nation of Canada, not just ten provinces and two territories. Canada is a nation. And I do not mind standing in this Chamber, Mr. Speaker, and saying

unashamedly, I am a Canadian first and foremost, but I am as proud as anybody sitting in this legislature that I was born and I live in Newfoundland and Labrador. But first and foremost, Mr. Speaker, I am a Canadian and I believe most hon. Members of this House think that way. And I think as long as Canadians, or some Canadians, go about thinking only in terms of Newfoundland or Quebec or Saskatchewan or British Columbia as being the be-all and end-all and the only thing that is important in this nation, then we will fail to build a great nation of great citizens, capable of competing with the rest of the world. It is important to focus on the nation as well as on our own interest in the Provinces.

And I believe, Mr. Speaker, a second fundamental precept of this nation is the equality of every citizen. Wherever the citizen lives, in the territories or whatever province that citizen happens to live in, every citizen is, in his or her right and status as a citizen, equal to every other. That is a fundamental principle, a fundamental precept of this nation. We must give a voice to that fundamental precept, and we do. We do it in the House of Commons, where there is representation based on population, in order to ensure that the weight of the vote of every citizen is the same. Now there is an exception made for P.E.I., but that is an understandable exception that has been in place every since confederation because the population of P.E.I. is so small. But, once you set that aside, the fundamental principle is applied throughout this nation, Mr. Speaker, one citizen one vote. So, if Ontario has 35 per cent of

the population, it must, of necessity, have 35 per cent of the Members of the House of Commons. That reflects the fundamental principle of the equality of our citizens.

The third fundamental precept, I believe, of this nation, Mr. Speaker, because we are a federal state, is the fundamental equality of every Province in its status and rights as a province, and we should give voice to that fundamental equality in the second Chamber, the Senate. Now, we failed to do that properly in 1867; we created a peculiar animal that was neither fish nor fowl, and it has been, with great respect to the Senators, totally ineffective over the years, primarily because those Senators had the good sense to recognize that they have no political legitimacy and they have really been unable to be an effective counterbalance. Nevertheless, Mr. Speaker, we should provide for giving voice to that second equality in a Senate where there should be equal representation from each of the Provinces. That is a fundamental precept of every true federal nation. It is so in the United States, it is so in Australia, it is so in Switzerland. Little Vermont, with a smaller population than Newfoundland, has two senators. California, with more population than the whole of Canada, has two senators. That is, Mr. Speaker, as it should be. And, in that way, you will balance the interest of the nation.

I saw where somebody wrote a letter to the Editor of The Evening Telegram, or an article in The Evening Telegram a couple of weeks ago, and he made a very valid point.

In 1787, when the United States was running into trouble after its first ten years, they called a constitutional convention to re-work their constitution, because it was not working. The States with the smaller populations kept insisting, In the Federal Legislature, we must have equal representation from each State. The States with the greater population kept insisting, No, no, you must have representation based on population. They argued back and forth for quite some time, until somebody came forward with the right answer. They said, We should not exercise national legislative power without the approval of both the majority of people and the majority of the constituent parts of the nation.' And that is the proper answer. That is the magic of the federal system of Government. It is fundamental to any sense of fairness and balance in a federal state.

SOME HON. MEMBERS:
Hear, hear!

PREMIER WELLS:
The fourth principle, Mr. Speaker, or fundamental precept of this nation, I believe, is that while we are blessed with a great many cultural groups having contributed to the cultural mosaic of Canada, and having made tremendous contributions to our culture, nevertheless this nation was founded on the basis of two linguistic and cultural groups coming together and agreeing to bring their territories together and form a single nation with two languages. And they did. They agreed they would operate with two languages, and they did. In 1867, it was considerably less difficult than it is today. There was no

radio, no television, no satellite, no instant transportation; it took days and weeks to get a newspaper from Montreal to Toronto. So there was not the kind of instantaneous transportation and interconnection of English and French speaking groups. But that has grown over the years, and with it over the years, Mr. Speaker, I believe has also grown a commitment to build a bilingual nation on a reasonable basis, with the aim of ultimately developing the whole nation on a bilingual basis.

Now, that is not going to happen overnight. It is not going to happen in the next decade or the next and perhaps, not even the next. It is going to take some time to achieve it, but when we do achieve it, we will have a splendid nation of Canada, enriched by both the English and French heritages, together with all of the other cultures that contribute to Canada.

SOME HON. MEMBERS:
Hear, hear!

PREMIER WELLS:
I believe, Mr. Speaker, we have a fifth fundamental precept, and we wrote it into Section 36.1 of our Constitution Act in 1982. That spells out clearly a commitment on the part of the Federal and Provincial Governments and Legislatures that they are committed to (a) promoting equal opportunities for the well-being of Canadians, in other words, for our good quality of health and education and our social standards, our living standards, the well-being of individual Canadians. We are committed to providing for equal opportunities no matter where you live in this country, for the well-being of

individual Canadians.

We have also committed to furthering economic development to reduce disparity in opportunities. We have made that commitment - it is spelled out in the Constitution - and, also, to providing essential public services of reasonable quality to all Canadians. Now, I believe, Mr. Speaker, that that, too, is an important fundamental precept of this nation, so that if we are going to be involved with making changes to the Constitution, as the Meech Lake Accord does, I believe we must do so on the basis that is faithful to those fundamental precepts of the nation. We will have wrecked the nation if we impose changes that may satisfy one particular Province but reeks havoc with the future and the opportunity of the people in other provinces. We will not have gained anything. We will not have improved Canada, nor will we have improved its opportunity for great success in the future if we make one Province happy and create terrible dissatisfaction in several others.

So, it behooves us, any time we are sitting down to consider a constitutional change, to do so in a manner that is faithful and responsive to the concerns that we are addressing but, at the same time, is faithful to the fundamental precepts upon which Canada has been built.

Now, Mr. Speaker, Quebec put forward five proposals. After the 1982 amendment, Quebec felt it was not involved, and that is a fact. It had not approved of the amendment but it had been involved in the negotiations and discussions right up until the end. But they would not agree to

those changes. Not because the people of Quebec disagreed with them philosophically, but because the Government in power in Quebec at the time was dedicated to the separation of Quebec from Canada. So they said they did not want it. And they would not have approved anything, no matter what it was, that would have promoted the federal union of Canada and would have promoted continuing a fair and balanced Federal Government in this country. So they would not agree with it.

It is right to say that Quebec did not approve of it. That is true. They did not approve of it. But they were not excluded, as the Prime Minister suggested, they were not deliberately excluded by the Federal Government and the other nine provinces, an act which he says they would not have done to Ontario. To say that is a monstrous insult to the Canadian people, because, Mr. Speaker, if Ontario had been led by a separatists Government of that day and Quebec and the other eight Provinces and the Federal Government wanted the amendments that were brought in in 1982, I have no doubt that they would have been brought in against the interests of Ontario. Do not forget, Mr. Speaker, this Federal Government just recently imposed a free trade agreement against the wishes of the great Province of Ontario. It is hypocrisy for them to suggest -

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

So, I say, Mr. Speaker, that it is an insult to the people of Canada to suggest that something was done by the rest of Canada to Quebec and its people in 1982 that would

not have been done to Ontario. It is an insult that implies racism or prejudice on their part, and that is unacceptable. I deny that any such thing ever occurred, and it is wrong to continue to try to sell the Meech Lake Accord on that basis, or try to justify it on the basis that somehow, for some reason now, all the rest of Canada, other than Quebec, has to perform some kind of an act of atonement or contrition to make up for this dastardly deed that was done to Quebec in 1982. That is not right.

But that does not mean that Quebec does not have legitimate concerns. Quebec does have legitimate concerns that must be properly and fully addressed, and those five proposals that were put forward clearly reflect those concerns. It is incumbent upon the rest of Canada, not just the Federal Government, upon the governments in the other provinces, to sincerely respond to those concerns in a fair and full manner that provides for totally fair treatment for Quebec, but, at the same time, remains faithful to federalism, because that is fundamental. If we do not do that we will, as surely as we sit here, preside over the ultimate destruction of our nation.

Now, Mr. Speaker, those five concerns that were put forward: First, that Quebec should be recognized as a distinct society. I fully and completely agree. I do not know if it will do any good to say it in this legislature. I have been saying it all across the country, yet Senator Murray sat on Newsworld Program the other night and said, 'Well, Premier Wells' position is that he feels the recognition of Quebec as a distinct society gives it a

special legislative status.'

I have never, ever said any such thing. And, worse still, Senator Murray knows this issue so fully that I cannot believe that he does not understand. Because the night before I sat in my house and we went over it in detail. He understood it in my house. If he did not understand it when he spoke to Newsworld, he lost the understanding between the time he left my House and the time he appeared on Newsworld. I have said from one end of this country to the other Quebec is a distinct society. To deny that is to deliberately blind oneself, and I am not in the habit of doing that.

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

It is entirely appropriate, Mr. Speaker, to recognize that in the preamble to the Constitution, as the Quebec Government originally proposed. That is what they wanted in the first place. They did not even think they would get that, but that is what they wanted in the first place. So I agree that should be done. That is being fully responsive to Quebec's original proposal. But the fact that Quebec is a distinct society does not mean that it should be a province whose Legislature has a legislative role that no other province has.

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

That is fundamentally offensive to the precept of this nation that I spoke about, of the equality of the Provinces.

The second proposal of Quebec was

for a Constitutional veto. I talked, Mr. Speaker, about the fundamental precept of the two founding linguistic groups. That, I believe, Mr. Speaker, is the third essential equality of this Federation of Canada. The first is the equality of the citizens, the second is the equality of the provinces, and every federation has those two basic equalities. Canada is perhaps in a somewhat peculiar position in that there is, or at the very least there is perceived by, I believe, the vast majority of the people of this Nation, to be a third equality, and that is the equality of the two founding linguistic groups. Our problem has been we have never had a Constitutional means to give a voice to that third equality, we have never found it, and Quebec has said, Well, 90 per cent of one part of the two equalities live inside the boundaries of Quebec. The French speaking people of Canada, 90 per cent of them are here, so the way to give voice to that third equality is to give Quebec a special status. That is what Quebec has been asking for for years, and that was the fundamental basis on which they asked for it. So I have some understanding of their proposition. I can see a merit in their argument. It may be a means of giving a voice to that third equality, and it would be acceptable, perhaps, except for the fact that it would destroy the second equality, the equality of each of the provinces if you gave Quebec a special status, or created a sovereignty association status, or gave Quebec a constitutional veto over all constitutional amendments, which was another alternative that Quebec put forward: Give us a constitutional veto which no other province will have. Now, all of

these methods are methods to give voice to that third equality, but they are unacceptable because they destroy, and destroy virtually totally, the fundamental principle of the equality of all of the provinces. But, I believe, Mr. Speaker, that there is a way to do it, and we have proposed it in the proposal that we have put forward. What makes Quebec distinct? Its culture, different than any other province, different background, different basis than all nine other provinces. New Brunswick has some similarities in parts of it. About 30 to 35 per cent of the population of New Brunswick is French speaking and share a cultural background similar to that of Quebec. But it is the only province where 90 per cent of its cultural background is French, it is the only province where 90 per cent of its people live and work daily in the French language. That makes it distinctly different than any other province. It is the only province that has a civil law system. All of the other provinces have in common the common law system. That makes it distinctively different. So, on those three basis, Quebec is different, it is a distinct society, different than any other. So it is entirely appropriate that Quebec should, in order to give a voice to that third equality, have a constitutional veto over those three matters. All future constitutional amendments affecting language, culture and civil law judges in the Supreme Court of Canada, that is entirely appropriate and frankly I think, Mr. Speaker, that Canadians across this country would agree that that is appropriate. But why should Quebec have a constitutional veto over an amendment determining

whether Defense is a Federal or Provincial matter. Why should Quebec have a constitutional veto over any other matters such as changing the constitutional amending formula, or whether the Northwest Territories becomes a province or not. It should not have a constitutional veto over all matters, but because of the existence of the third equality in this nation, it is entirely fair I believe and understandable, that we should respond faithfully and reasonably to Quebec's request for a constitutional veto, by agreeing that in respect of those matters, Quebec should have it. But how can this be worked without destroying the fundamental equality of the Legislature - there is a way of doing it. Any time you take a vote on a constitutional amendment affecting culture, language or civil law judges in the Supreme Court of Canada, just count the votes separately in the Senate, so that all the Senators from Quebec would be counted separately from the Senators in the rest of the country and it must pass both divisions, in that way, Quebec would have a veto in the Federal Institution, the Senate. It does not affect the fundamental equality of the provinces, the equality of power in jurisdiction of the Legislatures will not be in anyway affected. It is a way, Mr. Speaker, of responding fully and fairly to the proposal of Quebec for a constitutional veto based on its distinct society, a way that does it without offending the fundamental precept of the nation, that all of the provinces are equal, and that is what the Province of Newfoundland has proposed and I believe it is a fair and reasonable proposition. The third proposal, Mr. Speaker, was that there be a limitation on

the Federal spending power in national cost-shared programs in areas of exclusive provincial jurisdiction. Now I happen, basically, to share that point of view. I am concerned that the Federal Government be able to implement national programs in order to carry out the commitment that I read out in Section 36 (1), to provide for reasonably equal well being and equal economic opportunity and equal access to quality public services for citizens in all parts of this nation.

I am concerned that nothing impact on that, but I share Quebec's concern also, that there be a limit on this so-called spending power. Nowhere in the constitution does there appear a provision which says the Federal Government has a spending power. That is a thing that has been interpreted by the Privy Council and the Supreme Court over the years, that says if the Federal Government has power to tax, it obviously has power to spend. It has an unlimited power to tax therefore, it should have an unlimited power to spend, that is the way the reasoning essentially goes, but if that were carried to the extreme, the Federal Government, if it had excessive spending power, which it appears not to have at the moment, but in times past it certainly had it and may have it again in the future, it would be wrong to have a constitutional structure such as the Federal Government could effectively take over Provincial constitutional jurisdiction by exercising its excessive spending power.

So I agree that that should be limited, Mr. Speaker, limited in a fair and proper way. But my

concern is, that the method proposed to limit it, set out in the Meech Lake Accord, that is, to allow provinces who wanted to, to opt out of these programs and to seek compensation, might be carried to an extreme, so that anytime the Federal Government looked at the situation in terms of education and come to the conclusion: say, in the 8 smallest provinces of Canada, we have a real education problem, we want to develop a program that will help them, or we have a major municipal problem or a major health problem, or a major highways problem, and we want to help those provinces bring their standards up to Ontario and Quebec, the two large and wealthy provinces of Canada.

Anytime they did so and decided: say they were going to spend 400 million dollars on the program. Ontario and Quebec could - I am afraid that they could - there is no expressed power that entitles them to, but I am afraid that they could use the limitation on the Federal spending power to say, 'all right, if you are going to do that, you are spreading this all across the nation except for Ontario and Quebec, we are going to opt out and we want commensurate compensation,'. They would then be going to the Federal Government saying, we want 600 million dollars in cash, before we will agree to your spending 400 million to bring up standard of services in this or that area in the other provinces.

I do not know with certainty - the wording of it is not such that you can say with certainty, this will absolutely necessarily flow, I do not put that forward, but what I am saying is, just put in a caution there and say that this right to opt out and claim

compensation does not apply to any expenditure under Section 36 (1) of the constitution. Just a caution, that is all that I am really asking and if the Federal Government and Quebec are honest and sincere in their position, then I have no doubt that they will in the end agree with that because it is a reasonable procedure to protect the interest of smaller provinces.

The fourth and fifth proposals, Mr. Speaker, I will not dwell on them very long - the Supreme Court judges. I think what is proposed is wrong because we will end up in a situation. While I agree with at least three Supreme Court judges coming from Quebec, from the Civil Law system, I think that is entirely fair. It has got nothing to do with the numbers, but you see Quebec has a civil law system and the same Supreme Court that makes the ultimate determination of common law principles applied through the other nine provinces, also is the final arbiter of the civil law in Quebec. So it is entirely fair and proper that at least one-third of the judges of the Supreme Court of Canada should come from a civil law background. So that is entirely understandable and I have no quarrel with entrenching that in the Constitution because I think it is fair. But, Mr. Speaker, I quarrel greatly with a system where the Province of Quebec will effectively appoint the judges. Because the Federal Government will only be able to appoint from lists submitted by the Province of Quebec in the case of civil law judges.

So we would have a situation created where the Province of Quebec would submit lists, they could submit a list of say only

lawyers who are dedicated to the separation of Quebec, and over a period of time, if you had a Separatist Government in Quebec, you could end up with three judges sitting on the Supreme Court of Canada committed to the destruction of this nation. Now that is not a very happy prospect. But it is there as a possibility. It might only be one, it might be two, it could be three. And I do not think that is the right way to go about it, and we have provided, Mr. Speaker, an alternative where Quebec could have the reasonable say that she requests, that the Federal Government continue to appoint them as they do now subject to approval in the Senate and the Quebec judges alone could vote on the civil law judges. The Quebec Senators alone would have the right.

So in effect Quebec through the Senate, acting again at the Federal level, would have an effective veto on appointment of civil law judges. An entirely fair and proper proposition. And I believe it is fully and sincerely responsible to Quebec's wish but responsive in a manner that is faithful to Federalism and will maintain the fundamental Federal principle of this nation.

The fifth area, Mr. Speaker, was in immigration. Now what is proposed in the immigration portion -

AN HON. MEMBER:
Five minutes.

PREMIER WELLS:
Five minutes, I am counting on fifteen, Mr. Speaker, I thought it was five minutes to that I stood up. Yes, it was five minutes to.

MR. SPEAKER:
The Table informs me, hon. Premier, that there was ten minutes lost in a point of order, and the Premier can be extended with the agreement of the House.

MR. RIDEOUT:
The Premier, Mr. Speaker, is entitled to an hour of debate.

MR. SPEAKER:
All right.

PREMIER WELLS:
I thank the hon. Leader of the Opposition.

Mr. Speaker, on the immigration question. That is the one that I had the greatest difficulty with. I have a good deal of understanding for Quebec's concern that it wants to build up the portion of the population of Canada that is French speaking, with a French cultural background, and immigration is one means of doing it because the birthrate in Quebec, I believe is at the moment the lowest in the nation, or one of the lowest certainly. So I can understand their legitimate concerns. But again it must be addressed in a manner that is faithful to Federalism.

The (Inaudible) Agreement exists at the moment that gives Quebec a fair say in immigrants coming to Canada. And I have no quarrel with having that entrenched under the ordinary amending formula. But the proposition that in future the Federal Government guarantee a portion of future immigrants, that is proportionate to the population of Quebec plus 5 per cent is impossible to fulfill. It is a guarantee that cannot be fulfilled. So it must be taken out, and I think most rational people in the country recognize

that and recognize the need for the change.

What we have provided, Mr. Speaker, in our alternative as well as eliminating that provision that cannot be implemented anyway, what we have provided, Mr. Speaker, is provision for entrenching an agreement like the (inaudible) Agreement or some reasonable amendment of it on the basis of the general amending formula of seven provinces out of ten having 50 per cent of the population could cause it to be entrenched and become a constitutional provision. But we cannot, Mr. Speaker, do as the Meech Lake Accord suggests and provide for the entrenchment of agreements in the Constitution that might be entrenched solely by the Province and the Federal Government and could never be taken out in the future without any knowledge of what the future might bring in terms of immigration.

It could mean that forever, Newfoundland could be reduced to having its population at a relatively low level, when it should be important that we build our population in order to reduce our per capita Governmental cost and provide more revenue, so that our people could have the Governmental services they need. I believe that this issue can be fully and responsibly dealt with in a manner that was genuinely responsive to the legitimate concerns of Quebec but in a manner that was faithful to federalism. And I believe, Mr. Speaker, that we have to do - we have to respond in that way. But we cannot - we cannot, Mr. Speaker, ignore the fact that there are 9 other provinces and another 20 million people in this nation outside the

Province of Quebec whose legitimate aspirations and concerns must be addressed even when we are dealing with constitutional amendments that are being put in the constitution primarily to deal with Quebec's concerns.

I have no problem with amendments primarily to deal with the concerns of Quebec, provided that in the process we do not adversely impact the other provinces of this nation. That is our concern, Mr. Speaker, from a national point of view and to a degree also from a Newfoundland point of view.

But, Mr. Speaker, as the Premier of Newfoundland and as the Government of Newfoundland we also have major concerns about this Province and the impact of the Meech Lake Accord on this Province. After 40 years of confederation we have a worse unemployment situation relative to the rest of the nation now than we had in 1949, and in the 15 or 20 years following 1949, in the last ten years. And here I am not attributing it politically to anybody, but the fact is in the last ten years we have been averaging an unemployment rate that is more than double the national average. About ten percentage points everyone of those years higher than the national average. That, Mr. Speaker, is a terrible economic yolk that we have to shed at the earliest possible opportunity.

We have an earned income. If you set aside unemployment insurance and all other Governmental transfers, our people in this Province have an earned income that is a mere 56 per cent of the national average - 56 per cent of the national average! Having

climbed all the way from 53 per cent in 1961 to be 56 per cent in 1987. At that rate it will take us 300 years to catch up to the national average. Why? How is it that that happened? How is it that we are now in a situation where our population has actually been declining year over year for the last five years or so. I do not have the latest year figures. The last I saw the projections were that it would be about steady, no increase no decrease, but I do not know, in fact, what happened. But up until 1989 it decreased every year since 1984. Why? We are not incompetent people, we are not people without ability, we are not a land without resources, we are not a land without power, we are not a land without initiative. Why is it that we are in that position? I will tell you why, Mr. Speaker. The Atlantic provinces are somewhat better off, but not much. They are way behind most other parts of Canada, and so are others. We are in that position largely because all of the national economic decisions and the development of national economic policy has been done on the basis of meeting with the approval of the majority of the House of Commons, and the majority comes from Ontario and Quebec. I do not suggest for a moment that those Members are sitting in the House of Commons scheming ways to hurt Newfoundland or Saskatchewan or New Brunswick or any other province. They are there, however, doing their duty for their constituencies. They are elected by constituencies in Ontario and Quebec and their first and primary duty is to those constituencies. So when they make decisions - they make decisions. And the Government that has to look to them to sustain its life

must make decisions that meet with their approval. And you see it happen, it has happened. Why? How could this happen? It happened simply, Mr. Speaker, because there is no means of balancing the interest of the majority of the population which is to be found in the two major provinces of Ontario and Quebec with the interest of the majority of the provinces.

We do not have an effective senate where there is equal representation and where any national economic decision, or the exercise of any national legislative power would have to be done in a way that met with the approval, not alone of the majority of the Members of the House of Commons representing the majority of the population, but the majority of the senators which would represent the majority of the provinces and in that way we would over time balance it. Now, I caution, Mr. Speaker, if we had a Triple 'E' Senate tomorrow, it is not going to make the difference next year, or the next year, or even the next year, but over a period of time it will make the ultimate difference and with the constitution that Canada has give us a little more say in the exercise of national legislative power and the development of national economic decisions and we will over a period of time balance the economic interest in this nation and help build the smaller provinces and help build and protect the interests of the Province of Newfoundland and Labrador.

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

Now, Mr. Speaker, if you want a

classic example of what I am talking about I refer you to an Act called the Department of Industry, Science and Technology Act. It was passed in the House of Commons last June and it got by that very effective senate on June 23 and received royal assent on June 29. That new Department, Mr. Speaker, is given two powers. Its first power is to exercise all of the responsibility of the Federal Government in relation to industry, science, technology, trade and commerce. Now, those five words more than any other, I believe, encompass the major part of the economic future of any developed nation in this world, industry, science, technology, trade and commerce. Its second responsibility and its only other responsibility is to discharge all the Federal Government responsibility in relation to regional economic development in Ontario and Quebec.

Now, Mr. Speaker, I ask you what does that say to Newfoundland, Saskatchewan, New Brunswick and Nova Scotia? What does that say to us about our future? They will then turn around and say to us but you have ACOA. That is true. We have ACOA, and ACOA gives us a few motel rooms and a water slide or two, a ski lift, maybe, but what about our future in industry, science, technology, trade and commerce? If there had been a Triple "E" Senate in place that Bill would never have seen the light of day and it should never see the light of day. But, Mr. Speaker, I do not want this Province to be doomed forever, to have to sit back and accept from the Premier of Quebec what I had to accept from the Premier of Quebec last week as he said to this nation, Mr. Wells should remember that 50 per cent of his

Government's revenue comes from the Government of Canada and Ontario and Quebec pay 68 per cent of the taxes to Canada. That was shameful.

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

Mr. Speaker, I will not sit in this House and leave unexercised a power to stop the Meech Lake Accord which would entrench that for the next fifty years and lead the Premier who sits in this seat fifty years from now subject to the same comment by the Premier of Quebec because we would have entrenched economic disparity through the Meech Lake Accord and through making impossible senate reforms. I will not sell the dignity and self respect of the people of this Province for any sum of money, 50 per cent, 60 per cent, or 40 per cent of our revenue, whatever it is. We may end up as paupers, Mr. Speaker, but we will have our dignity and self-respect.

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

We want nothing more, Mr. Speaker, absolutely nothing more than to be Canadians of equal status like Canadians in every other part of the country; no special treatment, no special status. We do not want the rest of Canada to have to look after us financially for the rest of our lives and for the lives of our grandchildren. We want to contribute and pay our own way, and we want to give back to great Canada some of the vast wealth that they gave us over these last forty years, and we do not want forever to have entrenched the kind of economic disparity or the

kind of national political institutions that will cause us to be in this subordinated position forever.

And that is what the Meech Lake Accord represents to me, Mr. Speaker, not just some theoretical political science thing, or some theoretical constitutional legal principle. It represents real effect on the people of this Province. And just what Mr. Bourassa thought of it was made clear when he made those comments.

Mr. Speaker, I want to make one other point before I sit down. We are not rejecting Quebec. Let nobody in this Chamber or nobody in this country ever suggest that the people of Newfoundland and Labrador are rejecting anybody, any citizen of Quebec, or rejecting Quebec as a Province of Canada. We, Mr. Speaker, on this side of the House, cannot imagine a Canada without Quebec and without the tremendous contribution of the people of Quebec.

SOME HON. MEMBERS:

Hear, hear!

PREMIER WELLS:

We are not even rejecting Quebec's five original proposals. We have made clear that we think they are a sound basis to negotiate, and proposals that ought to be fairly and fully addressed. What we are rejecting, Mr. Speaker, is a situation or a constitutional change that will create a Class 'A' province, and a Class 'B' province, and five Class 'C' provinces and, perhaps, two or three Class 'D' or 'E' provinces. That, Mr. Speaker, is unacceptable and that, Mr. Speaker, is the inevitable result of the changes that would be brought about by the

Meech Lake Accord. And that is why we feel as strongly as we do. We are rejecting the principle of substituting for two linguistic solitudes, two economic and political and social solitudes. That is as unacceptable as two linguistic solitudes.

We are rejecting also, Mr. Speaker, a Canada that presents itself to the rest of the world as an association of economic communities, as the Canadian economic community, instead of the Canadian nation. We ought to be building our Constitution in a way that promotes the nation of Canada, not promoting individualism of the constituent parts.

We are, Mr. Speaker, looking for a Canada that has a sense of nationhood and a concern for all of its people from coast to coast, where all of its people from coast to coast can feel welcome and can feel equal, and where all of the provinces can operate with the sure and certain knowledge that every province is, in its status and rights as a province, equal to every other, and that every citizen of this country will have the kind of level of public services available to that citizen, will have the kind of economic opportunity available to that citizen, will have the kind of personal well-being available to that citizen that will enable each and every one of us in Newfoundland and Labrador and in the whole of Canada, to live with the dignity and self-respect that comes from being able to pay your own way in the nation without being told you are a dependent child and to be grateful for what you get.

I cannot, Mr. Speaker, sit idly by

and see put in place constitutional changes that I sincerely believe will bring about that result, without doing the utmost reasonable within my power to change it. And that is exactly what this resolution does and exactly why I ask the House, in all fairness and with a sense of fairness and balance, to endorse it for the betterment of Canada and the betterment of Newfoundland.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

Mr. Speaker, the concluding remarks delivered to this Assembly this evening by the Premier, were delivered with great fervour and great rhetoric. There was a few moments there, Mr. Speaker, in the Premier's remarks, when I thought that perhaps I was listening to another Premier.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

Particularly another Premier that talked so passionately and so much about Newfoundland and Labrador having the right to control its own destiny through the right of controlling their own resources. I almost thought for a moment it was Brian Peckford back in the high flight again, Mr. Speaker, listening to the finale proposed

by the Premier. The Newfoundland patriotism, Mr. Speaker, that eked out of the Premier in his rhetorical flight reminded me so much of the Newfoundland patriotism of another person. I contrast that, Mr. Speaker, to the other fifty-five minutes of the Premier's remarks. Most of the other fifty-five minutes taken up by the Premier was taken up too, Mr. Speaker, outside of the Newfoundland patriotism, was taken up with the vision of Canada of another yesterday leader, of another leader from the past, Mr. Speaker. You would almost swear for the first forty-five or fifty minutes that the Premier articulated his vision of Canada, that he was articulating again the central vision of Pierre Elliot Trudeau, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

And I know I read it right now, Mr. Speaker, when I see the Premier applauding that comparison or that observation, when I see Government Members doing the same thing, that we are not wrong in our assessment that the real reason behind the position taken by this Premier on the Meech Lake Accord, the real reason behind this resolution today to rescind our Newfoundland's approval for that Accord is nothing more or nothing less than this - the Premier of Newfoundland and Labrador has no confidence in the ability of Newfoundlanders and Labradorians to take onto themselves greater control of their own destiny.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

This Premier, Mr. Speaker, and this Government would much prefer, as he has done on fishery jurisdiction, this Premier would must prefer to say to the rest of Canadians, Canada we cannot manage the jurisdiction under the authority we have now, please do not give us any more. Please do not give us any more authority, any more management rights, any more jurisdiction. Take back, in fact, some of what we already have. We do not have the ambition, we do not have the drive, we do not have the ability, we do not have the intuitiveness to manage ourselves with what authority we have now. So please take it back. Take it back to another Federal Chamber called the Senate which I will talk to a little later on in my remarks, Mr. Speaker.

But, Mr. Speaker, the sad thing that has happened in this House today, in the beginning of this process, is that for the first time in the constitutional history of Canada, the newest province of Canada stands on the threshold of breaking its constitutional word. This Legislature, Mr. Speaker, this Chamber duly constituted at the time in July of 1988, gave approval to the Meech Lake Accord. Oh, it can be argued, Mr. Speaker, that we did it without public hearings, which we are now asking for. But I ask you, Mr. Speaker, and the people of Newfoundland and Labrador to reflect on the climate of 1988 vis-a-vis the climate of this time in 1990. There were not any cries for public hearings anywhere in Canada, perhaps with the exception of Manitoba at the time, certainly not from the Opposition.

All political parties in Canada at the time, Mr. Speaker, approved of

the Meech Lake Accord. Right here in our own Chamber, when the Meech Lake Accord was brought back and introduced for ratification, all political parties in Newfoundland and Labrador, Mr. Speaker, supported the ratification of the Meech Lake Accord.

The Official Opposition, then under the leadership of the present Mr. Justice Barry, welcomed the Meech Lake Accord initiative, stated publicly on the record, in Hansard, in this House, Mr. Speaker, that the initiative should be approved. The interim Leader of the Opposition of the day, now Member of Parliament, Mr. Roger Simmons, who replaced Mr. Barry in that interim period between his leaving and when the present Premier became Leader of the party, Mr. Simmons, as the interim leader of the Opposition on occasion after occasion, speaking on behalf of the Official Opposition in this Legislature, approved of the Meech Lake Accord and said it should be ratified.

Then, Mr. Speaker, we went into debate on the ratification of the Accord, a debate that went on for over three months in this Legislature. The debate began on March 17, 1988 and was called at various times, and finally approved on July 7 of that same year.

AN HON. MEMBER:

What! What! (Inaudible).

MR. RIDEOUT:

Mr. Speaker, we have a Government, today, led by a Premier - if the Premier did not hear it, I will get around to repeating it in a second. We have a Government, today, led by a Premier who had the intestinal fortitude, or the lack of it; in Corner Brook last

night, to say that he expected the Opposition in the Legislature to approve of his rescinding resolution, perhaps within a week, perhaps four or five days, I believe is the quote I heard in the morning news today. Well, I say, dream on, dreamer. You can dream in technicolour if you wish, but this Opposition will not be approving that rescinding resolution in the next three or four days.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

Back when the Meech Lake Accord was proposed to this House for ratification, when the Government of the day allowed the debate to continue on various occasions for over three months, forty-five Members of this legislature, Mr. Speaker, participated in the original Meech Lake Debate, forty-five out of fifty-two Members. The Speaker, obviously, could not, so it was forty-five out of fifty-one Members who participated in the Meech Lake Debate at the time.

Numerous amendments, Mr. Speaker, numerous amendments, the record will show, were put forward by the Official Opposition of the day, including one on the 'distinct society' clause by the now Minister of Development.

Mr. Speaker, over three months of the time of this Legislature was taken to debate the original Accord. Forty-five speakers out of fifty-one participated. Amendments were put down, debated and voted on. So Mr. Speaker, let nobody in their right senses think that this resolution to rescind that approval is going to carry without adequate debate. And, Mr.

Speaker, the rules will be determined by you, but adequate debate will be determined by us. We will determine, Mr. Speaker, when we have exhausted what we want to say on this particular resolution.

Why are we doing that, Mr. Speaker? We are doing that so the debate can go on for as long as necessary, two weeks, three weeks, four weeks, five weeks, six weeks, if necessary. It went on, off and on, for three months when the original resolution was brought in. So it will go on for several weeks. Why? First of all, Mr. Speaker, because of the precedent setting nature of what we are up to here. Never before has an elected assembly in this Country rescinded a constitutional resolution after one had been approved. Now, Mr. Speaker, the Premier who likes to gloss over and tell half a story, tell half a truth when it suits his fancy so to do, tried to weasel around that particular point in this Legislature just a couple of weeks ago when I asked him to cite for me, to provide examples for the House, where in the past a Legislature had done that. First of all he did not know but then he brought up the Victoria formula back in the early 70s when there had been constitutional agreement out in the capital of British Columbia on amending the Constitution of Canada, and as a result of that, patriation could have taken place.

Mr. Speaker, anybody worth their salt with the minimum amount of research knows that the Victoria formula was never submitted to any Legislature in this country, never, and the audacity, the half-truth approach of the Premier to try to get up and hope that the

media would report that, and somehow or another by reporting it convince the people of this Province that he had a precedent he could call on. There is no precedent to call on, Mr. Speaker. This had never been done before, and I will tell you something else, Mr. Speaker, that has never been done before. When the First Ministers met in Ottawa in November past there was a statement, a communique I suppose you could call it, read to the media by the Prime Minister, and that communique contained the following, and I will read it because I think the people of this Province should have it repeated to them again. It said this, First Ministers agreed that, agreed now, Mr. Speaker, agreed that, 1. A constructive and helpful meeting was held on the issue of constitutional reform. They agreed that, 2. the Prime Minister will instruct Senator Lowell Murray to meet with provincial representatives to explore the possibility of movement on the Meech Lake Accord. They agreed that, 3. having been given complete support by First Ministers Senator Murray will intensify and seek to accelerate the process of meaningful senate reforms started in Saskatoon. Provinces may agree on appropriate representatives to participate in these consultations. The First Ministers agreed that, 4. if progress is deemed appropriate on the provisions of the Meech Lake Accord a further meeting of First Ministers will be convened by the Prime Minister to deal with the matter. They agreed that, 5. all First Ministers agreed that in the event of a successful conclusion of the Meech Lake Accord the Prime Minister will convene a First Ministers Conference on senate

reform to be held in Western Canada on November 1, 1990. All of these five things that the First Ministers agreed, Mr. Speaker, are still operative, are still in process, are still progressing, all along the lines of the agreement reached by First Ministers in November past.

The final paragraph of that communique, issued on behalf of every First Minister, concurred in by our First Minister was this: the Prime Minister and all First Ministers have given the Premier of Newfoundland an understanding that the Meech Lake Accord, or any variation of it, will not be implemented until the Legislature of Newfoundland has reconsidered the matter and expressed its approval or disapproval. 'In return', here is the quid pro quo, Mr. Speaker, all the other five agreements have been kept to this date but the last one, here is the 'in return', in return the Premier of Newfoundland has agreed that the Legislature will not in the meantime rescind the resolution already passed by the Legislature of Newfoundland.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

Now, Mr. Speaker, not only is this resolution asking this House to break the word and break the bond of what had been approved by another Legislature, that is bad enough, not only has that never been done in the constitutional history of Canada before, on top of that the First Minister of Newfoundland is breaking his word, his word given to all his fellow First Ministers and the Prime Minister, that he would not move to rescind our approval unless and until certain things had happened

that still have not happened.

Now, there is nothing in this agreement concurred with by our First Minister that says he might at some point have to, to use his own words, put Newfoundland on a level playing field, or an equal footing with Manitoba or New Brunswick. There is nothing about that in there. He did not put that in as a caveat at all. He agreed that he would not rescind the resolution as long as certain other things were taking place. There is nothing in there, Mr. Speaker, that he would do this if something else happened. Nothing whatsoever!

So the Premier of this Province, Mr. Speaker, our First Minister, just as he is asking this Legislature to do, he is asking us to break the word of the approval we gave in 1988. But equally as devastating, and perhaps more negligent and more negative for this Province, is that he is breaking his own word.

How can the First Ministers of this country, Mr. Speaker, treat that gentleman with respect again? How can they ever trust his word again? Nobody has done anything on approving or changing the Meech Lake Accord that precipitates the Premier breaking that word.

So, Mr. Speaker, that is why, in a communiqué read by the the First Minister, the Prime Minister of this country, one that perhaps has gone out of people's minds by now, one that perhaps people do not remember right now, but one people should remember, this First Minister promised he would not embark on the course he is embarking on today.

Mr. Speaker, I want to say, as well, we understand the political realities of where we are at this day in 1990. I gave some indication of that in Question Period today. The easiest thing for us as politicians to do, Mr. Speaker, would be to roll over, play dead and fall in line behind the Premier of this Province. That would be the politically opportune thing to do. But, Mr. Speaker, it would not be the right thing to do.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

We understand, Mr. Speaker, that it is more popular with the populace in this Province today to beat up on the Feds. We understand that. It is easy to become a hero if you look like you are giving the Prime Minister a slap in the gob, Mr. Speaker. People like that.

AN HON. MEMBER:

(Inaudible).

MR. RIDEOUT:

Maybe he does. I am not arguing that he does not. But people like it. It is easy to be popular, Mr. Speaker, if you appear to be taking on Quebec and the Quebecois. Newfoundlanders have always loved that and have had good reason for loving it. That is easy, that is the political upside, Mr. Speaker, the popularity of the day. But, Mr. Speaker, as responsible politicians and a responsible Opposition, we have to consider the long-term. If we have to endure some political downside for the short-term to ensure that what is right is done for the good of Newfoundland and Labrador, then, Mr. Speaker, this Party and this

Opposition is prepared to endure that.

SOME HON. MEMBERS:
Hear, hear!

MR. RIDEOUT:

Now, Mr. Speaker, as June 23rd comes closer, I believe the people of this Province will see beyond a doubt why we have to take the position we are taking on this resolution. I believe they will see that clearly. Because, Mr. Speaker, if no accommodation is made to satisfy what the Premier, at least on the surface, recognizes as the five legitimate demands of Quebec, if no accommodation is made to satisfy those and the constitutional door is slammed on Quebec for the second time since 1982, then, Mr. Speaker, that might very well be the last time that the constitutional door will be slammed on Quebec. And if that were to happen, Mr. Speaker, then I do not want it hanging on our shoulders as a party that we were participants in the breakup of Canada, because that will not be good for Newfoundland and Labrador.

SOME HON. MEMBERS:
Hear, hear!

MR. RIDEOUT:

The breakup of this country will not be good for anybody, but it will be particularly not good for the people of this Province.

With all the imperfections of Canada, Mr. Speaker, and with all the great need to make changes and progress, fundamentally what we must first do, without selling our souls, is to try to keep the country together, because we are better off with it and in it than we would be without it and out of it. That, Mr. Speaker, is

fundamental to where I am coming from on this particular question. And if that brings, as I said, political difficulty for the short term, then, as a leader, I am prepared to accept that.

Mr. Speaker, the Premier noted in his remarks tonight that this resolution to rescind, in response to our call for full public hearings, given that the climate is so different now from back three or four years ago, will go ultimately to the people of Newfoundland and Labrador in the form of a referendum, and what could be more democratic than a referendum? Well, Mr. Speaker, let me point out to the people of this Province - and I hope it will be pointed out to the people of this Province - that there is no binding. There is nothing binding in this resolution, if we were to pass it at some point over the next several weeks, to ensure that the Government submits anything to the people of this Province by way of a referendum, nothing whatsoever!

Let me read, Mr. Speaker, the last clause of the Government's own resolution. 'And the House of Assembly of the Province of Newfoundland further resolves to authorize and hereby authorizes the Lieutenant Governor in Council' - in other words, the Cabinet. The Lieutenant Governor in Council. Nothing binding on this legislature - authorizes the Cabinet to provide for such a province-wide referendum. What is next, Mr. Speaker, if the resolution is passed by this House? No. 'if it is deemed necessary...', Mr. Speaker. Now that is something binding on the Government.

That falls back, Mr. Speaker, at

the end of the day, to the Premier and 13 other people to decide. It does not fall back to the majority in this legislature. When it is passed, as it will at some point over the next several weeks, it is not binding on Your Honour to order anything, it only goes back, Mr. Speaker, to the Premier and his Cabinet to make the final decision on whether the people will participate in the referendum if the Cabinet deems it necessary.

Now, Mr. Speaker, that, again, you see, is another example of the Premier of this Province trying to tell the people half the story. Every time you raise something that the Premier does not necessarily agree with, he sort of gets out of it as best he can by telling half of what should be told. And in this case, Mr. Speaker, the full truth is that it will be the Cabinet that will determine whether or not there is any referendum held to involve the people of Newfoundland and Labrador. Not this House, not Your Honour, but the Cabinet. And that is why today in Question Period, as we began here today, we wanted to get some clear understanding from the Premier particularly consistent with what he signed at the First Ministers' Conference. We wanted to get some clear commitment from the Premier, particularly, as well, in view of his statement to the House in November about the public hearing process in Manitoba and New Brunswick. We wanted to get a clear commitment from the Premier that he was prepared to refer this resolution and his own constitutional proposals to a Standing Committee so that at least the people of the Province would be able to come face to face with the Government and the Premier in a forum where the

people can answer back, where the people can question the emperor, where the people can question the validity of some of his conclusions, where the people can ask, how can you sustain his particular conclusion given that somebody else has said this? That would be the whole purpose.

Also, of course, another purpose of public hearings, in addition to educating people to the issues and in addition to allowing people to participate, would be, perhaps, that at the end of the day there would be some modest amendments. There might even be some genius out there in the 500,000 or 600,000 Newfoundlanders and Labradorians in the bays and the coves and the tickles of this Province, Mr. Speaker, who might be able to make a suggestion that would improve upon the alternatives the Government and the Premier are putting forward. It is not very likely, I suppose, given that the Premier is the constitutional expert, but there just might be, you just might improve upon the Government's alternative. At least the people would have that opportunity, Mr. Speaker.

I want to say, as well, I was interested in hearing the Premier say in the House just a few days ago, Mr. Speaker, in response to a question, I believe from my colleague for Humber East, I do not know why people keep referring to me as the constitutional expert. He said, when they raise it, I tell them I am not a constitutional expert. It is on the record in Hansard. He said I go out of my way to try to get people to understand that I am not a constitutional expert. Now, given the Premier's own stated position that he is not a

constitutional expert, given his argument that he has tried to disspell the misconception that he is a constitutional expert, I wonder why it is, Mr. Speaker, the Premier would not consider what the vast majority of the rest of us lay people have to consider, and that is constitutional expertise on a matter like this.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

If the Premier is not an expert himself and wants everybody to believe that he is not, and goes out of his way to try to convince people that he is not, then why has he not listened to the vast majority of constitutional advice and constitutional expertise that is abound in this country on the Meech Lake Accord, Mr. Speaker? Why would he not do that?

AN HON. MEMBER:
(Inaudible).

MR. RIDEOUT:

That is one.

Because, Mr. Speaker, here are the facts. The fact of the matter is this: You can go from one end of this country to the other and you will line up constitutional experts who disagree vehemently, disagree totally with the Premier, and you can line up some who will agree with him. But what will happen, Mr. Speaker, is this, the vast, vast, vast majority of constitutional expertise is against the Premier.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

Mr. Speaker, is the expert constitutional advice split 50/50

in this country for and against the Premier's monster called the Meech Lake Accord? Is it split 60/40, Mr. Speaker, for or against the Premier's position on the Meech Lake Accord? Is it split 70/30, Mr. Speaker?

SOME HON. MEMBERS:

No way.

MR. RIDEOUT:

Not even that. Is it split 75/25?

AN HON. MEMBER:

Yes. Yes.

MR. RIDEOUT:

It is even more than that, Mr. Speaker. Somewhere between 85 and 90 per cent of the constitutional experts in this country say that our constitutional expert is wrong. Now, if I had to make a judgement as a lay person, I would have to listen to that vast, vast reservoir of constitutional expertise that says the Premier is wrong. I would have to listen that. Why it is only a day or so ago that forty constitutional scholars in this country published a letter -

AN HON. MEMBER:

(Inaudible).

MR. RIDEOUT:

Yes, forty. And do you know who heads off the list, Mr. Speaker? I would assume the Premier remembers Professor Hogg, the same person the Premier trusted so much to tell him whether or not constitutionally and legally he had to pay out Sprung guarantees. The Premier wanted his advice on that. This is what the Premier said that night in the House of Assembly, on June 29th, when he got up and tabled and read out the great legal advice which he had from this constitutional expert

called Peter Hogg, who, in the Premier's book is now Peter Hogwash: 'Professor Hogg, who is the constitutional law expert in Canada...' Mr. Speaker, that is what he had to say. That shows once again how this Premier can tell half the facts, half the truth, take part of the truth when it suits his fancy and suits his argument, but does not want the whole the truth, the whole of the argument, the whole of the deliberations to be known to anybody. Take the part that suits me.

MS DUFF:

That is why he does not want public hearings.

MR. RIDEOUT:

That is why the Premier does not want public hearings. If we were to have public hearings in this Province, Mr. Speaker, like they did in New Brunswick and Manitoba, I would hope that the Standing Committee of this Legislature would have the power to travel outside this Province and hear witnesses, that they would have the power to call witnesses from outside and inside the Province, and you might get Professor Hogg, and you might get Professor Lederman, who signed that letter, and you might get the thirty-eight other professors who are looked upon as constitutional experts. When the Premier says, himself, he is not looked upon as a constitutional expert, you might get them to come down here, appear before that Committee and start to punch some holes in the false constitutional logic that the Premier has perpetrated on this Province for the last five or six months.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

And that, MR. Speaker, is what this debate is all about and that is why, Mr. Speaker, this debate must continue. Despite the arrogant predictions of the Premier that it should be over in four or five days at the most, this debate must continue. Because through this debate the people of the Province will finally have an opportunity for the whole truth to come out. And we have enough confidence, Mr. Speaker, in the integrity of the people who report this legislature that they will ensure that the whole truth comes out. Up until now people have been bedazzled and befuddled and every other 'b' you can think about Mr. Speaker, by the Premier of this Province, by the bumble bee over there, Mr. Speaker.

I know what has been done with the people of this Province. A former Prime Minister said it, but I would not be so bold as to say it in this Chamber. But they have, Mr. Speaker.

MS VERGE:

The Premier's mentor.

MR. RIDEOUT:

Yes, the Premier's mentor. They have not been told the truth, Mr. Speaker. The truth has not gotten out. The other side of the argument has not been carried. But this debate will ensure that it is carried, because we are here until we run out of the ability to stand up and be able to utter a word in an effort to make sure that the truth will get out, Mr. Speaker.

What has some of those 40 constitutional experts said about the position taken by the Premier? Mr. Speaker, I will

table this document when I am finished with it. I have not seen any reference to it at all in the constitutional debate in Newfoundland and Labrador over the last few days. It says: 'The impass over the Meech Lake Accord could soon send Canada into a grave constitutional crisis, Mr. Speaker.' Now, is that Tommy Toe down in Ming's Bight? These are some of the best experts in constitutional land in Canada talking, Mr. Speaker, predicting.

AN HON. MEMBER:

(Inaudible) a lot of sense.

MR. RIDEOUT:

He might have a lot of sense, more sense than the Premier. But predicting that this whole debate could soon send this country into a constitutional crisis because particularly the Premier of this Province, more particularly than the Premier of any other province, wants to scuttle the Meech Lake Accord.

Mr. Speaker, the Premier has one agenda and one agenda only, and that is kill the Accord. That is the only agenda the Premier has. The Premier is not interested in improving the Accord, he is not interested in getting out imperfections and compromising and putting in something, building on it, he is not interested in being conciliatory and compromising in his approach to the other Premiers, to the other First Ministers. The stark difference, Mr. Speaker, between the Liberal Premier of New Brunswick, who wants to be a nation builder, and the Liberal Premier of this Province, who wants to be a nation wrecker, just leaps out at you. That particular Liberal Premier wants to attempt to compromise, he wants to attempt to get everybody

to agree to a certain set of principles that everybody can live with. Is that the approach taken by this Premier, Mr. Speaker? No. Not at all.

MR. MURPHY:

(Inaudible).

MR. RIDEOUT:

Mr. Speaker, I do not mind the hon. gentleman, but I think he would realize that I do not know if there was either interjection while the Premier was speaking this evening. Besides that, the hon. gentleman is not in his own seat so he is doubly out of order, discourteous. Everything one can think about, the landslide gentleman for St. John's South is it, Mr. Speaker. But thank you for the opportunity of allowing me to draw my breath.

MS VERGE:

He has a big heart.

MR. RIDEOUT:

He has a big heart, yes.

Mr. Speaker, our Premier wants this Legislature to renege on its word. Our Premier has pointed out by example that he is willing to renege on his word, and our Premier, therefore, Mr. Speaker, wants us all to be guilty by implication in that process. But we do not intend to do that, Mr. Speaker. Any decision by this Legislature to renege on the commitment first that the Legislature gave, which is more important, but on equal validity the commitment that the Premier gave to the First Ministers in November of last year, would be very, very unfortunate. The implications of that for Newfoundland and Labrador, the implications for Canada, are horrendous and we cannot, without

appropriate debate and discussion and contemplation, allow it to happen.

It has never happened before, Mr. Speaker, but our Premier intends to take this unprecedented step and ask this House to vote to rescind the resolution. He is willing to do it, Mr. Speaker, despite his own pronouncements of being a great democrat, he is willing to do it without involving the people of the Province in the process, and that is what I find, personally, most disheartening. When I heard this Premier say publicly, comment publicly on the process in Manitoba and New Brunswick, I said surely goodness he is not going to ask the people of Newfoundland and Labrador to expect any less, surely goodness he is not going to ask that. But today, Mr. Speaker, we see that that, in fact, is what he is prepared to do. He is prepared to ask he people of this Province to take less, to participate in less, and that is very unfair.

Mr. Speaker, when you listen to everything the Premier has to say on Meech Lake, when you listen to everything the Premier has to say about what is wrong with Canada, all the time the Premier comes back to one fundamental solution to it all, and that is Senate reform. The Premier has held out Senate reform as the panacea that will solve all the problems of Newfoundland and Labrador forever and a day. The Triple "E" Senate, his Triple "E" Senate proposal that will come about as a result of Senate reform would, I believe, to use his own words, make the ultimate difference, cure all the ills, make sure that Newfoundland and Labrador is never beat up on again by any centralist government, though he supports the

concept of increased centralization.

Mr. Speaker, when you go through, in its finest detail, the constitutional proposals the Premier has tabled in this House on two occasions now, in November last year and just last week, last Thursday, the proposals that he has submitted to the Government of Canada on behalf of this Province, you see, Mr. Speaker, how fatally flawed the Premier's proposals are. As a matter of fact, I had it said to me by a person who admits to being a constitutional expert that the document itself would probably have been rated a fail grade if it were written by a first year political science student. Those are people who are constitutional experts. I would not know the difference. I would have to ask. I do not propose to be the expert. But I have had it said to me, Mr. Speaker, that that is what it would rate. If it were written by a first year political science student, it would rate a failure.

First of all, Mr. Speaker, before I get to some detailed remarks on the panacea called a senate I should say this: how the Premier can make the argument that Senate reform - and practically every Government in Canada, as far as I know, believes that Senate reform is necessary. I do not recall that there is any Government who said they are not prepared to entertain and to work on Senate reform. But, Mr. Speaker, how realistic is it, or how wild a dreamer does one have to be to believe that we can move towards Senate reform in this country while Quebec is still outside the constitution? Is there any national Government of Canada going to move towards Senate reform when 6.5 million people

represented by a Government of the Province of Quebec are not sitting around the constitutional table? If there was some government which had the courage to do that, and it would take a lot of courage in this Confederation, but if you did have a government which had that courage, it would mean, of course, as the Constitution presently exists, that Ontario would have a veto. Because you cannot get seven provinces with 50 per cent of the population, with Quebec outside, not being part of the process, not being at the table, you cannot get it without having the concurrence of Ontario. Therefore, Mr. Speaker, this Senate reform the Premier believes so passionately would solve all the problems of Newfoundland and Labrador can never see the light of day unless Quebec becomes a willing partner and a willing signator to the Constitution of Canada. It cannot happen, Mr. Speaker, and that is another area where the Premier flies in the face of every bit of constitutional advice in this country. He believes that it can happen. Well all the experts do not, Mr. Speaker. They say it cannot happen, it won't happen, it will not happen, and certainly it makes common sense, Mr. Speaker, that it will not happen.

Do you believe for a moment, Mr. Speaker, that if some national government had the political will to attempt to proceed with Senate reform without the willing participation of Quebec at the constitutional table, requiring, therefore, the concurrence of Ontario, do you believe in your wildest dreams, Mr. Speaker, and wild they would have to be to believe it, do you believe that Ontario, exercising a veto if Quebec is out, will willingly

agree to transfer power from its Members of the House of Commons to another Federal Chamber, Mr. Speaker? Do you believe that, Mr. Speaker? And this is where, once you get into the details of what the Premier of this Province is proposing, it all begins to break down, it all begins to fall down, Mr. Speaker. Because this new reformed Senate, which cannot come about anyway under his approach, but this new reformed Senate, Mr. Speaker, is to have tremendous powers.

MR. R. AYLWARD:
Something from Mars.

MR. RIDEOUT:
Something from Mars, the Liberal Premier of PEI said.

But this reformed Senate, Mr. Speaker, is to assume tremendous powers. Now, if it is to assume tremendous powers, somebody has to give them up. The powers just cannot come from Mars, as Premier Ghiz said. The powers cannot be shipped down here from some divine person on high, they have to come from somewhere.

MR. R. AYLWARD:
They might get them from Paradise.

MR. RIDEOUT:
They can come from where, Mr. Speaker? They can come from the House of Commons. And you can see Ontario, with Quebec outside the constitutional process, agreeing to that, with their constitutional veto. Or, Mr. Speaker, they can come from the provinces. Those are the only two sources. Shake your head, I say. Those are the only two sources, Mr. Speaker, this new reformed Senate can get additional power from, the House of Commons or the provinces.

I know for a fact that our Premier would be quite happy to have powers transferred from St. John's to Ottawa, to another Federal Chamber. We have seen evidence of that day after day. I do not think Premier Ghiz would, I do not think Premier Buchanan would, I do not think Premier McKenna would, I do not think Premier Peterson would.

MR. WARREN:

No way.

MR. RIDEOUT:

I have already named off enough, Mr. Speaker, to put your seven-out-of-ten/50 per cent rule in trouble, not discounting for the moment that Quebec is out and Ontario has a veto. So, this new Chamber, this new Federal Chamber, Mr. Spéaker - federal - which is going to have all of those powers, first of all has to find a way to get them, and under the Premier's present proposal they will not get them. There is not a constitutional expert, who says the Premier is wrong, can devise of any means whereby that new reformed Senate, if it were to ever come about, could get the powers that the Premier is proposing it have in his constitutional document.

But, Mr. Speaker, let us give the Premier the benefit of the doubt.

AN HON. MEMBER:

Sure, why not? Yes!

MR. RIDEOUT:

Let us give him the benefit of the doubt, Mr. Speaker, just for the purpose of debate, because it is too important to give the Premier the benefit of the doubt by giving him the resolution. The Premier is a very, very dangerous man with authority, Mr. Speaker. We can

only give him the benefit of the doubt for the purposes of debate. Let us give him the benefit of the doubt, Mr. Speaker, and take a leap of faith and say that it could be achieved. With Quebec outside the constitution, with Ontario having a veto, with provinces and the House of Commons having to transfer power to this new reformed Senate, let us give the Premier the benefit of the doubt and say that it would happen, Mr. Speaker. So we now have our Triple 'E' Senate, elected, effective, and equal, and it has the powers it needs and it can go about its work. Now Newfoundland has equal representation in that Chamber, it might be two people. I believe the Premier is proposing six. So if all ten provinces are in there, Mr. Speaker, there will be sixty Senators. If Quebec is not in there, there will be fifty-four.

Mr. Speaker, let us assume that happens. Now we are equal in this new Chamber, this new Chamber which has certain powers that the Premier is proposing for it. Well, Mr. Speaker, you do not have to go very far south to realize that the Republic of the United States has all States equal in its Senate as well. And you do not have to do much research, Mr. Speaker, to come to the conclusion that while they are equal politically in this federal chamber, there is more disparity among the States of the United States than there is in Canada.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

They have achieved their political equality, Mr. Speaker. We are assuming, by a great leap of faith, that the Premier will

achieve his political equality. But political equality and economic opportunity, political equality and economic equality, political equality and employment equality, political equality and a chance to live in your own region, or your own Province, or your own State and have disparities wiped out forever, is that the reality of that dual Chamber south of the border, Mr. Speaker? No it is not. And the people deserve to have that pointed out to them, Mr. Speaker.

Do you want to compare the equal State of California, Mr. Speaker, with the equal State of Vermont or with the equal State of Missouri? Do you you want to look at unemployment?

AN HON. MEMBER:
Unemployment?

MR. RIDEOUT:

Yes, do you want to look at unemployment in those two, Mr. Speaker, and see that it is 13 per cent in one and 3.8 per cent, I believe the stats were today, in the other. So much for economic equality, Mr. Speaker. So another leap of faith, Mr. Speaker, when you start to punch at it it bears no credibility whatsoever. No credibility that can hold any water. But, Mr. Speaker, let us proceed on with this fantastic creation that the Premier has dreamed up, or that he paid this mainland constitutional expert to dream up for him. Let us move on, Mr. Speaker, and see how the Premier is proposing that this new Federal chamber, that is going to take powers away from the Provinces and will have to take powers away from the national parliament, the House of Commons, how is it going to work, Mr. Speaker? How is it going to work?

Well the Premier is proposing that it be divided into linguistic divisions. This new chamber will be divided in linguistic divisions, English and French. Now there will be no French there unless Quebec comes into the Constitution, but assuming that this can happen, it will be divided into two linguistic blocks for purposes of voting, Mr. Speaker.

Mr. Speaker, that convoluted division that the Premier is talking about, that chamber that the Premier is talking about, as a source of solving all the economic problems of Newfoundland and Labrador, those two linguistic divisions, Mr. Speaker, will each have a veto. Those two linguistic divisions, the English division according to our Premier in his document and the French linguistic division each will have a veto. So if the French do not like something that has been proposed by the English division of the senate, right there their senators can veto it. If the English do not like something that might be important to economic development in Newfoundland - the French can veto that. And then, of course, the Premier has this super structure. This super group of ten people, eight or nine senators, I believe, and a couple from the House of Commons, ten people altogether who are to be the super brokers, who are to find the compromises. Who are to find the compromises, Mr. Speaker, that will take us out of this political straightjacket of deadlock, because of the Premier's linguistic divisions and each group having a veto power. There are ten people then, senators and members of the House of Commons who have to find a way to break this political logjam and find a

compromise.

Now, Mr. Speaker, out of all of that comprising where is the Province of Newfoundland going to sit vis-à-vis central Canada with our six senators? Are we equal then, Mr. Speaker? Yes, and that we are equal, Mr. Speaker, when the political brokerage has to go on to find a compromise so that something that is positive to the central Canadian part of this country is held up. How are we going to fare in the political brokering then, Mr. Speaker? I say, equally as impotent as we are now. I say political poppycock to the Premier, it cannot work.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

And there is not a constitutional expert, Mr. Speaker, in Canada who agrees with the Premier that it can work. There is not. Even Mr. Hoegg, whose advice the Premier calls upon when it suits his fancy so to do. Even that, Mr. Speaker, even that person thinks the Premier is crazy. Now, Mr. Speaker, there is so much more we have to say on this particular resolution and that we will be saying over the next number of days. But the first thing we want to focus on as we debate this resolution is, the failure of the Government to do the right thing. To do the thing that they had been promoting was right in other provinces. To do what they had been promoting as right, when they were the Opposition over here, and that is to refer this resolution and the Premier's constitutional amendments to a Standing Committee of this House. So Mr. Speaker, I want to move, seconded by my colleague from Green Bay, I have to look at a Member who is in his

or her proper seat, I do not want the Government to get up on nit picking points of order, a little later on and say the resolution is out of - pardon?

AN. HON. MEMBERS:

(Inaudible).

MR. RIDEOUT:

The Member for Menihek. My colleague from Menihek has held on to his seat all night, Mr. Speaker, so I want to move, seconded by the Member for Menihek, the following amendment: That the resolution be referred to a select committee of the House of Assembly to be called a select committee on the Constitution, with the power to examine the following: a) The Resolution to revoke the Meech Lake resolution. b) The Constitutionality of the referendum proposal contained in the resolution and c) The Constitutional proposal of the Government. Now that is everything, Mr. Speaker, and I move, further, Mr. Speaker, that the select committee be empowered to hold hearings within and outside the Province and to take evidence from witnesses residing both in the Province and outside the Province. Now Mr. Speaker, I will send this amendment up to Your Honour for a ruling. Obviously, Your Honour will want to have a look and see if the amendment is in order, obviously we are convinced that it is, and if Your Honour should so rule, then I will be prepared to begin the debate on the amendment and carry on for a few minutes and then adjourn for another day.

MR. SPEAKER:

The hon. the Government House Leader.

MR. BAKER:

Thank you, Mr. Speaker. I have not had a chance to have a look at the copy of the proposed amendment. In listening to what the Leader of the Opposition read out it seems to me that this is a total new motion on its own and in effect changes the intent of the original motion. So Mr. Speaker, I would like to have a chance to have a look at the amendment, and I am sure Your Honour will, to determine whether it is a valid amendment.

MR. SPEAKER:

We will recess the House for a couple of minutes.

AN HON. MEMBER:

The hon. Member wants to make an argument.

MR. SPEAKER:

Okay. I am sorry.

The hon. the Member for Humber East.

MS VERGE:

Thank you, Mr. Speaker.

I would like to support wholeheartedly the Leader of the Opposition who has spoken so eloquently in this debate.

SOME HON. MEMBERS:

Hear, hear!

MS VERGE:

I wish to support the Opposition Leader's contention to Your Honour that his proposed amendment is completely in order. The amendment simply calls for the Premier's resolution to be referred to a Select Committee of this Legislature, a procedure parallel to that in use now for draft legislation. Mr. Speaker, the amendment does not detract from the Premier's resolution.

The amendment does not change the essence of the Premier's resolution. The amendment simply allows for the Premier's resolution, exactly as it is, to be scrutinized by a committee of this chamber made up of Member on both sides and allow that Select Committee to hold public hearings so that the citizens of Newfoundland and Labrador can become better informed about the Meech Lake Accord.

SOME HON. MEMBERS:

Hear, hear!

MS VERGE:

So that people can get more knowledge about the Meech Lake Accord, so that people can begin to come to grips with the implications of this Legislature reversing itself and rescinding our approval of the Meech Lake Accord, so that people of the Province can begin to learn about the Premier's radical alternatives for constitutional development in this country.

Mr. Speaker, the amendment does not change one comma, one word, or one phrase of the Premier's resolution. The amendment does not subtract from, or detract from the Premier's resolution. It simply makes provision for the Premier's resolution as is, exactly as is, verbatim, with no subtractions, to go to a committee of the this Legislature and to go to the people, consistent with what the Premier himself has been encouraging in others and praising in others. The Premier likes to talk about the constitution being the people's constitution and therefore urging public involvement in constitutional development. Mr. Speaker, the Leader of the Opposition's

amendment is quite in order, in my view, and I would urge Your Honour to rule that the amendment is in order.

SOME HON. MEMBERS:

Hear, hear!

MR. BAKER:

Mr. Speaker,

MR. SPEAKER:

The hon. the Government House Leader.

MR. BAKER:

It is gratifying to know, Mr. Speaker, that the amendment is in order in the view of the Member for Humber East (Ms Verge). In the view of Beauchesne's parliamentary rules in the Sixth Edition, paragraph 576, page 176, it specifically states, Mr. Speaker, under inadmissible amendments 'It is not an amendment to a motion to move that the question go to Committee,' Mr. Speaker.

AN HON. MEMBER:

Read it again.

MR. BAKER:

One more time, paragraph 576, page 176 of Beauchesne, and that is parliamentary rules and the Sixth Edition. 'It is not an amendment to a motion to move that a question go to a committee.'

SOME HON. MEMBERS:

Hear, hear!

MR. BAKER:

Mr. Speaker, it is a well known practice, an amendment may not raise a new question which can only be considered by a distinct motion that I propose is a new motion in effect. And in effect is the same as the motion that the hon. the Leader of the Opposition

wants to discuss on Private Member's Day.

AN HON. MEMBER:

On tomorrow.

MR. BAKER:

On tomorrow. So in fact it is a new motion that he has already proposed as a new motion.

SOME HON. MEMBERS:

Hear, hear!

MR. RIDEOUT:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition a final submission.

MR. RIDEOUT:

Thank you, Mr. Speaker.

Mr. Speaker, there is no connection, I must first of all say to the Government House Leader between the amendment I am proposing here tonight and the debate tomorrow - two totally different resolutions. This amendment is not proposing any change whatsoever to the Government's resolution.

MR. FLIGHT:

(Inaudible).

MR. RIDEOUT:

Mr. Speaker, the Minister of Forestry (Mr. Flight) should contain himself. I know it is late and he might be tired and irritable, but I am speaking within the rules now, Mr. Speaker.

I personally, Mr. Speaker, have had a hand in drafting amendments to more than one resolution in this Chamber on either side, that had the effect of sending the resolution to a select committee. That has been accepted time after

time by our Speaker. Because as the Government House Leader failed to point out in quoting from Beauchesne, and as has been said in this Chamber many, many times today, the first thing our Speaker has to look at is our Standing Orders, and the second thing he must look at is our precedents. And our precedents, Mr. Speaker, have clearly established that amendments to motions sending them to committee have been done a thousand and one times, Mr. Speaker, by Members on either side of this Chamber.

MR. SPEAKER:
Order, please!

It now being 10:00 o'clock I will take this motion under advisement and declare this House is now adjourned until tomorrow, Wednesday, at 2:00 p.m.