



**PROVINCE OF NEWFOUNDLAND**

**THIRTY-SIXTH GENERAL ASSEMBLY  
OF  
NEWFOUNDLAND**

---

---

Volume 3

3rd. Session

Number 94

---

---

**VERBATIM REPORT**

THURSDAY, DECEMBER 19, 1974

SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House met at 10:00 a.m.

Mr. Speaker in the Chair.

MR. SPEAKER: Order please!

I note that we have in the galleries His Worship the Mayor of Grand Falls and some of his officials. I would certainly like to welcome these honourable gentlemen to the galleries today.

MR. SPEAKER: Order Please!

The honourable Minister without Portfolio:

HON. W.W.MARSHALL (Minister without Portfolio): Your Honour, I wish to advise the House that I have now had an opportunity, and this is the first opportunity I have had, to attain transcripts of the statements that were made by the honourable the Leader of the Opposition. Since this is the first opportunity I have had to attain the transcripts I move the following substantive motion: That this House consider remarks made by the honourable Leader of the Opposition on radio station C J O N on Wednesday December 18, 1974, at approximately 8:00 a.m., a transcript of which is tabled herewith constitutes a breach of privileges of this honourable House in consequence whereof the Leader of the Opposition shall be suspended from this honourable House for three sitting days.

The statements appended which will be tabled herewith are as follows: News item appearing on C J O N Wednesday December 18, 1974. "Announcer: 'Opposition Leader Ed Roberts says he knows the real reason why Government House Leader Bill Marshall did not suspend him from the legislature yesterday, Tuesday. Mr. Roberts says Mr. Marshall knows in his heart that he Mr. Roberts was correct in what he said. Mr. Roberts says that the Government House Leader knows that the Speaker's ruling was shameful, that it was a perversion of precedence and knows the Speaker and Deputy Speaker have been partisan.' Mr. Roberts; (and this is a transcript I quote) 'If he did not feel that way then why would he not move to suspend me? After all, they did not hesitate yesterday to move the suspension of Mr. Simmons, Roger Simmons the Member for Hermitage. They did not hesitate to try to fling out Steve Neary for Bell Island for fourteen days. No! No! the reason that Mr. Marshall did not move to have me put out of the

House was that he knew and could not admit it but he had to agree that what I had said was right, that the Speaker throughout this debate, the Speaker and Deputy Speaker have not been fair and impartial, that they are deliberately favouring one side and that is the government side."

Now, Mr. Speaker, this is the motion which I am moving. It is a motion of privilege, I gave notice of it yesterday, a substantive motion of privilege. It remains now for Your Honour to determine whether or not a prima facie case has been made out. I would submit that is quite evident from the words which are used because it is a breach of privilege of the House to accuse the Speaker of partiality. The words used in the transcript were that the Speaker and Deputy Speaker have not been fair and impartial. That being so, Your Honour, I would submit that we can now accept this motion. If Your Honour finds there to be a prima facie case, a breach of privilege, we can now go on to discuss this substantive motion, a breach of privilege which I rose yesterday.

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

HON. E.M.ROBERTS (Leader of the Opposition): Mr. Speaker, if I may rise on a point of order: I submit that for two reasons that motion is not in order at this time. First of all, Your Honour, there is a matter of privilege before the House and that matter must be disposed of before any further action is taken. That matter of privilege is the matter the debate on which was begun yesterday by the House Leader, continued by me and adjourned by the Minister of Fisheries.

Secondly, Sir, the motion of which the honourable gentleman gave notice, just now, is superfluous as the Clerk reading the minutes confirmed today and as Your Honour confirmed from the Chair, There is a motion precisely the same as that one already before the House, therefore, a second motion cannot be moved. All of the rules of parliamentary practice are quite clear that when one motion respecting a matter stands on the Order Paper another matter cannot be moved. The minutes of the House will show, Sir, quite clearly that there was a motion moved yesterday, there were two motions moved,

Your Honour ruled that both were debatable, debate was begun on the first, debate had not begun on the second simply because the first had not been debated. Therefore, I submit that for these two reasons the honourable gentleman's motion at this time is completely out of order.

MR. SPEAKER: The honourable the Minister of Fisheries:

HON. J.C. CROSBIE (Minister of Fisheries): Mr. Speaker, on that point of order: Mr. Speaker, in response to that point of order it is quite apparent that all that was before the House yesterday was a motion that was a procedural one that asked the House to obtain certain transcripts or tapes of statements made by the Leader of the Opposition outside the House. It was simply a procedural motion. The House had not gotten on to the main question of whether there was a breach of privilege or not because that issue did not arise until the procedural motion was dealt with or until there was before the House evidence of what the Leader of the Opposition had said. We now have that. That is now before the House.

I would also point out and remind Your Honour that the main point that the Leader of the Opposition made yesterday when he took up all afternoon in this House, practically all afternoon in a filibuster attempt, his main point was that he did not want the procedural motion to be passed that he wanted to proceed on to the main issue which is whether there had been a breach of privilege or not. The motion now put before you by the House Leader, of course, does exactly that. It is inconsistent, to say the least, for the Leader of the Opposition now to argue that the procedural motion of yesterday, which he opposed yesterday, has to be dealt with.

We now have before us a substantive issue. The people of this province and their time is valuable, our time is valuable, the main issue is now before the House. It is obviously quite proper to forget the procedural motion and get on to the real issue which is now before this House with the transcript that the House Leader has now presented. This is not the same motion that we discussed yesterday.

This is now a substantive motion dealing with the question of privilege in the House. My submission is that we should now get on with the real heart of the matter which can be resolved very quickly if the Leader of the Opposition does what he was invited to do yesterday, apologizes for the remarks he made outside the House and withdraws any allegation that he has made against the Speaker and the Deputy Speaker. That would terminate the whole matter right here and now.

MR. ROBERTS: If I may make a further submission, Mr. Speaker: There are two motions before the House now. One of them has been debated and debate was adjourned. It would be quite improper, Sir, to proceed with any further matter of procedure until that matter is disposed of. It can be disposed of quickly but it must be disposed of in my submission.

Secondly; the motion which the House Leader just made is exactly the same as the motion yesterday and so I submit, since the motion was made yesterday we cannot have a second one made a second day.

A further point I would raise, a subsidiary point is the question of timeliness. The honourable gentleman, the House Leader could have raised the question of transcripts yesterday. Those transcripts could have been obtained yesterday and I therefore submit, on that reason too, his present motion is out of order. I will go further - I think what we should do is finish off the procedural motion very quickly and then proceed to the substantive motion, the substantive motion being the one which the honourable gentleman moved yesterday.

I am not trying to avoid a debate. I am anxious to have a debate but I submit, Sir, that it should be done properly and according to the rules of this House.

MR. SPEAKER: The honourable Minister without Portfolio:

MR. MARSHALL: Mr. Speaker, what the honourable Minister of Fisheries said is quite correct. What happened yesterday was a procedural motion.

I will get into the reasons for that procedural motion later on in the day. The procedural motion was passed to acquire the tapes and if certain statements were determined to be breaches of privilege of the House, then to proceed accordingly. Your Honour severed the motion but that motion was entirely and absolutely procedural in nature and not substantive. It was procedural in nature for a purpose. In other words, this is not another motion, Mr. Speaker, this is the first substantive motion with reference to privileges of the House, the other one is procedural.

The second one on timeliness that was raised by the honourable the Leader of the Opposition: the requirement on timeliness was met when I got up immediately, as soon as Orders of the Day were called yesterday and brought to the attention of the House the fact that I was bringing before the House a matter of privilege. This has been done time and time again with people waiting or the House waiting until transcripts were available. If I had had the transcripts available yesterday they would have been brought in at the time but this is the first available opportunity. However, I emphasize, that for reasons which I will go into later, which the honourable the Leader of the Opposition either does not or is incapable of understanding, it was a procedural motion yesterday.

AN HON. MEMBER: There were two motions yesterday.

MR. SPEAKER: Order please!

MR. SPEAKER: Honourable members may recall that yesterday when this motion was first raised by the honourable Minister without Portfolio and after I had come back and divided it into two parts, that I said part one would be debatable and that I at that point said it was what I considered to be a procedural motion.

The Chair is satisfied that it was a procedural motion. The Chair is also satisfied that this is the first opportunity the honourable minister has had to bring in a substantive motion which takes precedence over the procedural motion and is ruling that the motion made by the honourable Minister without Portfolio is in order at this time. However, the Chair is willing to recess to look at the particular motion made a few moments ago by the honourable Minister without Portfolio to decide whether or not a prima facie case has been established.

MR. ROBERTS: May I suggest as well to Your Honour that Your Honour might wish to consult the tapes as to exactly what was said by Your Honour yesterday in making the ruling on that point. I do not have my notes here, I did not bring them in with me but I distinctly recall Your Honour saying both motions were debatable and they would be taken in order and if the first one were to be dealt with then the second one would follow.

Mr. Speaker, I merely suggest to Your Honour that Your Honour might wish to consider - the Hansards are not available yet they are weeks behind but the tapes, of course, would be available - Your Honour could arrange to listen to exactly what Your Honour said yesterday. I think that is very important, Sir.

MR. SPEAKER: Order please! I shall consult with the officials re the matter.

MR. ROBERTS: (First part inaudible) it came to my notice only during the adjournment.

MR. SPEAKER: There is a matter of privilege before the House right now.

MR. ROBERTS: There is a matter of privilege of the House. If Your

Honour says to wait until you have given the ruling I shall of course. I do not want to breach the timeliness rule. I have a matter affecting the privilege of the House, Sir, it also affects the matter under discussion now but I will abide by Your Honour's ruling on it.

MR. SPEAKER: I recognize the honourable Leader of the Opposition has made the point. I will make the ruling then listen to him.

The Chair has considered the matter of the motion made by the honourable Minister without Portfolio and feels that a prima facie case has been established and is willing to hear debate on the motion.

MR. ROBERTS: My point of order is that this is not a transcript of a news broadcast on C.J.O.N. radio at eight o'clock on Wednesday December 18. It was not obtained from the Newfoundland Broadcasting Company who own and operate C.J.O.N. and there is no evidence at all to say that this is a transcript of any news item. I accordingly say, Sir, that if this matter is not immediately resolved this House is being subjected to a fraud. This is not a transcript of any news item broadcast on C.J.O.N., Sir. There is no evidence to support it, it is merely a typed piece of paper headed: "News item C J O N"

There is no evidence in support of it at all and I say categorically and without reservation this was not obtained from the Newfoundland Broadcasting Company Limited owners and operators of Radio Station C J O N.

MR. SPEAKER: The honourable the Minister of Fisheries:

MR. CROSBIE: On that point of order: If the honourable gentleman wants to put aside the words he uttered on C J O N yesterday then let the honourable gentleman deny it. That would be a matter for debate on the motion that you have now accepted.

As I see it there are two things that can be discussed and that is: the Leader of the Opposition can deny he said it, and since I heard it with my own ears I am sure he will not do that. He can either deny that he said it and that can be debated on the motion



now before you or the other question which is; if these words were uttered are they a breach of privilege and what penalty should there be? These are questions that now should be debated on the motion that is before you.

MR. ROBERTS: The matter is of infinite seriousness. Your Honour has ruled there is a prima facie case and that ruling we accept. But, Sir, Your Honour's ruling was founded, not that Your Honour knew anything about this, Your Honour's ruling was founded on a fraudulent statement. There is no evidence

MR. SPEAKER: Order please!

MR. ROBERTS: To support this at all, Mr. -

MR. SPEAKER: Order please! It is not for the Chair to decide whether the statement made is a fraudulent statement or not.

MR. ROBERTS: This is not a transcript of anything -

MR. SPEAKER: Order please! This is the purpose of the motion, the debate which, I suppose, subsequently will follow as to whether or not the honourable Leader of the Opposition made these remarks.

MR. ROBERTS: There is no prima facie case it is founded on a fraudulent document. The prima facie case is founded on a fraudulent document.

MR. MARSHALL: Mr. Speaker, -

MR. SPEAKER: Order please! The Chair has made a ruling that it accepts the motion that a prima facie case has been established and the Chair is willing to hear debate on the said motion.

MR. ROBERTS: (Inaudible)

MR. MARSHALL: Mr. Speaker, I -

MR. NEARY: Mr. Speaker, point of order, Sir. Your Honour when the Minister without Portfolio introduced this motion into the House and the tapes will show this, Sir, the verbatim report of the House will show this, the minister stated that he had now received the transcripts from Radio Station C J O N. Sir, that is not correct. The minister has not received the transcripts from C J O N nor from the Newfoundland Broadcasting Company and therefore Your Honour should make a ruling as to whether that should be permitted as evidence or not.

MR. ROBERTS: The prima facie case is founded on a fraud.

MR. SPEAKER: Order please! Order please! Whether or not the transcripts of the remarks made by the honourable Minister without Portfolio is a true transcript of any radio station or not is not for the Chair to decide. That is the purpose of this debate.

MR. ROBERTS: It certainly is (remainder inaudible)

MR. SPEAKER: Order please! Order please! The Chair has made a ruling and it will now hear debate on the substantive motion.

MR. ROBERTS: (First part inaudible) ruling on a fraud.

MR. MARSHALL: Your Honour I will ignore that. I will ignore the accusations of fraud.

MR. ROBERTS: Yes, because you cannot deny it.

MR. MARSHALL: This transcript, Your Honour, -

MR. ROBERTS: He cannot deny it.

MR. SPEAKER: Order please!

MR. MARSHALL: This is a transcript of -

MR. ROBERTS: It is not -

MR. MARSHALL: Of what I -

MR. ROBERTS: It is not.

MR. SPEAKER: Order please!

MR. MARSHALL: Of what I heard on Radio Station C J O N and it is an exact copy -

MR. ROBERTS: It is a fraudulent statement authorized by the Minister without Portfolio.

MR. SPEAKER: Order please! Order please! The honourable Minister without Portfolio has been recognized and he does have the right to be heard in silence. If honourable members on either side of the House persist in interrupting they shall be called to order.

MR. MARSHALL: I will get into that again in a moment, Mr. Speaker. I am now debating the motion which is before this House but before doing so I would like to point out to this honourable House that everything possible has been done, every conceivable step has been taken by this government -

MR. ROBERTS: Do you want to give me another chance to withdraw -

MR. MARSHALL: Every possible step has been taken, Mr. Speaker, to avoid the stage at which we have arrived this morning. This started three days ago and it was rather unfortunate at the time. The honourable Leader of the Opposition had to be named and at the time a reprimand was issued to him.

On the subject of the transcript before this honourable House of statements made on C J O N by the Leader of the Opposition, indicates that he draws issue with that. As usual he mistakes it and he mistakes what was done for his own purposes by making a scandalous allegation that he was reprimanded instead of suspended because of the fact that I knew that the Deputy Speaker's ruling was incorrect. That is disgraceful, Mr. Speaker and completely untrue.

The fact of the matter is that for two or three years, in this House, we have laboured and attempted to do what we could in the climate of the House such as it has existed. We have from time to time been tempted to take certain action but we would regret doing it to any member, least of all somebody who occupies the position of Leader of the Opposition. Consequently, the reason why the government moved to reprimand rather than suspend was purely and simply in the hope that the Leader of the Opposition would show a certain degree of maturity, which has been absent in the past two years, and realize that the House cannot exist or function when the rulings of the Speaker have been challenged in the way they are.

Similarly, yesterday a plea was made before this House, before the matter was even brought up and it was a sincere plea, Mr. Speaker, requesting the (The Leader of the Opposition is the only one laughing) but it was -

MR. ROBERTS: Your Honour do not realize how insincere.

MR. ROBERTS: It was a sincere plea and a request hoping that the Leader of the Opposition would see fit to get up and apologize for remarks made concerning the partiality of the Speaker and the partiality of the Deputy Speaker. That, Mr. Speaker, is what we would have preferred and what we would have wanted.

AN HON. MEMBER: (Inaudible)

MR. SPEAKER: Order please!

MR. MARSHALL: It is a matter of some regret that this point was apparently missed in some of the media yesterday, on C B C and C J O N but I would like to underline it. I do not know what somebody has to do apart from the reaction now of the Leader of the Opposition, to convince somebody that you are sincere with respect, but we sincerely, the government sincerely - if he does not want to think that I did it sincerely let him look at the government - the government sincerely hoped and desired yesterday that the Leader of the Opposition would withdraw his remarks and invited him to do this. He did not choose to do so.

Then, the third thing was to bring in a motion.

Now the Leader of the Opposition chooses to interpret things he wants to, he seems to have a mania for personalities, he loves to talk, he took great delight in spending a lot of the time yesterday talking about me bungling the motion. Now the Leader of the Opposition has in time past, the only thing that he said in this House in anyway in approval or anyway on the other side a few times have been said many times during this session that the Leader of the House knows the rules but he does not interpret them properly. Certainly I know the rules, Mr. Speaker, that is what I am over here for. Why was a procedural motion brought in? You talk about cooling periods. For a third time yesterday the Hon. Leader of the Opposition was given an opportunity through the procedural motion because it could not be brought on immediately to consider and reconsider the position and see what could be done about apologizing and withdrawing his remarks but he did not see fit to do it. He still apparently does not see fit to do it so it was our regrettable and it was most regrettable that we have to bring in against any member but most of all against the Leader of the Opposition a motion of this nature. Certainly I would concur with people that we would much more prefer to debate matters more directly affecting the business of the country but, Mr. Speaker, it cannot be ignored the fact that his statements, the statements which were made affront the basic institutions which we have. If the integrity of the Speaker of the House and the Deputy Speaker and their impartiality are questioned, now there is a great difference between talking about their impartiality and disagreeing with a ruling, even when you are disagreeing with a ruling you have to do it a certain way but everybody disagrees with rulings that have been made by the Chair because there are always two sides but it is a markedly different and disastrous situation when a person comes along and challenges the impartiality of the people making them.

Now this is a transcript, Mr. Speaker, a transcript of what I heard with my own two ears of what appeared on CJON and it is a transcript being a record of statements which I heard. I say this as a member of

the House of Assembly.

MR. ROBERTS: And I say it is a fraud.

MR. MARSHALL: And I put it forth and I know that other members of the House of Assembly heard and will verify exactly the self same words.

AN HON. MEMBER: Who is the author of the transcripts?

MR. MARSHALL: I bring this forth, Mr. Speaker, and I bring this forth now and this House has to decide two questions, just merely two questions: Whether or not these statements were made, if the Leader of the Opposition chooses to deny them this House is quite competent to judge what the situation is: whether the statements were made and if made, are they an issue of privilege? These are the only two considerations before this House at the present time. We cannot afford the luxury, Mr. Speaker, of debating as we had debated yesterday concerning the correctness or otherwise of a ruling of the Deputy Speaker because that is not in issue. What is in issue are sever charges of the partiality of the Chair. And, Your Honour, I refer you particularly to page 100 of Beauchesne, Section III(a) defining privileges of the House which says "Reflections on the character of the Speaker and accusations of partiality in the discharge of his duty constitute a breach of privilege." Now there is nothing more clear than that. Neither is there anything more clear than the words uttered by the Leader of the Opposition and I quote "That the Speaker throughout this debate, the Speaker and Deputy Speaker have not been fair and impartial. That they are deliberately favouring one side, and that is the government side."

Now many times, Mr. Speaker, the debate on these matters relate upon interpretation of what was said and whether what was said comes within the rules of breach of privilege but I would suggest to Your Honour that it is abundantly clear when a person comes out and directly says and challenges and uses the words "That the Speaker and Deputy Speaker have not been fair and impartial" it becomes quite obviously within Section III (a) Is a breach of the privileges of this House and unfortunately has to be dealt with accordingly.

Because, Mr. Speaker, I do not think there is any more serious breach of the privileges of this House. on the question. Your Honour, other than perhaps the personal assault of a member, that is not a very pleasant situation either. When you come down to challenging the Speaker this I say is one of the worse things that can be done. The fact that it comes from the mouth of the Leader of the Opposition makes it even worse, because we cannot stand, I mean, we stayed here for two or three years in this House now, in this present Assembly and there have been remarks that have flown back and forth across the floor, I say, you will note back and forth across the floor. That has not been very edifying and very conducive to the carrying on of the business of this House but this statement that was made is one of the worse that can possibly be made.

Now from the government's point of view, and I just speak now from the government's point of view that what we have done in this House is attempted as much as we possibly could to raise the standard in this House of Assembly. We took such steps as changing, and in the interest of not engendering debate, I say, changing the rules of this House to permit question periods, changing the rules of this House to make it more streamlined and effective. We have taken steps, Mr. Speaker, in our legislative programmes, one of them with myself, with the wholehearted co-operation of the Minister of Fisheries, the then Minister of Finance, we moved to make sure that no monies were borrowed unless the House was referred to. We have moved through our other legislation, that I can think of, in public tendering to assure the fullest information possible. This is what we are earnestly attempting to achieve in this House.

I believe as a personal view that the House of Assembly has to be the most important and most effective organ in our society. If we are going to allow it to be destroyed and destroyed it will be, if statements like this are going to be made, and it is unfortunate, I do not know how much more I can say to convince this House, if it is necessary to convince this House, that I mean it sincerely, that this House of

Assembly or any legislative body is the bulwark of our freedom. I certainly attempted as well as many members, on both sides of the House, the previous Member for White Bay South joined with me while he was here in attempting to change the rules of the House. I know the Member for Labrador South is also interested and there are other members - you should not single people out. But the fact of the matter is, Mr. Sneaker, it is a matter of great regret, remorse and distaste that a motion of this kind has to come up before the House, particularly when it comes up against a person who occupies the office of Leader of the Opposition. He has from time to time continually been acting in a manner that I have considered, and I know a lot of other people not only on this side but, although I feel that certain members on the opposite side, some of his colleagues honestly feel too, that he gets carried away from time to time. He feels that he must make certain statements.

But my job here today is not for the purpose of castigating the Leader of the Opposition for what he said in the past but to talk about the matter which is before the Chair right now, which is probably the most serious matter that has come up in this Assembly. Your Honour, because Your Honour, you the Sneaker nor the Deputy Sneaker nor this House of Assembly nor the government of this province can effectively operate if charges of partiality are made against you. It is utterly and possibly, it will mean the end of any kind of government and any kind of rational basis.

So where do we go from here? This debate will go on. It is a debatable motion, obviously I would not be debating it if it were not a debatable motion. But I would submit, Your Honour, that it is of such serious import that it should confine itself very closely to the bounds of relevance. I would define the bounds of relevance as being whether or not these statements were made. I do not think the Leader of the Opposition is going to deny that he has made these statements because everyone has heard them.

MR. ROBERTS: I will be as the honourable gentleman.



MR. MARSHALL: The second point is going to be whether a breach of privilege of the House has occurred. These are the only two issues before us.

Now what do we do from here? We have attempted on two or three occasions as I have indicated, we have done everything but beg the Leader of the Opposition to withdraw and apologize. We now find ourselves today with this substantive motion before us to expel him from the House for three days. I do not know how the membership of the House feels with respect to it. I do not know whether the House now would even be satisfied, that I would say the very least that they could be satisfied, with is an unequivocal and unreserved apology by the Leader of the Opposition for all statements made impugning the impartiality of the Speaker and the Deputy Speaker, a withdrawal of these and an apology of them and something much more, Mr. Speaker, an undertaking that this will not occur again and that the Leader of the Opposition will conduct himself with maturity and in a manner befitting his office.

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

MR. ROBERTS: Thank you, Mr. Speaker. May I first of all, Sir, say simply that I do not propose to deal at all with the personal remarks

made by the gentleman from St. John's East, I do not intend to engage in a debate on personalities.

AN HONOURABLE MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. ROBERTS: I do not intend to deal with them. He may think what he wishes and his friends may think what they wish. I shall think what I wish. My friends will think as they wish and the people of Newfoundland who after all are the people who are most infinitely concerned will think as they wish.

May I first of all say, Mr. Speaker, that I have no hesitation at all and I am going to put a condition but it has nothing to do with an apology but I wish to complete my statement and I will go on. I have no hesitation in saying that I am quite prepared to withdraw the statements that I made outside the House, whatever they may have been. I am quite prepared to apologize quite fully and without any reservation, without any qualification, but I will do that only if the government will assure me and the House that we can debate the real issue. Now this has nothing to do with an apology, Sir. I am prepared to make the apology and the apology will be unconditional. If government would assure the House that they will immediately allow a censure motion which I am prepared to move or which any of my colleagues are prepared to move to be debated, if the government will allow that because the question and I appeal to the Premier, the question is just as the honourable gentleman stated it, his colleague, the Minister without Portfolio, the question is really the whole basic question of this House and the functioning of this House. There are those of us on this side who feel rightly or wrongly that the Speaker is not impartial and we would like to debate that issue and have it aired and then have it settled. If we have that assurance, Sir, if that matter goes ahead now, I am quite prepared to apologize without any qualification. Does the House Leader wish to say a word?

MR. MARSHALL: Mr. Speaker, we cannot agree to anything other than an unequivocal apology without any strings attached. This is an attempt really by the Leader of the Opposition to apologize and to skirt the issue. Now the

issue is the dignity of this House and I hope the Leader of the Opposition has the dignity to reply accordingly.

MR. ROBERTS: I am very sorry, Mr. Speaker, that the honourable gentlemen opposite will not allow a debate on what is the real issue. My offer of an apology and let it be recorded by the press and by Hansard, was unconditional and I said so and I repeat it now. The issue is the dignity of this House but the only way I can raise it, Mr. Speaker, is through this regrettable and unfortunate issue of privilege. You see, Mr. Speaker, there is no other remedy open to a private member. I cannot move a motion. There is a motion standing in my name on the paper and the rules of this House say that there may only be one motion standing in the name of any member at any given time except a government motion. Two or three of my colleagues, it is true, do not have a motion standing in their names. The gentleman from Bonavista North, the gentleman from Labrador North, the gentleman from Twillingate I believe are all free to move a motion.

Mr. Speaker, there are on the Order Paper at present private members' motions (1), (2), (3), (4), (5), (6), (7) which means it would be eight in precedence. Next Wednesday, private members' day, is Christmas Day. I venture to suggest that the House will not be meeting on Christmas Day and so there is no way that this issue can be raised except the method which I have had to use. I do so regrettably because I predict that I will be suspended from this House. I am not saying I should be but I predict that I will be because honourable gentlemen opposite have made up their mind with a firm resolve and they will do it. I accept that penalty gladly because I believe quite sincerely that what I am doing is fighting for the privileges of this House and fighting for the dignity of this House and I, as Leader of the Opposition, am the one to raise it, not any honourable gentleman other than me.

The House Leader seems to feel that I somehow should be particularly penitential or clothed in sackcloth and ashes because I am the one who is being subjected to this matter of privilege. I say, Sir, that I should be censured if I do not raise this matter because rightly or wrongly, Sir, there are those of us who believe in good conscience and with honest conviction

that the Chair has not been impartial and that, Sir, is the issue. If the government will not allow it to be debated and I am prepared to withdraw and to apologize, I do not like to attack the Chair, Sir, -

MR. CROSBIE: No, no.

MR. ROBERTS: The Minister of Fisheries says, "No, no." Mr. Speaker, I expect to be heard in silence. I expect to be heard out. I will hear him out. I do not like to attack the Chair, Sir. It is a desperate measure because we have no other remedy available to us. I cannot sit idly by, Sir. I would be failing in my duty as the Leader of the Opposition, as the Leader of the second largest group in the House and as a member of this House, Sir, if I did not fight for what I believe to be the true rights of this House. The basic right of this House of Assembly, Mr. Speaker, and the House Leader and I are in substantial agreement on that point, the basic right is the dignity of this House and the impartiality of the Chair. I noted some of his words. I do not agree with all that he said, of course, but some of them, Sir, he and I are on all fours. He said that the House would cease to function if the impartiality of the Chair is called into question and I agree, Sir. I agree completely and that is why this matter must be settled and that is why I regret so greatly the government will not allow it to be debated.

I appealed to my friend from Labrador South, Sir, to the neutral observer in this House, not committed to any partisan side, to consider what I had said because the issue is one as the House Leader said of the very basic privileges of this House and there is no other way. The government have refused to allow government time and we cannot use the private members' time because the rules, Sir, will insure that this matter will never come up. There is no other way that we can raise this issue which if not resolved like a cancer will destroy the body of this House because, Mr. Speaker, if honourable members feel that the Chair is not impartial then, Sir, there is no House of Assembly. We have a dog fight, we have a beer tavern brawl if we do not believe that the Chair is impartial. That is not to say we always agree with the Chair. Of course we do not, Sir. Neither do honourable

gentlemen opposite and it would be quite wrong if one side or the other always agreed with the Chair. Indeed it is that that leads me partially to my present belief. It would be wrong if the Chair is not impartial. In a hockey game if one side feels that they have only got six men on the ice and the other team has seven counting the referee, there is no hockey game, and that is just a game. This is no game, Sir. This is what the House Leader called the bulwark of the freedom of the people of this Province and in a very real sense, Sir, that is true.

I speak in this House not by any leave of anybody except the constituents of the District of White Bay North. They have sent me here to speak for them

and I shall answer to them, Sir, and to my conscience. Every honourable gentleman on either side of this House is in the same position. Sir. We have created a set of rules. The House Leader, once or twice I have heard him on the radio in personal attacks on me saying that the rules go back four hundred years. He is wrong, Sir. They go back seven or eight hundred years. Some of the rules in Beauchesne and in May and in other great authorities go back to that first parliament, Simon de Montfort and the barrons met. Some of them, Sir, are founded in Magna Carta, a document which some rebellious barrons fighting against the rules, extracted from a reluctant king at Runnymede in 1215 on a June day. Seven hundred and fifty years ago this June coming.

Those men, Sir, they were barrons, they were peers of the realm, they were in open rebellion against their king and the result of that open rebellion, Sir, was Magna Carta, signed by King John because otherwise these men would have taken his Throne from him. There is a long tradition, Sir, of parliament and of men who fight against what the majority at any given time say the rules are. And that is the issue here, Sir.

The issue is this House and can this House continue to function as it should and as it must? I say, Sir, and I know Your Honour would agree, I know the House Leader would agree, that if there is any question of partiality attached to the Chair then this House cannot function. That, Sir, is the issue. Let it be clearly cut. That is the issue we should be debating now and there should be a motion. I am prepared to move it if consent were given, to say, and I have a wording here, I did not think the government would have the courage to allow me to move it but I had a wording prepared, Mr. Speaker.

MR. CROSBIE: Any motion that the honourable gentleman might move or might not move is quite irrelevant to this debate. We should be debating whether there has been a breach of the privileges of the House or not. Some latitude has to be given to the Leader of the Opposition but as to what motion he might or might not move with regard to the Speaker or any other member that is not relevant to this debate, the honourable gentleman had yesterday to move a motion he had the day before and he has had -

MR. ROBERTS: I cannot move a motion on this.

MR. CROSBIE: He will have later today to move a motion if this debate

finishes or tomorrow to move a motion. He has many days to move motions or one of his cohorts has but it is not relevant to this debate.

MR. SPEAKER: Order please! While some leeway has certainly been allotted and needs to be allotted to the honourable Leader of the Opposition, I feel that, as the honourable Minister of Fisheries said, any motion that he might make or would wish to make, whether or not the government permits it or not, is not really relevant to the motion we are debating now.

MR. ROBERTS: Mr. Speaker, I accept your ruling but I mean I never in my life - Well those who observe will note.

Now, Mr. Speaker, as I was saying, the issue is the one the House Leader defined, this House, and whether I have breached its privileges. Without admitting that I have I say again I am willing to apologize, no hesitation there, no reluctance but I say, Sir, I shall not apologize unless there is some other way to resolve this issue of the partiality of the Chair because Mr. Speaker, those of us on this side and I do not speak for my friend from Labrador South, he will doubtless say what he believes in due course and I know not what he believes on this point, those of us who sit on these benches, Sir, feel that the Chair has not been impartial and that, Sir, is the threat to the dignity of this House, that is what led me to make whatever statements I did make. That is what has led me to do it. That is what has forced me to do it. I have no other way to fight for what I believe genuinely and deeply to be the privileges of this House. So I did it. I would do it again and I shall do it again if I believe it is necessary to do so for the privileges of this House.

MR. SPEAKER (MR. STAGG): Order please! The honourable the Leader of the Opposition is dealing with a matter that is not supposed to be under discussion here this morning, whether or not the motion of censure of what he will do or what he will not do. He is to direct himself directly to the motion as brought forward by the honourable the House Leader.

MR. ROBERTS: Than you and I am dealing with the points raised by the honourable gentleman the House Leader and he was allowed to make them and I submit that in fairness I should be allowed to rebut them and I expect that. I believe I am entitled to it. I believe I am entitled to it and I believe I shall get it.

MR. SPEAKER (MR. STAGG): The rule of relevancy is one that requires the interpretation of the Chair and it will be strictly enforced. Whether or not the honourable the House Leader was out of order or whatever is irrelevant at this point, the honourable the Leader of the Opposition and all speakers in this debate will be requested to be strictly relevant.

MR. ROBERTS: Thank you, Sir, and I shall try to be relevant. I can only go on the assumption that if the House Leader says something and he is not called to order by the Speaker that that is relevant and therefore I feel it is relevant and I shall deal with it.

Now as I said, Sir, he says the issue and I quoted him, is the impartiality of the Chair. He said those words, Sir, the Chair did not interrupt him or say they were irrelevant. He says the issue is the impartiality of the Chair and I agree. That, Sir, is the issue.

Mr. Speaker, the Minister of Fisheries says it is not true. I say the House Leader said those words not half an hour past in this House. Everybody in the House heard him say those words. The issue, I noted them down, "The issue is the impartiality of the Chair." He went further and I believe I am quoting him word exactly, "If we cannot believe in the impartiality of the Speaker, this House ceases to function" He said those things, Mr. Speaker. The Chair did not interrupt him nor should the Chair have interrupted him. I say, Mr. Speaker, that that is the issue and I say that if this House cannot believe in the impartiality of the Speaker, then it cannot function. I agree with the House Leader.

Now, Mr. Speaker, I have said that whatever statements I made were made because I believe this issue must be settled and I knew of no other way to settle it. It is my second choice way to settle it. But it is way ahead of any other choice, Sir, because I believe that the impartiality of the Chair is in question, just as does the House Leader.



Where we differ is he feels the Chair has not been partial and I feel it has. That we differ on.

MR. SPEAKER (MR. STAGG): Order please! Order please! The honourable Leader of the Opposition has questioned the partiality of the Chair and it is quite out of order for him to do so and he is called upon to withdraw without qualification, equivocation or any other reservation.

MR. ROBERTS: I withdraw, Mr. Speaker. But I may say it will be impossible to debate this motion because the honourable gentleman says the issue, and I quoted him exactly, Sir, the issue is the impartiality of the Chair.

MR. SPEAKER (MR. STAGG): Order please! Order please! The honourable Leader of the Opposition is not going to be permitted to put riders upon his apology and if the honourable Leader of the Opposition finds it impossible to debate it under these rules then the honourable Leader of the Opposition has the right to cease debate.

MR. ROBERTS: Justice will be seen to be done. Now, Mr. Speaker -

MR. SIMMONS: What a joke.

MR. SPEAKER (MR. STAGG): Order please! Order please! The honourable member for Hermitage was heard to utter the phrase, "What a joke," by the Chair. This can only be interpreted by the Chair as an insult to the Chair or to the House because it comes directly upon the heels of a ruling by the Chair. I call upon the honourable member to either explain his remarks or withdraw them if indeed they do cast any doubts upon the integrity, impartiality or the general carrying out of duty by the Chair.

MR. SIMMONS: Thank you, Mr. Speaker. Mr. Speaker, I was responding in an aside, not intended for the Chair. I was responding in an aside to something my colleague, the Leader of the Opposition said about justice and I said something to the effect, what a joke to believe what he had stated and that is the explanation.

AN HON. MEMBER: Withdraw.

MR. SIMMONS: Nothing to withdraw, Mr. Speaker.

MR. SPEAKER (MR. STAGG): Order please! Order please! It is unfortunate that the Chair has to

pick up these asides and to have to importune honourable members to rephrase, retract, apologize or whatever but unfortunately it is my belief that it is these muttered asides, these muffled disrespectful remarks to the Chair, concerning the Chair, that leads to far more serious allegations later on. The Chair is not satisfied with the explanation by the Hon. Member for Hermitage. I call upon him now to apologize.

MR. SIMMONS: Mr. Speaker, if that is what you want, I apologize.

MR. ROBERTS: (Inaudible).

MR. SPEAKER (Mr. Stagg): Again the Hon. Leader of the Opposition refers to the proceedings of this morning as a farce. There is nothing that can be more derogatory as to describe the proceedings of any House, especially this House, as farcical. The Hon. Leader of the Opposition is called upon to apologize for these remarks.

MR. ROBERTS: I do so apologize for those remarks, Mr. Speaker. May I proceed, Sir?

MR. SPEAKER (Mr. Stagg): The honourable member may proceed.

MR. ROBERTS: Thank you very much, Sir.

Now as I was saying before the recent interruptions, to put a neutral word on them, the issue in this debate is the one stated by the House Leader. I quote him exactly, Sir, 'The issue is the impartiality of the Chair.' I agree.

MR. SPEAKER (Mr. Stagg): Order please!

The Hon. Leader of the Opposition may have heard the Hon. House Leader say that the issue was the impartiality of the Chair. This is not the issue. The issue is the motion exactly as it is put forward in the transcripts here; whether or not these remarks constitute a breach of the privileges of the House, it has nothing whatsoever to do with the impartiality of the Chair.

MR. ROBERTS: Mr. Speaker, I thank you. I say that the issue as put in the motion is whether or not I made certain statements. I have a copy of the motion here somewhere. By the way this transcript, I say again, is founded on a fraud. This is not a transcript of any remarks I made

on CJON at 8:00 A.M. on Wednesday, December 18. There is not a shred nor an iota nor a jot nor a tittle of evidence to support it. This is a fraudulent statement brought in by the Member for St. John's East.

MR. BARRY: To a point of order, Mr. Speaker.

Mr. Speaker, there is no honourable member in this House permitted to use the word fraud with respect to any motion made by any other honourable member. I submit, Mr. Speaker, that the Hon. Leader of the Opposition is acting as if he were a parliamentary vandal. He is vandalizing, Mr. Speaker, the procedures of this House. He is attempting to wreck the procedures of this House.

MR. ROBERTS: (Inaudible).

MR. BARRY: For what reason I do not know, Mr. Speaker.

I submit that he should be asked to withdraw that allegation of fraud.

MR. SPEAKER (Mr. Stagg): Order please!

While the rules in Beauchesne and the ordinary customary rules that we have become aware of, whether we have observed them is another matter, are quite clear, the imputation of false or unavowed motives or something to cast reflections upon the integrity of a member is completely unparliamentary. In the opinion of the Chair to say that a document is fraudulent, is founded on fraud and was introduced by an honourable member of this House, is unparliamentary. The honourable member may say that the other honourable member was mistaken, it was mistakenly introduced or he can use any other phrases he wishes; however, the word fraud is not to be used in this House in a parliamentary fashion. I do not want it to become a word that is parliamentary. I call upon the Hon. Leader of the Opposition to withdraw and rephrase his remarks.

MR. ROBERTS: Thank you, Mr. Speaker. I, of course, do so withdraw. May I raise a point of order in terms, Sir, with reference to what the honourable gentleman, the Minister of Mines and Energy said. Your Honour just, of course, gave the point of order when you said that no honourable gentleman can impugn the motives of another. I call upon you please to ask the honourable gentleman to withdraw his remarks about me, Sir.

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

MR. SPEAKER (Mr. Stagg): I would like to direct myself to that and I should have at the first possible opportunity. However there are so many infringements of the rules that one sort of flows upon the other. The phrase that caught my ear was the use of the phrase, vandal, parliamentary vandal by the Hon. Minister of Mines and Energy. While it is a colourful phrase, I think also that it could certainly be rephrased and preferably withdrawn. Again it is something that while interesting and informative and colourful, nevertheless is something that should not become part of those phrases which are allowed by this House.

MR. BARRY: Of course, Mr. Speaker, if Your Honour believes that that is unparliamentary, I withdraw it, of course, completely and utterly. I thought that the context explained it, Mr. Speaker, and that I want on to say, wrecker, parliamentary vandal, parliamentary wrecker. I withdraw the term vandal if that is considered to be fringing on the boundary of propriety.

MR. ROBERTS: May I, Mr. Speaker?

The motion before the House is that the House considers remarks made by the Hon. Leader of the Opposition, by me, on radio station CJON on Wednesday, December 18, at approximately 8:00 A.M., a transcript of which is tabled here, would constitute a breach of privilege of this honourable House and consequence whereof the Leader of the Opposition shall be suspended from the honourable House for three sitting days.

Mr. Speaker, I shall not repeat the word that Your Honour urged me not to repeat. I shall attempt to rephrase my remarks. I will just simply say that this is not a transcript of any remarks which I made. There is no evidence to support that this is a transcript of any remarks which I made. I suspect what happened was Mr. Gerald Korbai, an employee of the government, of the people of this province, used a tape recorder and recorded part or all of what he thought was on the radio and then a document was typed from that. I suspect that that is what may have happened. I am hereby serving notice and I am asking my solicitors to look into the question of whether or not Mr. Korbai has breached the recent Invasion of Privacy Act because yesterday Mr. Korbai called Mr. Carl Lake of CJON and without telling him he was recording it said, "Would you be good enough to play back the tape of what Ed Roberts said on the show yesterday?" So my solicitors will be asked to look into that point. I think it is probably a breach of the Invasion of Privacy Act, which lays down some protection against taping.

AN HON. MEMBER: Watergate.

MR. ROBERTS: Well Watergate had doctored tapes and I think we have doctored tapes here too.

Now, Mr. Speaker, Mr. Korbai's conduct is reprehensible but if it is illegal, the solicitors will deal with it in due course in the appropriate way. But I say that that is not a transcript from CJON. I repeat that statement.

AN HON. MEMBER: Do you deny saying these things?

MR. ROBERTS: Mr. Speaker, I have neither confirmed nor denied saying anything. The motion which was before the House yesterday, which was never decided upon, as you know the Chair ruled that it did not need to be proceeded with, the motion said that recordings be brought before the House and viewed and listened to and that would have established conclusively what I did or did not say. This does not establish anything, nothing. All this is is a blank piece of paper and it could have been typed up just as easily. I deny saying what this paper says I said.

I deny that. I say bring in the recordings, bring in the video tape recordings.

MR. CROSBIE: You did not want them yesterday.

MR. ROBERTS: I said that the motion was unnecessary and, of course, it was. If honourable gentleman had asked me yesterday would I agree, I would have said, of course. You do not need a motion. Go ahead with it. I say that this is not a transcript nor is it a transcript. Nobody can say it is a transcript. At best it is somebody's version of what may or may not have been said as they recorded it.

MR. NEARY: It would not be accepted in a court of law.

MR. ROBERTS: It would not be accepted in any court of law, Your Honour. I could have sat down just as easily with my little hunt and peck, the biblical method of seek and ye shall find, two fingers on the typewriter and just as easily come up with a news item as this. That in itself alone would be enough to reject this motion. It is not signed. It is not authorized. It did not come from CJON. It did not.

AN HON. MEMBER: It came over the radio waves.

MR. ROBERTS: Who is to say, Mr. Speaker. There is no evidence that it came over any radio waves. All we know is that the House Leader brings in a paper and says that it is a transcript. That is all we know. He would not get away with it in a court of law, not for one second. The judge would simply say (He would use his name of course.) solicitor or the honourable gentleman will have to follow the best evidence rule and this is not the best evidence rule. CJON,

Mr. Speaker, and every radio and television station in Canada are required by law to keep a master tape, they call it a logger tape of every single word broadcast during their transmission period, be that twenty-four hours a day as in the case of CJON and VOXM or be it a lesser period and that tape I am told can be made available if the proper procedures are followed. So there is in existence this day in St. John's a tape which would show conclusively what I did or did not say and yet we do not have that tape before us, we do not even have a certified transcript of that tape. All we have is a bit of paper headed, "News item, CJON, 8:00 a.m. Wednesday, December 18," and I say that that is not an accurate reproduction. I say that.

MR. NEARY: Another by-line of Gerry Korbai's.

MR. ROBERTS: Yes, he could have by-lined it, b-u-y lined it.

Now, Mr. Speaker, so for that reason, to begin with for that reason I reject this motion and I say I shall vote against it and I ask my colleagues to vote against it. I cannot say how I believe the motion is founded and I shall not but I can say that that is not a transcript. That is not a transcript of any remarks which I made or did not make. At the most that is some person's version of what he may or may not have heard. For all I know it may have been tossed in it from memory. Either Mr. Korbai taped it in which case the Invasion of Privacy Act applies or it was reconstituted by him or somebody else from memory, one or the other. I invite honourable gentlemen opposite to say whether it was taped in which case I am told by my legal friends that there is a possible action under the Invasion of Privacy Act, a criminal action. You cannot go around in Canada anymore, Sir, taping recordings, tape recording things over telephones or otherwise without following the proper procedures. You just cannot. The Parliament of Canada have made it illegal and I say that if Mr. Korbai or anybody else taped that without following the proper procedure then, Sir, they have reached the criminal code, not the criminal code, the Invasion of Privacy Act which has criminal sanctions. That is something the Premier and the gentlemen down below, if they thought it all they did not think about but it is there and it is to be dealt with.

I invite honourable gentlemen opposite to say if they wish where this came from, this document. It did not come from CJON, Mr. Speaker. I repeat that statement. It did not come from the master tape, from the so-called logger tape. I do not know if CJON were asked or not. Maybe they were asked and refused, maybe they were not asked but it did not come from the official record which by law must be kept. Those tapes are kept twenty-four hours. I am told they are recorded on great big reels of tape but they are there. If the proper procedure is followed I am sure they can be obtained. It is a legitimate purpose for which they should be obtained and I have no doubt that they can be obtained but the proper procedures were not followed.

In the government's anxiety to condemn, try and execute me as quickly as they can, in their anxiety to do that, Mr. Speaker, they have fatally bungled their case. They may or may not have a case but there is still no evidence before this House. I deny this transcript and I say there is no evidence before this House, no evidence of any substance, this is not evidence worth anything, this is self-serving, manufactured evidence, that there is not before this House any evidence of what I may or may not have said on CJON at 8:00 o'clock, Wednesday, December 18, 8:00 o'clock in the morning and that is the point on which this motion is founded. That is the point, clearly that is the point. The words of the motion say so, that this House considers remarks made by the honourable Leader of the Opposition on radio station CJON on Wednesday, December 18, 1974 at approximately 8:00 a.m., a transcript of which is tabled herewith, constitute a breach of privileges.

So the case falls on that alone, Sir, and if honourable members opposite are prepared to be even, fair-minded about it they will reject this motion and if they feel that what I may or may not have said constitutes a breach of the privileges of the House, they will bring some evidence before the House as to what I said, they will get certified transcripts or they will get copies of the tapes. I am sure they are available. I am sure that if this House passed a motion requesting them



I am sure they would be made available, why not? What I said, I said but I say that this motion should fall. It is incredible. Not only do they want to execute me in the parliamentary sense by excluding me for three sitting days but they are going to do it on manufactured evidence, on no evidence at all. There may or may not be evidence to support their case but they have not produced it. It is an unheard of proceeding. Of all the kangaroo courts ever seen in the world, what this government are trying to perpetrate in this House is the worst. Then the Minister without Portfolio has the gall -

MR. SPEAKER (Stagg): Order, please! Order, please! I took a couple of extra seconds to consider the honourable gentleman's remarks and they do impugn the motives of honourable members. I think the phrase "kangaroo court", I am not sure of its origin but it is certainly one that -

MR. ROBERTS: It is not a complimentary phrase.

MR. SPEAKER (Stagg): Certainly not complimentary and the interpretation of this Chair is that it is unparliamentary and the Leader of the Opposition is asked to withdraw that remark.

MR. ROBERTS: I do withdraw, Mr. Speaker, and I thank you for your ruling. I do not think it had been ruled upon in this House before. It has often been used and we now know. Well that is fine. In any event the nature of these proceedings, Sir, speak for themselves. The government have brought in no evidence of substance. I deny that document as being a transcript of anything I said at 8:00 o'clock or approximately 8:00 o'clock in the morning, I deny it.

AN HONOURABLE MEMBER: Very carefully worded.

MR. ROBERTS: Very carefully worded, Sir, very carefully worded and very sincerely meant.

AN HONOURABLE MEMBER: He does not deny it -

MR. ROBERTS: Mr. Speaker, if the honourable gentlemen opposite wish to try me for statements which I made -

AN HONOURABLE MEMBER: We do not want to try him. -

MR. ROBERTS: If they wish to try me for statements which I made, Sir, if they feel I should stand my trial then let them produce those statements.

They have not done so. That is all I am saying. This is not evidence that would be of any value in any court of law. I invite the Minister of Justice, a member of the bar, who has been noticeably silent in debate throughout this current portion of the session, to enter into the debate. He will probably have a few things to say about me. He has been itching for a chance to get his own back but I invite him to adjust himself to that point.

The Minister of Education, the Member for St. Mary's, is also a member of the bar. I invite him to speak to that point, any other point he wishes of course, but to that point. The Minister of Mines and Energy, very anxious to enter into debate and I have no doubt, looking forward to the opportunity to give me what he would consider a scalding and a roasting. I invite him to address himself to that point and similarly the Minister of Fisheries who is preparing himself to deliver a mighty broad-side against me in his typical bullying fashion. I invite him to consider this point as to whether or not -

MR. SPEAKER (Stagg): Order, please! Order, please! "Typical bullying fashion" is a phrase that is uncomplimentary, abusive and insulting. I ask the honourable gentleman if he wishes to make uncomplimentary remarks with these? There are certainly uncomplimentary remarks which are not unparliamentary. In the interpretation of the Chair the last phrase is an unparliamentary remark.

MR. ROBERTS: I thank Your Honour and I do try to make my remarks parliamentary but until Your Honour has interpreted a phrase there is no way to know whether Your Honour considers it parliamentary or not. (I wonder if the page could bring me another drop of that delicious water. It is about the only thing the government have not taxed yet and they are working on that I have no doubt.)

Now, Mr. Speaker, as I have said, I invite honourable gentlemen opposite to address themselves when they speak, among whatever else they care to say, to the point of whether this evidence is valid. I say it is not. I cannot say more than it is not because that is a complete statement. It is not, it is not a transcript. I deny that document

which the House Leader opposite has put forward as being a transcript.

Now, Mr. Speaker, the other point of the motion or the other part of the motion is that I breached the privileges of the House. I assume I am in order to say a few words on that aspect of it. The motion accuses me of having said so and says that certain statements are a breach of the privileges of the House. Well I say they are not. I say that whatever I said was true and I say, Sir, the basic definition of the breaches of the House, I do not know if I have the exact wording here in Beauchesne, I shall find it if Your Honour will grant me about a second or two. The honourable gentlemen opposite will read the statements about impugning the impartiality of the Chair and they will read those and we will hear a great deal

about that, they are there and they can read them and we will pay proper heed to them but the basic definition, I wish they would index Beauchesne, I really do. What is the privilege page, John, you know all of these things by heart? Page 100 is it? That is the one I need. Thank you!

The basic definition of privilege is set forth in the rulings, I am looking for the exact words, I cannot find them but in any event they are there and the citations, everybody knows them. The point I am trying to make is that the basic breach of the privileges of the House is a libel, anything which a Court of Law would consider a libel. My colleague the gentleman for Bell Island was accused and the House in due course found him guilty of having libelled the Minister of Finance as he then was -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well I voted against it. I feel that it was an improver -

MR. NFARY: It was the wrong procedure.

MR. ROBERTS: Yes. In any event, the point is, you know, that was an example of a libel being a breach of the privileges of the House. That is evidence, strong evidence supporting the point I made.

Well I would say, Sir, the basic principle of law is that where something is true there is no libel, a clear unapproachable point of law. Nobody can argue with it. If a statement is true there is no libel. I say, Mr. Speaker, that whatever I said outside this House and there has been no evidence as to what I said or did not say, the government had started to get it and then decided not to follow through with that. I will come back to that point. Whatever I said or did not say outside the House, whatever I said was true. There is no libel and there is no breach of the privileges of this House.

MR. SPEAKER (STAGG): Order, please! The honourable member is dealing with things that he may or may not have said outside of the House. The honourable member is directed to deal with the points under discussion which are formed in the motion and the appendix to the motion which set out the alleged words of the honourable member. Another debate on what he did or did not say, the truth or otherwise is irrelevant.

MR. ROBERTS: Thank you, Mr. Speaker. I just wanted to establish the point that what I said was true but Your Honour, as I understand Your Honour's ruling he said I have to deal with the transcript, I think Your Honour used the word 'Appendix', and if ever a resolution need an appendectomy done on it is this one, MCP should pay for it.

You know, I can talk about this document bearing in mind again and I reiterate it or re-re-re-re-re-re-iterate it that I deny it but the government have accused me of having said - the government accused me, Your Honour will agree, that accusation is in here, of having said that throughout this debate the Speaker and Deputy Speaker have not been fair and impartial. That they are deliberately favouring one side, and that is the government side. Is that correct? I mean that is one of the things of which I stand accused this day in this House. I am reading the last couple of words. Oh, I stand accused of it as my colleague for Twillingate tells me, not convicted.

AN HON. MEMBER: He said alleged.

MR. ROBERTS: Yes. I mean that is what they accuse me that I said. They make the accusation. There is no question in the motion as to whether or not I said it. The motion is that I did say it. Well I say I did not. That is one of the reasons I vote against this motion but Your Honour will agree that I read the alleged transcript, the purported transcript accurately. Am I correct?

Now, Sir, the question is if I said those things are they a breach of the privilege of the House? Right? I say, they are not because I say they are true. I say that the statements are correct. Now why do I say them, Mr. Speaker?

MR. SPEAKER (STAGG): Order, please! The honourable member can only be interpreted as having said that the statements here are correct. That statement is among other things quoting from the statement, and I quote from what the Hon. Leader of the Opposition said 'That the Speaker throughout this debate the Speaker and the Deputy Speaker have not been fair and impartial.' Now the Chair interprets his last

remarks as having admitted that he said these things. There can be no mistake about that I listened very carefully to it. So the Hon. Leader of the Opposition must withdraw and apologize for having said these things with no equivocation, qualification or reservation.

MR. ROBERTS: I withdraw without reservation, hesitation, equivocation unqualifiedly and so forth, Sir, of course. (I am sorry I am just reading a note somebody had sent me).

Now, Mr. Speaker, as I was saying the alleged remarks in the transcript or the alleged remarks in the alleged transcript to be quite precise, I am alleged to have said that the Speaker and Deputy Speaker have not been fair and impartial. That they are deliberately favouring one side, and that is, the government side. Now if I am alleged to have said those, Mr. Speaker, why would I allegedly have said them, if I did in fact say them as is alleged? Why might I have said them? The allegation has been made that I did say them. There has been no proof. The allegation is made that I said them. Why might I have said them? I might have said those remarks because of the curious train of events which ensued in this House two or three days ago.

MR. SPEAKER: (STAGG): Order, please! The honourable member is not permitted to say indirectly what he cannot say directly. The honourable member has already been brought to order about two or three minutes ago on this very same point. Again, the honourable member is not going to be permitted to say indirectly or infer indirectly what he cannot say directly.

MR. ROBERTS: I am not attempting to say indirectly, Mr. Speaker, what I cannot say directly. I am about to refer to some events which transpired in this House two or three days ago, and this relates directly, in my submission, to the point raised by the House Leader that what we are talking about here is the dignity of the House. I said earlier, and I was not interrupted by the Chair - now there was a different gentleman occupying the Chair but it is the same Chair, Sir, it is a very important point. I said earlier that the issue in this debate is the issue put by the honourable gentleman about our rules and about referees and impartially. I propose to touch upon that matter, Mr. Speaker. Your

Honour will rule me out of order if Your Honour feels I am out of order. I merely point out that earlier in this day, in this debate I made exactly the same point. I am about to amplify that point.

Your Honour, who is not Your Honour, Your Honour in a parliamentary sense but another honourable gentleman occupying the Chair which Your Honour now occupies did not rule me out of order on any ground.

MR. SPEAKER (STAGG): Order, please! The Hon. the Leader of the Opposition is not to be permitted to lecture to the Chair on what he is about to say or what he is not going to say. The honourable member may say what he intends to say and then the Chair will rule whether it is relevant, irrelevant, permissible, not permissible or whatever but the Chair is not going to sit idly by and be lectured to by the honourable member or told its duty. The Chair will carry out its duty in the best way it possibly can.

MR. ROBERTS: Thank you, Mr. Speaker. I could not have better said it myself.

Now, Sir, two or three days ago in this House a motion was moved, an amendment was moved to that motion.

MR. SPEAKER (MR. STAGG): Order please!

AN HON. MEMBER: What has that got to do with this?

MR. ROBERTS: Everything.

MR. SPEAKER (MR. STAGG): Order please!

MR. ROBERTS: Everything. I am not allowed to tell him because I would be ruled out of order.

MR. SPEAKER (MR. STAGG): Order please! Two things, first of all previous debates are irrelevant to this motion, I have said that earlier and I repeat it now. Also the Chair and the person who occupies the Chair is referred to as His Honour, Sir, Mr. Speaker, there are a number of ways that the Chair can be referred to but never as "he."

MR. ROBERTS: Even with a capital "H", Sir. The deity is referred to with a capital "H".

MR. SPEAKER (MR. STAGG): The honourable the Leader of the Opposition's contempt is noted. I will not go further with it. It appears as if sometimes these things are lost. However, further references by the honourable gentleman to the Chair, other than by one of the acceptable phrases of which he knows all, will not be tolerated.

MR. ROBERTS: Thank you, Mr. Speaker. Now as I was saying Your Honour, Sir, I do not propose, by the way, I have no thought of refreshing any previous debate, I want to refer to the rules of this House, Sir, and I am merely identifying which rule I am speaking to. It was ruled in this House that a six month hoist motion was not debatable.

MR. CROSBIE: A point of order, Mr. Speaker, the honourable gentleman is now referring to another debate which is completely irrelevant to this motion. He is referring to other events which have no relevance to this motion. This motion deals with statements made about the Speaker and Deputy Speaker outside this House which constitute in our opinion a breach of the privileges of the House. What led to those statements being made or why they were made or other debates in this House, are completely irrelevant and should not be listened to in this debate.



MR. ROBERTS: May I make a submission before Your Honour -

MR. SPEAKER (MR. STAGG): Order please! The honourable the Leader of the Opposition was just brought to order saying that the reference to the previous debate was out of order. I went on at some length and dealt with another matter at the same time. The honourable the Leader of the Opposition was then given the floor because he has the right to be heard, to be heard in silence, have his ninety minutes. The honourable the Leader of the Opposition then says exactly the same thing or begins speaking of exactly the same thing as before.

Now, I direct the honourable member to Standing Order 51 (b), which says, "Mr. Speaker or the Chairman, after having called the attention of the House, or of the Committee, to the conduct of a member who persists in irrelevance or needless repetition, may direct him to discontinue his speech."

Now this is a very serious rule and indeed when it was brought forward became the subject of some acrimonious debate but it is nevertheless a rule of this House and the honourable the Leader of the Opposition has been debating matters which are irrelevant, it has been brought to his attention and then proceeds to debate exactly the same thing.

Now the gentleman may be brought to order, he may be told to discontinue his speech and should further irrelevant remarks be made it is quite possible that this will happen. But it is not something that the Chair wishes to do and it is certainly something that would only be done very reluctantly but it can be done.

MR. ROBERTS: Sir, I thank you and I agree it is a very serious rule and it is a very serious matter and I have no intention of reopening any previous debate. But I do protest as strongly as I can. The motion before the House has to do with the privileges of the House and I intend, until and unless Your Honour forces me to desist, to refer to the rules of this House because I submit nothing could be more relevant to a motion that the rules have been breached, that the privileges have been breached, than the rules of this House. I submit further, Mr. Speaker, that it would be unconscionable in the extreme to prevent me from -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: I am not repeating. I am not being irrelevant. This is the first time I have raised this matter in this debate and I submit it is germane in the utmost to the motion. I propose not to go over any debate. I propose to refer to a series of rulings in this House. I submit that that is relevant and germane.

Now, Mr. Speaker, as I was saying -

MR. SPEAKER (MR. STAGG): Order please! Just in case the honourable member feels that he has won his point and can now expand upon it, he has not made the point, nor is the Chair going to entertain references to a previous debate. It is quite clear under the rules of any parliament that the Speaker's ruling, the Deputy Speaker's ruling, is not to be the subject of a further debate. It is only done so in the proper form. Honourable gentlemen well know that.

MR. ROBERTS: Mr. Speaker, I have no intention of debating them, I am merely going to elucidate them, to say what the rulings are. You know I should have made the point that it is asking a man to be judge and jury in his own cause to have the present Speaker and Deputy Speaker in the Chair during this debate.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: No. They should have left the Chair and some man whose character is not at issue as the House Leader says it is at issue here, a man like the gentleman from St. John's South should have taken the Chair.

MR. SPEAKER (MR. STAGG): Order please! Order please! Well the honourable gentleman has said what he has said and very little can be done about it now. However, these remarks are uncalled for. They are certainly irrelevant to this debate. They can be the subject of a proper motion as the honourable gentleman well knows.

MR. ROBERTS: Thank you, Mr. Speaker. Well I have a choice, I can either persist in what I believe is relevant and get flung out which is what they would like.

MR. SIMMONS: Tell the truth and pay the consequences.

MR. ROBERTS: Well I have been telling the truth all along.

MR. SIMMONS: Tell the truth.

MR. ROBERTS: The truth is that a ruling was deliberately overturned in this House without any debate, any argument and flying in the face of a well established precedent. That is the truth.

MR. CROSBIE: On a point of order, Mr. Speaker, this has been ruled irrelevant time after time and I submit to Your Honour -

AN HON. MEMBER: Big "Bully Boy" is up again. He is up again.

MR. ROBERTS: He is hearing the truth obviously.

MR. CROSBIE: What contempt you have for the institution. Mr. Speaker, the kind of institution - members opposite should be in a different kind of institution. Mr. Speaker, it is quite irrelevant for the honourable gentleman to make references to these other debates or appeals or rulings that were made. The question before the House is the contempt shown for this House and its traditions by statements made outside the House.

MR. SPEAKER (MR. STAGG): The point of the Minister of Fisheries is correct. The honourable member is dealing with a matter that can only be dealt with in a proper and very precise form. It has been brought to his attention on a number of occasions, at least four or five occasions. I do not know what else I can say except that the Chair must at times fall back on the rules, some of the more unappealing rules and I suggest to the honourable member that he can continue. He does not have much time left. He may continue.

MR. ROBERTS: Mr. Speaker, I have three-quarters of an hour left. The clerk informed me that I started at 10:48 A.M. - 10:48, 11:48, that gives me twenty-eight minutes after twelve, does it not? Eighteen after, I am sorry, eighteen after twelve, so that is at least half an hour. It is little enough to deal with the enormity of this motion. All I was saying was the truth, Sir, and if the truth is to be ruled irrelevant then I have to accept that ruling. But what I said was the truth. The documents support it and although I am not allowed to refer to them and I do not, I have distributed them widely outside the House and I shall continue to do so. The truth is contained in the records, the journals, the Hansards of this House, and the truth is there. What I said was true.

A six month hoist is debatable in this House and it has been so ruled and debates have been held.

AN HON. MEMBER: Name him, Mr. Speaker.

MR. SPEAKER (MR. STAGG): Order please!

MR. ROBERTS: Go ahead. Name me. Execute me. Do anything you want with me.

MR. SPEAKER (MR. STAGG): Order please! Order please! Under the provisions of section 51 (b), it having been brought to the honourable member's attention on a number of occasions, he is now directed to discontinue his speech and I recognize another honourable member.

The honourable Minister of Fisheries.

MR. ROBERTS: There is closure.

AN HON. MEMBER: Hear! Hear!

MR. CROSBIE: Mr. Speaker, this is not a motion that anyone speaks on with any relish.

MR. CROSBIE: Mr. Speaker, the honourable gentleman needs some kind of assistance or attention from other than us, perhaps it can come from up above. I do not know.

AN HON. MEMBER: Waterford Bridge Road.

MR. SPEAKER (STAGG): Order, please!

MR. CROSBIE: As I was saying, Mr. Speaker,

MR. SPEAKER (STAGG): Order please! All honourable gentlemen have the duty to be relevant in this debate. I suggest to the Hon. Minister of Fisheries while he may not have been able to restrain himself in his remarks concerning the Leader of the Opposition, he must direct himself to the points under discussion.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: Mr. Speaker, before I was interrupted by a raucous hoo hoo, this is not a debate, Mr. Speaker, that anybody participates in with any amount of relish because what we are witnessing here, Mr. Speaker, from what we have witnessed in the last couple of days, from what we have witnessed outside of the House is an attempt by the Hon. Leader of the Opposition to bring this institution and its members and the officers who represent it into contempt and to destroy any possible functioning of this House.

Yesterday we had the spectacle of the Leader of the Opposition sneaking for almost two hours and forty minutes opposing a motion put before the House that we obtain certain transcripts and recordings, advancing the argument that this was the wrong motion to debate and that we should be debating a motion that dealt with whether or not what he said outside the House was a breach of the privileges of the House. Today we have a motion properly before the House which we are now discussing based on the statements made outside of the House and the honourable gentleman argues that we should not now be discussing this. He wants tapes brought in, he wants recordings brought in and yesterday he attempted to have reporters summoned to the Bar and all this, a kind of delaying tactic, when all that the honourable gentleman has to do, Mr. Speaker, or had to do was to openly and

frankly withdraw the remarks that he made and apologize to the Speaker and to the House.

Now just to put this into the proper context. Mr. Speaker, let me say this that the government realizes and the government are well aware that if the Leader of the Opposition is suspended or any member of the Opposition that politically this is not desirable from the point of view of the government. That politically honourable gentlemen opposite may feel that they are going to gain great mileage out of this so that they can spread calumny across the province that the government are bullying them and suspending them from the House. Because they realize, Mr. Speaker, that the rules of this House are not understood by the general public and that the general public are not paying -

MR. S. NEARY: Mr. Speaker, on a point of order, Sir. Are the gentleman's remarks relevant to the motion under debate? I submit, they are not Your Honour, and the minister should be ruled out of order.

MR. SPEAKER: Order, please! The Chair as the previous person who just occupied this Chair, feels that all members to my left and to my right should be very relevant to this particular motion and that the Hon. Minister of Fisheries was straying somewhat from the rule of relevancy.

MR. CROSBIE: Straying from it? Mr. Speaker, I will of course observe your ruling, therefore I cannot say much more about the motives of the Leader of the Opposition. Certainly outside of this House I will expound upon them. I do not question his motives, I am only explaining them. I see his motives. He hopes that his personal unpopularity will be overcome -

AN HON. MEMBER: On a point of order, Mr. Speaker.

MR. SPEAKER: Order, please!

MR. SIMMONS: On a point of order.

MR. SPEAKER: Order, please!

MR. CROSBIE: On a point of order.

MR. SIMMONS: On a point of order, Sir.

MR. SPEAKER: The Honourable Member for Hermitage.

MR. SIMMONS: Mr. Sneaker, the Minister of Fisheries knows that if he wants to appeal your ruling there is a proper way to do so. In the meantime, I ask you to direct him to be relevant to the debate.

MR. SPEAKER: Order, please! The Chair has just directed the Hon. Minister of Fisheries to be relevant to the debate. I would request that he do so.

MR. CROSBIE: I notice, Mr. Sneaker, that the gentleman who just got up on a point of order is the one who said the House was a farce.

Now, Mr. Sneaker, I do not mind being harassed and interrupted. I have forty-five minutes, and I think I can make my points in forty-five minutes.

MR. SIMMONS: Mr. Sneaker,

MR. CROSBIE: On a point of order again is it?

MR. SPEAKER: Order, please!

MR. CROSBIE: Little Jumping Jack.

MR. SPEAKER: Order, please!

MR. SIMMONS: Mr. Sneaker, for the second time I rise and ask you to insist that the Minister be relevant. He referred quite incorrectly to something I am supposed to have said, which I deny saying first of all but that too is quite irrelevant to the subject. I ask you to insist that the minister be relevant or give him the same treatment that the Leader of the Opposition got a moment ago in having him discontinue his participation in the debate.

MR. SPEAKER: Order, please! The Chair has ruled three times now in the last approximate minute or a minute and a-half on the rule of relevancy and recognizes the Hon. Minister of Fisheries.

MR. CROSBIE: Thank you! Now, Mr. Sneaker, what this debate is about is whether there has been a breach of the privileges of this House. These remarks of the Leader of the Opposition despite the squirming he did and the slithering that he did in talking about the transcript that is now before the House, never once denied that he said the words which this motion complains of. What he said was on CJOH yesterday and I heard it with my own ears and everyone in the province who listens to radio or television heard the same, what

he said was "That the Speaker throughout this debate, the Speaker and Deputy Speaker have not been fair and impartial. They are deliberately favouring one side and that is the government side." Those statements the honourable gentleman has never denied making outside of the House because he knows if he did, the people of the province would realize that he was telling a falsehood. He cannot deny that he said these words and he has not denied but today he is trying to sourm around the issue by trying to say that there is no proper transcript before the House.

In addition, Mr. Speaker, I myself heard him say on CJON-TV, on Tuesday, December 7 and I quote "The Speaker's job is a very important one. He is like the referee, his job is to see that the rules are kept and that they are lived up to. It is very important that he follow the rules. Well we have seen example after example in the last two or three weeks now where the Speakers have ignored the rules or interpreted them in the wrong way. I think that is partisan, I said so today in the House. I think that the debate has shown that the Speaker and whoever has been in the Chair, the Deputy Speaker from time to time have been quite partisan." Now what could be a more brazen attack upon the Speaker and the Deputy Speaker of this House than those words which not on one occasion has the Leader of the Opposition denied saying.

Now what are the rules that apply to this, Mr. Speaker? I refer by the way, incidentally just to clear up one point, it was a few minutes ago by the Leader of the Opposition that the Speaker and Deputy Speaker should not even take the Chair because they had been attacked most foully and cannot defend themselves, being the Speaker and Deputy Speaker, because they have been attacked most foully by a suggestion that they are not impartial, the honourable gentleman goes further and suggests that they should not even be in the Chair of this House because he has breached the rules of the House, making these charges, he now suggests that they should not even sit in the Chair in this House because he has made these unsubstantiated statements



which are in breach of the rules in any event. That is a new twist Mr. Speaker, that if some member of this House goes outside and alleges that you are not impartial, that you should not be allowed back in the Chair. That is the gentleman who was talking about the rights to trial and the best evidence rule a few minutes ago, who has made that suggestion.

But on page 52 of Beauchesne I point out the paragraph where it says "The Speaker must even put a question when it affects himself personally." What could be clearer? If any member of this House just by making a charge against the Speaker or Deputy Speaker can have him heaved out of the Chair so that the House no longer has a Speaker or Deputy Speaker, how would we function? Now that Mr. Speaker is the real cause of what is going on here today. The Leader of the Opposition does not want this House to function.

I quoted yesterday and I will quote again, Mr. Speaker, and perhaps the press might note this - "What the rule is that is observed in the House of Commons of Canada, that is observed in every province," page 62, Section (72). "The Speaker's actions cannot be criticized incidentally in debate or upon any form of proceeding except the substantive motion. You cannot even appeal his rulings in the U.K. House, in Canada and here you can."

It goes on, on page 63. "In addition to appeals there is also in the Canadian House the English rule that censure upon the Speaker can be moved and debated. This is the only proceeding which permits discussion of the Speaker's rulings. Until it is resorted to, the Speaker must be trusted by the members." That is the procedure. There is a procedure laid down not this cowardly and vicious kind of attack outside of the House, this innuendo on a gentleman who cannot defend himself. A motion is the proper procedure. It is used, Mr. Speaker, about once a century. The last time such a motion was brought before the Canadian House of Commons was on June 14, 1956, when a similar motion was brought.

AN HON. MEMBER: When was the last one brought in?

MR. CROSBIE: In 1956.

Now that is the rule. Mr. Sneaker. The Hon. Leader of the Opposition prides himself on being one of the great experts in this House on the rules.

AN HON. MEMBER: Would the minister permit a question?

MR. CROSBIE: No, I do not permit a question. He prides himself, you know, that he is up on Mav and he is up on Beauchesne and he is up on all the parliamentary authorities and yet despite that he ignores the rules to make these statements inside and outside of the House. The statements he made inside he withdrew here yesterday.

MR. NEARY: What was the motion the member himself brought in -

MR. SPEAKER: Order, please!

MR. CROSBIE: I will come to

any motion that I have ever brought into the House. That is the rule given on page (62) and page (63), Mr. Speaker. On Page (56) when dealing with the Speaker: "The chief characteristics attaching to the office of the Speaker of the House of Commons are authority and impartiality."

Now both the authority of the Speaker and his impartiality have been challenged repeatedly in this House over the last two days, repeatedly. "When he rises to preserve order or to give a ruling he must always be heard in silence and no member may stand when the Speaker is on his feet. Reflections upon the character or actions of the Speaker may be punished as breaches of privilege. His action cannot be criticized incidentally in debate or upon any form of proceeding except a substantive motion. Confidence in the impartiality of the Speaker is an indispensable condition of the working of procedure, and so on. He takes no part in debate." This should be noted. An attack on the Speaker is an attack on a man who cannot defend himself. "He takes no part in debate and must be careful not to indulge in any argument with Members on the soundness of his rulings. He votes only when the votes are equal, and then in accordance with rules which preclude an expression of opinion upon the merits of a question."

The public should understand this, Mr. Speaker. These attacks on you and the Deputy Speaker are attacks upon officials of this House who cannot speak to defend themselves. Cowardly in the extreme attacking a man who cannot defend himself.

On page (57) it goes to say about the Speaker: "He is, in fact, the representative of the House itself, in its power, its proceeding and its dignity." When honourable gentlemen attack the Speaker they attack this House. The Speaker represents this House. When he is attacked in this shameful manner this House is attacked. The very essence of what we are doing is attacked. That is why, Mr. Speaker, the government have felt that despite the political perils of bringing in such a motion as this, it must be brought in or this House will descend into utter bedlam. If we do not support our

Speaker and our Deputy Speaker who we ourselves are convinced beyond doubt are fair and impartial, and if anything, it is my observation they have bent over backwards in the last two or three years to be fair and impartial particularly to the opposition, if we do not support them in their moment of trial, and I do not doubt that they will have many moments of trial with what we have seen here in the last few days, if we do not support them in their moments of trial then we may as well pack this House up. Because we will not be able to have a proper debate, we will not be able to properly discuss legislation, there will be no proper consideration of the estimates if this kind of campaign of calumny is permitted to continue on our officers.

MR. NEARY: Yes, well, go back to 1970 again or -

MR. SPEAKER: Order please!

MR. CROSBIE: I am going to ignore the honourable gentleman's interruptions. We are dealing now with 1974, Mr. Speaker. Time after time this is what we are told by the honourable gentleman from Bell Island. "It is '74. Do not mind the past. Pay no attention to the past. Forgive us our sins. Forgive us our trespasses. Forget what we did before '72." Well, what is sauce for the goose is sauce for the gander. I can assure the honourable gentleman who sits in the Chair now it was a far different position in 1970 and '71.

"He is, in fact, the representative of the House itself, in its power, its proceeding and its dignity." This attack on the Speaker is an attack on us all. It is a calculated attack and I will come to that later.

On page (100), already quoted by the House Leader, quite clearly such statements about the Speaker and the Deputy Speaker are breaches of the privileges of this House. Such statements, even were they true, Mr. Speaker, even were they true would be a breach of the privileges of this House. The fact that they are not true is irrelevant. If they were true it would still be a breach of the privileges of this House.

As I say, Mr. Speaker, we have no desire, as was illustrated two days ago, to suspend the Leader of the Opposition from this House or to move such a motion. We know that he wants this, we know the Leader of the Opposition desires this, that he wants to be suspended so that he can pretend to the people of this province that he is being unjustly treated.

MR. NEARY: Mr. Speaker, on a point of order. Sir, the honourable minister directly or indirectly is questioning the motives of the Leader of the Opposition. I submit, Sir, the honourable minister does not know and if he does know, I would suggest that he put the proof before the House that the Leader of the Opposition wants to be suspended from the House. That is not in order, Sir, and the minister should withdraw his statement.

MR. MARSHALL: On that point of order, Mr. Speaker. The Minister of Fisheries is just reciting purely and simply, facts. The facts speak for themselves and the Minister of Fisheries is giving a demonstration of how they speak for themselves.

MR. NEARY: It is an unsubstantiated fact, Mr. Speaker, and unless the minister has the proof he should withdraw his statement, Sir.

MR. OTTENHEIMER: Mr. Speaker, one does not have to substantiate every statement one makes in the House. Definitely they are differences of opinion. (Some words inaudible)

MR. SPEAKER: Order please! The matter as mentioned by the honourable the Minister of Fisheries is what the Chair considers to be a difference of opinion between two honourable members.

MR. CROSBIE: Mr. Speaker, this is obviously an attempt, in my view and in my opinion to sabotage the functioning of this House. We saw a debate here yesterday on a procedural matter alone that could have been concluded in two minutes. If I were charged with a breach of privilege of this House and a motion was made that we get the record of what was actually said, I would agree to it in a second. There would not be a three hour debate of which two hours and forty-five minutes were occupied by the Leader of the Opposition in attempting to sabotage that motion. That could have been passed yesterday afternoon

in thirty seconds, then this matter debated when we had those official tapes before us.

We did not have to put such a motion before the House. It was an attempt to give the Leader of the Opposition a chance to withdraw and apologize for his attacks upon the Speaker and the Deputy Speaker outside the House. That was not acceptable and we witnessed what I think was the foulest scene that we have seen in this House of Assembly in the last three years yesterday afternoon. Now today, the Leader of the Opposition comes in here and protests and whines about the transcript that is attached to this motion. Not saying that he never said these words, in fact, he got up and said that he had said them. He said: "So I did it and shall do it again." He admits saying these. He is just putting in a certain technical point that the actual transcript did not come from C J O N. No, the words came from C J O N. They were broadcast over C J O N and were recorded and they are here and they are the gentleman's exact words. The words of his of the evening before were even worse.

MR. NEARY: Point of Order, Sir.

MR. SPEAKER: Order please!

MR. NEARY: Mr. Speaker, the minister who is presently speaking just made the categorical statement that the wording of that transcript was broadcast over radio station C J O N. Sir, that is untrue, incorrect and I would submit that Your Honour has no choice over the lunchtime but to call C J O N to check out the minister's statement. Your honour will find out that the minister's statement is false, untrue, not correct. The minister should withdraw that statement, Sir, or the House -

MR. SPEAKER: Order please! Order please! Honourable members may make statements which they feel to be correct and honourable members may disagree with these statements. Thus it boils down again to a difference of opinion between two honourable members.

MR. CROSBIE: Mr. Speaker, I have heard those words myself and every

one in this province has heard the Leader of the Opposition in the last two days blacken and attack the Speaker and the Deputy Speaker so it is immaterial to this House, these little picayune points, of whether the tape came straight from C J O N or whether they typed the transcript. That is nonsensical. We know and we have heard them repeated

in this House and then we had a spectacle this morning where the Leader of the Opposition said he would apologize on condition that the government agree to debate some censure motion which he apparently proposes to bring. How can you apologize if you make a condition? Either you sincerely regret having blackguarded and attacked the Speaker and the Deputy Speaker or you do not? If you sincerely regret it you apologize and withdraw your remarks and say you will not do it again, that you did not mean it, that it was in the heat of the moment or you were emotionally upset or whatever. You do not say, "I will apologize if the government agrees or the House agrees to do thus and so." What kind of an apology is that? It is a most insulting proposal - it is even an attempt at blackmailing the House. The Leader of the Opposition would apologize if the House accepted his proposal.

MR. SPEAKER: Order please!

MR. NEARY: I would submit to Your Honour that the remarks just made by the honourable the minister are unparliamentary, Sir, and that the minister should be asked to withdraw and apologize to the House.

MR. CROSBIE: I withdraw and apologize to the House, Mr. Speaker, so we do not lose any time.

MR. NEARY: Inaudible.

MR. CROSBIE: Not conditionally, not conditionally, not on condition that the honourable member for Bell Island remain quiet for the next few minutes or that anything else happen. I apologize unreservedly.

MR. NEARY: The remarks should be withdrawn unconditionally, Sir, no strings attached.

AN HON. MEMBER: That is what he said. Sit down.

MR. NEARY: No, that is not what he said.

MR. SPEAKER: Order please! The honourable Chair is satisfied that the honourable Minister of Fisheries has withdrawn the remarks unconditionally.

MR. CROSBIE: Now, Mr. Speaker, that statement that, "I will apologize if the House agree to debate now, now immediately this motion that I, the Leader of the Opposition, am going to bring in." What a petulant childish statement to make. Only if you other forty-one members of the House agree to debate my little motion which I have not made yet and have



not given notice of, only if you agree to debate that this instant after I make my apology will I make my apology. What are we running here, a kindergarten for wayward children or is it a House of Assembly?

It is the same as saying this, Mr. Speaker, I threaten you but I will stop threatening you if you will allow me to censure you and continue to attack you. Because that is what the honourable gentleman has been doing in this House for the last several days. He wants to undermine the Speaker and the Deputy Speaker. He wants to put them in a position where they know that if they do not rule in his favour every time he asks for a ruling on some point that he is going to charge them with partiality. He is attempting to terrorize and threaten the Speaker and the Deputy Speaker. That is obvious. He has made it known to the Speaker and the Deputy Speaker.

MR. SIMMONS: Point of order.

MR. CROSBIE: You object to that do you "little Roge"?

MR. SPEAKER: Order please!

MR. SIMMONS: Three points of order now, Mr. Speaker. I have sat here during the morning and I have watched the Leader of the Opposition being drawn to the rule of relevance many times. I would hope, Mr. Speaker, that the same rules apply to the minister. He is being very irrelevant is point number one. Secondly he is questioning the motives of the Leader of the Opposition in that he suggests that the Leader wants to undermine Mr. Speaker's position and he addressed me by my first name and I ask you to draw his attention to all these three points and have him withdraw them.

MR. CROSBIE: Well can I save time, Mr. Speaker, by withdrawing, I am certainly not going to say "little Roge" again, the honourable gentleman from Hermitage. I certainly apologize for that transgression and any other that I have made.

Now, Mr. Speaker, that is in essence what has been happening. The Leader of the Opposition I believe he said he did not like to attack the Chair. He does not like to attack the Chair. Well I have never seen a fellow look more delighted with himself than I have for the last couple of days. He is positively delighted that he is attacking the Chair, because he thinks it is going to put his stock up in the province. I apologize.

I withdraw. I accept.

MR. SPEAKER: Order please!

MR. SIMMONS: Mr. Speaker, I asked you to make a ruling on the points of order which I raised with respect to the irrelevance of the comments being made by the Minister of Fisheries and also with respect to his questioning the motives of the Leader of the Opposition. I ask you to instruct him not to be irrelevant and not to question the Leader's motives.

MR. SPEAKER: The honourable Minister of Education.

MR. OTTENHEIMER: As I understood at least a vast majority of the remarks made by the Minister of Fisheries, he was referring to, quoting, commenting upon and rebutting remarks made in the debate on the same motion by the Leader of the Opposition.

MR. SPEAKER: Order please! The Chair on three or four occasions has called the honourable Minister of Fisheries to order for irrelevancy, whether or not he is questioning the motives of the honourable Leader of the Opposition, perhaps that is a matter of a difference of opinion between two honourable members and the honourable Minister of Fisheries is permitted to continue.

MR. CROSBIE: Mr. Speaker, I am attempting to be as relevant as can be.

MR. SIMMONS: I am proving the point.

MR. CROSBIE: The honourable gentleman from Hermitage is proving the point. The point he has proved to me is one that I cannot even mention in this House. It would be unparliamentary what he has proved to me about himself in the last couple of days.

Now, Mr. Speaker, the Leader of the Opposition said that he was fighting for the true rights of the members of this House. That was his statement. What kind of twisted thinking and logic is that, the Leader of the Opposition who is attempting to destroy this institution by destroying its Speaker and Deputy Speaker, who says that because he makes a charge against them they should not even be in the Chair without trial, says that he is fighting for the true rights of the members of this House. It is the Speaker and the Deputy Speaker who represent the members here and who have to fight for their true rights, not the Leader of the Opposition. It is the Leader of the Opposition who by this tactic, this dastardly tactic, is destroying the rights of the members of this House because he is attempting to

destroy this House and intimidate its officers.

This must be George Orwell, we are 1984 already, Mr. Speaker. Remember George Orwell's book, "And The New Think And The New Speak". The Leader of the Opposition speaks in tongues and his tongues are the tongues of 1984 "And The New Speak" where the meaning of everything is opposite. When he says, "I am fighting for the true rights of the members of this House," he really means, "I am fighting to scupper that House of Assembly because I think I can get into power that way." That is what he is saying. "This is my only course to power to destroy the House of Assembly and to attack the government in that manner." When the government attempts to fight for the true rights of the members of this House and in this case we are fighting for the rights of the Speaker and the Deputy Speaker, when we do that the honourable gentleman wants the point to say that this is a tyranny in this House and that he is being expelled by a government that is tyrannical when he knows that two days ago he was only given a reprimand because we did not want to fall into his obvious trap but that his repeated attacks and slanders on the Speaker and Deputy Speaker outside the House have forced us to bring this motion forward.

I would not say, Mr. Speaker, how despicable I consider his conduct. I would not say it. But it is the most despicablest I have ever observed. Then he said, Mr. Speaker, "So I did it and shall do it again." There was a threat to Mr. Speaker and the Deputy Speaker. When the honourable gentleman said that, "Yes," he said, "So I did it and I will do it again." That is giving him fair warning. "You rule my way or you are going to get it again. You are going to be charged again. I am going to attempt to destroy you again." Threats on the officers of this House actually taking place in the House. We are fighting for the true rights of the members of this House against this insidious attack upon those who represent us all.

The issue, Mr. Speaker, the issue of this debate on this question here is the attack on the impartiality of the Chair, not the impartiality of the Chair, the attack made on the Chair's impartiality. That is the issue. If this House is going to permit the Chair to be attacked in this way we can do away with the House. Because supposing, Mr. Speaker, we, the members

of the House, removed you and removed the Deputy Speaker and put in your place two other members, I say that in three months, Mr. Speaker, they would be on their feet saying that the next Speaker and Deputy Speaker were not fair and impartial -

MR. ROBERTS: If they were not they should be.

MR. CROSBIE: You are so -

MR. ROBERTS: Inaudible.

MR. SPEAKER: Order please!

MR. CROSBIE: The honourable gentleman will never get the power in this province because the people of the province can see him and if we had this televised, if we could only have this televised and they could see how low a man would stoop to get into power.

MR. ROBERTS: Inaudible.

MR. SPEAKER: Order please!

MR. CROSBIE: Now, Mr. Speaker, oh I am sorry.

MR. SPEAKER: On two or three occasions the Chair has called for order, honourable members to my right have insisted on interrupting when the Chair was calling for order. I would remind them that when any member is speaking he does have the right to be heard in silence and that they should adhere to that rule.

MR. CROSBIE: Mr. Speaker, I do not want to speak too long in this debate but I think, yes it is good, it were well that this debate were over and that the House establish once again that there is going to be some rules of procedure and that the House is not going to tolerate this kind of infamy directed against the Speaker and Deputy Speaker.

The honourable Leader of the Opposition, Mr. Speaker, I mean words fail you when you imagine it, had the gall when he spoke to talk about personal attacks on him,

personal attacks on him. The honourable gentleman who has launched these personal attacks on two members of the House who cannot defend themselves gets up and tries to pretend somebody is making personal attacks on him.

The honourable Leader opposite talks about of the long tradition of parliament. There has never been a parliament, Mr. Speaker, where this kind of attack was made on the Speaker and the Deputy Speaker, never. Never, never has there been - there have been parliaments where motions have been brought questioning their rulings but never this kind of an attack on them nor these kinds of threats made to them.

The Leader of the Opposition cannot tolerate the thought that the Speaker may be considered to be impartial. It is not the -

MR. ROBERTS: (Inaudible)

MR. SPEAKER: Order please!

MR. CROSBIE: Mr. Speaker, how this House operates depends on every individual member's sense of responsibility, and it certainly depends on the head of the government and the Leader of the Opposition among others. When the Leader of the Opposition takes this kind of action it shows that that man is not fit, in my humble submission, to be Leader of the Opposition. He is not fit to be a member of this House and he is certainly unfit ever to have a position of responsibility in this province.

SOME HON. MEMBERS: Hear! Hear!

MR. ROBERTS: (Inaudible)

MR. CROSBIE: He says that he shall not apologize until there is some way of discussing the impartiality of the Chair. He is not going to apologize until that happens. He said: "If the government wish to try me." The government have no wish to try the Leader of the Opposition. The Leader of the Opposition is going to be tried by the people of the province. He was in March of 1972 and he will be again in 1975 or 1976 or 1977.

MR. SPEAKER (Stagg): Order please! Order please! Order please!

The honourable the Minister of Fisheries is on a tack which is interesting, entertaining and irrelevant. I suggest the honourable member redirect himself to the motion as I know he is capable of doing.

MR. CROSBIE: Mr. Speaker, I do not want anything I say to be found by you to be frivolous or vexatious. So in ending I just want to refer now, Mr. Speaker, to what we are considering here today.

I have been in this House on previous occasions when questions like this arose. They were unknown before 1970 these kinds of issues. There was a time, Mr. Speaker, when one member assaulted another in this House and the Premier of the day made statements outside the House condoning it.

MR. ROBERTS: Mr. Speaker, to a point of order:

MR. CROSBIE: The Member for Bell Island asked me to speak on this.

MR. ROBERTS: Point of order, Mr. Speaker. May I have a point of order?

MR. CROSBIE: Yes, sure! Have a point of order.

MR. ROBERTS: Thanks! That is very decent of you. The member is about to refer to another debate. I was directed by Your Honour to take my seat and I did, of course, essentially because I, in Your Honour's view attempted to refer to another debate. I would ask Your Honour to please draw the honourable gentleman to order. I would be quite willing to debate the circumstances which led Mr. Smallwood, Mr. Bill Smallwood to assault the gentleman from St. John's East. I would be quite happy to debate that but I submit it is not in order at this point.

MR. SPEAKER (Stagg): Does the honourable member wish to address himself to the point of order?

MR. CROSBIE: The honourable gentleman from Bell Island brought it up and wanted me to address myself to it. I do not care. I do not have to address myself to it so I will not. I do not want to impose upon Your Honour having to make another very difficult ruling in this matter

so I shall leave it.

MR. SPEAKER (Stagg): Order please! I shall have a few words on it nevertheless. I think if honourable members would research the precedents and I would hear argument on it if necessary, but precedents which deal with previous matters of privilege that have been before this House would in the casual opinion of the Chair and if necessary I will adjourn to give a detailed opinion on it, I would interpret them as being relevant. However, not having been called upon to make the ruling or the honourable the Minister of Fisheries indicating that he is going to deal with matters that are directly pertinent I will not make that ruling.

MR. CROSBIE: I certainly agree and if this was a major issue I would have argued that this was quite relevant because we would be discussing another motion exactly on point with this. It does not matter. I know the Leader of the Opposition does not want this considered in any serious manner so I shall leave that and I shall get back to my concluding points, Mr. Speaker.

We have evidence before us, we have had the Leader of the Opposition confirm that he said that the Speaker throughout this debate, the Speaker and Deputy Speaker have not been fair and impartial, they are deliberately favouring one side and that is the government side. I have read out here this morning another selection from C J O N T.V. News Tuesday evening. "We have seen example after example in the last two or three weeks now where the Speakers have ignored the rules or interpreted them in their own way. I think that is partisan and I said so today in the House. I think that the debate has shown that the Speaker and whoever has been in the Chair, the Deputy Speaker from time to time have been quite partisan."

That is what was said. Then he quibbles about tapes or transcripts. Everyone in the province knows what was said. That, Mr. Speaker, is clearly under Beauchesne's rules and under the rules of common sense a breach of the privileges of this House. What is being suggested by the House Leader is that the Leader of the Opposition, if he did not apologize and withdraw these remarks as he

has been invited for two days to do, if he would not do that, if he does not do that and he has refused to do it, that he be suspended from the House for three sitting days. An extremely mild penalty, Mr. Speaker, three sitting days for such a transgression as this. But do not let him come to this House, Mr. Speaker, and try to pretend to us that he is fighting for the rights of the members of this House when what he is doing is trying to destroy any rights the members of this House have and, in fact, the institution itself.

He wants to hold it up to hatred, ridicule and contempt before the people of the province because then, he feels, that the people of the province will have hatred, ridicule and contempt for the government. He wants to see this institution not work so that he can try to convince the people of this province that this government does not work. I am not attributing the motives to him I am saying what his motives are.

Now, Mr. Speaker, I think I have covered all the points that I can usefully cover. This debate may go on all day and it may go on all night but the government would not put this before the House if the government did not think that this involves the essence of the parliamentary system which in this small province we are trying to preserve and operate through. If it were not for the fact that our Speaker and our Deputy Speaker, no matter who they are, have to have protection from the majority in this House from this kind of attack, if it were not for that this motion would not be before the House because our easiest course was to ignore it, Mr. Speaker, to be dismayed, to be almost sick at hearing it, to be disgusted, to be confirmed again in our opinions about the Leader of the Opposition but to ignore it. That was the easiest political course, to ignore it knowing that the people of the province cannot appreciate what is happening. The right course is to protect our Speaker and our Deputy Speaker who cannot protect themselves and to attempt to protect the rights and traditions of this House. That is the right course and that is the course we are on now. Whether the course takes a day, two or three, nothing could be more valuable to



establish than that our Speaker and Deputy Speaker cannot be carelessly and invidiously and viciously attacked outside this House without being protected.

MR. SPEAKER (Stagg): The Member for Labrador South:

MR. M. MARTIN: Thank you, Mr. Speaker. I must first of all as a member of this Assembly offer my abject apologies to the people of this province and to Your Honour and to the Speaker for the spectacle that we have been forced to witness in this House the past two days. I have never in all my life felt so small and so ashamed to be a member of a group of supposedly responsible individuals. I apologize.

There are many things that we could bring into this debate which have no relevancy whatsoever to the motion. They have a great deal of relevancy to the debate itself, to the subject matter of the debate but there is a rule which states that we must maintain relevancy. I will be perfectly happy at any time at a later date to address myself to all of the various issues that have been raised here the past two days. I will welcome the opportunity because I think they must be brought out into the open. I must not allow myself to be tempted

to debate anything other than what is contained in this motion. That is the fact, that the honourable the Leader of the Opposition has uttered derogatory statements publicly against the Chair. Whatever else may be connected therewith should and must be discussed and debated in this House as soon as possible in the future. There are many reasons why the honourable member should defend himself. There are probably very many reasons why he felt compelled to make that statement. I do not know, that is for him to decide. But the statements having been offered publicly for the people of this Province to hear and to wonder about, it is now incumbent upon that honourable gentleman and honourable gentlemen in the government to make sure that the public knows the true facts in this matter. If nobody on this side of the House wishes to offer a motion of censure then I submit that it is incumbent upon the honourable gentlemen in the government to offer a motion of confidence in the Chair.

AN HONOURABLE MEMBER: Hear! Hear!

MR. MARTIN: One way or the other the public must know that we either have or have not confidence in those honourable gentlemen who occupy the Chair. The statements as issued by the honourable the Leader of the Opposition, I heard some of them myself personally on my car radio, and I can state that my opinion at the time any my opinion now is that those statements were derogatory. I do not care whether or not tapes are brought into this House or played for the public or anybody else, I am of the opinion that the honourable the Leader of the Opposition owes an apology to the Chair.

SOME HONOURABLE MEMBERS: Hear! Hear!

MR. ROBERTS: I will give it if we get to debate.

MR. MARTIN: Mr. Speaker, I am a very junior member of this Chamber and I have not risen on very many points of order for the simple fact that I am unsure of points of order and I leave it to members who have more seniority but I do know that we have a rule book, that there are authorities such as Beauchesne and May, any of these authorities can be referred to, if not in the common rooms or at the seat, then we may have access to the Legislative Library. It is incumbent also upon every member of this Assembly to make

himself familiar with those rules. It is an impossible task for any Chairman, any Speaker to be right every time and to please everybody. To try to enforce the rule of relevancy and the rule of silence is also an equally impossible task for the Chair. We were given a trust when we were sent to this House of Assembly to carry on in the honourable traditions of our parliamentary institutions. We have a responsibility to ourselves, to our constituents and to those traditions to discipline ourselves in those rules which are impossible to be disciplined from the Chair. If honourable members cannot abide by the rules, if honourable members are unable to discipline themselves even in the rules of relevancy and silence then there is no alternative but to resign from this House. He has broken faith with himself and his constituents.

We hear of privilege of the House. We are discussing a matter of privilege of the House. What are those privileges? What is a privilege of the House? The overriding and fundamental privilege that we enjoy, Mr. Speaker, is the one to stand before Her Majesty and in the company of our peers and to say whatever we please within certain bounds of good order. That is a privilege which has been hard fought for. That is a privilege which is not enjoyed by very many people on this earth and it is a privilege which we should all cherish.

AN HONOURABLE MEMBER: Hear! Hear!

MR. MARTIN: The partiality of the Chair will be questioned, has been questioned and should be questioned and for that reason the people who saw fit to lay down our rules and regulations made provision for the questioning of the Chair. There is a very definite and precise and clear rule of order for the questioning of a decision of the Chair. The partiality of the honourable gentleman who occupies that Throne is a question that has to be decided by those of us who occupy the other seats in this House. Whether any Speaker is blatantly partial and abusive is beside the point. There is a procedure available to every honourable member who sits here and to not use that procedure is in itself an abuse of privilege. I have not yet seen anyone in this particular instance avail himself of the opportunity to use that channel. It is an affront to the people of this Province, to the

dignity of this House and our parliamentary institutions.

I wonder, Mr. Speaker, if honourable gentlemen really know how it is they got to sit here in this House? Have they thought beyond the last election campaign when they went out and spent "x" number of dollars and shook hands with "x" number of people and got "x" number of votes? Have they looked beyond that to see how it is we are privileged to sit here today? We are a very small Province in a very small corner of the world but I would remind them of names that will bring back quite clearly and precisely why it is we are here and how it is we ride. Do honourable gentlemen perhaps remember Suvla or The Somme or Monchy or Cambrai? Do honourable gentlemen remember Beaumont Hamel? I can make a long list. I wonder if honourable gentlemen have ever seen a young man who believed in these principles enough to go out and try to do something about them and see him reduced to a mass of bloody pulp. Those are the traditions that we hold in trust. The blood of soldiers and statesmen for centuries cover the floor of this Assembly and how dare these gentlemen, how dare they abuse that trust.

Mr. Speaker, before I become completely incoherent I will ask, if the Leader of the Opposition wishes to get thrown out let him do it please without besmirching the dignity and the honour and the traditions of this House.

SOME HONOURABLE MEMBERS: Hear! Hear!

MR. MARTIN: If that honourable gentleman feels strongly enough that he must stand on a matter of principle and that he must take that channel of protest then let him please do it honourably and without abusing anymore the other privileges that we enjoy. Perhaps whoever follows me in speaking to this issue would ask that we close this debate and get on with the voting on this motion.

SOME HONOURABLE MEMBERS: Hear! Hear!

MR. SPEAKER: The honourable Minister of Justice.

MR. A. HICKMAN: Mr. Speaker, I do not know if the rules of the House would permit me to ask that I close the debate but may I say,

and it is rather difficult to follow the sentiments that have been expressed by the honourable Member for Labrador South, in my opinion he has exemplified and stated so clearly the issue that is before honourable members today.

Both speakers who preceded me mentioned the fact that maybe the people of Newfoundland are not fully aware of the significance of this debate. I find myself somewhat in disagreement with them. I believe that the people of Newfoundland whilst they expect partisan debate, whilst they are prepared and anyone who enters this House should be prepared to become involved in partisan debate, that the people of this province are not prepared to see this institution destroyed or its worth impeded in any way.

MR. ROBERTS: Hear! Hear!

MR. HICKMAN: When the honourable the Leader of the Opposition refers to Magna Carta may I remind him that the principle flowing through that great document was the right of free people to speak freely but decently and in accordance with the rules that are laid down to allow the Government of the Province and the business of the province or the business of parliament to proceed. This we have not seen, Mr. Speaker, and this we have not seen in this House. If anyone thinks that the people of Newfoundland are not becoming very, very angry and if anyone should suspect that the people of Newfoundland any Newfoundlander is in accord with any honourable member going outside the precincts of this chamber and questioning the partiality of the Chair, then I say, that that honourable gentleman is not in touch with the feelings nor the traditions nor the history of this province.

We as a government, Mr. Speaker, and may I say it before I forget it, in response to the statement from the honourable Member for Labrador South, we do not need a motion of confidence to show that the government have confidence in the Speaker and the Deputy Speaker. This government without reservation have absolute and full confidence in the impartiality of the Speaker and the Deputy

Speaker in this House of Assembly.

MR. ROBERTS: That proves what I have been saying all along.

MR. HICKMAN: I will not respond to the statements of the honourable the Leader of the Opposition. There is an old doctrine of law *res ipsa loquitur* and that applies. "The thing Speaks for itself."

Mr. Speaker, I have been a member of this House now for eight years and I am sure that when I entered the House I experienced the frustrations that anyone, any honourable member feels when one questions the wisdom of some of the rules that have been passed by preceding Houses of Assembly and that are in force in parliament throughout at least the English speaking world. We question, I think very genuinely at times, how the Government of the Province or the governing of the province and the business of the province can be carried out under some rules that are so archaic, that really not have kept up with the requirements of a rather rapidly moving age. But there are certain rules, certain principles that are so fundamental that no matter what changes are made and we do need changes and we have made changes, to try and speed up debate. I cannot think of any bill that has ever come before this House that could not be debated adequately in a day or two but I have seen an awful lot of them that unnecessarily went into days and days and days and days, generally I suppose, for some political advantage certainly not on questions of great principle or anything but it was obviously for political advantage. Be that as it may, whether these rules should be changed or not there is one very fundamental rule, that whatever protection we have in the House comes from the Office of the Speaker and the Deputy Speaker.

The Speaker and the Deputy Speaker, any honourable gentleman assuming that office pay a pretty heavy price and they know they pay it when they take it over. We are admonished from time to time to be silent, you, Mr. Speaker, cannot be admonished. You know you have to be silent except when it comes to the enforcement of the rule. There are very few people in our system of government who have not the right to defend themselves. The Speaker, our judges,

I cannot think of anyone else. The Lieutenant-Governor. I cannot think of anyone else who has not the right to defend himself or herself. This is why, that whilst we as a government and I hope, I say, that whilst we as members of this honourable House are not very proud of this day, are not very proud of the fact that an honourable gentleman has seen fit to go outside the confines of this House and by statements made, to bring into question the Office of Speaker, we would be far less proud if we allowed it to go unanswered and if we allowed this type of activity on the part of any honourable member to proceed unchallenged.

Mr. Speaker, we are talking about a bit more than just the survival of this institution, the House of Assembly. I think that anyone who has been at all alert to what is going on throughout the world today must recognize that society generally is beginning to challenge the relevancy of a lot of our institutions not just the House of Assembly. We were very fortunate, Mr. Speaker, and I do not remember much about it, just barely, we were very fortunate in the free world that we survived, that our institutions survived the thirties. This institution did not really survive it was suspended for ten or fifteen years. I say that we were very fortunate that we survived. The rule of law prevailed, the integrity of the courts were maintained, the supremacy of the parliament was not challenged. I suggest, Mr. Speaker, that as legislators we would be making a grievous mistake if we feel that our luck might not run out if we are faced with similar or like circumstances in the future. It ill-behooves any of us by our actions as members of this legislature to try and undermine the fount of parliamentary supremacy, the seat of freedom of speech and that seat of freedom of speech is the Office of the Speaker and it vests nowhere else.

I had hoped as the Member for Labrador South has said, that the honourable the Leader of the Opposition would not get up and speak in technicalities and talk about what he was alleged

to have said when he knows full well what he said. If he does not know the gentlemen in the galleries and the press know precisely what he said. The people of Newfoundland know precisely what he said because everybody has heard it. If instead of being -

MR. ROBERTS: Everybody believed it too.

MR. HICKMAN: Mr. Speaker, I refuse to respond to that kind of derogatory remark and contemptible remark as it relates to the Chair of this House and to the office of the Speaker. If the honourable the Leader of the Opposition had quit playing games and was prepared to get up and say; "I did it. Here is what I said. There may be a comma in the wrong place, the question mark may be in the wrong place, there may even be a word left out or two, I do not know but in substance this is what I said. Without qualification I withdraw it, I hope the press will note it, I want the press to tell the people of Newfoundland that I was upset, disappointed with a ruling made two days before, I availed of the appeal procedure, I lost. I should have let it rest there but I did not do that. I improperly went outside this House and I brought the partiality of the Speaker into question."

If he had said all that and said; "Now I apologize, sincerely apologize. I have too much respect for the Office of Speaker and for the person, the man who occupies that Chair now, the Deputy Speaker, to ever do it again." there would have been a great



sigh of relief throughout this House but he will not do it. He will not do it. He will not give any assurance that it will not happen again, indeed, the implication is clear, abundantly clear that whatever the honourable the Leader of the Opposition said he intends to say again. I say, Mr. Speaker, that no responsible member of this House and no responsible member of this House reflecting the views of the people of Newfoundland and I do not care what side they are on, I do not care what side they are on, Mr. Speaker, can allow your impartiality to be questioned.

I can only say that having now sat through six or seven sessions and I am not prepared to, under any circumstances, make any allegations of partiality on the part of any Speaker who has occupied the Chair since I have been here. I can say without reservation and I think that there has - that in my opinion and in my view that I have not seen a fairer more impartial performance in a Chair than has come from Mr. Speaker and Mr. Deputy Speaker. If you want proof of this, Mr. Speaker, if you want any proof of it at all you should sometimes visit the caucus room of the government side and hear some of the complaints when a government member has been ruled out of order or where you have been forced to bring the rules to bear upon the members on the government side. That is the kind of real proof of impartiality that I found during this present session of the House of Assembly.

As I say, it is with regret - maybe before the day is over the honourable the Leader of the Opposition will accept the invitation of the honourable the Member for Labrador South.

MR. ROBERTS: If the government will accept his other invitation.

MR. HICKMAN: Not with strings attached, not with qualifications but unreservedly. "I apologize, Mr. Speaker, I want the people of Newfoundland to know that I was wrong, that I apologized and never again will I bring the Office of Speaker or attempt to bring it in disrepute." Then the debate will be over. Thank you, Mr. Speaker.

MR. SPEAKER: The honourable Member for Hermitage:

MR. SIMMONS: Mr. Speaker, I would like to address a few words to

the resolution before the House on the question of whether the Leader of the Opposition committed a breach of privilege and therefore, whether he ought to be subject to a suspension from the House.

One is tempted, of course, to respond to some of the things which have been said by the previous speakers, the Member for Labrador South and the speakers from the government side. One is tempted, in particular, to respond in particular to the Minister of Justice, the gentleman whom we waited in vain for during the last couple of weeks on another subject that he knew, certainly at least, as much about as he knows about the subject under discussion right now. Not a word then but suddenly today he is to be the authority on impartiality and the Speaker's impartiality and bares his soul. He suddenly become very wordy. Not worthy, Mr. Speaker, wordy all of a sudden.

I will pass over this. I will pass over his accusations about who is playing games. I have some opinions on who is playing games in this House, too, Mr. Speaker, but to outline my opinions on that subject would put me in a position where I would be asked, I am sure, by the Chair to withdraw or rephrase or apologize. I believe, Mr. Speaker, therein lies the whole point. No matter what you might do, I do not mean you, Mr. Speaker, I mean you in the general sense, no matter what people in this House may do, what other members may be subjected to in terms of apologies or withdrawals or equivocal withdrawals or whatever, it is all a farce when, if you ignore the real issue. I wish somebody in this House would wake up and get the message and realize what the real issue is.

The Leader of the Opposition -

HON. A.J.MURPHY: (Minister of Social Services): Mr. Speaker, on a point of order.

MR. SIMMONS: Ah, ha! Ah, ha!

MR. MURPHY: Would the member kindly elucidate -

MR. SIMMONS: I was about to, Mr. Speaker.

MR. MURPHY: - reference to the Chair again? I do not think these things can be left unsaid, Sir. (Partly inaudible)

MR. ROBERTS: They certainly should be left unsaid.

MR. SIMMONS: What was the question, again?

MR. SPEAKER: Order please! The Chair does not gather right now that the honourable Member for Hermitage has made any unparliamentary reference to the Chair.

MR. SIMMONS: Mr. Speaker, for clarification - I must say, Mr. Speaker, that I was not attempting to be sheepish about it. When I have something to say I will say it keeping in mind the consequences. There are some things I cannot say but only because of the consequences.

Mr. Speaker, we accorded to the Minister of Justice, silence. We accorded the Member for Labrador South, silence. I believe here is another case where the rules should be applied equally to all. Am I going to stand here and listen to interjections from the government clown while I speak or am I allowed to be heard in silence?

MR. SPEAKER: There are two points, really: (1) Certainly the honourable Member for Hermitage does have the right to be heard in silence and that particular rule will be enforced the same as it has been for other members. (2) The phrase used by the honourable Member for Hermitage in referring to the honourable Minister of Social Services -

MR. ROBERTS: But he did not refer to the Minister of Social Services, he referred to the government clown.

MR. SPEAKER: Order please!

MR. SIMMONS: Obviously, he is.

MR. SPEAKER: Order please! That particular phrase is certainly considered by the Chair to be insulting and using abusive language. I would ask the honourable Member for Hermitage to withdraw it.

MR. SIMMONS: Mr. Speaker, I certainly apologize for the term, government clown, having used it. I withdraw it and apologize without qualification.

Mr. Speaker, as I was saying before the Member for St. John's Centre interrupted me, obviously because he was afraid I might be on to making a point, -

AN HON. MEMBER: No fear of that.

MR. SPEAKER: Order please!

MR. SIMMONS: Stick around fellas I might make one one of these days if I get a chance.

MR. SPEAKER: Order please!

MR. SIMMONS: If I get a chance. Mr. Speaker, I heard some remarks that the Leader of the Opposition made outside this House. I heard them on some of the radio stations which have been mentioned here and on T.V. and so on. Whether or not that is an exact transcript of what was said I do not know. I do not believe that is the issue. I do not believe the overriding issue is how the transcripts were acquired although I am a little disappointed in some members opposite who skipped too lightly over this term because I am not one of those people who believe that the end, mainly to kick the Leader of the Opposition out or to protect the impartiality of the Chair or the dignity of the Chair or whatever, I do not think the end, whatever it is, justifies the means whatever they may be.

The means here are improper. Let the record show that the means by which this transcript was obtained is clearly improper. We have evidence of that, Mr. Speaker. The means were clearly improper and cowardly. There was a proper means, a proper method, a proper route a proper procedure under the C.R.T.C. regulations by which a transcript, the actual transcript of what was broadcast on the media, a proper means by which these words, this transcript could have been obtained.

The government chose not to go that route and have gone a route which is clearly improper. Mr. Speaker, if you are going to talk about rights and talk about freedom and talk about doing the thing the right way and talk about preserving what we have, one of the things I would clearly like to preserve, Mr. Speaker, is a long standing tradition which says in effect, the

end does not justify the means. The way this transcript was obtained, Mr. Speaker, is clearly improper. Other words are unparliamentary I understand so I cannot use them but there is no doubt about it, Mr. Speaker, this was not obtained in accordance with the regulations.

I welcome the announcement by the Leader of the Opposition that he is going to pursue this matter further. It needs to be pursued further, Mr. Speaker. If we are going to protect rights in this House we had better protect them all. We should not have licence to slide over one in a pretense of trying to protect another. These tapes were obtained improperly, Mr. Speaker. The Minister of Fisheries did not address himself to this question because he could not. He chose his words. He could have but he would have had to expose the hand of the Government House Leader. These tapes, these transcripts were obtained improperly and that is the issue that we shall be hearing more about.

I would like to get back to what I believe is the real issue. I wish, as I started to say just now, I wish somebody would get the real message about what is going on here. I started to say that I heard the Leader of the Opposition say some words. Whether these were the actual words or not I do not know but I know the essence of what he said. I believe he knows the essence of what he said. I believe he is prepared to stand by them from what I have heard him say in this House and outside this House in private conversation. I believe every member in this House and every member of the general public across this province who heard the statements know the essence of what was said and what was intended. There is no question about the essence of these statements.

If he said them, as he did, then we must stand back and ask ourselves: "Is he just the alone, the publicity seeker that he has been painted as by the people opposite? Is he this vindictive person who just runs off making statements to destroy the House as we heard the Minister of Fisheries saying earlier? Or,

does he have some other reason for doing what he did?

Mr. Speaker, I move the adjournment. Shall we call it one o'clock and I move the adjournment of the debate?

MR. SPEAKER: I think as it is one of the clock and the honourable member has adjourned the debate I do now leave the Chair until three of the clock this afternoon.



**PROVINCE OF NEWFOUNDLAND**

**THIRTY-SIXTH GENERAL ASSEMBLY  
OF  
NEWFOUNDLAND**

---

---

Volume 3

3rd. Session

Number 95

---

---

**VERBATIM REPORT**

THURSDAY, DECEMBER 19, 1974

SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House resumed at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

I think the honourable Member for Hermitage adjourned the debate before lunch.

MR. R. SIMMONS: Mr. Speaker, when we adjourned at 1:00 P.M.

I was saying that we could either take one of two interpretations of what the Leader of the Opposition did in making certain statements outside of the House. We could either suggest as the Minister of Finance did this morning at such length and with all the irrelevancy that he could muster and get away with at the same time. We could do it that way, Mr. Speaker, talk about suggesting that the Leader of the Opposition was spiteful or he was immature in making those remarks or he was looking for attention or publicity. There is that possibility but there is another, Mr. Speaker, that I feel that all members of the House should look at, at least, look at the possibility that the Leader of the Opposition in doing what he did, did it because he can take no more, because he feels it is the only way to get an issue out in the open, because he believes in what he said outside of the House. Grant him that possibility. However far-fetched it may sound to some members of the House, Mr. Speaker, just look at it for a moment; because we can carry on this debate for another hour or so, come to a vote, have the Leader of the Opposition suspended but if we keep debating the real question, the question which the Leader of the Opposition raised in his comments outside of the House then we will not have solved anything.

I would hope, Mr. Speaker, that somebody on behalf of government would take the Leader of the Opposition up on his offer, not a condition Mr. Speaker, not a condition. I agree with the Minister of Fisheries that when you apologize, you apologize not with reservation or in any other way, you apologize period. We all know what an apology involves.

The Leader of the Opposition suggested something else. He suggested, Mr. Speaker, that government allow this question, the underlying question here, Mr. Speaker, the real question to be determined



once and for all. We find it difficult in the particular debate because the real issue, what the Leader of the Opposition has admitted to is the real issue, cannot get discuss here because it becomes out of order immediately.

MR. ROBERTS: The Leader of the House -

MR. SIMMONS: So we are in the awkward position of trying to get an item discussed that cannot be put into words.

The Leader of the Opposition earlier today invited government to allow a motion to stand or to give it priority. We can all put motions. We have been educated over again by the Minister of Fisheries this morning about how we can get a motion on the Order Paper and that kind of thing but in terms of the realities I do not think we need go over them. There are seven private members' motions there now, another one would be eight, in terms of priority and we all know the chances of that coming to the floor for debate. So in practical terms, Mr. Speaker, in practical terms, not this part about bargain or a conditional analogy but to bring this issue out on the floor of the House and let it be settled once and for all. In those terms and in that spirit the Leader of the Opposition has made a request and a suggestion to government. The Member for Labrador South essentially endorsed that request and suggested that perhaps the way to resolve this matter, which is larger than what the member said outside of the House, it is larger than whether or not he ought to be suspended for three days.

I believe we ought to come to grips now with that larger issue as the Member for Labrador South has suggested with a proper motion of censure or a motion of confidence, call it what you will, Mr. Speaker. I know if I were occupying the Chair for the Deputy Speaker I should certainly want to have that question settled once and for all.

I suggest, Mr. Speaker, and I believe firmly that the real motive of the Leader of the Opposition in saying what he did outside of the House was not to be vindictive or to dare, Mr. Speaker, or to say something that was unparliamentary or was a breach of privilege or call it what you will, I suggest it was the only thing he could do under the circumstances to bring out in the open an issue that is begging for discussion. It was his only recourse, Mr. Speaker. Theoretically

he has the recourse of placing a motion on the Order Paper, in practical terms that will not work as we all know.

The sensible approach as he suggested this morning, the sensible approach would be for the government to allow a debate on the motion of confidence, in the Chair.

MR. ROBERTS: The fact that they will not allow that and take me up on my offer to apologize shows that they have no desire to protect the House insofar -

MR. SIMMONS: Mr. Speaker, I think we can read certain things into the readiness of the Government House Leader to jump to his feet, to say "No we cannot allow that." It would seem that they have something to hide, Mr. Speaker. It would seem that they are afraid of something. It would seem that they are afraid of having certain issues discussed out in the open. Someone one called it.

MR. MARSHALL: On a point of order, Mr. Speaker. The honourable newest member of this House, the honourable Member for Hermitage should understand that, and I believe, Mr. Speaker, when I am on a point of order that all members must take their seats because there can only be one person - that we are discussing a matter which is of grave and serious importance to this House. The matter up for discussion, is a matter of the statements made by the Leader of the Opposition. It is not a matter with respect to any motion that may be made at any other time but it is purely and simply a matter of (a) whether the Hon. Leader has made the statements which are alleged, which in fact has been admitted: and (b) whether or not they constitute a breach of privilege. All the rest of it is completely irrelevant, Mr. Speaker. The honourable Member for Hermitage is obviously being irrelevant when he is talking about motions that could be made or may be made by the Leader of the Opposition.

MR. SIMMONS: On a point of order, Mr. Speaker. I believe I was being quite relevant in that I was stating some of the reasons why I believe the Leader of the Opposition made the statements he did. We are discussing the statements he made outside of the House. This is the old premise for the motion before the Chair. I believe, Mr.

Speaker, that I have been quite relevant in addressing myself to his reasons for having made those statements.

MR. SPEAKER: I think the honourable Member for Hermitage is well aware of the rule of relevancy. I seem to recall earlier today, I think it was when the Hon. Leader of the Opposition was speaking that the Chair at that time made a ruling that motions that might be made or perhaps could be made in the future are not really relevant to this particular motion.

MR. ROBERTS: I offered to withdraw them.

MR. SIMMONS: Mr. Speaker, I was also in part relying of course to what the Minister of Fisheries had stated on this matter. I took some precedents from what had been stated at that time that he had not been ruled out of order but I fully accept Mr. Speaker's ruling.

I believe, Mr. Speaker, it is relevant to talk about

whether or not the Leader of the Opposition ought to have withdrawn his remarks as he was invited to do by the Government House Leader and I was referring to that and the condition as some people in government have put it, the condition that he had placed on it. I suggest it was not a condition. It was an open suggestion, an invitation of how we can resolve this larger matter. Now there are fellows in this House who have been here a lot longer than I including the Government House Leader and if they try hard enough, Mr. Speaker, they can eventually trip me up on the niceties of relevance but they are still begging the real question, Mr. Speaker. They are begging the overall question about whether we are going to settle this business of impartiality or not. That is the issue as the Government House Leader himself said this morning, "That is the issue," and the only issue really that we ought to be talking about here and if we just go through the motions the hypocrisy of speaking to this motion here in very narrow terms and putting the question and flinging out the Leader of the Opposition spitefully as the government wants to do for two or three days, what have we solved, Mr. Speaker?

A couple of days ago as a result of a comment that I made in an aside I was obliged to leave the Chamber. I apologized for the remark and I am not wanting to get it back into the record again, that is not my point. But, Mr. Speaker, none is so blind as he who will not see. On Monday the House had to discipline me for something that I had said in the Chamber which was out of order. Now the Leader of the Opposition has seen fit to go outside the Chamber and make certain remarks. When will the people on the other side of the House wake up to what is either a reality or at least is a thought in our minds; I would say a reality but if not, if we just feel, Mr. Speaker, if we do not say, if we are even right, if we are way off base, if there are certain members in this Chamber who feel they are being hard done by, who happen to feel that the rules are not being applied equally to all, if they just feel that, that, Mr. Speaker, is reason enough to place some onus on the Government House Leader and others who decide the order of business in this House, to have that matter investigated and settled once and for all. Why do they beg the question, Mr. Speaker? That is the

question and I would like to have it settled because I have some pretty strong feelings on it and I have lots of evidence over the past three weeks in particular to help me to articulate my feelings as well.

It is the right, Mr. Speaker, it is the right and the privilege but the right of every member of the House of Assembly to have the protection, to enjoy the protection of the Chair. Now if he does not have that right he is unable to fully represent the concerns of his constituents. He is unable to fully and adequately perform his role as a member of the House of Assembly. I say if he does not, I am not suggesting he does not. I am about to make a point. If he does not have that he is unable to adequately do his job as a member of the House.

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

MR. SIMMONS: If he has it, Mr. Speaker, if he has it, Mr. Speaker -

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

MR. MARSHALL: On a point of order, Mr. Speaker. This has gone far enough. The honourable Member for Hermitage must also realize and this is the whole essence of this debate, that it is the right of the Chair to have the protection of the members. The situation with respect to Your Honour and the Deputy Speaker are not as have been articulated by the Member for Hermitage. This is not a case of a debate of a vote of confidence in Your Honour which Your Honour enjoys the confidence of this House as well as the Deputy Speaker. It is entirely and simple a matter of the disgraceful statements made by the Leader of the Opposition against Your Honour and against the Deputy Speaker and the honourable the Member for Hermitage should be directed to address himself to the resolution itself which is the remarks of the Leader of the Opposition and whether they constituted breach of privilege. It is not, Mr. Speaker, with respect to whether or not Your Honour has the protection of the House or whether you protect members or what have you. By doing this Your Honour, the honourable Member for Hermitage is in effect imputing the honour of this House and we cannot tolerate this anymore and this is the purpose of the resolution.

MR. ROBERTS: To that point of order if I might, Mr. Speaker. The gentleman from Hermitage was merely saying that he believes that every member is entitled to the protection of the House and I suggest it would be infamous

if Your Honour were to rule that that were irrelevant to debate which centres about the privileges of this House. The honourable gentleman has said nothing that even the House Leader could cite as impugning the motives or the actions of the Chair. No matter what he might believe or think, he has said nothing that even the twisted mind of the House Leader and his nasty statements could do. I submit that my colleague is being relevant and I submit it would be infamous if he were to be ruled out of order for merely saying that every member is entitled to the protection of the rules of the House.

MR. ALYWARD: Mr. Speaker, I would like to speak to that point of order. I do not want to prolong the debate but I think that the remarks made by the House Leader are certainly very, very relevant here. Anyone who seeks to listen objectively to the remarks of the honourable Member from Hermitage cannot but conclude that what he is saying inferentially and not even inferentially is that the issue here is not whether the Leader of the Opposition said, what it is alleged he said but whether in fact you are partial in your rulings.

Now, Mr. Speaker, I respectfully submit that there is no doubt whatsoever that if this honourable gentleman or indeed as he himself says, if anyone here feels that they have any reason to believe that they are not getting the protection of the Chair or the Chair is partial, well it is open to them. It does not have to be a government motion. Anybody can bring in a motion.

MR. ROBERTS: It cannot be debated unless -

MR. ALYWARD: But surely, surely, the Leader of the Opposition is the first to realize, Mr. Speaker, that this is a big issue and it goes deeper than party politics.

MR. ROBERTS: Does the honourable gentleman agree -

MR. ALYWARD: I agree if anybody feels any, and I apologize for it, the guts to bring it in. I have heard no one in this House -

MR. SPEAKER: Order, please!

MR. ROBERTS: Inaudible.

MR. ALYWARD: Mr. Speaker, Mr. Speaker, -

MR. SPEAKER: Order, please!

MR. ALYWARD: I have heard no one in this House, no one in this House say that you were partial and I fear, and if you were then I respectfully submit there is no debate. You are the Chairman of the debates in this House and if you as the Chairman here -

MR. ROBERTS: Is this a point of order?

MR. ALYWARD: This is a point of order, yes, Mr. Speaker, and what you are being asked to listen to for the past fifteen minutes by this honourable gentleman and it is not even inferentially, he is openly saying that the issue here is not whether the Leader of the Opposition said, what it is alleged he said but whether you are partial. Now surely, Mr. Speaker, you cannot sit in that Chair and make rulings if some honourable gentlemen are getting up and inferentially saying to you, "Look, we have no faith in you." The issue here is not whether the Leader of the Opposition said you are partial but we really feel you are. Now that is the point of order, Mr. Speaker.

MR. ROBERTS: The House Leader set the issue up; whether the Speaker is impartial -

MR. ALYWARD: Well, whether the House Leader said it or not, Mr. Speaker, whether the House Leader said it or not -

MR. ROBERTS: Inaudible.

MR. ALYWARD: If I may, Mr. Speaker, I would like to finish this. I think this affects each and every member here in this honourable House and every member of the public are looking at us and saying, "What in the name of God is wrong with you?", and I respectfully submit, Mr. Speaker, that the answer to this is in your own hand, the answer to this is in your hand. You could ask any member of this House if they feel that you are partial and if anyone says it, you have the right in your office to take the appropriate action.

MR. ROBERTS: Inaudible.

MR. ALYWARD: It is ridiculous. Not get shot, no, Mr. Speaker, there is no one ever been shot but you would be dealt with as the rules provide. This is ridiculous, Mr. Speaker, and I respectfully submit that the point made by the House Leader really should not have to be made at all with

the greatest respect because you yourself should detect in these remarks that they are not debating the issue but they are saying inferentially that you are partial. You cannot sit there, Mr. Speaker, you cannot sit there and hear that.

AN HONOURABLE MEMBER: Inaudible.

MR. ALYWARD: I am addressing it to the Speaker, yes.

MR. ROBERTS: Some point of order. -

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

AN HONOURABLE MEMBER: Inaudible.

MR. SPEAKER: Order, please! The Chair has heard considerable discussion re this point of order. Again I remind the honourable Member for Hermitage of the rule of relevancy as to this particular motion.

MR. SIMMONS: Thank you, Mr. Speaker. Let me first of all reject the charges that have been made by the Member from Placentia East. I can understand him having made them, he was not here this morning. I cannot help it if he has a law practice to run but he was not here.

MR. SPEAKER: Order, please!

AN HONOURABLE MEMBER: Inaudible.

MR. SIMMONS: He does not know what went on this morning.

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

MR. ALYWARD: I make no apologies to this member as to where I was this morning.

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

MR. NEARY: Sit down! The Speaker has called order.

MR. SPEAKER: Order, please!

MR. ROBERTS: Inaudible.

MR. SPEAKER: Order, please! If honourable members have finished I should like to say a word about that. The honourable Member for Hermitage was just reminded of the rule of relevancy and as he continued to speak he was certainly not relevant to the principle of this motion but continued to discuss some remarks made by the honourable Member for Placentia East. I am certain that that is not relevant to this debate and I will remind honourable members to my left a member when speaking does have the right



to be heard in silence and that when the Speaker rises then everybody else should take their seat.

MR. SIMMONS: Mr. Speaker, I certainly apologize for having addressed myself to the Member from Placentia East's remarks. It was my understanding that a member could address himself to a matter of misrepresentation and I was doing that and he had certainly misrepresented what I had said but I shall seek another occasion to do that.

Mr. Speaker, in suggesting that all members are entitled to the protection of the House I want to reject emphatically any suggestion, I am not a coward on this point, when I decide I want to say what I feel on this subject I will say it. I realize the perimeters within which we are confined on this particular matter and

the House Leader was wrongly anticipating the point I was attempting to make. I was saying in academic terms, if you like, Mr. Speaker, that it is one thing for the members to have the protection, if somebody feels that he does not, even if he does. I am trying to get back as directly as I possibly can to the contents of what the Leader of the Opposition said outside the House and his reason for saying it. I am saying, Mr. Speaker, that even if he is completely wet on this, even if he and every other member enjoys the full and equal and adequate protection of the Chair, if he feels strongly enough that he does not, if he just feels it, to go out and make remarks such as he has made, I would say, Mr. Speaker, that if there are those in this Chamber who feel as strongly about democracy and freedom and all the other choice terms that were dragged into this this morning, feel as strongly about it as the Minister of Fisheries pretends to or says he does, as the Minister of Justice says he does, as the House Leader says he does, if these people feel that strongly about issues that matter, then let them address themselves to this question, the question implied by a leader of an opposition feeling strong enough to have to go outside the House and say those things. He may have no grounds, Mr. Speaker, I grant you that that is a possibility. That is another subject. The fact that he felt constrained to say them that alone is reason enough for those who are the great defenders of the faith, the great defenders of democracy and freedom of speech, those who are going to, after seven hundred years neglect, predict the virginity of the Magna Carta. Although they do not have a word in their cheeks when it comes to changing their minds on redistribution over a twenty month period or so.

AN HON. MEMBER: (Inaudible).

MR. SPEAKER : Order please!

The matter of a previous bill before this House; namely, the Redistribution Bill, the Chair does not consider it to be relevant to this particular motion at all.

MR. SIMMONS: Thank you, Mr. Speaker.

If these people, Mr. Speaker, the Minister of Justice, the Minister of Fisheries and latterly the Member for Placentia East, all great defenders of timeless traditions, (They are going to be the champions of these traditions.) I now challenge them to take up the issue which has been raised by the Leader of the Opposition and to resolve that one once and for all.

AN HON. MEMBER: What issue?

MR. SIMMONS: The issue that we are not allowed to mention in this Chamber, Mr. Speaker, at this particular moment because the government do not have the guts to bring in a motion to allow us to discuss the issue. That is the issue.

MR. SPEAKER: Order please!

The Hon. Member for Hermitage insists on referring to a matter which the Chair does not think is relevant to this particular debate. Any motion which the Hon. Leader of the Opposition or any other honourable member wishes to bring in or might bring in in the future with regards to the partiality of the Chair, in a formal motion of censure, the Chair does not consider that to be the principle of this particular motion. I would again ask the Hon. Member for Hermitage to be relevant to the motion.

MR. SIMMONS: Mr. Speaker, I admit that I am finding it very, very difficult to be relevant on this particular matter or relevant in the terms that are being espoused from this Chamber today. I feel and it is not by way of questioning Mr. Speaker's ruling but I feel strongly that the motives for a man having gone outside the Chamber and saying things such are reported here certainly are irrelevant to his having said them. That is the point I am trying to pursue. I am not anxious. I do digress once in a while and get on to talking about motions and that kind of thing. I believe the underlining motivation for a member of a House of Assembly having made such statements, however wrong they may be, the real motivation

for his having made them is a fit subject for discussion in this particular debate. That is the point, Mr. Speaker, I have been attempting to pursue.

MR. MARSHALL: On that point of order again.

The issue before this House are the statements made by the Leader of the Opposition which have been admitted,

MR. SIMMONS: That is what I am talking about.

MR. MARSHALL: It is not a subject to debate as to whether or not statements which have been put forth are justified or not. Because to admit that they are justified is in effect to say that it is proper to state that the Chairman and the Deputy Chairman have been partial in their rulings. This, Mr. Speaker, is clearly out of order. It is clearly not a matter before the Chair now. It is clearly a matter that if it is to be brought up, it should be brought up with a subsequent motion, if somebody has the face to bring it up, if this is the way they want to further disrupt this Chamber.

MR. ROBERTS: (Inaudible).

MR. MARSHALL: At the present time, Mr. Speaker, the issue before this House is a very serious issue of the statements which have been made by the Leader of the Opposition and the question of not as to whether they have been a breach of privilege. There is no question at all whatsoever before this Chair with respect to any foundation of the partiality or otherwise of this Chair.

MR. SIMMONS: Point of order, Mr. Speaker. I have not at any time -

AN HON. MEMBER: (Inaudible).

MR. SPEAKER : Order please!

MR. SIMMONS: Your interpretation but it does not always work.

MR. SPEAKER: Order please!

MR. SIMMONS: Mr. Speaker to the point of order. I have not at any time talked about the impartiality or the partiality of the Chair. I have said on a number of occasions in the past few minutes alone that at such time as I am given the opportunity, I shall be not delighted, no, but I shall be interested in addressing myself to the question of the impartiality of the Chair.

To the point of order, Mr. Speaker, I believe I have been quite relevant. I have talked about the Leader of the Opposition's statements outside the House and his reasons, his motivations for having made them, as I understand those motivations. I believe, Mr. Speaker, that that is quite relevant to the debate.

MR. SPEAKER: Order please!

The question, the honourable member made some reference to the issue being the partiality or the impartiality of the Chair. The Chair does not consider that to be a particular topic. It is a matter of another motion. The substance of this particular motion is whether or not the Hon. Leader of the Opposition made remarks outside the Chamber that were alleged to have been made.

MR. SIMMONS: Mr. Speaker, I not only accept your ruling but I happen to be in complete agreement with it too and recognize that the matter of the impartiality of the Chair is not the issue here. We have heard the Government House Leader say at one point it is. He said it this morning. He has changed his mind this afternoon like he changed his mind on the motion that he brought in yesterday versus the one he brought in this morning. The trouble I suppose with the motion of yesterday was that had he stuck to his guns -

MR. SPEAKER: Order please!

The Hon. Member for Hermitage is merely repeating some of the remarks that have already been repeated a number of times and he is thus being irrelevant.

MR. SIMMONS: Mr. Speaker, I was about to make a completely new point. I was going to suggest that if we had been able to deal - if we were still on

the original motion, the motion that we were on yesterday, which you so rightly broke down into a two-part motion, Mr. Speaker. We would then be on a motion which is little tidy than the one here because it was not all written by the same person. Now had the House Leader followed through and written the whole motion himself, we would have had a fit motion.

MR. SPEAKER: Order please!

The motion that this Chair broke down into two parts yesterday is not relevant at all in the Speaker's opinion, particularly the first part which has already been ruled on as being a procedural motion. It is not a subject of debate at the present time.

MR. SIMMONS: No, Mr. Speaker, it is not the first part that I was -

MR. ROBERTS: (Inaudible).

MR. SIMMONS: Mr. Speaker, it was not the first part of the motion I was addressing myself to. I was availing myself of, I think, a commonly accepted practice of being allowed a sentence or two to make one's point to see whether it is relevant. I was about to talk about the second part of that resolution, Mr. Speaker, which is in different words than what we have here today. Had the Government House Leader taken it upon himself to word both parts of this motion, we would not be in the shemozzle we are in. We would not have wasted the time that we have wasted in trying to get another motion back in this morning. Because that second part, Mr. Speaker, (I have some evidence to prove this too) of that motion yesterday was written by quite a different person than the Government House Leader and the person who wrote it has obviously bungled the job. It was written by

quite a different person. A number of members in this House know who that person was.

MR. SPEAKER: Order, please!

MR. SIMMONS: A person who had a real vested interest in the matter too.

MR. SPEAKER: The matter of the motion that was brought out in this House yesterday who wrote it and who presented it and whether or not it was in order and subsequently what happened to it is not the topic presently under debate. Now I will remind the honourable member that he has some four or five minutes left.

MR. SIMMONS: Well, Mr. Speaker, as I said earlier it is very difficult to debate an issue that you are not allowed to debate. It is perhaps for that reason, among others that I am having such difficulty being relevant. But if the government will allow the debate on that issue we have some opinions we would like to express on the subject.

Mr. Speaker, before finishing I heard the Minister of Justice talking again this morning - that would not be relevant I suppose under the present rules. Perhaps I will finish -

MR. ROBERTS: If it was not relevant this morning it is not relevant this afternoon.

MR. SIMMONS: Perhaps it is said then, Mr. Speaker, I will finish on this point. I have no doubt what the outcome of this particular resolution is going to be. I know why it was framed. Framed is a very good term for it, Mr. Speaker. I know why it was framed. I know what the motive was from the beginning. The Minister of Fisheries stood there all morning, he talked about motives and let the word go out that assigning motive is a fit occupation in this House. You can assign motives to anybody after what the Minister of Fisheries got away with this morning. Anybody at all, and it can be regarded as a difference of opinion.

So let me assign a motive, Mr. Speaker, to the government. The government set out deliberately to do this, to take the heat off a bit, to distract, to use the old red herring approach again in the hope that they can regurgitate some of the charges of the Minister of Finance about how the Leader of the Opposition is trying to get

publicity. Let me say this for the record, Mr. Speaker, that the Leader of the Opposition has had some pretty sincere motives in doing what he did. He did it deliberately I believe. I cannot speak for him, let him speak for himself but I believe, Mr. Speaker that he did it deliberately.

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

MR. SPEAKER: Order, please!

MR. EARLE: On a point of order. The honourable gentleman for Hermitage used the term "The Minister of Finance". The Minister of Finance has made no accusations whatever although he feels very much like doing so.

MR. SIMMONS: Mr. Speaker, I meant not the man who is called Minister of Finance but the man who was the Minister of Finance and who is now the Minister of Fisheries among other things.

Mr. Speaker, I believe the Leader of the Opposition did outside this House what he did quite deliberately. I believe he did it for a reason. I believe he had a reason. I believe he had a good reason, Mr. Speaker. If it is the only way, Mr. Speaker, that we can bring this issue to light so be it. Thank you!

MR. SPEAKER: The Hon. Minister of Education.

HON. G. R. OTTENHEIMER (MINISTER OF EDUCATION): Now, Mr. Speaker, I would like to speak briefly to this motion, a fair amount has been said already. It is not my intention to speak at length. I think the substance of the motion being debated is quite clear and definable and presumably understood by all, and that is the remarks made by the Hon. Leader of the Opposition constitute a breach of privilege of this House. Some remarks were made by the Hon. Leader of the Opposition himself and he took exception to the statement that the document tabled by the Honourable House Leader was called a transcript. Well that in fact is what it is, Mr. Speaker, it is a transcript. A transcript is a written record of what has been said. In our opinion, what was submitted was a written record of what the honourable gentleman said, and indeed the honourable gentleman has not denied that he said what was written on that document.

MR. ROBERTS: I deny it is a transcript of what I said.



MR. OTTENHEIMER: Well does the honourable gentleman deny that a transcript is a written record of what has been said?

AN HON. MEMBER: Inaudible.

MR. OTTENHEIMER: That is what a transcript is.

MR. SPEAKER (STAGG): Order, please! The honourable gentlemen should not direct questions one to the other. The honourable gentlemen are here to make speeches. The only honourable gentleman that has the right to be heard is the one who has the floor.

MR. OTTENHEIMER: Thank you, Mr. Speaker. Then to make a resume of what would appear to be self-evident a document was tabled which was called a transcript - we ask ourselves, no one else, we ask ourselves what is a transcript? Surely it must be a written record of what has been said. It has never been denied by the honourable gentleman or anybody else that he, in fact said these statements of which what was tabled is a written record.

So, Mr. Speaker, unless one wants to totally confuse the English language and rewrite dictionaries, it was a transcript but if one prefer to call it a written record then obviously it makes little difference of what one calls it because it is a written record of what has been said, nor has anybody denied that fact. There was some reference as well and I do not intend to spend much time on that but that a suggestion that there may have been a breach of an Act Respecting Privacy, a Privacy Act.

Now it certainly would appear that statements which are made for broadcast, not on closed circuit, but for broadcast in the regular commercial outlets of this province, statements which are made for the intention of broadcast by radio or television are these matters with respect to which one can claim privacy, why does one make the statements for broadcast at a radio station at a television station or for newspapers unless one is doing it, not that it be kept private but that it be made public? So surely there is nothing more public than a statement not which has been overheard or with respect to which anyone has eavesdropped but a statement made knowingly and consciously by a public figure to a broadcasting company for the purpose of

broadcast. I would suggest, Mr. Speaker, to suggest that, that comes in the area of privacy is again to redefine words.

Some reference was made to the fact of how these words made by a public figure for broadcast throughout the province, how they were then, in fact, transcribed or put on a written record as if this were a material factor in terms of privacy - whether they were taken down by shorthand, longhand, typewriter, Morse code, tape or anything else how can there be an infringement of privacy in making a record of what has been stated for broadcast. So, Mr. Speaker, I would suggest that these matters, although not of real substance, when one looks at the motion are ones which at best could confuse and at worst, I suppose, confuse as well, perhaps there is not too much difference what it can do.

Mr. Speaker, the substance of the motion, of course, is that the Leader of the Opposition by making these statements did in fact breach the privilege of the House. In other words, that to deny to cast aspersions upon, however one wants to phrase it, the impartiality of the Speaker or Deputy Speaker is a breach of privilege of the House.

Now I would like to say that perhaps one way of considering this and there are others, the honourable House Leader and the Minister of Fisheries have dealt to some extent with them, it is not my purpose by any means to go over what has been already well reasoned and well delivered. Perhaps one could look at it from another point of view as well and that is to say, well, so what! Does it really make any difference if the impartiality of the Speaker is called into question and if there has been and is a breach of privilege of this House? Does it make any difference? Because if it does not make any difference then perhaps then it is not even worth calling attention to, it is not worth having a motion on.

The honourable Member for Hermitage alluded to the fact that certain speakers on this side of the House had appeared to be putting themselves forward as champions of timeless tradition or some such thing. As a matter of fact

I believe that particularly alliterative phrase was in fact spoken and certainly I made a note of it because of course the alliteration was quite literary and very fine.

So we ask ourselves, "So what? Does it make any difference? Does it make any difference if the partiality, if the fairness, if the openness of the Speaker or the Deputy Speaker are called into question, does it make any difference? Does it really matter a row of beans if the privilege of this House is broken in that way? I think that that is a reasonable question. Well what would the result be? I think there can be only one result and that is the undermining or destruction -

MR. SIMMONS: Point of order, Mr. Speaker, point of order, Mr. Speaker, I myself very dearly wanted to pursue this subject just now. I would very much like to hear the views of the Minister of Education on the subject but I would remind us all that the matter was ruled out of order several times, the subject of the impartiality or otherwise of the Speaker and its implications and I would ask Mr. Speaker to ask the Minister of Education to be relevant to the subject of the motion before the Chair.

MR. OTTENHEIMER: If I may offer argument, Mr. Speaker, but I do not wish to deny your prerogative to give a judgement. Thank you.

MR. SPEAKER (MR. STAGG): I am not prepared to give a judgement at this time.

AN HON. MEMBER: Of course you are.

MR. SPEAKER (MR. STAGG): I will hear the honourable member.

MR. OTTENHEIMER: Thank you, Mr. Speaker, I was going to submit that I was beginning to, attempting to, establish a new point not with reference because I quoted the alliteration of the honourable gentleman I was not quoting his arguments, I am capable of formulating my own and I would suggest that for me to refer to the results of the breach of privilege or what I consider to be the results of the breach of privilege would be quite relevant.

MR. SPEAKER (MR. STAGG): Order please! The question under discussion is what constitutes a breach of privilege and have the particular remarks of the Leader of the Opposition constituted a breach of privilege. The fact that the honourable member is dealing with the matter right on

point may cause some other honourable members to rise and say that he is irrelevant. In the opinion of the Chair he is the most relevant person who has been heard so far.

MR. OTTENHEIMER: Mr. Speaker, I must say I thank you for your ruling because I was afraid of the onslaught of the honourable gentleman from Hermitage. I thought he was going to devastate us in a plethora of logic epistemology.

MR. SIMMONS: Inaudible.

MR. SPEAKER (MR. STAGG): Order please! Order please! I do not know if the honourable member for Hermitage thinks that a separate code of rules has to be adopted for himself or not but he seems to persist in obstruction, speaking when he does not have the floor, asking questions, just totally disrupting the normal course of business. Now he is not the only gentleman who does it, but the honourable gentleman does it quite frequently and quite effectively frustrates the whole proceedings. Now I suggest to the honourable gentleman that he refrain from such remarks. The honourable the Minister of Education was addressing himself to the matter under discussion, was quite relevant, has been ruled so by the Chair, if the honourable gentleman wishes to dispute the Chair's ruling there is a procedure for this. Otherwise his further words are not going to be entertained on the subject and they will have to be dealt with in the appropriate fashion.

MR. OTTENHEIMER: Mr. Speaker, the point I was suggesting was that certainly one way, and I think a relevant way, an important way, not necessarily the only way, but a relevant and important way to regard this matter of breach of privilege of the House is to refer to its result. In my opinion the result of this form of breach of privilege is the undermining or destruction of parliamentary government, of parliament itself. This is a parliament, a parliament of a province, but it is a parliament. It is the only one we have. The result therefore would be the undermining of parliamentary government.

Then again I suppose we could ask ourselves, would that make any difference? Perhaps that does not make any difference. Perhaps there are some who think it would not make any difference whatsoever if the

parliamentary government that we have were undermined, were annihilated, were destroyed. Now, Mr. Speaker, if there are those who think that then they are at variance with the facts of the history of Newfoundland. The people who settled and lived here fought longer than in many parts of British North America for self-government, fought longer and harder and it took much longer to get results from London, from Westminster, from the British Crown, it took a long time to get that right of parliamentary government given to the people who came here, the people who came to Newfoundland.

The whole reading in Newfoundland history would suggest that to undermine or destroy the parliamentary form of government would be a very serious offence, at least it would be counter to the whole trend of Newfoundland history. The fact that it is historical or the fact that it is old or the fact that it might be, again to quote the honourable gentleman, a timeless tradition is not in my opinion at least itself that important. I am not that much of a small "c" conservative. I would point out however, that it would be completely at variance with the history and experience of life in Newfoundland when one considers the length of time and the frustrations and the difficulty that forefathers of all honourable gentlemen here, their forefathers had in order to get that parliamentary government.

We can ask ourselves as well that if the result of this kind of breach of privilege is the destruction of parliamentary government and if one were to say so what then I suppose we would have to ask ourselves, what do we have to substitute for it? It is not perfect. It certainly is not perfect and the fact that it is old or timeless or British or anything else does not make it perfect. It is far from that here and I would presume elsewhere.

What do we have to substitute for it? If we are going to agree or if there are those who maintain that the destruction of parliamentary government is not a serious matter then we would have to look and see what to replace it with. I would suggest, Mr. Speaker, that in one period in our history, in 1934, because of our financial inability we had

to give up parliamentary government and we had a government by commission, appointed from London. This continued until 1949. That is the only other substitute I am aware of and the people of Newfoundland in 1934, because of financial conditions, had to give up that parliamentary government -

MR. SIMMONS: Keep going.

MR. OTTENHEIMER: I do not ask the honourable gentleman's permission to keep going, I certainly do not. Whenever he speaks, Mr. Speaker, if somebody so much as sneezes, "Do I have the right to be heard in silence?" Then he is the persecuted martyr. When anybody else speaks he does not mind interjecting. Personally I do not mind his interjections because I recall interjections from people much more capable and much sharper than him, the former Premier and a few of his colleagues, they were certainly much more to the point, so I really do not mind the honourable gentleman. All I would wish to suggest is that if he expects the courtesy from others of silence then he should extend the same courtesy. That is the only point.

However, Mr. Speaker, if the destruction of parliamentary government is to be envisaged as something which is not to be discouraged then we look at the substitute. The substitute in 1934, because of financial inability of this province, was a Commission of Government. Are we suggesting that, not now because of financial conditions, but because of the immaturity of people elected to this Provincial Legislature, because of their immaturity, because of their unwillingness to accept the impartiality of the Speaker and the Deputy Speaker, that because of this kind of immaturity we should again give up parliamentary government?

What do we do then, go to Ottawa and ask for a commission? Because, Mr. Speaker, if you are going to have this kind of breach of privilege then you in fact are undermining and destroying parliament.

AN HON. MEMBER: Inaudible.

MR. OTTENHEIMER: Well if you are not undermining I presume you are fortifying it. You are building it up by attacking the fairness and impartiality of the Speaker, you are no doubt strengthening that parliament.

AN HON. MEMBER: Inaudible.

MR. OTTENHEIMER: Certainly, Mr. Speaker, nobody has suggested that.

MR. SPEAKER (MR. STAGG): Order please! Order please! The honourable gentlemen to my right are interjecting when the honourable gentleman to my left has the right to be heard. The honourable gentleman is relevant. If honourable gentlemen to my right object they have the right to be heard themselves in their proper course. Honourable gentlemen who have been heard already have had their say. If they have failed to rebut the honourable member's points I suggest that is too bad.

MR. OTTENHEIMER: Mr. Speaker, to conclude therefore I would suggest that this kind of breach of privilege of the House, that this kind of breach is a very serious matter, that it can only have one possible result and that is the undermining of parliamentary traditions, the undermining of parliamentary government. I suggest that only at one time in our history, only at one time in our history did we abandon parliamentary government and we did that because of financial conditions that was the reason alleged, that is the official reason, because of financial conditions. If we are to do it now, if we are to continue to undermine parliamentary government then obviously it is not for financial reasons, it is because of the lack of maturity of political leaders to accept the conventions of parliamentary government.

There are certain conventions, certain things, that among people elected to a parliament are shared in common. They have nothing to do with Liberal or Tory or Socialist or anything else. There are certain conventions, agreements between people as members of a parliament and when they are undermined, that is the common ground, that is the kind of consensus, that is the convention,

they are the ground rules under which we all have to work, in government, in opposition, as a private member, in any way and when those conventions are undermined and frustrated and ridiculed then I suggest the whole system would come to an end. So I suggest, Mr. Speaker, that it is a very serious matter that this breach of privilege can, in my opinion, at least have only one inevitable result if it goes unchecked and that is the undermining of the parliamentary form of government we have. I suggest we have no alternative as imperfect as that might be and that it is irresponsible for honourable gentlemen not to acknowledge and to practice the basic conventions which we all must share and participate in if this system is going to work.

MR. SPEAKER (STAGG): The honourable Member for Labrador North.

MR. WOODWARD: Mr. Speaker, to speak on this particular motion that indeed is a regrettable thing for me to do but I feel it is my duty to say a few words on the motion. Mr. Speaker, I would appreciate the Chair giving me the same latitude as it did the honourable Member for Labrador South and the Hon. Minister of Fisheries.

MR. SPEAKER (STAGG): Order, please! The implication and inference of the honourable member's remarks are obvious to the Chair at least. The Chair has attempted to do its duty diligently and with impartiality. The inference of the honourable member's remark is that impartiality was not observed with two other honourable members. Now maybe the honourable member did not mean that, and I hope he did not but I trust that he is not going to develop that theme further.

MR. WOODWARD: Would you like for me to withdraw those remarks, Mr. Speaker? If you would without reservations I withdraw these remarks. Due to parliamentary rule and parliamentary procedures what I have said, I said without obstructing the House to any great degree since I have taken my seat in the House some three years ago. Although the Minister of Education goes back to the British procedures and the undermining or destroying of parliamentary government, I think that we do not have to move away from this House but only look back at this particular session. When we look back from the 28th. of November until today and



look at the behaviour of some of the members in the House then one can realize why we have developed a situation such as has been developed here and why this motion has been brought into this honourable House.

Now I do not want to set about disciplining members in the House because I do not have the right neither do I have the ability to do it. But, Mr. Speaker, it makes one wonder when you look possibly at the junior members of the House and look at their behaviour and then you look at the long time parliamentary experts, if you want to call them that, and then you arrive at their behaviour. There is a great difference in between. When I entered the House I thought that I could learn the behaviour of the House by looking at or paying particular attention to certain individuals. I no longer have that feeling, Mr. Speaker, because I feel that the behaviour of certain honourable members in the House have brought about this motion today.

I can only commend the Leader of the Opposition for making his statements outside of the House, I think, he is a man of principle, he is a man who felt that this had to be done and this was the only avenue open to him to get his point across. A number of people, including myself, I suspect over the last three weeks of sitting in the House have felt that things maybe could have been a little bit different from what they were. Mr. Speaker, because of the nature of this motion I cannot elaborate any further on that because if I did I would be ruled out of order by the Chair, as it would be unparliamentary.

We look back at the undermining or destroying of our parliamentary system that was put so eloquently by the Minister of Education. I do not think there is any great danger in this particular House or any great danger from the Opposition. I think we are all honourable gentlemen and no one is setting about to undermine any individual in this House, any member of this House or indeed to undermine any particular parliamentary or democratic system of government. I think that is a lot of hogwash, Mr. Speaker, those words that were uttered, I suspect,

throughout this province have fallen on deaf ears, no one is paying attention to it. I would rather think in terms of maybe people entering into a debate and we have seen in this particular House during, and I cannot refer back to the particular bills that we have been debating or the amendments that have been debated over the last three weeks but there have been some very, very hot discussions in the House and a very, very possibly a bill that have been very dear to a lot of the members. As a result of this there is a lot of uneasy feeling, there is a lot of discontent, and I for one am very unhappy. I am not saying I am unhappy, I am unhappy for a number of reasons. But, Mr. Speaker, I cannot elaborate on those reasons in the House today.

The Hon. Leader of the Opposition saw fit to go outside of the House and make his remarks outside the House and on principle he has stood by these remarks and he has not withdrawn the remarks in the House. If he does believe in the statements that he has made there is no reason for him to withdraw them.

So on that note, Mr. Speaker, I would say that I do not support this motion and I do not support the expulsion of the Leader of the Opposition for a three day period from this House.

AN HON. MEMBER: Hear! Hear!

MR. SPEAKER (STAGG): The honourable Member for Twillingate.

MR. H. GILLETTE: Mr. Speaker, like many others in this House I am going to be very brief today. To be quite honest with you, and with this honourable House I do not see how we can debate this resolution in the light of what has happened since the resolution was brought in this morning. It seems that it is a resolution that has to be voted on 'Aye' or 'Nay'.

While reading over this motion, Mr. Speaker, it seems to me that the motion itself if it is going to be accepted as one motion has as the important part of it, this is sort of a preamble to my mind, to my way of thinking, that this House considers remarks made by the Hon.

Leader of the Opposition on radio station CJON on Wednesday, December 18, 1974 at approximately 8:00 A.M. a transcript of which is tabled herewith a preamble constitute a breach of privileges of this honourable House. This is the important part of it "In consequence whereof the Leader of the Opposition shall be suspended from this honourable House for three sitting days." This is the sole objective I believe, Mr. Speaker, of this motion,

to suspend the honourable Leader of the Opposition from the House for three days. He did choose to go outside of the House and make these remarks. The honourable Minister of Education has referred to it as being public as verses the privacy of this House.

Well actually, Mr. Speaker, this House is not private. Were it large enough and could the entire population of the province occupy the galleries it would definitely be public, just as public as radio and television. My colleague has already told this honourable House why he made the statement outside. My friend, the honourable member for Labrador North just a few moments ago, repeated it was the only avenue open to him. That is correct.

I do not think there is any doubt that the alleged remarks were a breach of privilege of the House. The person, the honourable Leader of the Opposition, has already at many times offered to withdraw them. He offered to withdraw them with the condition of course that this honourable House be allowed to debate the question of whether or not the Chair, Speaker and his Deputy have been partial, or to use his words, the alleged words, "They were not impartial."

MR. ROBERTS: The apology would have followed it is just I said that had to be done before I would withdraw.

MR. GILLET: Yes.

MR. ROBERTS: The apology was unqualified.

MR. GILLET: Well now, Mr. Speaker, we have two distinct personalities in the Speaker and his Deputy Speaker. The Deputy Speaker has a legally trained mind. He is naturally able, very capable and able of detecting any irregularities and he therefore, perhaps tends at times to be what is considered by some, partial.

I recall this morning that the honourable Minister of Justice reported to the House that even in caucus meetings of the government side of the House, members of the honourable House complained to the Speaker, not that he was partial mind you, he did not say that, but that they felt that they were unduly dealt with. This is what he implied. If he did not say it he implied it.

AN HON. MEMBER: Inaudible.

MR. GILLETT: Did not he say caucus?

AN HON. MEMBER: Inaudible.

MR. GILLETT: Oh I am sorry, I thought he said caucus meeting.

MR. ROBERTS: - the Tory convention.

MR. GILLETT: It seems to me, Mr. Speaker, that it is asking a lot of not only one human but of two, both chosen from the government majority side of the House, it seems it is asking a little much and expecting a little much perhaps, that these men be totally impartial. I know that a judge is also a human being and he has to be impartial but this is not a court of law, neither is this a judgement hall. I think that rightly or wrongly, we do feel, I know we do on this side of the House, do feel at times, that we are treated a little more harshly perhaps than those on the government side, particularly when a Minister of the Crown is speaking.

The Minister of Fisheries this morning for instance, he rose on points of order almost on the minute, by the minute. But when he got up to speak himself he was just as irrelevant, if not more irrelevant than the speakers on this side who were interrupted so many times on points of order by the gentleman because speakers on this side were irrelevant.

Now, Mr. Speaker, it is quite possible that I have been irrelevant now also. I am very sorry -

MR. ROBERTS: You would have been called to order if you had been irrelevant.

MR. GILLETT: I am very sorry that this motion was presented today. I would like to see a different ending of the motion. I do not know whether or not this is the answer to it, what it will solve. But I do think that these discussions over the past two days will perhaps tend to put everybody on his guard, including the honourable Mr. Speaker and his Deputy, both of whom I have very high regard for. I do not envy them their positions at all. But I think that perhaps if nothing else is achieved these last two days will serve to put each and every one of us on his guard as to relevance, as to the language, the verbiage and what not. If these two days accomplish nothing more than that, Mr. Speaker, then I consider

that we have achieved, and perhaps achieved what the honourable Leader of the Opposition set out to do, even though he is suspended for three days and it looks very much like that unless somebody brings in an amendment and I trust somebody will.

MR. ROBERTS: Hear! Hear! Well said.

MR. SPEAKER: The honourable member for St. John's South.

MR. WELLS: Mr. Speaker, I appreciate the remarks of the honourable member for Twillingate. Certainly he has displayed himself as a member of this House who is a credit to the House and I certainly think that he believes what he said and I admire him and honour him for that. I doubt though that if the honourable Leader of the Opposition in the remarks that were made on radio intended to raise the stature of this House. I cannot accept that.

Mr. Speaker, I think in this debate and I shall be extremely brief, in this debate we have to be very, very precise. Obviously and I understand this has

been held, we cannot debate the substance of the thought that caused this matter to arise, the thought in the mind of the honourable the Leader of the Opposition. We are concerned, I think, with a very narrow issue here, Mr. Speaker, and the motion sets it out very well that the Leader of the Opposition on radio at a certain time as mentioned, did constitute a breach of privileges of this honourable House in consequence whereof the Leader of the Opposition shall be suspended from this honourable House for three sitting days.

Then we go to the transcript, Mr. Speaker, to see what he said. Among other things he ends up by saying, or he ended up by saying: "What I had said was right and the Speaker throughout this debate, the Speaker and the Deputy Speaker have not been fair and impartial, they are deliberately favouring one side and that is the government side." Mr. Speaker, the rights and wrongs of this do not enter into it. The question is, that that was said and I am satisfied and I think most members of the House are satisfied that that was what was said.

Now you come to the question of the conduct of this House and whether this House is to survive as a peoples' House that is doing a job for the people of this country, a place where substantive public issues are debated. It is unfortunate, perhaps, in some respects that the time has had to have been taken that has been taken in debating an issue of this sort. I think issues of this sort ought to be dealt with very speedily, very expeditiously. I think underlying the whole thing, Mr. Speaker, is that there are rules over which one cannot step. If one steps over these rules as a member of this House, either in the House or out of the House, then the penalty is there.

Nobody can stop the Leader of the Opposition from thinking what he likes. That is his right and his privilege. If we are to live in an organized society, if this House is going to represent the people of an organized and civilized society, then these rules have to apply. The question now before us, as I see it, Mr. Speaker, is to say what he said that the Speaker and the

Deputy Speaker have not been fair and impartial and that they are deliberately favouring one side and that is the government side. I think the question now narrows down to this: Is to say that a breach of the privileges of this House?

Without, Mr. Speaker, going into the authorities, on which I would not claim for a moment to be an expert, but nonetheless the ordinary common sense of members and citizens alike must tell us that to say that sort thing about the Speaker and the Deputy Speaker of the House must be breaches of the privileges of the House. Because, if that is not a breach of the privileges what can be. There must be no privileges of the House if that is not a breach. I think, Mr. Speaker, we all remember well when this House was first constituted and how following a time-honoured tradition the Leader of the Government and the Leader of the Opposition took the Speaker or the man who was designated and chosen to be Speaker, which was yourself, Sir, took him one by one arm and one by the other and together, following a practice of long standing led him to the Chair. This signifies whatever it may have signified in the past. To me it signifies that the choice of Speaker and the recognition of the impartiality and the role of Speaker is recognized by both sides of the House. That is why the Leader of the Government and the Leader of the Opposition lead him, as it were, to the Chair and install him in it with the approbation of both sides of the House.

So I say again, Mr. Speaker, that to breach that rule and to say what was said has to be a breach of the privileges of this House. If it is not then what can be. What does one do? What could one do to constitute a breach of the privileges of the House? This leads me to the last part of the motion, Mr. Speaker, which is the punishment for it.

Obviously this House, if it is going to have rules, if there is such a thing as a breach of privilege there must be a penalty when one is found to have committed that breach. Whether it be three days, four days, two weeks or one day, perhaps is not important unless the penalty is so severe, so savage that it would reflect back or prevent a person from doing his duty to his constituents



and to the country at large in this House. I feel that the proposed three sitting days is not excessive. I do not feel that the people of the district which the Leader of the Opposition represents are going to suffer by this nor should they suffer. He himself, unfortunately and as I say I am sure it pains all of us to have to deal with this, he himself must be subject to the penalty to which all of us must be subject if we breach the privileges.

Mr. Speaker, it is regrettable that this has had to take place and I feel, as I am sure with all honourable members of this House, that it is regrettable. Regrettable or not we have to stand somewhere and we have to stand for something. All of us have a duty to stand behind the rules and privileges of this House so that they mean something. Mr. Speaker, I have no other choice but to support this motion and will vote accordingly when the time comes.

MR. SPEAKER: The honourable the Member for St. Barbe North:

MR. F.B. ROWE: Mr. Speaker, I will be joining with my colleagues on this side of the House. I am not speaking for the honourable the Member for Labrador South. I will be voting against this particular motion.

Sir, one of the things that we witnessed in this honourable House over the past two and a-half years has been the defeat of certain resolutions, motions and bills and acceptance of certain resolutions, motions and bills, sometimes based on a technicality. Whether it was reference to Beauchesne - why just a few days ago we saw an amendment which was accepted by the Deputy Speaker based on the researching of Beauchesne.

MR. SPEAKER: Order please! I again have to refer to the rule of relevance. Any decisions made on previous amendments or motions by the Speaker or the Deputy Speaker could have and perhaps should have been dealt with in the proper order. The honourable Member for St. Barbe North is not being relevant to this particular motion when he refers to other amendments.

MR. ROWE: Sir, I am not debating or questioning the ruling on that

particular amendment at that time, I was simply giving it as an example of the use of a technicality which, in fact, can be used in this particular instance.

It was not firmly established earlier this morning that this alleged transcript which was entitled "News Item, C J O N, 8:00 a.m., Wednesday December 18, 1974," it was not firmly established that this was an official transcript from C J O N. Sir, it was not authorized by any personnel of C J O N, it was not signed by the station manager nor any personnel whatsoever at C J O N. It was not certified by anybody at that station and indeed, there was no proof that the transcript, what we see in the alleged transcript was even aired on radio, this particular transcript that we are referring to.

Sir, we do not know whether this was simply typed up by the honourable House Leader or his secretary. I am not saying that it was, I am simply saying that it was not an official, certified, signed transcript originating from the station of C J O N. Yet, this transcript is the very basis -

MR. MORGAN: To a point of order, Mr. Speaker. To a point of order. The motion put before the House of Assembly this morning was accepted by Your Honour. The evidence that was submitted with that motion was accepted by Your Honour. Therefore, Mr. Speaker, the present speaker in this debate is now irrelevant. We must not refer to the evidence that was submitted to the Speaker, to Your Honour. It was accepted by the Chair, therefore, we are voting on a motion of censure and not on the evidence that was brought to this Assembly.

MR. F.B. ROWE: To that point of order, Mr. Speaker. I submit that if anything, the only claim that the honourable the Member for Bonavista South can make is that I am out of order. I am certainly not irrelevant. I was simply stating that one of the reasons why I am planning to vote against this particular motion is on the grounds of the fact that the very transcript which forms the premise of this motion and the foundation and basis of this motion is not a certified, authorized -

MR. MORGAN: State your point of order.

MR. F.B. ROWE: I am stating my point of order, Mr. Speaker. It is not an official transcript originating from C J O N. I submit that I am certainly not irrelevant, Sir, and I am certainly not questioning the fact that the Speaker accepted this motion and this particular transcript this morning.

MR. MORGAN: (Inaudible)

MR. F.B. ROWE: Am I allowed to be heard in silence, Mr. Speaker, on a point of order? I am certainly not questioning Your Honour in accepting the transcript and in accepting the motion. I submit that I am completely within my rights.

MR. SPEAKER: Reference has been made several times today as to whether or not the particular transcript is an official one or not. It has basically been a difference of opinion between honourable members. While some debate has centered around that particular point, it is bordering on the fringes of irrelevancy as really the content of the statement is whether or not the honourable the Leader of the Opposition made the alleged remarks. Whether the actual statement is an official statement or not, is perhaps not really the topic.

MR. F.B. ROWE: Mr. Speaker, am I irrelevant or not irrelevant? I did not get the -

MR. MORGAN: Did you not hear the ruling?

MR. F.B. ROWE: No, I did not get the ruling, no. I got the comment -

MR. SPEAKER: Order please! The ruling was that the document itself has been discussed at some length at different times. It is bordering on the fringes of irrelevancy.

MR. F.B. ROWE: Thank you, Mr. Speaker. Now, Sir, one of the statements made by the Minister of Fisheries this morning was that the fact that the honourable the Leader of the Opposition made these statements on this station or any other station. The fact that he made these statements constitutes a breach of privilege of this House and therefore we have the motion in front of us to suspend from this honourable House the honourable the Leader of the Opposition for three days. Sir, the

Minister of Fisheries this morning made quite a remarkable statement, a remarkable statement: He said that this constitutes a breach of the privilege of the House even if it is true. Even if the statements of the Member for White Bay North are true. Now, Sir, I totally reject that. I just cannot see something being true being a breach of privilege of this House. It is as if Your Honour came down and brutally assaulted and physically attacked an honourable member on this side of the House or any side of the House and then one honourable member gets up and says Your Honour was partial.

Even if it were true, according to the Minister of Fisheries, even if it were true it constitutes a breach of privilege of this House. Now, Sir, this I certainly do not subscribe to and I think this is why we are in this (I was going to say unholy mess) mess at the present time in this particular debate. We have not been able to get at the main issue, Mr. Speaker. The honourable the Leader of the Opposition nor none of us on this side are able to move a motion, say, of censure because there are motions already on the Order Paper. He asked for leave of the House or agreement from the government to debate that particular motion to see whether or in fact it was true. This is the whole problem; if something is true how can it be a breach of the privilege of the House?

MR. MARSHALL: On a point of order, Mr. Speaker. I do not like to jump up on a point of order because I realize the honourable member is probably in a very difficult position in what he finds himself debating now but the fact of the matter is; what he is doing again is transgressing into the area of whether or not the statements made by the Leader of the Opposition were true or not. That in itself constitutes an affront to the Chair and that is what the debate is all about.

This debate centres around statements that were made by the Leader of the Opposition. I think that has been admitted now and secondly; whether or not they constitute a breach of privilege. To allow the honourable member and as I say, I realize

the honourable member and all honourable members on the other side are in a difficult position with respect to this in making their debate but to allow an honourable member to assert that the Leader of the Opposition in getting up was therefore justified in making his statement, as to whether or not the Chair was partial or not, is to draw into question the partiality of the Chair which is something which this House cannot tolerate despite the unenviable position the honourable member finds himself in.

MR. F. ROWE: On that point of order, Mr. Speaker.

MR. SPEAKER: The honourable Member for Labrador South.

MR. M. MARTIN: Thank you, Mr. Speaker. For the edification of the honourable Member for St. Barbe North, I would like to believe that he is genuine here in his incomprehension of the motion, the main thrust of the motion. I would refer him to page 19, and any other member who is interested, page 19 of the Standing Orders of the House of Assembly of Newfoundland. It must be remembered that there are privileges of the House as well as of members. Wilful disobedience to Rules and Orders, insults and obstructions during debate are breaches of privileges of the House. I submit, Sir, if you want to read further you will find by merely going outside of this House and voicing an opinion which imputes the integrity of the Chair. The point of order is one raised by the honourable member opposite to which I am addressing myself. Perhaps the member should refer himself to the rule book.

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

MR. SPEAKER: The honourable Member for Hermitage.

MR. SIMMONS: To the point of order, Mr. Speaker, I submit that my colleague, the Member for St. Barbe North was being quite relevant and being governed by the precedent established for the Minister of Education in that he was permitted by the Chair to explore the subject of the implications of the statements made by the Hon. Leader of the Opposition. I submit, Mr. Speaker, that my colleague, the Member for St. Barbe North was also exploring the subject of the implications of the statement made by the Leader of the Opposition outside of the Chamber, and in that spirit should be allowed to continue this line of thought inasmuch as the Minister of Education was allowed to continue to explore the implications of the statements made by the Leader of the Opposition outside of the House.

MR. F. ROWE: Mr. Speaker, I would just like to re-emphasize that I was quoting the Minister of Fisheries and reminding this honourable

House of the fact that he said that something, the words uttered by the Leader of the Opposition constituted a breach of privilege of this House even if they were true. I was simply reiterating the fact and re-emphasizing the fact that I do not subscribe to that particular principle, that is not a breach of privilege of the House if in fact it is true. It is as simple as that.

MR. SPEAKER: Order, please. There may be a number of things come out of the debate of the past three days as the honourable Member for Twillingate said. Perhaps one of them is that the Speaker and Deputy Speaker will perhaps have a better concept of what the rule of relevancy is all about. It is a difficult rule to rule on. The honourable Member for St. Barbe North, again, was straying a little from the rule of relevancy but he is allowed to continue.

MR. F. ROWE: There should be a point of personal privilege, Sir, or a point of order but the Member for Labrador South questioned my integrity by saying "If the Member for St. Barbe North was genuine in his statements." I would say that I was quite genuine and well meaning and sincere.

AN HON. MEMBER: On a point of order, please!

MR. F. ROWE: I would ask on a point of order that the Member for Labrador South be asked to retract that statement, questioning whether or not I was genuine.

MR. MARSHALL: On a point of order, Mr. Speaker, if I may?

MR. F. ROWE: No.

MR. MARSHALL: I know the honourable Member for Labrador South will be able to speak for himself but this is, you know, that is not a point of order. I realize the honourable Member, as I say, for St. Barbe North is in a very difficult position having to defend the indefensible. He finds himself in a hard position but the fact of the matter is, to take a mild statement of the Member for Labrador South out of context in that matter and to try and make a mountain out of a molehill is really not relevant, it is not really a point of order.

MR. SPEAKER: The Honourable Member for Labrador South.

MR. M. MARTIN: I would like to reply to that, Mr. Speaker. Of course the honourable member has already said that he was genuine. The question I raised was one of integrity. That is precisely the question I did raise, Sir. He has already said that he was genuine. I accept that and if any other thing was inferred I apologize.

MR. SPEAKER: Order, please! The Chair certainly when the honourable Member for Labrador South rose rather on his point of order, the Chair certainly did not interpret any remarks as to question the integrity of the honourable Member for St. Barbe North, and accents the remarks just made by the honourable Member for Labrador South.

MR. F. ROWE: Thank you!

Now, Mr. Speaker, I have dealt with the technicality of the particular transcript being questioned. I would submit, Sir, that the Hon. Leader of the Opposition was genuine, he was sincere and he was well meaning when he saw fit to go to the news media of this province and utter some of the words that were indicated in this particular transcript and in reference to other transcripts by honourable members opposite.

Sir, I submit that he was sincere. It was the only course of action he could see that could be taken to try to get his message across because he had been ruled out of order in the House of Assembly and asked to apologize. Sir, he believed in what he was saying, he was sticking to his principles and he is probably going to have to suffer some unfortunate consequences as a result of the statements that he made.

Sir, why would a member of this House see fit to go public on such an issue? I submit, Sir, that the only reason he saw fit to go public on such an issue is because he honestly and sincerely believed in the words that he himself had uttered. Sir, he honestly believed that the ruling of the Speaker, I can only say from my point of view that it could conceivably have been a mistake or an incorrect ruling, not deliberately taken, but it could be a mistake in ruling, it could be an error in ruling. There is nothing unparliamentary about that



but since there was a precedent for the type of the amendment that was accented but not allowed to be debated, the honourable Leader of the Opposition felt that the honourable Deputy Speaker was partial, sticking to his principles, Sir, he went public on that particular issue. I have to commend the Hon. Leader of the Opposition for having the courage to go public on this particular issue and face some possibly very drastic consequences. It could have been much worse than three days, Sir. It could have been something similar to the sentence my colleague for Bell Island got in the last session, two weeks.

MR. NEARY: Just four days.

MR. ROWE: Just four days. I thought it was a little -

MR. NEARY: They reduced the sentence for good behaviour.

MR. ROWE: They reduced the sentence for good behaviour.

Sir, only a man of convictions could go public and bring these words that he uttered to all of the people of Newfoundland. I understand, am I correct, I cannot get into the question of whether or not it was true? Well let us say, Sir, they were untrue. The only way that it could be determined whether or not they were untrue is to have an open debate, on the one suggested by my colleague for Labrador South.

MR. SPEAKER: Order, please! The honourable Member for St. Barbe North for saying, that he is not allowed to say the words are true but saying they are untrue is really using a play on words and getting involved in a debate on a subject which he basically just admitted that he was not supposed to get into.

Mr. Speaker, let me put it another way. The only way to get at the real issue here, the real issue, is to do as was suggested by my colleague from Labrador South, for the government to move a vote of confidence in the Speaker and Deputy Speaker so that if there is any doubt in the minds of the people of this Province it would be resolved in this House. The matter would be debated, it would be debated. Sir, if substantiated, if the motion passed, then the Leader of the Opposition could see fit to apologize and withdraw his statements or retract his statements or otherwise and then things would speak for themselves, actions will speak for themselves. But the only way of getting at this issue is to do as my colleague from Labrador South suggested, move a vote of confidence in the Speaker coming from the government side.

We are placed in a very unfortunate position, Mr. Speaker, of having motions on the Order Paper for Private Members' Day so we cannot move such motions of nonconfidence.

MR. SPEAKER: Order, please! During the course of this debate the Chair has had to rule several times on the rule of relevancy and the fact that a motion which might subsequently be put on the Order Paper or brought up or a matter that might be discussed in the future is not of relevance to this particular motion.

MR. ROWE: Thank you, Mr. Speaker. I shall try to go to another point that I hope will be relevant, Sir. Sir, the Minister of Fisheries this morning suggested and left the impression I thought, that it is the duty of this House to protect the Speaker and Deputy Speaker. I could not agree with the minister more, Sir, but I would submit, Sir, that the Minister of Fisheries could have also suggested without qualification that it is also the duty of the Speaker and the Deputy Speaker to protect all honourable members of this House of Assembly. I am not saying that the honourable Speaker or Deputy Speaker have not been doing that but, Sir, I think the emphasis should be placed there instead of leaving the impression that it should be the main duty of this House to protect the Speaker and Deputy Speaker. Now I cannot mention the censure motion.

MR. ROBERTS: The issue that has no name.

MR. ROWE: The issue that has no name. I have already used that expression "Ed" and was ruled out of order on it.

MR. ROBERTS: Inaudible.

MR. ROWE: Now, Sir, some honourable members on the other side of the House have suggested that the Leader of the Opposition is playing a game, he is trying to destroy the parliamentary system of the House of Assembly, a vicious attack on the Speaker and Deputy Speaker and said, Sir, that the honourable the Leader of the Opposition is actually trying to get kicked out of the House which, Sir, is certainly questioning the motives of the honourable the Leader of the Opposition. But, Sir, I submit that he is doing neither of these things. He is taking the only course possible in view of the fact that he cannot move the motion that I mentioned before. So, Sir, there is very little I can add without being irrelevant. I have a bunch of notes here but in view of your ruling, Sir, which I respect I will not be able to mention without simply being out of order. But I sincerely believe that what the Leader of the Opposition had to say publicly, he meant, he believed in it and I say it is extremely unfortunate that we cannot put the truth to the test.

MR. ROBERTS: Well said.

MR. SPEAKER: The honourable Member for Bonavista South.

MR. J. MORGAN: Sir, I have a few brief words to say on this motion. I have been in this House of Assembly for the past thirty-three months. Being sent here by a constituency the same as all honourable members in this Assembly, I came here to speak for the people accordingly and to hopefully show leadership to the people who elected me and also to the Province. When I came in this Assembly, I came in to be governed by the trust that was put in me when I came here, to be governed accordingly. Mr. Speaker, during the past two or three days what has been happening in this Assembly as was so ably put this morning by the honourable Member from Labrador South, everyone in this Assembly must concur with what he has to say. Whether the Leader of the Opposition or a backbencher on the government side or a minister on the government side makes any attempt to break the traditions of this Assembly in any way or form, they must

be dealt with. This issue is a very serious one. I am sure the people of Newfoundland may be wondering why they are debating a motion in the House of Assembly to expel a member when we have so many crucial issues that can be debated for the benefit of all the Province. The reason why, Mr. Speaker, because this issue is very crucial for this Assembly, very crucial indeed because if we are going to allow the dignity and this tradition to be destroyed by attacks on the person who keeps order in this Assembly or persons who keep order in this Assembly, we are going to see the destruction of our means of legislation, a law making body that governs all this Province and what a great shame that would be.

When I came into this Assembly, Mr. Speaker, I watched very attentively and listened very attentively to the senior members of the Assembly, one of whom was the honourable Leader of the Opposition. I have no shame in saying that. I sat and listened and watched, I was a rookie and I wanted to learn from senior members who I thought could teach me how to behave properly in the House of Assembly. But, Mr. Speaker, today I have to say that with the lessons I have learned, if I continue along these lines, hopefully if I am still in this Assembly in years to come, I will be showing a very poor example myself.

Mr. Speaker, I am firmly convinced as of the last few days that there is one thing that must be done and I am going to make the recommendation today as a backbencher on the government side, I think there should be immediately set up, no longer than maybe two or three weeks from this day, a special school of instruction, a course of instruction for all members of this legislature, for all elected parliamentarians in this area of the country to attend and to learn the rules of procedure of the House of Assembly.

AN HONOURABLE MEMBER: Hear! Hear!

MR. MORGAN: I think that would be to the benefit of this Assembly and hopefully bring some decorum. That is so far with regards to the procedures in the House of Assembly but, Mr. Speaker, in listening to some of the opposition speakers on this motion I am a little bit perturbed and disappointed that they are saying this motion is only for the specific purpose of throwing out the honourable Leader of the Opposition. But, surely, they themselves must

recognize the fact that when a personal attack is made on the Speaker or Deputy Speaker of this Assembly that has to be dealt with, to be dealt with by this Assembly. We are not just casting out the honourable Leader of the Opposition. Hopefully he would stand in the House of Assembly, stand like a man to apologize to you, Your Honour, to apologize to the Speaker for the statements made outside of the House. He can use any argument he wants to use, it could be the heat of debate. There has been some good debate and good argument during the past week, two weeks on the redistribution bill. Maybe he was uptight on that issue and that is the reason why he got uptight when he went to the media, he was still carrying on a debate from the Assembly, in the heat of debate he used words he did not give much thought to at that time. I am hoping he will use any excuse at all of that nature

but he will stand in this Assembly and be a man and say, "I apologize to the Speaker and I apologize to you Your Honour," and we will not have to take a vote on this motion.

I am sure the people of Newfoundland will look up to the honourable Leader of the Opposition with much more respect, much more respect if he acted like a man and said, "Yes, I apologize. I was wrong." If he does not do that, Mr. Speaker, if we do not deal with it we are all wrong, each and every member of this Assembly, whether in opposition or in government. If the honourable Leader of the Opposition or any honourable member of this Assembly chooses to attack the Chair of the Assembly, if the Assembly does not deal with that matter we are not doing our duties. We are allowing this great Legislature to deteriorate to a dogfight. We must not allow that to happen.

So without continuing on this rather serious debate but also in my view unfortunate debate, I will again make my appeal. The honourable Leader of the Opposition, he seems to be wanting to be cast out of the Assembly, I hope that is not his motive.

MR. ROBERTS: I can set the honourable gentleman's mind at rest, that is not my motive.

MR. MORGAN: Well, Mr. Speaker, I would sincerely hope that he will stand in this Assembly before a vote is taken, make a proper apology, a proper withdrawal and we will not take the vote on this motion as it is put forward to the Assembly.

MR. ROBERTS: I will do that when you take the proper steps to ensure the impartiality -

MR. MORGAN: Mr. Speaker, I am not talking about any kind of qualified withdrawal, I am not talking about any qualified apology, I am talking about an outright unqualified apology which has to be made, which has to be made, Mr. Speaker. If not, what will happen in six or seven months time if somebody else in this Assembly goes on a hot line show or an open line show or some local media and attacks the Chair again? How can we carry on with obeying you and your rules if we do not respect the Chair? If we do not respect the Chair we cannot carry on in an orderly fashion in this Assembly.

Listening to some members of the House of Assembly on the opposition side today they seem to think that because they are not familiar, and I myself am one of these on the government side not familiar with the rules, I am trying to make myself familiar with the rules, but being a rookie member I am not, but because I am not familiar with the rules there is no reason for me to stand on my feet and say, "Mr. Speaker, you are wrong in your ruling," because I do not know the rules. That is what has been happening, Mr. Speaker, on the other side of the House of Assembly, the junior members in particular, have been standing and challenging and calling your rules shameful, etc., derogatory comments about the Chair, mainly because of the fact they do not understand the rules and procedure of the House of Assembly.

MR. SIMMONS: Inaudible.

MR. SPEAKER (MR. STAGG): Order please! Order please! I think the honourable gentleman may be diverging somewhat from the relevant portions of his speech and I suggest that he refrain from further divergence.

MR. MORGAN: Thank you, Mr. Speaker. The latter part of that motion ~~that~~ we are debating, "Whereof the Leader of the Opposition shall be suspended from this honourable House for three sitting days." Mr. Speaker, if that happened to be the honourable member for Bonavista South or from Hermitage or from St. Barbe North or Bonavista South, maybe not so bad but I am sure the honourable gentlemen on the other side of the House of Assembly are hoping to look up to the man who is campaigning to be the next premier of the province. He is campaigning in that direction.

AN HON. MEMBER: Says he will be.

MR. MORGAN: Surely you must have to look up to him.

AN HON. MEMBER: Two months from now.

MR. MORGAN: In the same manner I would look up to the honourable House Leader or the Minister of Justice or others on this side of the House of Assembly.

MR. SIMMONS: Do you look up to the Premier?

MR. MORGAN: So, Mr. Speaker, that is the most annoying part of all. A man who has been in this House of Assembly since 1966, surely he cannot

indicate to me he does not know the rules of the House. I hope after eight years in this Assembly I will know the rules of the House.

So, Mr. Speaker, there is no excuse for that. He knew what he was doing and therefore either the honourable gentleman apologizes or accepts the consequences of this motion. Thank you, Mr. Speaker.

MR. SPEAKER (MR. STAGG): The honourable member for Fogo.

CAPT. WINSOR: Mr. Speaker -

AN HON. MEMBER: In ten words or less.

CAPT. WINSOR: Ten words or less, fine. Mr. Speaker, I find myself in a very unfortunate situation here and at a very disadvantage because I was not here, I was unavoidably absent from the House on Monday and again on Tuesday and yesterday. Actually I should be absent from the House today, however, I am here and I must say in all of my years sitting in this honourable House I have never had to stand on my feet or not that I recall anyone having to stand on their feet and debate a motion brought in to censure the Speaker or to have the Leader of the Opposition expelled from the House for three sitting days.

Now, Mr. Speaker, we must protect our democratic system and as it has been said by other speakers, if we fail in that democratic system then nothing but chaos develops. The remarks made by the honourable Leader of the Opposition outside of this House, he made through a radio station or open line whatever station he made it through, I did not hear it myself, I do not know the exact words but I am taking my information from the so called item received from CJON. Whether it is the actual words that the Leader spoke or not remain a little doubtful as it is not a transcript of the actual words. However, it is very unfortunate that we find ourselves in this situation today and I do not think there is any doubt about it that the motion is brought in and the intent is to expel the Leader of the Opposition. I do not think there is any doubt about that.

But what the honourable Leader said or what is attributed to him to have said, he said it outside and some statement which he believed to be true. He must have believed that it was true or otherwise the honourable



gentleman would not have said it. So here we are dealing with a statement made outside of the House by the honourable Leader of the Opposition in which he thinks he is right and proper as far as his judgement is concerned.

Now the honourable Leader of the Opposition did not converse with me for the simple fact that I was not here and I do not know whether he conversed with anyone else and I doubt very much because he has the ability to use words very effectively and very intelligently. So I would not suspect that the honourable Leader of the Opposition went to anyone for advice of what to say or what not to say on any radio station. He is quite capable and intelligent enough to decipher whether they were going to be misinterpreted or whatever. However, Mr. Speaker, does the government really think that I, as a member of the loyal opposition, should now vote to have the Leader of Her Majesty's Royal Opposition,

you know, thrown out of the House. Surely the government do not expect any member on this side of the House to condone such action and if, therefore, - excuse me, if the honourable Member for Bonavista South has pleaded, together with other members over there, I never saw a group of people pleading for a strayed soul as the government side have been pleading with the Leader of the Opposition to make an open apology. Sure that would be grand. It will be grand for the government to have our leader come out and say, "Look, I am terribly sorry now" not forgetting the fact that he did agree to do that on condition. He did agree to do that on condition and, I think myself that, that condition should be aired.

However, we, members of this honourable House, Mr. Speaker, we must be protected by the Speaker and vice-a-versa. I have a great strong belief in the system but I do not think, I do not feel that a system will crumble after the Leader of the Opposition is expelled from the House for three days. That will cure nothing, Mr. Speaker. And unless we can inject some better understanding of the rules and there may be something said for what the Member for Bonavista South, and he would be one of the first to enroll in such a class, I would suspect, to study the rules because, Sir, I can assure you that the rules are very, very misunderstood in this honourable House. And surprisingly enough those rules are misinterpreted and misunderstood by many of members.

Now this is not the first time that such a question has arisen in the House. I can recall another occasion but maybe one of my other colleagues will deal with that. The honourable gentleman who brought that about is sitting in his seat now. We are not dealing with a matter that where there is no precedent for it. There is a precedent for it. However, perhaps that statement was withdrawn but it never did reach the stage of having a seven or eight hour debate. Mr. Speaker, it is disgraceful. It is a shame. It is a shame to all members of this honourable House that we should have to stand here and debate the partiality, the impartiality or whatever of the Speaker. Although we all have personal feelings at times, sometimes we feel that the Speaker's

ruling has not been what we expected but that is the parliamentary system and it has been the system all down through the years, for many, many years and it will be the system, I would suspect, long after the members in this House have disappeared.

So, Sir, in fairness to my conscience I cannot vote for this motion. I think, the Hon. Leader of the Opposition's request to have this motion dealt with in another manner is a very good one and I would ask Your Honour to reconsider that motion.

MR. ROBERTS: Hear! Hear! Well said. The honourable Member for Bonavista South can speak if he likes.

MR. MURPHY: Mr. Speaker, I am just going to take a couple of minutes. I have listened to this debate and I was beginning to wonder what it was all about until I heard the honourable Member for Fogo just speak. His conscience will not permit him to back up something that this House has been so noted for and that is its loyalty or its respect for the Speaker of the House.

Now I saw he is the patriarch, if you like, of this House of Assembly, he came under a man, a leader perhaps who had more respect for this House of Assembly than anybody I ever knew. As a member of the Opposition, of a party, he is prepared to forfeit or whatever you like, his principles, if you like, in this House to support someone who has done something that has been proven to be absolutely contrary to the rules of this House. It has been established as an absolute breach of privilege. The opportunity has been given on several occasions, I do not know why, for an apology. I would rule that out now. There has been a great issue made of this. I was in this House, have been for twelve years, there were times, Mr. Speaker, when I felt like going on the national network of the United States to say how my party, the party I represented were being sacrificed at rulings.

I remember one time I stood up to go outside of the House, it was during the question period, and the Speaker said before I opened my mouth, he said, Order Paper. I said, no I am going out to get a cigarette. But these are things that happen, Sir. The honourable Member for St. Barbe North made a statement, if it is true or false. If it is true or false can be proven by methods afterwards.

Sir, but you cannot come out and say, and accuse the Speaker of being partisan. I could say now that the Member for St. Barbe North was the most stupid member I ever saw in the House of Assembly. Now that might be the absolute truth but I would be asked to retract that statement, Sir, whether it was true or false is something else.

MR. SPEAKER (STAGG): Order, please!

I am sure that statement was made in a jocular manner. I must draw the honourable minister's attention to the fact that further remarks of this type come under the general prohibition that the honourable member may not say indirectly what he is denied the right to say directly. I am sure he knows that but I just want to bring it to his attention.

MR. MURPHY: Mr. Speaker, I was just trying to prove the point notwithstanding if the ruling was right or wrong. All I am trying to say, if it was right or wrong that I have a right to go out and say that you robbed my party of something in the House of Assembly, basically this is what is happening that you are robbing, taking the rights of the opposition, basically this is the whole charge. It has been established that it was said. I heard it. I heard it myself. I do not care where the script came from. I have my ears and I have my eyes to watch what was happening. I heard it. I was shocked and amazed but I was not surprised because that is to tell you what has been happening here for the past two and a-half years. So we are now at the stage where it has been established that it was said outside of the House, now we come to the punishment. Three sounds all right to me. Whether days suits me or not is something else. Whether it could be weeks or months or years. This is my feeling on the thing. I am sure the offence has been committed, the facts have been established that a breach of privilege was committed and the person responsible is the Leader of the Opposition.

So all we have to resolve now, we can talk for the next forty-two weeks but we have come to the state in the House now to say, "is the punishment adequate or should someone make an amendment and say instead

of three days for the Leader of the Opposition, it should be three weeks or three months or a match penalty for the season, like you would do in hockey for assaulting the referee, basically this is it.

Mr. Speaker, this is all I have to say, I am shocked to think that anybody in this House can stand up and say, my conscience as a Liberal or as a Conservative will not permit me to uphold what is the written law of this Assembly and that is the respect for the Chair, and when I say the Chair, I am speaking of individuals, Sir, the Speaker and the Deputy Speaker who are human beings, who have feelings and who have a certain amount of prestige to maintain, a tremendous amount of prestige to maintain.

It has been pointed out, I think by the Member for St. John's South where the Speaker is led to the Chair by the Leader of the Opposition and the Leader of the Government. He is not led, Sir, he is dragged to the Chair. That is what it represents, dragging the Speaker to the Chair because in the old days we know what the Speaker had to do, if he made a decision one way or the other - thanks be to God there is no weapons in the House or perhaps that is what might have happened to the Speaker in the past few days, he might have been stabbed or shot. This is symbolic. That is why I say, Sir, that if we lose the respect for the Chair and the Leader of the Opposition today says "The Deputy Speaker should not be in the Chair, the Speaker should not be in the Chair." Well what does he want, a roster system where you line up twenty-four fellows and someone is on Monday, someone on Tuesday. For God's sake is he trying to kid us. Is he trying to kid us?

AN HON. MEMBER: Inaudible.

MR. MURPHY: Absolutely.

MR. WINSOR: The reference made by the Hon. Leader of the Opposition that he did not think that the honourable Speaker should

be in the Chair or the Deputy Speaker. He was referring to this particular debate not indefinitely, not permanently. My detection was that it was for this debate.

MR. SPEAKER (Stagg): Order please! The honourable member's question is a statement. The honourable gentleman had the floor to ask a question and he made a statement.

MR. MURPHY: (First words (Inaudible) I realize that the honourable and venerable Member for Fogo, I realize that. But it all seems so stupid, Sir, when we hear people say: "Let us get on with the business of the province and the great leader stands up there and he is good for another seven days on this. If we can get twenty or thirty more amendments, Sir, I will guarantee you the Fishery Resolution will not be passed and many other things, and I am being irrelevant.

Sir, all I say is this: the fact has been established, the guilt has been proven beyond a shadow of a doubt. The next thing is the sentencing. That is all I say, Sir, and I maintain that three days for this reprehensible act of the Leader of the Opposition is not adequate. I will not make an amendment, Sir, because then we might have to go all over and debate that amendment. I still think it is not sufficient for a man who should know, who should know better.

AN HON. MEMBER: He does know. He does know.

MR. MURPHY: I do not know if he does know or not. I do not know if he does know. But, Mr. Speaker, that is all I have to say. I think it is time now to get on with this and get it over with then get on with the business of the House, the business of the country.

MR. SPEAKER (Stagg): The Member for Bonavista North:

MR. P.S.THOMS: Mr. Speaker, it is very amusing to see a few of the members on the government side of the House speak on this motion. I was quite intrigued by one of the last comments of the Minister of Social Services when he spoke of the guilt of the honourable the Leader of the Opposition. He is assuming the guilt. He is certainly not waiting for the result of the judge or the -

AN HON. MEMBER: (Inaudible)

MR. THOMS: You heard him? Mr. Speaker, the minister is way out. He is way off base. He may have heard him. I am not disputing that he heard the Leader of the Opposition make the statement but, Mr. Speaker, it seems that here in this House of Assembly at the present time we have more or less a kangaroo court when we assume that the honourable -

MR. SPEAKER (Stagg): Order please! Order please! I do not know if this is an introduction to the type of remarks the honourable member plans to make during his forty-five minutes; I do not know if the honourable member were here this morning but that particular expression was ruled upon this morning. I will give the honourable member the benefit of the doubt. I know he came in some time after the House opened - indicate that he was not here - and that expression was ruled upon this morning as completely unparliamentary and the honourable member is to refrain from using it henceforth.

MR. THOMS: You are correct, Mr. Speaker. I did come in rather late this morning, it was twenty after twelve but I can assure you that I had very important business this morning.

What I was going to say; is that the minister and I am not saying that we do have a kangaroo court, I am saying that the minister must think that we do have a kangaroo court.

MR. SPEAKER (Stagg): Order please! If left unchecked that expression could be expanded. The honourable member could say indirectly what he could not say directly. The honourable member may have to hone his parliamentary skills in order to make a speech. However, he has transgressed the rules twice in about two minutes. If the honourable member's forty-five minutes are going to be consumed by the Speaker speaking for thirty-five of them I suggest that the honourable member might as well not speak at all.

MR. THOMS: Thank you, Mr. Speaker. I accept your ruling.

Now, Mr. Speaker, if we in this honourable Assembly are going to examine and question the words that were uttered

by the Leader of the Opposition outside this honourable House I believe we should do so very carefully. I question the news item which has been circulated to honourable members and I am sure if any evidence given in the courts of this land was presented in such an incompetent fashion, that no lawyer nor judge would even consider it, because it is just words typed on paper.

There is no statement of fact, there is not even an affidavit to it to confirm that it is authentic. Therefore, Mr. Speaker, I cannot accept this news item unless it is confirmed beyond a shadow of a doubt that it is authentic. These are words - it is called a news item, C J O N, 8:00 a.m. Wednesday, December 18, 1974. The word "Announcer" is written here and what the announcer is supposed to or allegedly has said and then the words, Mr. Roberts, then the words Mr. Roberts allegedly has said. Then, Mr. Speaker, there is nothing more. There is not even a way that you can identify the paper.

Mr. Speaker, if any of these learned gentlemen opposite, especially the members of the bar expect me to take this as evidence, then, my heavens! What have we come to? At least the honourable the House Leader could have gotten someone at Station C J O N to verify that these words were authentic and have the signature of the gentleman confirmed by some notary public or commissioner of oaths. Then, Mr. Speaker, no one could question whether these printed words were authentic or were not authentic. Therefore, Mr. Speaker, this piece of paper that has been circulated to the members of this honourable House, in my opinion, is just a scrap of paper and nothing else. I do not believe that we should consider it, whatsoever.

Now, Mr. Speaker, the motion before this honourable House in my opinion, the House Leader should have put a heading on this motion and it should have read; The get Roberts motion, because, Mr. Speaker, that is exactly what it is, a get Roberts motion.

MR. SPEAKER (Stagg): Order please! I hardly know how to begin to frame my ruling. It imputes false motives to the honourable member the House Leader and consequently is unparliamentary.



I suggest the honourable member - he may be able to rephrase it if not he shall be asked to withdraw it.

MR. THOMS: Mr. Speaker, if the words that I uttered were unparliamentary I withdraw them. May I continue? That is acceptable is it?

MR. SPEAKER (Stagg): Yes that is acceptable.

MR. THOMS: Oh! Thank you very much, Mr. Speaker, the motion before this honourable House is really not dealing with the question at hand whatsoever. Beyond a shadow of a doubt this motion will be carried. Every government member will vote for it but,

Mr. Speaker, this will leave a big question unanswered. This motion in itself is dragging a red whale right over the issue at hand.

AN HON. MEMBER: A red what?

MR. THOMS: A red whale, not a red herring, a red whale.

AN HON. MEMBER: (Inaudible).

MR. THOMS: Because, Mr. Speaker -

MR. SPEAKER (Mr. Stagg): Order please!

MR. THOMS: Some time ago in this honourable House, we saw a similar motion brought before this honourable House and the issue at hand at that time was not discussed but by-passed. We are doing the same thing with this motion. We are by-passing the issue of the day. I am almost out of order I believe by the look of the Speaker. Mr. Speaker, it is indeed somewhat disturbing when one reads this motion to find that the Government House Leader and the Government Members do not want to discuss the question at hand but to drag a red herring over this question to cover up and in an uncunning manner to try to get at the Leader of the Opposition. It is a camouflage, "Get Roberts Movement."

AN HON. MEMBER: (Inaudible).

MR. SPEAKER (Mr. Stagg): Order please!

The honourable member may think he is being very cute in repeating the phrase that I have already called upon him to withdraw. The honourable member has been walking the razor's edge for some time, bordering between relevancy and irrelevancy. The honourable member was directed that that particular phrase was unparliamentary. It was brought to his attention for the second occasion. I direct the honourable member to Rule 51 (b) of the Standing Orders which deals with the member who persists in irrelevance or needless repetition. He can be directed to cease speaking. He is not directed to cease speaking at this point however. He may continue.

MR. THOMS: Thank you, Mr. Speaker.

Now, Mr. Speaker, if what the Hon. Leader of the Opposition said, while on some programme or to some form of news media outside of

this honourable House, if what he said broke any rules or traditions in this honourable House, then that question should have been dealt with. I believe the Government House Leader has had ample opportunity to bring in a motion to deal with this. Because, Mr. Speaker, not only is the integrity of any individual member of this honourable House at question, but I am afraid the integrity of all of us is at question. Any human being is subject to error. It is no disgrace to any human being, Mr. Speaker, if he had erred. It is a disgrace, however, if he has not corrected his errors. We are all subject to error during the span of our lifetime.

The motion before this honourable House and the news item present no proof that the rules of this honourable House have been broken by the Leader of the Opposition. There is no conclusive proof whatsoever. The news item is just hearsay. There is no court in our land which would deal with hearsay. Mr. Speaker, I for one, cannot support this resolution. I ask all members of this honourable House to vote against it.

Mr. Speaker, before I sit down I would like to move an amendment to this motion, seconded by the Hon. Member for Bell Island, to strike all the words after the words, "is tabled herewith" and to add thereto the following words "constitute a justifiable censure of the conduct of the Speaker of this House."

MR. MARSHALL: A point of order, Mr. Speaker. That amendment is not only totally out of order, it is insolent to this House. It is a matter that has been taken up from time to time during this debate. It is a breach of privilege in itself. The honourable member was not here in the House this morning and the honourable member ought to realize that this type of tactic cannot continue in this House. To bring up a motion such as that is an insult to this House. It is not relevant to the motion and it is absolutely and completely untenable.

MR. ROBERTS: Mr. Speaker, if I may to that point of order.

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

MR. ROBERTS: Let me deal first with the insolence thing. I reject it out of hand. I think the House Leader is being despicable and contemptuous when he suggests it. My colleague is moving exactly the motion which honourable gentlemen opposite have said time and time again during this day must be moved. Now whether or not Your Honour finds it in order is another matter. To say that it is insolent or improper, I submit, is quite wrong. It is an amendment to a motion. The amendment would change the motion. The amendment would not achieve the same result as negating the motion. Negating the motion would leave the matter open. The amendment, Sir, if put and debated and if carried, would give the sense of the House with respect to the words which I am alleged to have uttered outside the House. I submit, the amendment is in order that it should be accepted and debated. It is exactly the amendment that honourable gentlemen opposite have been suggesting this whole day through. It should be put and debated.

MR. MARSHALL: Mr. Speaker, there are proper procedures that can be implemented and the procedures are well set down in Beauchesne. If any one wishes to dispute a ruling of the Speaker, first of all there is a mode of appeal and if any one wishes to take a motion such as this, they do it by way of notice of motion and it appears on the Order Paper. This particular amendment is not germane to the resolution itself. It is totally irrelevant. There are other procedures the honourable member can adopt if he wishes to. I also cannot let the point go without saying it is disgusting and degrading to the House to have this type of thing going on continually.

MR. SPEAKER: The Hon. Member for Labrador South.

MR. MARTIN: Point of order, Mr. Speaker.

The Hon. Member for Bonavista North has just done another disservice to this House by wording what could have been a reasonable and logical and an acceptable amendment in words such that they are totally unacceptable. In so doing, he has raised another breach of privilege of this House.

SOME HON. MEMBERS: Hear! Hear!

MR. SPEAKER: Order please!

The Chair has read this amendment and listened to the arguments put forth. Several times today, I think, honourable members were basically referring to a motion of censure as perhaps referred to by some honourable members or a motion of confidence in the Speaker and the Chair ruled on it several times that it was not relevant to this particular motion as to what motion might be made or brought up in the future. It is certainly not relevant to the motion at the present time. It certainly negates the main motion here. The Chair is certainly not willing to accept it.

MR. SPEAKER: The Hon. Member for Bell Island.

MR. NEARY: Mr. Speaker, I do not intend to prolong the debate. I know there has been a long two days for Your Honour and for the Deputy Speaker. It is the kind of an ordeal I suppose, Mr. Speaker, that a Speaker and a Deputy Speaker very rarely - it is the kind of a position that they very seldom find themselves in. I think, Mr. Speaker, this is about the second time since I have been a member of this honourable House in going on thirteen years that this sort of debate has gone on in this honourable House. The last occasion, if my memory serves me correctly, Sir, was back in 1971. I was rather interested, Mr. Speaker, in some of the

remarks made by the Minister of Fisheries this morning when the honourable minister made his contribution to this debate, Sir. Some of the things the minister said I have to agree with him on, some I disagree with him on.

The Minister of Fisheries, Sir, was quite correct when he said that the Speaker must put the question, whether or not the matter under debate affects the Speaker himself personally. That is quite correct, Sir, quite correct. I agree with him. But the minister did make a couple of statements, Sir, that I disagree with him on, especially the ones concerning my colleague, the Leader of the Opposition, when the minister stated, Sir, that in his opinion, the Leader of the Opposition was gloating over the fact that this motion had been brought before the House to have him expelled for three days.

The minister said, Sir, that the Leader of the Opposition had not denied that he made certain statements outside of the House when in actual fact, Sir, if I am any judge of what the Leader of the Opposition said, and I believe my colleague was in complete control of his faculties, that it was conceivable, Sir, that he knew what he was doing when he made certain alleged statements outside of the House of Assembly. My colleague, the Leader of the Opposition, is probably, Sir, one of two maybe three parliamentary experts in this honourable House. The Leader of the Opposition, Sir, I think I would have to say without fear of contradiction, the Leader of the Opposition is the one man who understands, who knows the rules of this honourable House, who knows what this honourable House is all about. I would say, Sir, that the minister is probably the Gordie Howe of hockey, that is the Leader of the Opposition. I would have to say that next in line would probably be the Minister of Fisheries. The Minister of Fisheries, Sir, is fairly well informed I would think when it comes to the rules of the House but not quite as sharp, not quite as keen, not quite as well informed as my colleague, the Leader of the Opposition and it is conceivable, Mr. Speaker, it is conceivable that the Leader of the Opposition knew what the consequences would be when he made this statement outside of the

House of Assembly. I will deal with that matter a little later on.

But, Mr. Speaker, there is one good feature about being the last speaker or I presume I will be the second last speaker, I am not sure, maybe other members on the government side of the House will participate in the debate, that you can sit back, Sir, and listen to the arguments, pro and con, and it gives you a good opportunity to comment on some of the things that had been said in the debate. It gives you some food for thought, maybe while you are sitting there listening that apart from learning something, Sir, we can always learn something in this honourable House, I have been here for going on thirteen years and I am continuously learning something, but it does give you food for thought, Sir.

I was rather amused at some of the arguments that were put forward by honourable members on the government benches. We were told for instance, or it was implied by the member for St. John's South, Sir, that as a result of these statements that are alleged to have been made outside the House by my colleague, that our whole democratic institution, Sir, was going to crumble right down around our ears. That is the impression I got, Sir. I was absolutely frightened to death, Mr. Speaker, somewhat amused but rather frightened that any member on the government benches would think because my colleague went outside the House and made some uncomplimentary remarks about the Speaker that our whole parliamentary system was going to come crumbling right down around our ears.

AN HON. MEMBER: Inaudible.

MR. NEARY: No, Sir, the honourable member had his say, Sir. The honourable member had his say. There were a number of other honourable gentlemen Sir, on the government benches who left those of us in the House who are naive, those of us who are just merely rookies in this honourable House and those of us who do not understand what the House is all about, those of us who do not realize, Mr. Speaker, that this House is a debating forum and that you debate under a set of rules and that when you violate the rules you are punished the same as in any other society or organization. Those of us who do not understand it, Sir, would be terrified after listening to some of the arguments that came from the government benches in the

House in the last two days.

Why you would be afraid to go out of Confederation Building this evening, Sir, because there would be anarchy in the streets, our whole democratic system was going to come tumbling down around our ears. Wars have been fought and blood have been spilt to protect this system and to protect the Speaker's Chair. Rightly so, Sir, but wars were also fought, Mr. Speaker, to give the Leader of the Opposition the right to express his viewpoint, whether it is right or wrong, is not the question, Sir. The Leader of the Opposition has the right to express his viewpoint and I might say, Sir, that always in this kind of debate, Mr. Speaker, since I have been in the honourable House and in any other House, over in Westminster in the House of Commons, always this kind of a debate, Sir, is an emotional debate. Feelings are bound to run high, Sir, bound to. Members will use all the ammunition that they have at their resources. Feelings are bound to run high, Sir, because it is an emotional issue.

AN HON. MEMBER: Inaudible.

MR. NEARY: But let me point out, Mr. Speaker, that our democratic - Does the honourable minister want to ask a question or what? What is he barking about over there? Does he want to ask a question? Go ahead.

MR. HICKEY: Your Honour I just asked if I could ask a question. I would like to ask the honourable member when he talks about all the debate with regard to an issue like this, has he ever participated in, in all the years he has been in politics in this province, while a member of the former government, has he ever participated in a debate where a member was being expelled or suspended? I suggest he has not because there was no debate.

MR. NEARY: Mr. Speaker, to answer the honourable minister's question, Sir, I did participate in a debate when a member was expelled and I was the victim, Sir, but the difference is, Mr. Speaker, and the honourable minister should realize this, that the difference is that it was on a motion, strictly made along party lines. It was not an attack on the Speaker.



The last opportunity in 1971, Sir, that any of us who were in the House at that time had an opportunity to debate this matter when a notice of a motion was given by the Minister of Fisheries, when

the minister who was over here said that this House regrets the failure of the Speaker and Deputy Speaker to enforce the Standing Orders and rules of this House, fairly and impartially. When notice of that motion was given, Sir, later the motion was withdrawn by the minister himself and we did not get an opportunity to debate it. The Minister of Tourism was in the House I believe at that particular time.

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: I beg your pardon?

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: We did not get an opportunity to debate it because the minister withdrew his -

AN HONOURABLE MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. NEARY: Yes, Sir. But, Sir, feelings are bound to run high and the atmosphere is bound to be charged with emotion because that is the kind of a debate it is but, Sir, the last two days have not been a waste of time as some of the members on the government benches would lead us to believe. I personally have found it most interesting, maybe regrettable, unfortunate but most interesting, Sir.

AN HONOURABLE MEMBER: Unnecessary.

MR. NEARY: Maybe, maybe unnecessary, I do not know. Only time will tell but it certainly has been an interesting debate, Mr. Speaker. I know it has been pretty tough on Your Honour and on the Deputy Speaker but I am sure, Sir, those of us who are always willing to learn something in this honourable House have learned a thing or two over the last forty-eight hours. I have, I learned things about how to move amendments and how not to move amendments and what is parliamentary and what is not parliamentary. I have learned a few things, Sir. I am sure, maybe, Mr. Speaker, maybe, I have learned because maybe I am the most backward member of this honourable House.

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: Maybe other members, Sir, are so well informed, maybe other members are so well informed that they do not need to learn. It has not been

a waste of time, Mr. Speaker. It has been a most interesting debate and I think that we can all learn something from it. I do not think for one moment, Mr. Speaker, unless, Sir, unless the Minister of Fisheries was right when he made his statement over at the university there last week that our democratic system is only going to last another ten or fifteen years, unless the minister is right, I do not believe, Mr. Speaker, that the statements the Leader of the Opposition is alleged to have made outside of this honourable House is going to destroy our democratic system somehow or other.

I have the strangest feeling, Sir, that justice will prevail. Somehow or other I have got that feeling, that the Speaker's Chair will be protected. I have no doubt about that at all, Sir. It has been safeguarded and protected now for seven or eight hundred years. Wars have been fought to protect our democratic system and to give people freedom of speech and freedom from fear and a number of other freedoms. I am proud to say to my honourable colleague on my right down here, the Member for Labrador South, that my late father was one of these people who fought for these freedoms and he would be proud today, Sir, if he were to sit in the public galleries of this honourable House and watch people debate man fashion. Yes, he would, Sir. He may not -

AN HONOURABLE MEMBER: Cowardly.

MR. NEARY: No, Sir, it is not cowardly. We have debated, over the last two days we have debated this issue. Sometimes it has been pretty hard debate. Your Honour has had to rule statements as unparliamentary, had to ask speakers to take their seats because they were not relevant to the matter under debate, but, Sir, is that not what this House is all about? The Minister of Mines and Energy shakes his head and says no.

AN HONOURABLE MEMBER: It is a part of the process.

MR. NEARY: Sir, is that not a part of the democratic process?

MR. BARRY: Will the honourable member yield for a question?

MR. NEARY: Yes, I certainly will yield for a question.

MR. BARRY: Does the honourable member opposite say that the parliamentary tradition can be carried out, that this House can operate without the members observing the rules of the House?

MR. NEARY: Oh no! Of course I did not say that, Mr. Speaker and I have been in this House long enough, Sir, and I must say that one of the first things that I learnt, learned - is it learned or learnt? - learned when I became a member, -

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: When I became a member of this honourable House, Sir, one of the first, and I learnt it the hard way the same as some other members, are learning it the hard way, have learned it the way, will learn it the hard way, that one of the first things you learn is respect for the Chair and respect for the Speaker.

SOME HONOURABLE MEMBERS: Hear! Hear!

MR. MURPHY: That is the first point you made in your speech.

MR. NEARY: No, Mr. Speaker, I will make a few good points before I sit down. You learn that, Sir, learn it and that right, that privilege, that well, however you want to describe it, that democratic right has to be protected. There is no question about that, Sir. We are not arguing about that on this honourable side of the House. I would be the first member in this honourable House to admit that and I remember the first speech I made in this honourable House, Sir.

AN HONOURABLE MEMBER: It was a brief one.

MR. NEARY: No, it was not a brief one, it was a long one. I made more speeches when I was on the government side of the House than any other private member or any other backbencher who sat on the government side. I learnt the first time I ever spoke in this House, Sir, that there was such a thing as parliamentary language, as the Deputy Speaker would say, "You have to hone that in parliamentary language." Well, Sir, I learnt and I think members will admit since the administration has been formed on the other side. I think they will admit that I have learnt a few tricks of the trade. I have learnt a few tricks, Sir. I know how to debate.

MR. STAGG: On a point of order, Mr. Speaker. I suggest the honourable member will have to hone his parliamentary skills a little more carefully because he is starting to get irrelevant to the point of this debate.

MR. SPEAKER: Order, please! The honourable member I am sure is aware of

the rule of relevancy. He has already mentioned the fact that he has learned a few tricks of the trade and I am sure he will get back to the principle of this particular motion.

MR. NEARY: Yes, Sir, I appreciate Your Honour's ruling. But, Mr. Speaker, we in this honourable House pattern ourselves after the lower parliaments, Westminster.

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: I beg your pardon?

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Yes, the way this government -

MR. NEARY: Mr. Speaker, Your Honour had an opportunity to spend five or six or seven weeks at Westminster and I am sure if Your Honour could step out in his place in this honourable House, could rise in his seat, maybe some day, Mr. Speaker, we can arrange it so Your Honour can come out and make a speech. I would love to hear Your Honour make a speech in this honourable House. But, Sir, I wish, Mr. Speaker, I wish that all members of this honourable House could experience -

AN HONOURABLE MEMBER: Inaudible.

MR. WINSOR: That is an idea. That is an idea.

MR. NEARY: My colleague suggests, Sir, that maybe some day we can take all the members over to Westminster.

MR. WINSOR: That is an idea.

MR. NEARY: What Your Honour saw at Westminster - Sir, this is not the first time, neither will it be the last when an attack has been made on the Speaker outside of the House. It has been made, this sort of thing, Sir, has happened

AN HONOURABLE MEMBER: It happened in B.C. -

MR. NEARY: Yes, my colleague reminds me it happened out in B.C. some time ago. It has happened, Sir, in the mother of parliaments and they are always dealt with and this one is being dealt with.

AN HONOURABLE MEMBER: He agrees with -

MR. NEARY: I agree with what?

AN HONOURABLE MEMBER: Inaudible.

MR. NEARY: I agree, Mr. Speaker, it has to be dealt with, I agree with that,

that it has to be dealt with.

SOME HONOURABLE MEMBERS: Hear! Hear! He agrees.

MR. NEARY: And I have no doubt whatsoever, Sir, I have no doubt whatsoever that it was conceivable that my colleague knew it would have to be dealt with. I have no doubt about that. That is not the argument, Sir. It is not the first time, Mr. Speaker, that the Chair has been attacked outside the honourable House and it will not be the last. I would go as far as to say, Mr. Speaker, that if honourable members sitting in this House today are here a year, two, five, ten years from now, that somebody because he has strong feelings, because he believes that he is right, that somebody, Sir, in the future in this honourable House, maybe not the honourable members who are sitting here today, maybe their successors will go outside the honourable House and have something to say, something uncomplimentary to say about the Speaker or the Deputy Speaker or the Chairman of Committees of this honourable House. I have no doubt about that at all, Sir.

It is probably a good thing, Mr. Speaker, that it does not happen regularly because the whole business of the House would grind to a halt and Your Honour would do nothing else but hear motions of censure. Life would be unbearable for the Speaker. Speakers have resigned, Mr. Speaker, Speakers and Deputy Speakers have resigned because they have been accused of being partial.

Go back over your history, Sir, and you will discover that it is not the first time in parliamentary history that a Speaker or Deputy Speaker stepped out of the Chair, went down on the floor of the House, defended himself and resigned as Speaker of the House or Deputy Speaker of the House. Why we saw it, Mr. Speaker, did we not see it right in our own time those of us who can remember when the Chairman of the National Convention -

AN HON. MEMBER: He dropped dead.

MR. NEARY: He did not drop dead.

AN HON. MEMBER: He resigned.

MR. NEARY: He stood in his place, Sir, in that honourable House down in the Colonial Building and said, the convention is now without a Chairman.

AN HON. MEMBER: Inaudible.

MR. NEARY: That is right, Sir.

MR. SPEAKER: Order, please! While the speech being made by the honourable Member for Bell Island is interesting, I feel it is at this point being irrelevant to the motion.

MR. NEARY: Well my point is, Mr. Speaker, that it is not the first time, it is not going to be the last, nothing to be alarmed about. Sir, our Democratic system is not going to collapse. This matter will be dealt with here in this honourable House man fashion, debating as we are over the last couple of days. It is not a waste of time, Sir, interesting, informal and I would say very, very worthwhile indeed. Mr. Speaker, I want to say this, Sir, as long as I have known my colleague the Leader of the Opposition which dates back I think to 1961. I believe it was when I first met my colleague, 1960 or 1961 when my colleague was parliamentary assistant -

AN HON. MEMBER: Parliamentary assistant to Pickersill.

MR. NEARY: No, parliamentary assistant to the Premier. I think, when I first met my colleague back in 1960 or 1961.

AN HON. MEMBER: Inaudible.

MR. NEARY: Pardon? After 1962.

MR. ROBERTS: That was before either of us were in the House.

MR. NEARY: Yes, Sir, it was before I became a member in this honourable House. I have been in the House since 1962, the same number of years as my colleague the Minister of Social Service. The Dean of the House, Sir, is the Member for Foon, my colleague on my left. But as long as I have known, Sir, the Leader of the Opposition I have found him, Mr. Speaker, to be a man of high moral principles. I do not think - Mr. Speaker, I see the smiles on the faces of some honourable gentlemen, they may think what they like about the Hon. Leader of the Opposition. They may not like his debating, his style of debating. They do not like mine but what kind of style of debating do they want? Do they want us to go out -

AN HON. MEMBER: They do not want any.

MR. NEARY: and change our styles? We cannot help the way that we were born but, Sir, you cannot question the integrity and the honour of my honourable colleague because since I have known him, Sir I might say that my colleague and I have irritated one another once in a while but, Sir, I have always found him to be an honourable, decent man.

AN HON. MEMBER: Inaudible.

MR. NEARY: Direct your question to the Leader of the Opposition.

MR. SPEAKER: Order, please!

MR. NEARY: This is not a schoolboy debate, Sir, this is a pretty serious matter we are debating here. I am sure it will be dealt with in due course. I am sure it will. But, Sir, my colleague is an honourable man who believes, who has strong feelings on the thing. My colleague does not treat the House of Assembly lightly. My colleague knows what this House is all about, knows it is a debating forum. And, Mr. Speaker, my colleague knows full well the responsibilities of the Speaker of this honourable House. I am sure, Mr. Speaker, that my colleague must have given a lot of thought to these alleged statements that he is supposed to have made outside of this honourable House. As I said a few moments



ago, Sir, my colleague conceivably, maybe I am wrong, might have realized what the consequences of making these statements were going to be. Mr. Sneaker, I would lose faith in human nature if I thought otherwise.

AN HON. MEMBER: Inaudible.

MR. NEARY: No, Sir.

AN HON. MEMBER: Inaudible.

MR. NEARY: Yes, Sir, my colleague is a man who fights for what he thinks is right.

Would my friend for Labrador South deny my colleague that privilege? My colleague for Labrador South may not agree with the strategy. Maybe members on the government benches do not agree with the method used by the Hon. Leader of the Opposition. Maybe not.

AN HON. MEMBER: It has to be right or wrong.

MR. NEARY: Pardon?

AN HON. MEMBER: It has to be right or wrong.

MR. NEARY: It has to be right or wrong. Well then, Mr. Sneaker, the minister is absolutely right. That is motherhood. But, Sir, it is right - what is right, and this is right is for the Leader of the Opposition to say what he thinks. If, Mr. Sneaker, the Leader of the Opposition or any other member of this honourable House breaks the rules there is a course of action but, Sir, you cannot deny the Leader of the Opposition the right -

AN HON. MEMBER: Inaudible.

MR. NEARY: Mr. Sneaker,

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Sneaker, you can turn on your television any Saturday night and watch a hockey game and Gordie Howe who is the expert breaks the rules. He has often been put out of the game. He has often been sent to the penalty box. Maybe we should have a penalty box, maybe we should.

AN HON. MEMBER: Inaudible.

MR. NEARY: Now, Mr. Sneaker, that kind of a remark, Sir, I will just let go over my head because that is half the trouble in this honourable

House. Sir, we are dealing with an honourable crowd of political farmers who do not understand what the House is all about. Who do not understand that this is a place where you debate, sometimes you debate hard and sometimes you break the rules.

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. NEARY: And sometimes, Sir, you do not break the rules.

MR. SPEAKER: Order, please!

MR. NEARY: Political farmers.

MR. SPEAKER: I remind honourable members that when another honourable member is speaking he does have the right to be heard in silence. If a member does interject he is not allowed to perhaps but he should be at least speaking from his own seat.

MR. NEARY: Mr. Speaker, I was absolutely delighted that so many members on the government benches, Sir, became embroiled in this debate. I was rather disappointed that the Hon. Premier did not stand in his place in this honourable House, Sir, to participate in the debate.

Mr. Speaker, I was trained under his predecessor and, I think, the Minister of Social Services.

MR. MURPHY: A good honourable man.

MR. NEARY: Yes, Sir, pointed out this afternoon.

MR. MURPHY: Better than what you have now.

MR. ROBERTS: Who were the minister's predecessors?

MR. SPEAKER: Order, please!

MR. NEARY: But the Hon. Premier's predecessor, Sir, was strong on two or three things. He may have been weak on others

but one thing that you will never be able to criticize him for, Mr. Speaker, is upholding the tradition of this honourable House. Never, never, Sir. Neither will you ever be able to point an accusing finger at the former Premier of this House and say that he ever criticized Her Majesty the Queen or, Mr. Speaker, that he ever criticized the Lieutenant Governor.

SOME HON. MEMBERS: Or the Speaker. Or the Speaker.

MR. SPEAKER: Order please!

MR. NEARY: Mr. Speaker, I was disappointed, Sir, that the honourable the Premier, the Leader of the Party, the Leader of the Government - no, the Leader of the Administration not the -

AN HON. MEMBER: Not the government, no.

MR. NEARY: Yes that is right, Leader of the Government, yes, Sir. We have to be technically correct here, Sir. That the honourable the Premier did not participate in this debate. The one man, Mr. Speaker, the one man and I do not know if this is a sign of weakness, if it is a sign that my friend did not want to tangle with the Leader of the Opposition who is the expert on parliamentary procedure. I do not know. Maybe that is the reason, only the Premier can tell us. Maybe I can draw him into the debate now with my few remarks.

AN HON. MEMBER: Fishing?

MR. NEARY: No I am not fishing, Sir, it is a pretty serious matter. I am rather surprised, in such a serious matter, we have been told by ministers how the government and backbenchers, we have been told that our whole democratic system, the bulwark of democracy in this province is going to collapse that the honourable the Leader of the Government, the honourable the Premier did not see fit to participate in the debate. Maybe the honourable the Premier does not believe what his colleagues said, that this House of Assembly which is the bulwark of democracy for our people is going to collapse this very day.

MR. SPEAKER: Order please! On two or three occasions now I have had to remind the honourable Member for Bell Island of the rule of relevancy. He is straying far afield from the relevant points of this motion.

MR. NEARY: But, Mr. Speaker, it was a little bit gratifying, I

suppose, to note that so many members of this honourable House participated in this debate. It is the first time, Sir, they greased their tonsils, I suppose, since the House of Assembly opened two years ago, that they -

AN HON. MEMBER: Is that a fact?

MR. NEARY: Yes, Sir, it is a fact. I have yet, Mr. Speaker, to hear the Minister of Industrial Development make a major speech in this honourable House.

MR. DOODY: (Inaudible)

MR. NEARY: We should have more debates like this debate, Sir, to give the members a chance to exercise their tonsils and their lungs. Get up and get a little practice, learn how to debate, learn what it is all about, get in the rough and tumble.

AN HON. MEMBER: Learn how to testify.

MR. NEARY: Learn, Sir, the hard way if necessary but learn. Do not sit back. Members have been talking about these last two days: "We have been sent here by our constituents and they placed faith and trust in us." Draping themselves in the -

MR. SPEAKER: Order please! It is noted that the honourable the Member for Bell Island is speaking at six. I will now call it six o'clock and leave the Chair until eight o'clock tonight.



**PROVINCE OF NEWFOUNDLAND**

**THIRTY-SIXTH GENERAL ASSEMBLY  
OF  
NEWFOUNDLAND**

---

---

Volume 3

3rd. Session

Number 96

---

---

**VERBATIM REPORT**

THURSDAY, DECEMBER 19, 1974

SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House resumed at 8:00 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER: Order please!

The debate was adjourned when I left the Chair at six and the honourable the Member for Bell Island was still speaking. He wishes to continue?

MR. NEARY: Would Your Honour care to indicate how much time I have left?

MR. SPEAKER: Ten minutes.

MR. NEARY: Mr. Speaker, when the House rose at six o'clock I think I had successfully exploded many of the points and arguments put forth by the government members, Sir. I think, Mr. Speaker, it must be clear to all and sundry in this honourable House now that our democratic system is not going to collapse because my colleague made certain alleged statements outside this honourable House.

I think, Mr. Speaker, that what we should address ourselves to is what provoked my colleague to make these statements. Before I come to that, Mr. Speaker, I want to say this straight away; I have been in this House now, Sir, going on thirteen years and I must confess and I have found Your Honour during the last two and one half years to be very fair indeed. I do not suppose that there is another member of this honourable House that Your Honour had to bring to order more often than myself and in most cases, Your Honour, rightly so. I deserved, Sir, to be brought to task. Your Honour has been eminently fair, one of the fairest Speakers that I have seen in this honourable House since I have been here but there is always, Mr. Speaker, - and I have been here, let me see, I have been under Speaker Courage, Speaker Clarke and Speaker Noel who is now a Judge of the Supreme Court - but there is always that little, that rare occasion, Your Honour, when some of us in this honourable House feel that there has been an error in judgement. Maybe not deliberately, Your Honour, and I would be the last one in this honourable House to point the finger of suspicion at the Chair because I do not think for one minute, Sir, if I thought it I would push the thought right out of

my mind, that these errors in judgement are deliberate because they are not deliberate, Sir. They do, Mr. Speaker, they do have a tendency to irritate members. They may be small, sometimes they may be, in the minds of the particular individual who is offended, Sir, it may be the biggest issue in the world. It may be and that is why I say, Mr. Speaker, that is why I say to members of this honourable House that the real issue before the honourable House tonight, Sir, is what provoked, what motivated my honourable colleague the Leader of the Opposition into taking the stand that he took?

A man, Sir, whom I stated in this honourable House this afternoon is the best parliamentarian in this province, he is the Stanley Knowles of Newfoundland, the man who knows the rules upside down inside out. So, Sir, when my colleague found himself in a position where he felt that over the last few days there have been errors in judgement, he felt that, my colleague felt that, he is a man who has very strong opinions, very strong feelings on things, when he felt that he immediately went to Beauséjour, something that most members never heard of before they came into this honourable House, to find out how he could get at this because he felt so strong about it. There was no elbow room. He could not find anything in Beauséjour, anything in the Standing Rules of the House and then my colleague, Sir, got on his hands and knees here today in this honourable House and asked the government to compromise and to accept the suggestion made by my colleague the Member for Labrador South that another method, another procedure be used in this honourable House to air, to ventilate this whole matter.

The government rejected that, Sir, they rejected it forthright. They rejected compromise and my colleague I believe had no recourse. If he wanted to get this matter out to the most important court of all, Sir, the court of public opinion my colleague had no procedure open to him other than to do what he did. I firmly believe, Sir, that when my colleague did that he believed that he was doing the right thing. That is the issue before this honourable

House. I will uphold the right of my colleague or any member of this honourable House any day to express his views, to express his feelings as my colleague did. That is our democratic right, Sir, and nobody in this honourable House would dare deny another member that right. Whether it is right or wrong only time will tell, Mr. Speaker. My colleague has



resorted to the court of public opinion and that is where ultimately, Mr. Speaker, the decision will be made.

MR. AVILWARD: Mr. Speaker, I do not want to prolong this debate. It is very, very rarely that one gets to say a word particularly after the honourable member for Bell Island but I would like to first of all extend my congratulations to yourself and the Deputy Speaker for the fine manner in which I think you have presided over the deliberations of this honourable House, not alone for the past few days but really for the past few years.

Mr. Speaker, I think we all sit here really as we refer to each other as honourable members, not really representing any party in the House but representing districts and of course the orders and the rules call for when we are even referring to each other as the honourable member for this district and that district, not a member of this party and that party, but a member of this honourable House. We can all on occasions like this, when matters of this nature are brought before the House, speak on it, not in a partisan way but in a way which we feel each and every one of us should because we owe a duty not alone to you, Mr. Speaker, and to your Deputy, but to the honourable House, to the people who elected us and to ourselves and that is to ensure that while we are here, as custodians of this great institution, we will do nothing to see that it will be degraded or lowered in the eyes of the people or indeed for posterity because, Mr. Speaker, the matter which we are debating here tonight will decide a precedent.

I think everyone who spoke in this debate made a very, very valid contribution and I agree with my learned friend from Bell Island when he states that really this day has not been wasted because, Mr. Speaker, the results of this motion should prove not alone to every member of this House sitting now but in future that they cannot and should not and will not be allowed to question the partiality of the Speaker of the House or the Deputy Speaker.

Mr. Speaker, we have to almost sit in envy at the honourable member

for Bell Island because he is a very, very skillful politician, an excellent member of his party. You know he can really do the impossible. He can sit there and be led by the present Leader of the Opposition and then when the time comes and the leadership is an issue he decides that he himself should be the leader and then he runs for that leadership and he has all Newfoundland really, of all political creeds look -

MR. ROBERTS: To a point of order, Your Honour has been -

MR. AYLWARD: Mr. Speaker -

MR. ROBERTS: Mr. Speaker, may I make a point of order?

MR. SPEAKER: Order please!

MR. ROBERTS: I am quite willing to debate the leadership of this or any other party at any time but Your Honour has been very tenderly conscious of the degree of relevance and I rather thought Your Honour might rise to bring the honourable gentlemen to your left to order but since Your Honour does not I feel I must rise and ask Your Honour to rule whether these remarks are relevant or not.

MR. SPEAKER: The point raised by the honourable Leader of the Opposition is a well taken point. The honourable member for Placentia East, I feel, was not being relevant to this particular motion.

MR. AYLWARD: Mr. Speaker, I was really trying to pay tribute to my honourable friend here from Bell Island, not alone in his capacity, probably I should not have mentioned that at all. But I mean how he could skillfully get away and the people of Newfoundland say he gave the best speech and he was the best man and I think it was best myself too.

Not alone that but I really think that all forty-one members in this House or forty-two, I do not think any honourable member really enjoys it as much as the honourable member for Bell Island and I do not think that he did anything in this debate, Mr. Speaker, or said anything that will in any way detract from his stature as a member because really when we analyze what he said and he gave an excellent speech, he did not on any occasion attempt to condone the behaviour of the Leader of the Opposition. He gave a great speech, a wonderful speech and at no time did he say that was right.

Now we have to admire him for that, because he put party, he put everything ahead of politics and he put the House of Assembly first, because if we recollect what he said, what did he say? Let us ask ourselves what really did he say, other than this was a great House? Nobody, nobody should be allowed, nobody on any side, nobody should be allowed to impugn the integrity of the Speaker. Nobody and this is exactly, Mr. Speaker, what we are debating here tonight, and I say to you that I have concluded from the remarks made by the honourable gentleman that he supports this motion, that he agrees, that anyone who questions the partiality of the Speaker should be reprimanded. No, Mr. Speaker, I should not say reprimanded because I think the proceedings of the House state that on the last occasion when the Leader of the Opposition spoke here a day or so ago and the honourable House Leader felt that perhaps he was inviting expulsion, that no motion was made when you named him and he left the Chamber, rather it was suggested that a reprimand be passed along.

MR. ROBERTS: There was a motion. I have not got the letter yet but there was a motion made.

MR. AYLWARD: There was no motion that you be -

MR. ROBERTS: There was a motion made the Speaker send me a nasty letter of reprimand.

MR. AYLWARD: Yes but the point I am making, Mr. Speaker, is this that you named him, it was within our power to impose any penalty and of course the motion was a letter of reprimand, not that he be debarred from the sittings of the House.

Now, Mr. Speaker, as has been said in this debate, of all members in this honourable House the Leader of the Opposition is one who has been here a long time. He is familiar with the rules and it was suggested by the honourable member for Bell Island that he really knew in effect what he was doing. It also has been suggested during the debate that the purpose of what he said was to invite expulsion.

I think the honourable member from Bonavista North said that during his words and the Leader of the Opposition interjected and said no, he did not want to be expelled. But, Mr. Speaker, the issue seems simple

here. No one denies that if the words spoken by the Leader of the Opposition are those that are contained in the transcript before you, that these constitute a breach of privilege of the House.

Now it seems, Mr. Speaker, that the position which the opposition are left in is simply this, some of the speakers said they are not satisfied with the evidence. In other words that the transcript before them does not satisfy them that the words were in fact spoken by him.

MR. THOMS: Not even evidence.

MR. AYLWARD: He says, "Not even evidence." I respectfully submit, Mr. Speaker, that this House of Assembly is the master of its own destiny. We decide our own rules. When we are elected, Mr. Speaker, we sit in this House and until the House of Assembly is dissolved we are the members and we are responsible for the conduct and operation of this House.

I say again that we do not sit here, Mr. Speaker, as Liberals or P.C.'s., we sit here as members of districts, we -

MR. THOMS: Inaudible.

MR. SPEAKER: Order please!

MR. AYLWARD: I think, Mr. Speaker, the Leader of the Opposition could use whatever support he could get at this stage, no matter where it came from. I think if we -

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order please!

MR. AYLWARD: I do not think, Mr. Speaker, he could be - in fact I think his conscience is misdirected, I think his conscience is misdirected in that respect.

AN HON. MEMBER: Inaudible.

MR. AYLWARD: It must be awful tempting, Mr. Speaker, to the people who can decide this when they keep being challenged. I cannot help but conclude from all of this, particularly if the Leader of the Opposition is placing his record on the line on what has happened here since we opened during the last session, I think he would be surprised to say the least, if the people were to pass judgement on what has happened in this House of Assembly.

MR. SIMMONS: Not as surprised as you think.

MR. AYLWARD: Mr. Speaker, I wish the public from Hermitage could hear the honourable member and could see what the Speaker of the House of Assembly has had to contend with with that honourable gentleman.

MR. SIMMONS: See what I have to contend with too.

SOME HON. MEMBERS: Inaudible.

MR. SPEAKER: Order please!

MR. AYLWARD: Mr. Speaker, he does not evoke that much sympathy but really,

well, just what is he looking for, Mr. Speaker, just what is he looking for?

MR. ROBERTS: Inaudible.

MR. SPEAKER: Order, please!

MR. ALYWARD: Mr. Speaker, I say that the position that the opposition find themselves in on this are (1) They say that they are not satisfied with the evidence. Now my submission is this, Mr. Speaker. We are the masters of this House of Assembly while we are elected and until the House is dissolved and we decide when there has been a breach of privilege and the House of Assembly decides what the penalty for the breach is. I respectfully submit, Mr. Speaker, that no matter what penalty we impose upon any member of this House for a breach of privilege, he has no recourse. If we put them out for a month, for a week, for a year, if we decide, which I am sure we will not this time of the year, to lash them they could take no recourse to the courts because, Mr. Speaker, we are the masters.

Now if the House of Assembly are satisfied on that evidence that is it. The other, Mr. Speaker, the other argument they use is this: "If the Leader of the Opposition said what he did say he was justified." Now, Mr. Speaker, that I respectfully submit is not permitted because what that is saying, not by implication but quite clearly, is that the Speaker is partial. That, I think, Mr. Speaker, cannot be tolerated and should not because this House of Assembly cannot function, cannot function if we do not, not alone respect the Chair, not alone must the Chair again be impartial but must appear to be impartial.

MR. ROBERTS: Hear! Hear! Agreed! That is the problem, that is the problem -

MR. ALYWARD: But, Mr. Speaker, that is not what was said, that he did not appear to be. The words are that he was not. Those are the words of the Leader of the Opposition as contained -

MR. ROBERTS: Is the member agreeing with that?

MR. ALYWARD: Agreeing with what?

MR. ROBERTS: The member says that not only must the Chair be impartial but appear to be impartial.

MR. ALYWARD: It is correct. Yes, I agree with it. Exactly, exactly.

MR. ROBERTS: Right, I agree with -

MR. ALYWARD: Yes, Mr. Speaker.

MR. ROBERTS: If only, if only, if only, -

MR. SPEAKER: Order, please!

MR. ALYWARD: Now, Mr. Speaker, I say that any member of this honourable House who argues on that ground, that the Leader of the Opposition had a right to say that, he is unequivocally stating that you are, that you and the Deputy Speaker are partial and that, I submit, Mr. Speaker, cannot be tolerated in this debate.

MR. ROBERTS: Unless it happens to be true.

MR. ALYWARD: No, Mr. Speaker, no, no, that cannot be true -

MR. SPEAKER: Order, please!

MR. ALYWARD: Because the House of Assembly cannot function if that is true.

MR. ROBERTS: Even if it is true -

MR. SPEAKER: Order, please!

MR. ROBERTS: That is all I wanted.

MR. ALYWARD: No, no, I did not say that, Mr. Speaker, I did not say that, I did not say that, no.

MR. SPEAKER: Order, please!

MR. ROBERTS: It is too late, boy.

MR. ALYWARD: And the honourable Member from Bell Island stated and again I enjoyed that speech, Mr. Speaker. It was one of the best I have heard in a long, long time.

MR. ROBERTS: Better than the one the honourable member is making.

MR. ALYWARD: Well, I would expect you to say that after what was done for you by that honourable member. I would expect you to say that. I would expect you to say that. But, Mr. Speaker, what the honourable Member from Bell Island said was and I suppose he cannot quarrel with that, he said, "The Leader of the Opposition, he had a right to say it." Well, I suppose, Mr. Speaker, no one denies that anybody. I do not know if the correct wording is that he has

a right to do it but if you should decide tonight to go break into some stores or do this or do that, I mean if you have a right to be wrong, no one is questioning that. But, Mr. Speaker, even if we accept that the Leader of the Opposition had a right, then surely we have a right to deal with it when he does say it and that is what is happening here. That is what the honourable Member from Bell Island and all the honourable gentlemen opposite refused to deal with when they dealt with this matter because, Mr. Speaker, we are debating here an issue which has not been really debated since Confederation in this House of Assembly. It has not been debated.

MR. ROBERTS: What has not been debated?

MR. ALYWARD: No. If this question of the partiality of the Speaker - now, I am aware of that motion that was brought in. Now, Mr. Speaker, the honourable Member from Bell Island in his closing remarks said that in frustration, in almost the agony of the moment, we say in law, the Leader of the Opposition said this. Now, I think on this side of the House, Mr. Speaker, and on that side, I do not propose to assume that we hold all the virtue and they hold all the vice but they are all reasonable men and if, this is a very, very simple matter, if the Leader of the Opposition did not say it, he just says in the House of Assembly he did not say it and I am sure, Mr. Speaker, that you would accept that, I am sure every member of this honourable House would accept that. I would certainly be prepared.

Now, Mr. Speaker, the other question is, all right he said it. Now what were the circumstances under which he said it? We all realize Mr. Speaker, that under pressure and several times in debate, the heat of debate, we all make statements that we later regret and that we are sorry for. I feel certain that you, I know I as a member of this honourable House would certainly accept it. If the Leader of the Opposition said, "I cannot recall it but if I did say I am sorry for it, I apologize. I did not mean that you were partial." But, Mr. Speaker, as I understand it, no such explanations or no such apologies but just devious arguments concerning whether the proof is sufficient or whether it was justifiable, which is again I say completely out of order to even debate that topic. I think, Mr. Speaker, any of us who saw, I think it was the CBC news last



evening and the comments of one of the reporters on the coverage of this House of Assembly during the last week could only conclude that we as members of the House of Assembly should be ashamed of ourselves, should be ashamed of ourselves to let this institution get to that level where we can sit here for fourteen, fifteen, sixteen days and relatively do nothing. I respectfully submit, Mr. Speaker, that any institutions, if they are abused which I respectfully submit, if we tolerate this, if we allow this process to be abused we will only let this House of Assembly sink further in the eyes of the public.

I say again, Mr. Speaker, that I am sure as well as all members in this House of Assembly, finds this very, very distasteful. No one likes to punish anyone, Mr. Speaker, no one likes to punish anyone but as I think the honourable Member for St. John's South said earlier in the debate today that if this motion is carried and if the honourable gentleman is suspended for a period of three days it will do him no great harm nor the district he represents but will, I respectfully submit, Mr. Speaker, do this House of Assembly and the institution a great deal of good.

I say again, Mr. Speaker, it is most unfortunate that we as, not as members of the government but as members of the House of Assembly are asked to vote upon this matter because, Mr. Speaker, this is not a government measure, this is not a measure by opposition, this is a motion by the House. As the honourable Member from Fogo said in his debate earlier this afternoon, "How can we expect him to vote for the government measure?" This Mr. Speaker, is not a government measure, this is not a government bill. This particular resolution before this honourable House could have been introduced by any member. Perhaps it is unfortunate that -

MR. SIMMONS: Who could have done it?

MR. ALYWARD: You could have done it. Perhaps you should have done it. You would have stood out as a great leader. Then, Mr. Speaker, the people of Newfoundland could say -

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

MR. ALYWARD: That Member from Hermitage, he is really going places.

MR. SPEAKER: Order, please! Order, please! I remind the honourable Member for Placentia East that he should direct his remarks to the Chair and not to any other honourable member.

December 19, 1974.

Tape 2257

RH - 5

MR. ALYWARD: Sorry, my apologies, Mr. Speaker. But I want to bring to the attention of the honourable Member for Fogo the content of this motion, Mr. Speaker,

and it is this that this House considers the remarks made by the Hon. Leader of the Opposition, that the House -

AN HON. MEMBER: Brought in by whom?

MR. AYLWARD: Brought in by a member of the House of Assembly, by a member and I think, Mr. Speaker, the Dean of the House of Assembly should realize that we sit here - it was brought in by the House Leader as the member of the House of Assembly, not as a member of the government. Perhaps he is sorry, perhaps the Dean is sorry he did not bring it in himself. Maybe this is the type of motion that the Dean should bring in but, Mr. Speaker, on a serious note I want to make this point and that is this; that this is not a government measure. This is not a government measure, Mr. Speaker, this is a motion brought before the House of Assembly by a member of the House of Assembly dealing with a matter of privilege that concerns the House of Assembly, that concerns the House of Assembly not the government. This party has more members in the House than the other party. That may displease some people but, Mr. Speaker, they sit here again not as Conservatives or Liberals or Tories but as members of the House of Assembly, and this is not a government measure. This is -

AN HON. MEMBER: Inaudible.

MR. AYLWARD: Convince you? How long do I have to live? I do not think I would live long enough, Mr. Speaker.

I say this, Mr. Speaker, that it would be a great day for the House of Assembly in Newfoundland when they talk about principles and they appeal to us, particularly as backbenchers, to stand up and be counted, stand up and be counted, do not be shellacked by the government, do not be compelled to vote as the government does. Here is a chance for every member of the House of Assembly to stand up for the House of Assembly.

HON. MEMBERS: Hear! Hear!

MR. AYLWARD: Not for the Liberal Party because, Mr. Speaker, what they will be saying is that in future any member of the House of

Assembly regardless of what side he sits on, any member of the House of Assembly who in future says inside or outside of the House of Assembly that the Speaker is partial, no matter who forms the government, he should be dealt with the same as the members of the House of Assembly in 1972 dealt with the Leader of the Opposition. I say, Mr. Speaker, -

AN HON. MEMBER: In 1974.

MR. AYLWARD: In 1974. Christmas 1974.

AN HON. MEMBER: Merry Christmas.

MR. AYLWARD: Now, Mr. Speaker - And Happy New Year.

The honourable Member for Bell Island looks over here at the Premier and says, Go on down and see the Governor boy! It must be awful tempting, Mr. Speaker, in times like this because if we have any idea as the public pulse -

MR. SPEAKER: Order, please!

MR. AYLWARD: I am sure at this time.

MR. SPEAKER: Order, please!

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

MR. SPEAKER: I would like to draw the honourable member to the rule of relevancy, and he is not being relevant to this particular motion.

MR. AYLWARD: My apologies, Mr. Speaker.

But again, Mr. Speaker, the point I want to make abundantly clear and that is this, that this debate is a matter that concerns the House of Assembly. It is not a government measure and it is not a measure brought in by the opposition, it is a measure that deals and concerns with this establishment here as a House of Assembly. Mr. Speaker, if any member of the House of Assembly, not alone the government members but members of the opposition, if they really feel that the Speaker of the House of Assembly is partial there is procedure in the rules -

AN HON. MEMBER: Tell me.

MR. AYLWARD: Tell you, I will tell you, yes. I will tell you.

Indeed I will tell you. Give me the Beauchesne. All any honourable

member needs to do is to give two days notice of a motion to come in, and with a motion that the Speaker be censured.

MR. SIMMONS: Would the honourable member permit a question?

MR. AYLIARD: He just asked a question. I am trying to answer it.

Yes, I will permit a question, Mr. Speaker.

MR. SIMMONS: The Member for Placentia East would he indicate whether or not he would support our request that this motion be given a matter of priority? If it goes on the Order Paper it will die there, he is aware of that. Would he agree to give it priority on the Order Paper?

MR. AYLIARD: Mr. Speaker, that is something to be decided by government business. I say this, Mr. Speaker, yes, I will give it priority, yes. I say this to you that if you really felt or any member of the Opposition felt that the Speaker was impartial that was the course that they should have taken but did any member take that? No, Mr. Speaker, they went outside of the House of Assembly and this is where these allegations were made.

AN HON. MEMBER: He is begging the question.

MR. AYLIARD: I am not begging the question, I am answering the question. I am saying that,

MR. SPEAKER: Order, please!

MR. AYLIARD: If any member of this House of Assembly brings in a motion to censure the Speaker, yes. I will say to the honourable Member for Hermitage that is what he should have done if he felt that but they did not, Mr. Speaker, and I am sure they do not. I am sure they do not. I will be very surprised, Mr. Speaker, I will be very surprised, I would be very surprised if any member would introduce such a motion. But certainly, Mr. Speaker, sure it should be dealt with and dealt with immediately.

Finally, Mr. Speaker, I say it is with regret that we are compelled to vote for the suspension of any member from this honourable House, particularly the Leader of the Opposition because as I said before and I mean this sincerely, I think the Leader of the Opposition

is a very intelligent and a very able man, and a very able member of this Assembly and he knows full well what he is doing or what he is saying, and I agree entirely with the members when they say, that he might have known, and if he did, Mr. Speaker, then he is certainly more guilty.

I again say it is with regret but I feel that each and every member of the House of Assembly who is satisfied that these words are spoken and they should on this evidence be satisfied should support this motion.

MR. SPEAKER: The honourable Member for Placentia West.

MR. BARRY: Mr. Speaker, I will not take the time of the House very long. Mr. Speaker, there are a couple of points that have been raised here today by the Leader of the Opposition and by honourable members opposite that have to be shot down.

Mr. Speaker, the point was made by the Leader of the Opposition that he had to resort to this despicable is the only word that I can think of, tactic of attacking the impartiality of yourself that he had to resort to this because he had no other effective remedy available to him.

Mr. Speaker, how is it that, that point was not made once in the debate yesterday, not once, Mr. Speaker, an entire session of this honourable House was taken up by the Leader of the Opposition and by the honourable Member for Bell Island yesterday.

AN HON. MEMBER: Inaudible.

MR. BARRY: Who was it who followed after the Leader of the Opposition yesterday? Anvhow, Mr. Speaker, just to put that particular argument where it should be put, I ask the House can they accept that the Hon. Leader of the Opposition is sincere when he places that argument before us today after seeing presumably the quandering he has placed himself in, the shameful way he has behaved, can we accept that that is the motive, that that is the reason for the course he has taken? Can we, even if he believes that, can we say that that is justified, Mr. Speaker? We look at the procedure that is set out in Beauchesne to question a decision, to question the impartiality of the Speaker. It is right, Mr. Speaker, two days notice of a motion is required. Mr.

Speaker, let me read a section from Beauchesne, Section (72)

"The Speaker's actions cannot be criticized incidentally in debate or upon any form of proceeding except a substantive motion."

The Hon. Leader of the Opposition did not bring in any substantive motion either today or yesterday. "His rulings in the United

Kingdom House of Commons are not subject to immediate appeal." In

Canada and in Newfoundland of course they are. "Our Standing Order

12 provides that he shall decide questions of order etc." I

will skip over that part, Mr. Speaker, here is the point that I

wanted to bring to the House's attention, "In the United Kingdom,

if there is any serious objection to the ruling or decision, notice

may be given that on some future day a vote of censure upon the

Speaker will be moved. Such an event happens but rarely, the last time

being in 1902 and Mr. Balfour showed that no

motion for censuring the Speaker had been brought forward for eighty years and then it was based on a precedent before then, recorded in the year 1777." Mr. Speaker, we have had one more recent occasion or precedent in Canada and that was in 1956, some twenty years ago, so we have a procedure which the honourable the Leader of the Opposition is griping about now, saying he had to go out and attack the very basis of this House of Assembly, the very basis of our parliamentary tradition because he had to give two days notice of motion, Mr. Speaker, when we have seen the House of Commons in Canada go for twenty years without meeting to have such a procedure implemented.

We have seen the United Kingdom House go eighty years prior to 1902 and some two hundred odd years prior to that. Mr. Speaker, has there been anything happen in this honourable House that would justify the action taken by the honourable the Leader of the Opposition in this last two days? I submit to you, Mr. Speaker, there has been heated debate and there have been differences with the Speaker of the House of Commons and differences, Mr. Speaker, in the House in the United Kingdom but, Mr. Speaker, there they have men, they have reasonable men not spiteful little boys who, when they do not get their own way, lash out and try to destroy in a psychotic fashion, lash out, lash out and attack the very basis -

MR. SPEAKER: Order please! Order please!

The Chair feels that the word psychotic in referring to members of the opposition is perhaps unparliamentary and would ask the honourable minister to withdraw that remark.

MR. BARRY: It was used in the heat of debate and is withdrawn.

But, Mr. Speaker, I submit that what the honourable member has done without putting any adjectives on it, what he had done is, because there was a difference with the Speaker, because the Speaker did not accept his opinion, because he did not get his own way, he decided to act in a spiteful manner, he decided to attack the procedure that has been set down for some hundreds and hundreds and



hundreds of years. The honourable Member for Bell Island made several good points. For example: he pointed out that there is heated debate, not just in this House, although God knows we have not had much to be proud about in the last couple of years in this House, but there has been heated debate in the House of Commons in the United Kingdom, Mr. Speaker, it is only yourself, it is only the authority and respect for the Speaker that controls such debate. Really, I mean this is the essence of any civilized society having a procedure, having a procedure, Mr. Speaker, where reasonable men can get up and differ and differ with emotion and differ with great sincerity and fundamentally differ on very important issues. But, if that debate is not contained within certain rules and within certain procedures it degenerates, Mr. Speaker, into a dogfight, a brawl. It would end up, Mr. Speaker, with honourable members out there in the middle of the floor engaging -

MR. NEARY: Rattling the sabres.

MR. BARRY: That is right, rattling the sabres and engaging in uncivilized behaviour. I submit that what the Leader of the Opposition has done is unforgivable, Mr. Speaker. It is despicable and unforgivable. I am concerned, Mr. Speaker. - the Member for Placentia East mentioned a comment on the C B C yesterday. Mr. Speaker, I was not proud of that, but I must say, I was also disgusted at that particular interview. I was disgusted because every member in this House was depicted as wasting the time of the House for an afternoon and wasting some \$18,000 or whatever it was worked out to be per session. It was depicted that every member in this House wasted the time of the House yesterday afternoon when everybody who was here knows that the Leader of the Opposition took some ninety minutes, Mr. Speaker, ninety minutes of playing word games, of insulting the Chair, of engaging in the most shameful behaviour.

Mr. Speaker, I have to say that while I think that if the individuals in this province, the citizens of this province

could see what has been happening in the House the last couple of days, could be informed as to what was happening in the last couple of days I would have no worry, no fear of the Leader of the Opposition ever being in any position of responsibility in this province. I would have no fear about that but I am concerned, Mr. Speaker, when I see that the proceedings in this House are not reported as they happen.

I, Mr. Speaker, have engaged on occasion, in what I consider to be the next day, nothing to be proud of. I have a tendency, at times, to loose my temper but, Mr. Speaker, I submit that I am prepared to bear the brunt of public opinion when that happens. I say: report it, Mr. Speaker, report the proceedings in this House the way they occur. Up to now, Mr. Speaker, it saddens me, it makes me cynical that we can see this sort of shameful behaviour carried out without, in my opinion, and I have not heard nor have not seen all the reporting on the matter, but it saddens me Mr. Speaker, to see the reports that I have viewed or listened to, to see that they have not pointed out what has been happening here for a day or two days where we had the Leader of the Opposition do nothing more than block the business of this House, insult this House, attack the very foundations of this House for what can only be, Mr. Speaker, the assumption that the only way he can get the power is by this last desperate political ploy.

Mr. Speaker, again I am sorry for taking time on this matter but I have to say that there will never be a motion moved before this honourable House that I will be able to support with more pleasure, with more satisfaction and with a greater feeling that we are doing something to protect this institution, Mr. Speaker, than to support this motion that is before the House tonight.

MR. SPEAKER: If the honourable minister speaks now he closes the debate.

MR. MARSHALL: Mr. Speaker, there is not much to be said that has not already been said in this debate. There are a few things though that before closing I would like to point out. I think the first thing I

would like to do is draw attention once again to the speech made in this House by the honourable the Member for Labrador South. In my years in this House I must say, Mr. Speaker, I had never heard a more eloquent, sincere and timely speech than was made right from the heart by the Member for Labrador South. I think it was very significant.

I understand that the honourable member has announced his intention of not running again and I can say in all sincerity from his conduct here today and it is not just because of his statements here today, would that all of the opposition had the same attitude and were comprised in the same manner and acted in the same manner throughout as the honourable the Member for Labrador South. We do not want to be in the government forever and it would be nice to know, Mr. Speaker, that there was a ready alternative available which there is not, right now.

Mr. Speaker, other people on the government side have spoken. The honourable the Minister of Education has spoken about conventions, the necessity of maintaining order. Similarly, the honourable the Minister of Fisheries brought to our attention the seriousness of this particular situation that we now find ourselves in and it is a very serious situation, and other speakers have as well.

The gist of this motion, Mr. Speaker, is a matter of privilege. The motion itself has been a very popular one (I do not seem to have it in here)

The motion here says: "The House considers remarks made by the Hon. Leader of the Opposition on radio station CJON on Wednesday, December 18, (a transcript of which is tabled) constitute a breach of privilege of the House in consequence whereof the Leader of the Opposition shall be suspended from this honourable House for three sitting days."

The facts are self-evident. The Hon. Leader of the Opposition has said and it has not been denied - the quote in the transcript which was tabled says that throughout this debate the Speaker and Deputy Speaker have not been fair and impartial, that they are deliberately favouring one side and that is the government side of the House.

Now there has been an awful lot of debate from time to time as to the transcript and where the transcript came from and where it originated and all the rest of it but the fact of the matter is, Mr. Speaker, that every Newfoundlander who listens to the news media heard these exact words and kindred statements all over the place and any attempt to get out of it is just merely an attempt to rely on spurious procedures in order to attempt to get out from under the consequence of the actions and the consequence of the actions have to be self-evident, Mr. Speaker, because where you have a breach of privilege of the House where you reflect on the character of the Speaker, you have accusations of partiality in the discharge of his duty, there is no other alternative but to determine that there is a breach of privilege. There is a breach of privilege in this case.

Now I do not want to regurgitate what went on today. It has been a long debate except that I would like to draw to the attention once again the fact that this government strove and attempted on Tuesday to see what it could do with respect to the conduct then of the Leader of the Opposition. He did not accept it in the spirit in which it was offered. At that particular time, he could have been suspended under the rules and that was a normal remedy. I think for the first time in the

history of the House instead a reprimand, the mildest remedy possible was given in the hopes that the Leader of the Opposition would recant. Did he recant? No, he obviously twisted this to suit his own purposes. In this statement, he interprets it as being an action of concurrence that Your Honour is impartial.

Yesterday when a motion was brought into this House the government asked for an apology. The Member for Placentia East was quite correct, the House asked for an apology for an attack on the Speaker and the Deputy Speaker. The Leader of the Opposition was again given an opportunity, not only given an opportunity but he was requested to apologize. As I say it is a matter of some regret that this did not seem to get the coverage. I hope it gets the coverage tomorrow. Then the motion that was brought in was a procedural one, Mr. Speaker. In the heat of the moment certain things are said and the procedural motion was brought in on purpose. The Leader of the Opposition chose to debate it all day. Well that was fine. We fervently hoped that in the duration he would realize the enormity and it is an enormously grave situation, and recant but he did not. So now we find ourselves in this situation where we are right now. I say we find ourselves and it is not only ourselves on this side of the House but also the speeches made by members on the other side of the House, Mr. Speaker, do not indicate a great deal of support for the position of the honourable Leader of the Opposition.

The Member for Bell Island did a most masterful job of speaking for forty-five minutes. Yet apart from his party ties, I do not know yet which way he is going to vote when this motion is called. At the particular time, Mr. Speaker, he was asked did not he think that this motion had to be dealt with. He agreed, yes, it was a situation that had to be dealt with.

The Hon. Member for Fogo made a comment when he was speaking to the effect that does the government feel that I, as a member, can vote for this resolution? Indicative to me, Mr. Speaker, that

the Hon. Member for Fogo deep down feels, as we all feel, that this is an enormous infringement of the rules of this House but because of the fact that he is tied to the party, which is understandable, he is going to vote a certain way.

The Hon. Member for St. Barbe North also made a statement to the effect that -

AN HON. MEMBER: (Inaudible).

MR. MARSHALL: I am taking, I know, I am taking it, as I say, out of context but it was said. He could have, he being the Leader of the Opposition, been made - it could have been much more than three days. In his mind I suggest at the particular time, he recognized the fact that there could have been a penalty.

AN HON. MEMBER: (Inaudible).

MR. MARSHALL: Similarly with the Hon. Member for Twillingate and the Hon. Member for Labrador North, exactly the same type of sentiments raised. They can come out directly as you would not expect them. The only one who did not come is the heir apparent who recently acquired a new Beauchesne, (I saw him trotting it back and forth between he and his Leader.) the Member for Hermitage, I think, in great expectations, as being the permanent Opposition House Leader when he gets back in the good graces of his leader.

In any event, Mr. Speaker, this is the situation. What is the situation with the Leader of the Opposition after all of this? He does not appear to be the slightest bit perturbed or sorry. He is not prepared to make the unequivocal withdrawal. He is not prepared to, without reservation, apologize and not prepared, which is what this House, as far as I am concerned, will have to be content with, an absolute assurance to this House that this type of disgraceful conduct will not emanate from the Leader of the Opposition ever again.

AN HON. MEMBER: (Inaudible).

MR. MARSHALL: No, Mr. Speaker, not that at all. All throughout the debate, we have heard the little remarks injected from time to time by the Leader of the Opposition. At one period of time when the

Member for St. Barbe North was speaking for instance and that was in the latter part of the debate, I heard a muttering when a point of order was not sustained. That is our one hundred per cent loss record on point of order. Complete and absolute disdain, Mr. Speaker, as far as I am concerned for the rules of this House. Now is this serious? Are we making a mountain out of a molehill as some people may suggest? Are we wasting the time of the House as has been suggested in certain quarters? Mr. Speaker, I do not know what we can do.

I would suggest to you that persons in the public, if we were sitting here now and there were people in the galleries (Some people in the galleries may feel this way from time to time) and they came in with apples and oranges and what have you and started pelting the members, that they might get upset. As this is an infringement of the rules of the House, they would realize that government cannot continue that way. Mr. Speaker, this is exactly the self-same situation. I say again, as I said before, that it is not a question of whether or not a ruling of the Speaker or Deputy Speaker is correct. That is not the point at issue at all. The point at issue is statements made by the Hon. Leader of the Opposition that the Speaker and Deputy Speaker have not been fair and impartial. Now that is it. That cannot be tolerated because if it is tolerated - maybe we are wasting the time of the House, maybe we should all resign, forget it and have a state of anarchy, maybe we should not even be bringing this up so say some people but if we do not, Mr. Speaker, this House is going to disintegrate. It is particularly going to disintegrate, Mr. Speaker, when you have a person who occupies the office of Leader of the Opposition. It is shocking, it is terrible, it has occurred for two or three years, time and time again. We have attempted to do what we could. We avoided taking measures like this because we do not want to be responsible for making another Newfie joke between Halifax and Vancouver because the Leader of the Opposition has been expelled in the House of Commons. What

alternative do we have? He is reprimanded on Tuesday, asked to apologize on Wednesday, asked to show a little bit of graciousness today. He is completely and absolutely unable to do it.

No, Mr. Speaker. Let the record show that this House of Assembly for the past two or three years has been carried on like this and the awful danger, Mr. Speaker, of getting down in the mire and mud with people is that you get tainted yourself. I am sure that most members in



this honourable House do not particularly like the feeling but I think also it is about time that the general public, and My God in Heaven, he should not mention the news media, but I concur that the Hon. Minister of Mines and Energy and the news media realize the enormity of this particular situation that the Leader of the Opposition can come on the public media and desecrate this House with statements of impartiality of Your Honour. I mean we cannot operate, and if we cannot operate, government cannot operate.

Now I say, Mr. Speaker, that we regret this. The Leader of the Opposition by his reactions to our attempts to hold out the olive branch, attempts to give him ways out, if he wanted, ways out in an honourable fashion, will not realize, Mr. Speaker, and I know in his heart of heart will not appreciate the fact that we sincerely regret with a great deal of remorse that we have come to this particular situation but it is not our making, we have done everything we can so we must now regrettably, Mr. Speaker, put the motion to the vote and get on with the business of the country.

AN HON. MEMBER: Hear! Hear!

MR. SPEAKER: I shall now put the motion, those in favour of the motion "aye", those against the motion "nay". The "Ayes" have it.

AN HON. MEMBER: Divide.

MR. SPEAKER: Call in the members!

DIVISION

MR. SPEAKER: Order, please! All those in favour of the motion please rise: The Hon. Premier, the Hon. Minister of Mines and Energy, the Hon. Minister of Industrial Development, the Hon. Minister of Health, the Hon. Minister of Social Services, the Hon. Minister of Manpower and Industrial Relations, the Hon. Minister of Provincial Affairs and Environment, the Hon. Minister of Transportation and Communications, the Hon. Minister of Rehabilitation and Recreation, the Hon. Minister of Education, the Hon. Mr. Marshall, the Hon. Minister of Forestry and Agriculture, the Hon. Minister of Public Works and Services, the Hon. Minister of Finance, the Hon. Minister of Tourism,

the Hon. Minister of Rural Development, Mr. Bunphy, Mr. Aylward  
Mr. Brett, the Hon. Minister of Municipal Affairs and Housing,  
Mr. Senior, Mr. Carter, Mr. Wilson, Mr. Young, Mr. Evans, Mr.  
Morgan, Mr. Howard, Mr. Martin.

All those against the motion please rise: The Hon. Leader  
of the Opposition, Mr. Gillette, Mr. Woodward, Captain Winsor, Mr.  
Neary, Mr. Thoms, Mr. E. Rowe, Mr. Simmons.

MR. SPEAKER: Twenty-eight for, and eight against. I declare the  
motion carried. I would invite the Hon. Leader of the Opposition to  
leave the Chamber.

MR. ROBERTS: Mr. Speaker, I would like to wish everybody a  
Merry Christmas, I will see you about the New Year.

MR. SPEAKER: Order, please!

PRESENTING REPORTS OF STANDING AND SELECT COMMITTEES

MR. SPEAKER: The Hon. Minister of Mines and Energy.

HON. L. R. BARRY (MINISTER OF MINES AND ENERGY): Mr. Speaker, this  
is the Annual Report of The Newfoundland and Labrador Power Commission  
for 1974, now the Power Corporation. There are copies to be  
distributed to the members.

MOTIONS:

HON. W. W. MARSHALL (MINISTER WITHOUT PORTFOLIO): Mr. Speaker, I give  
notice that I will on tomorrow ask leave to introduce the following  
bill, "An Act To Provide For The Direction Of Intergovernmental Affairs  
In This Province." Mr. Speaker, I also give notice required under  
the Standing Orders, although I do not expect we will need it and did  
not intend to use it to any great degree tonight but just in case we  
need to go over a little bit after eleven o'clock tonight, I move that  
the House do not rise at eleven o'clock tonight.

On motion that the House do not rise at eleven o'clock  
tonight, carried.

HON. T. FARRELL (MINISTER OF PUBLIC WORKS AND SERVICES): Mr. Speaker,  
I would like to table the Annual Report of The C.A. Pippy Park Commission.

MR. SPEAKER: Does the honourable minister have leave of the House?  
Agreed? Agreed. The honourable minister may table his report.

DR. T. PAPRILL: Thank you Sir.

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

MR. SPEAKER: The Hon. Minister of Finance.

HON. H. R. V. EARLE (MINISTER OF FINANCE): Mr. Speaker, I am today tabling the reply to a question from the honourable Member for Bell Island raised in this honourable House last Wednesday. The honourable member alleged certain issues with respect to leases of the Newfoundland Liquor Corporation and demanded the tabling of these leases. I am tabling today all of the leases entered into between the Newfoundland Liquor Corporation and various lessors since the corporation was created in 1973.

Mr. Speaker, liquor licences have become a dirty word in Newfoundland and I need not go into the history of why or the revelations of the recent royal commission. The information I am tabling indicates the professional way in which the Newfoundland Liquor Commission is now being managed.

HON. MEMBERS: Hear! Hear!

MR. EARLE: The leasing criteria is written, an outside independent legal counsel is utilized. Tenders are called. The Board of Directors exercises complete and independent decision-making. The amazing conclusion to be noted from this information is that in 1974 the lease costs of the Newfoundland Liquor Corporation which is indirectly a benefit to all taxpayers in Newfoundland are lower than they were in 1964, ten years later. I think that is worthy of repetition, Mr. Speaker. It should be noted that the lease costs in 1974 are less than they were in 1964, that is ten years later. Anybody knows how leasing costs have gone up in the past ten years.

The management of the Newfoundland Liquor Corporation are to be congratulated for the fine job they are doing and should be spared the cheap politics that historically has engulfed that organization.

Mr. Speaker, I am proud to table the leases and the relevant information including a comparison from the Newfoundland Liquor Corporation leases during the past ten years.

The actual lease, Mr. Speaker, that raised this question was one with the Rabb Company of Harbour Grace where the rate will be

seen from the facts which I have disclosed is \$3.35 per square foot on a ten year lease. This I might say, Mr. Sneaker, compares with leases made during the previous ten years as high as \$7.50 a square foot.

AN HON. MEMBER: Hear! Hear!

ORAL QUESTIONS

MR. SPEAKER: The honourable Member for Labrador South.

MR. M. MARTINY It seems, Mr. Speaker, that the task falls to me tonight. I do not know if we can make it Martin's Half Hour or not but we will try.

As a matter of clarification I have a question for the Hon. Minister of Social Services concerning a statement that was made shortly before the honourable

the minister went to Clarendville last week. I am sure he will remember it was reported on the radio that he said something to the effect that Labrador was getting more consideration per capita than the people of St. John's Centre. This is by way a preface to another question which I will have to ask the honourable the Premier, I would like to ask the honourable minister if he meant that or if he merely said it in the heat of debate?

MR. SPEAKER: The honourable Minister of Social Services.

MR. MURPHY: That is an actual fact. What is the significance of it, people in Labrador are getting more than St. John's Centre, absolutely. There is no question there.

MR. MARTIN: Fine, fine, Mr. Speaker, I just wanted to make that clear before I asked the next question. To the honourable the Premier, is it then a matter of government policy that this is the official government attitude and if so does this go into the formulation of government policy as it affects Labrador?

MR. SPEAKER: The honourable the Premier.

MR. MOORES: I am sorry, Mr. Speaker, I missed the first part of the question. If the honourable member could just repeat it I would certainly -

MR. MARTIN: I shall have to put this thing in context, Mr. Speaker, if I may be forgiven for a rather lengthy preamble. The honourable the Minister of Social Services last week made a statement to the effect that the people of Labrador were being given more consideration per capita than the people of his own district. He has confirmed that he meant that and the question now that I would like to ask the honourable Premier is whether or not this is the official government attitude and if this attitude is reflected in the formulation of their policy as it affects Labrador.

MR. SPEAKER: The honourable the Premier.

MR. MOORES: I think, Mr. Speaker, it is fair to say that consideration in this case meant amount of money in total. Certainly there is no difference in persons in need whether they be on the Labrador section of the province or the island section of the province. There is

absolutely no difference for people in need being eligible for social assistance. I do not think there is any discrimination of individuals. I think what the minister and I could be corrected by the minister is that the amount being spent in Labrador is more than in St. John's Centre, which is natural with the population such as it is.

MR. MURPHY: Inaudible.

MR. MARTIN: Well then that might point up the fact, Mr. Speaker, that somebody is not getting the value for their money. Is the honourable Minister of Education here? No. I will return to the honourable the Premier, I have a couple of other questions. Concerning the bill now before the House on the redistribution of electoral boundaries, there has been considerable correspondence and other representations made I know to the honourable the Premier because I have received copies of some of them and indications from those parties originating those petitions that they have been made and I am wondering in light of this whether the honourable the Premier and the government is prepared to rethink this question of three and a half or as it stands three and one sixth seats for Labrador?

MR. MOORES: I believe, Mr. Speaker, it is fair to say, I think any decision the government made had to be based on the census figures that were available. I think however at this time it is fair to say that if the census figures that we have been advised of in Labrador are accurate, this government will have no choice but to review the situation before any election is held.

MR. MARTIN: Supplementary there, Mr. Speaker, am I to understand that the government will undertake a census recount before the election is called or before this bill is passed?

MR. MOORES: Immediately the bill is passed with an undertaking, Mr. Speaker, that once these census figures have been received that they will be reviewed in the light of the ones we had as opposed to the ones we have been told about. I might say in this regard, Mr. Speaker, that the census in Labrador West would be very confused with people who are

there temporarily and moving out and this sort of thing. What we would be prepared to do also is suggest that after the census have been taken an appeal procedure be set up for those people living in Labrador who may not be permanent residents but are for voting purposes so that everybody is covered at the time the census is taken.

MR. MARTIN: Fine, Mr. Speaker, it is not permitted that I should enter into further debate on this right now but we do have third reading to come into and I assume I am going to be allowed to ask a further question on this.

For the honourable the Premier again, is he aware of the situation on the Southern Labrador Coast where fishermen who were gainfully employed this summer through no fault of their own, are being forced to go on welfare this winter because of nonpayment for their summer's catch. Is he aware that this situation exists? If he is, is he prepared to do anything about it?

MR. SPEAKER: The honourable the Premier.

MR. MOORES: The situation is, Mr. Speaker, yes we are aware of it. We are very concerned about it and steps are being taken. I know the Minister of Fisheries who unfortunately is not here now, has taken some action on it and I would suggest, Mr. Speaker, respectfully that if the question could be asked again tomorrow when he is here because he has more recent information on it than I do.

MR. MARTIN: Question for the honourable the Minister of Municipal Affairs, there are now two requests pending, have been for some time, on the incorporation of two communities in my district, I understand that these requests were held up pending the submission of the commission's report, does the minister have anything to report further on this on progress?

MR. SPEAKER: The Minister of Municipal Affairs and Housing.

MR. PECKFORD: Mr. Speaker, one is Mary's Harbour in Labrador South, what is the other one?

MR. MARTIN: Rigolet.

MR. PECKFORD: Rigolet is the other one. I had just last week a new report done on Mary's Harbour for my own information regarding incorporation,

and I have that on my desk right now as a matter of fact. Concerning the whole business of incorporation of communities we have quite a few, I do not know how many requests ready, not only requests to be incorporated but have gone through the procedure either for community council, town council whatever, public meetings and so on with the resolution in, so there is fifteen or seventeen in right now and they have been held up pending receipt of the report. Now we have the report, the report has been precised by the government, by the secretariats and it is now going through a clause by clause or recommendation by recommendation study by an interdepartmental group. I understand that that group has almost finished studying all the recommendations and will be ready to report to the Executive Council within the next couple of weeks.

That is not a very definitive answer or an answer that perhaps the honourable member wants or would like to have at this time. I am quite aware of the problem and the only thing I can say now is that very early in the new year the department or government is going to have to make a very firm decision regarding these requests. They are coming in every day and we are going to have to make a decision on them. I am aware of the Mary's Harbour one of recent times, in the last week or so. All I can say is that at present we are still awaiting the final study from the interdepartmental group on the recommendations and then we will have to make a decision as to whether we will have a blanket policy allowing the incorporations of all the communities that are ready to be incorporated or whether we are going to go some other route or whether we will just choose those that seem to be most logical. That will depend of course on the recommendations and the study from those recommendations.

So that is where it stands right now, Mr. Speaker, and I do not know if I have answered the honourable member's question sufficiently or not but that is all I can really say right now.

MR. MARTIN: Since the honourable the Minister of Education was kind enough to come back into the Chamber I have two questions which I would like to



direct his way. The first one deals with the budget at Memorial University; I assume that I am addressing this to the right minister if not I might be redirected; the budget is not made public I understand, can the minister tell us why it is not and whether it will be.

MR. SPEAKER: The honourable Minister of Education.

MR. OTTENHEIMER: Mr. Speaker, a correction if you wish, the budget of Memorial University is made public. Now I should point out that it is two years since the budget of the Department of Education was of course debated because of the - obviously it is the right of the official opposition to apportion their time as they wish and last year they apportioned it in such a way that unfortunately Education was not debated.

But the budget of the university is made public. What we have not done to date is to table information on particular salaries. Now on salaries of faculty at the university, we have not tabled that and to the best of my knowledge this

is the practice in certainly the vast majority of the provinces. Of course, the honourable gentleman would realize that the faculty at the university are not civil servants. They are not on the government payroll. The budget of the university is certainly public knowledge.

MR. MARTIN: A second question on a rather different subject to the same minister, the honourable the Minister of Education: it concerns the policy which goes into the thinking of the choosing of the Board of Regents. Taking a look at the Board of Regents one is maybe struck with the overwhelming imbalance with the social and economic elite. The whole board is made up of businessmen and lawyers. I am wondering if the minister is concerned about this since the university is the peoples' university and whether steps will be taken to equalize the situation?

MR. SPEAKER: The honourable the Minister of Education:

MR. OTTENHEIMER: Mr. Speaker, I do not have with me nor indeed can I really recall the whole or probably even most of the composition of the Board of Regents at the moment. A certain percentage, I believe it is two-thirds but I could be wrong here, are appointed by the Lieutenant Governor-in-Council or the Cabinet or the Government and a certain percentage are elected by convocation. Essentially elected and essentially means by the alumni.

In the composition at present I know that there is more geographic spread than there has previously been. There is, at least, a member from Labrador, at least one or two from the West Coast and from Central Newfoundland. There is one from the West Coast and there are at least a couple from rural areas. Certainly, the majority are from St. John's and this is something with which we are concerned and before the last appointments were made something which I had discussions with a number of people about. One of the problems is, of course, the necessity of having a quorum. The board meets regularly, I am not sure what day it is, the first Tuesday or second Tuesday of every month or whatever it happens to be and does so in winter as well as summer. There is a larger percentage now from

outside St. John's than there has ever been but the majority is still within this area and this largely is due essentially to the fact of the necessity of being able to have a quorum because if you do not no business can be transacted. Also, there are a number of committees which quite apart from the regular meetings of the board meet quite frequently and the need is accessibility.

From the point of view of the professional breakdown, actually, it had not occurred to me that there was an overabundance of lawyers there. I shall certainly bear it in mind and have a look at the membership.

MR. MARTIN: I thank the honourable minister. It is a matter of some concern. For the honourable the Minister of Transportation and Communications: There is a report today that the Red Bay-L'Anse au Clair Highway is closed. I wonder if he can elaborate and tell us why and whether or not it will be opened in the near future.

MR. SPEAKER: The honourable Minister of Transportation and Communications:

HON. J.G. ROUSSEAU (Minister of Transportation and Communications): To be truthful with the honourable Member for Labrador South, I was not aware that it was closed today. I know we have had some snow problems in the last couple of days but if it is closed it was closed because the operators could not operate under the conditions and it will be open as soon as they can get it open which I would assume they are working at now. I think the general reaction that we have received from the people in that area and I think from the honourable member himself, the men up there are trying to do the best job they can. At certain times, of course, the graders have to be taken off the road when the snow is really bad in that area, the blizzard snow conditions, but as soon as they let up to any extent that will allow the graders to go on the road, of course, they are immediately there. I have no doubt if the situation was such yesterday they were back at it as soon as possible and will have the road cleared up as soon as possible.

MR. MARTIN: I have a question now for the honourable the Minister of Tourism under whose department, I believe, the division of wildlife rests. I spoke with the minister in private a couple of days ago

regarding this matter of the provision of caribou to the Montagnais Band of Indians at Northwest River who use this animal in their religious festivals at Christmastime. I am wondering, since the season is getting on whether or not they have been supplied or if the plans are underway to make sure that they get these animals before Christmas?

MR. SPEAKER: The honourable the Minister of Tourism:

HON. T. V. HICKEY (Minister of Tourism): Mr. Speaker, I have to inform the honourable member that I thought I had a method worked out so that we could accommodate the association but I found that that could not come to pass because the season is still open for the hunting of caribou in the area. The request, was in substance, in view of the fact that the season was open, that permission be granted to hunt without a licence. I felt that to make that decision would be setting a very dangerous precedent and would create a number of problems.

This advice came to me from my wildlife staff. I have to concur with them and the matter is now being discussed with my colleague, the minister responsible for the Native Association and with whom communications are normally affected, the Minister of Transportation and Communications. He and I today discussed the matter and we are attempting to work out some other arrangement. We are sympathetic to the request and it is a matter of attempting something out to supply or to facilitate this request being attended to without getting ourselves in trouble or without setting a very dangerous precedent.

MR. MARTIN: A supplementary to that, Mr. Speaker. I would just like to be able to confirm to the President of the Association who called me this morning that the honourable minister is indeed aware of the very sensitive nature of this. The ceremony of Mukasham at Christmastime is an almost religious aspect and it has a great bearing upon their heritage and their traditions. If I could just have the minister's confirmation that he is aware of the sensitivity of it.

MR. HICKEY: Yes, Mr. Speaker, I am and for this reason we have been trying very, very hard to accommodate and to respond to the request.

The facts are at this moment that the people can go and hunt legitimately by purchasing a licence which costs fifteen dollars each. This would be six licences as I understand it, which would be a total of ninety dollars. The request appears to be one which would enable them to hunt without purchasing that licence and this is a very dangerous decision to take. If, in fact, I were to take it there is no knowing where it would end. Other organizations, other groups in the province, charitable organizations could very well come through with a similar request. For this reason -

MR. MARTIN: Does it not have to do with the draw?

MR. HICKEY: Pardon?

MR. MARTIN: Does it not have to do with the draw of licences?

MR. HICKEY: No, no. No, Mr. Speaker, it has nothing to do with drawing for licences. We will gladly afford them the licence, give them a licence provided the fifteen dollars is paid. I repeat, as I said before my colleague the Minister of Transportation and Communications, who has some responsibility for the Native Association, and I have already held discussions, we are to get together again in an effort to work out some arrangements so that those people can be taken care of.

MR. MARTIN: I thank the minister for that explanation, Mr. Speaker, because I believe this is the point that was causing some confusion.

I have a question for the honourable the Minister of Fisheries since he has returned. It is a question that I asked a couple of days ago, mistakenly, to the other minister regarding the barge. I am wondering if the minister will undertake to supply us with those figures?

MR. CROSBIE: No, Mr. Speaker, I will not undertake to supply it, I will supply it.

SOME HON. MEMBERS: Hear! Hear!

MR. CROSBIE: I must be psychic. The question that the honourable gentleman asked a couple of days ago when I was out of the House was: what was the cost of the operation of the fisheries barge that was put down on the Labrador this past summer? Mr. Speaker, I must confess

that this barge concept and so on was instituted and implemented by the former Minister of Fisheries, my deskmate here the honourable Minister, now, of Forestry and Agriculture, who is responsible for this.

During the past summer the barge Labrador I (that is the name of the barge) was operated by the Canadian Salt Fish Corporation at Smokey Tickle, Labrador. J.W. Hiscock Limited operated the barge as an agent of the Canadian Salt Fish Corporation. The costs to the Government of Newfoundland were the following: The capital cost of the barge was that we paid \$140,000 for the barge; there has been spent on the reconversion and refit of the barge approximately \$300,000: about \$75,000 of that will be recoverable from the Government of Canada.

I think the honourable gentleman asked what the operational costs were. The operational costs incurred by the department were the following: To tow the barge from Marystown to Smokey Tickle

\$44,000. Our contribution towards the operation of the barge paid to The Canadian Salt Fish Corporation was \$25,000 and to tow the barge from Smokey Tickle to Cartwright and to secure it for the winter was \$12,000 and the total of that is \$81,000.

Now the rest of the operational cost of the barge was paid by Canadian Salt Fish Corporation. The capital cost as I said was \$140,000 to buy it and \$300,000 to reconvert and refit. That is \$440,000. It was late in getting up this year, so how successful it was this year, I do not know. I do not think it was all that successful in receiving fish from the fishermen and processing it but it was quite successful I think in helping to supply them for the season. It will be back on the Labrador Coast of course from the start of next - when the fishing season opens up there next year, the barge will be there and we hope that it will be of considerable assistance next year for the fishermen in Labrador South.

So the operating cost that we paid this year were \$81,000 as I have said and I do not know what it costs in Salt Fish Corporation this year.

ORDERS OF THE DAY:

Motion, second reading of a Bill, "An Act Further To Amend The Securities Act."

MR. SPEAKER: The honourable Minister of Justice.

MR. A. HICKMAN: Mr. Speaker, this act is a very formal piece of legislation. It simply consolidates what is already in regulations and at the same time assures that we as a Province have control over those who sell stocks and bonds within the Province and require them to file an adequate bond. I may add that we have been enforcing this rule for many years and it is only because my legislative draftsman indicated to me that we may need legislative authorization of this bill before the House. I move second reading.

On motion a Bill, "An Act Further To Amend The Securities Act," read a second time, ordered referred to a Committee of the Whole House now by leave.

Motion, second reading of a Bill, "An Act Further To Amend The Emergency Measures Act."

MR. SPEAKER: The honourable Minister of Justice.

MR. HICKMAN: Mr. Speaker, this bill simply confers upon members of the

Emergency Measures Organization the same powers that are conferred upon a constable. It is very essential that the auxiliary police with the Emergency Measures Organization have these powers and I move second reading.

On motion a Bill, "An Act Further To Amend The Emergency Measures Act," read a second time, ordered referred to a Committee of the Whole House now by leave.

Motion, second reading of a Bill, "An Act Further To Amend The Commissioners For Oaths Act."

MR. SPEAKER: The honourable Minister of Justice.

MR. HICKMAN: Mr. Speaker, there are several bills before this House changing the designation of welfare officer to social worker and with the concurrence of my honourable friend, the Minister of Social Assistance, I will refer to these because what I say about this bill applies to all of the bills including Order no. (27), Order (26), Order (25), Order (24), Order (23) and the bill that is before the House now. They simply change the designation of welfare officer in certain instances to that of social worker. I move second reading.

On motion a Bill, "An Act Further To Amend The Commissioners For Oaths Act," read a second time, ordered referred to a Committee of the Whole House presently by leave.

Motion, second reading of a Bill, "An Act Further To Amend The Social Assistance Act, 1971."

MR. SPEAKER: The honourable Minister of Justice.

MR. HICKMAN: Mr. Speaker, these bills that I will now call are all the same as the one I just referred to so I shall not make any submission.

On motion a Bill, "An Act Further To Amend The Social Assistance Act, 1971," read a second time, ordered referred to a Committee of the Whole House presently by leave.

On motion a Bill, "An Act Further To Amend The Child Welfare Act, 1972," read a second time, ordered referred to a Committee of the Whole House presently by leave.



On motion a Bill, "An Act Further To Amend The Adoption Of Children Act, 1972," read a second time, ordered referred to a Committee of the Whole House presently by leave.

On motion a Bill, "An Act Further To Amend The Children Of Unmarried Parents Act, 1972," read a second time, ordered referred to a Committee of the Whole House presently by leave.

On motion a Bill, "An Act To Amend The Department Of Social Services Act, 1973," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. SPEAKER: Order (14).

MR. MARSHALL: Motion (2) on the Order Paper, is that second reading? No, I do not know, -Mr. Speaker, motion (2) which is on the Order Paper, I believe it is in error as down for first reading because before the Order Paper came up on Tuesday, it was read a first time at that time and first reading is done on it. It is just an error in the Order Paper. This is the one, "An Act Further To Amend The Labour Relations Act." I would like to call it for second reading now.

MR. SPEAKER: That is correct, the bill has been read a first time.

Motion, second reading of a bill, "An Act Further To Amend The Labour Relations Act."

MR. SPEAKER: The honourable Minister of Manpower and Industrial Relations.

MR. E. MAYNARD: Mr. Speaker, this is a fairly short bill to amend the sections (70), (71) and (72) of the present Labour Relations Act. These sections in the present act deal with the formation and the procedures of the Labour Relations Board. The bill we have here before us now would amend the composition of the law of - change the composition of the Labour Relations Board

for this board to set up panels of the board to deal with specific matters if and when these panels are required. The Lieutenant Governor-in-Council could set up a panel to deal with subjects that fall within the ambit of the public service or fall within the construction industry or as a matter of fact any other sector of industry that the board may deem it necessary that a panel should deal with. The act is a small part of the over-all revamping of the Labour Relations Act. The remainder of the amendments to the act, possibly a new act will be coming in the next session of the House of Assembly.

The panels are considered necessary at this point in time because of the fact that during the year 1975 - I do not think it is any secret that the Labour Relations Board will be called upon to do a tremendous amount of work. We feel that the setting up of panels whereby there may be two issues or more being dealt with at anyone time would enable the board to deal more effectively with the relatively large load that it will be asked to carry in that year. This is why we are asking for the amendment now so that we can be prepared for the 1975 season when it rolls around.

There is not too much that can be said on the principle of the bill. The bill will enable the Lieutenant Governor-in-Council to appoint as many people as are deemed necessary to be formed into panels. These people will be equally of course represented of both employers and employees. The Chairman and the Vice-Chairman are of course appointed by Lieutenant Governor-in-Council from a neutral source, if you will, either the Chairman or the Vice-Chairman will at all times act as Chairman of a panel.

With this amendment, as I have stated we hope to be able to deal much more effectively with the many issues that will come before the board. The Labour Relations Board as everyone is aware is a very important element of the old labour relations process. Hopefully this small attempt will go somewhat towards bringing more labour stability into the province during the year 1975.

Therefore I have pleasure in moving second reading, Mr. Speaker.

MR. SPEAKER: The honourable Member for Labrador South.

MR. M. MARTIN: I cannot agree with the minister more when he says that the Labour Relations Board is a very important part of this whole department. It seems to me at the present time that it is also a very large bottleneck of the whole department in that especially when it comes to certifications it takes an inordinate amount of time to even get near the board.

I am at a loss here to understand exactly what the panels will do, what their function will be. Is it, for instance, in the case of certifications, to sit and hear certifications whereby they could be heard three or four different hearings at the same time or are they just advisory panels or in what particular function will they be?

MR. SPEAKER: The Hon. Minister of Industrial Development.

HON. C. W. DOODY (MINISTER OF INDUSTRIAL DEVELOPMENT): The prime purpose of this particular amendment as I understand it, Mr. Speaker, is to assist the Labour Relations Board in avoiding just that sort of bottleneck which the honourable member has just mentioned. It has seemed to us for some time now that with the greatest respect for the Labour Relations Board those few people who composed it, several lawyers and an Indian chief or whatever, are not all that knowledgeable in some of the cases or some of the applications that might come before them. It seemed to us that it might be more appropriate that, in the event of say, a group of electrical workers who may apply for certification might be better served if legislation was available to appoint a panel consisting of a representative of the electrical workers and of a member of that industry, an independent person who might be able to listen impartially and with interest and with knowledge and with expertise on their particular application while perhaps another group who are listening to certification or application by a group of loggers or a group of somebody else or a group of some other section of industry or of labour and make representation on this certification or, God forbid, decertification, if such a thing should happen. It seemed to us unfair that the entire situation as regards to the Labour Relations Field should be left in the hands of this one small

group who admittedly are completely overworked and who are completely incapable of handling all of the cases that are before them.

So this group of panels has been suggested as a way through the bottleneck. It might also be fair to say that not the least significant part of this is the up and coming designation of essential employees in the various portions of the civil service force or various sections of the public service which is going to be a very important part of the upcoming years labour activities.

It is fair to say that I feel and many members of this honourable House feel and indeed I am sure many members of the working force in the province feel that it may not be quite fair to leave the designation of essential employees up to these people whom I mentioned a little earlier as being the Labour Relations Board. Perhaps it may be more appropriate if a panel were appointed consisting of a member of the public service union, and a member of the hospital board and perhaps a neutral member who may be more familiar but who indeed the essential employee might be.

So with that in mind I feel that I have absolutely no hesitation at all in the interest of labour relations in seconding the second reading of this particular bill. Perhaps I have helped a little in explaining the significance of it.

MR. SPEAKER: If the honourable minister speaks now he closes the debate.

MR. MAYNARD: Mr. Speaker, in answer to the question put by the honourable Member for Labrador South, my colleague, the Hon. Minister of Industrial Development has answered pretty thoroughly. It is obvious that the workload of the Labour Relations Board has increased a considerable amount over the past couple of years. I refer to the Public Service Collective Bargaining Act which was passed last year and which the honourable minister referred to. There is also of course the Teachers Collective Bargaining Act and the Fishing Industry Collective Bargaining Act, in addition to the Labour Relations Act which was at one time the only piece of legislation that the board had to deal with.

Hopefully in the later amendments to the board, at this point in time, we are not changing the system of one Chairman, one Vice-Chairman - hopefully in the later amendment we will be able to say one or more Vice-Chairmen so that we could possibly have two or three or more panels going at the same time. How this would be worked out is a technical detail. This is the intent of the whole thing. The panel as stated in the amendment bill has all the power of the Labour Relations Board in any decision that it makes. It has the power of enquiry the same as the board has at the present time.

On motion bill read a second time, ordered referred to a Committee of the Whole House presently, by leave.

Motion, second reading of a Bill, "An Act Further To Amend The Attachment of Wages Act."

MR. SPEAKER: The Hon. Minister of Justice.

HON. T. A. HICKMAN (MINISTER OF JUSTICE): Mr. Speaker, this is the second time in the life of this administration that we brought in a bill to amend The Attachment Of Wages Act.

The law provides that where a person has obtained a judgment against a judgment debtor that there shall be certain exemptions. This administration brought before this House two years ago a bill increasing these exemptions. We now find that with inflation and with the generous increase, the very generous increase in the social assistance payments made by this administration, administered by the honourable the Minister of Social Services which has been the policy of this administration, we believe that we have a social responsibility to see to it that Newfoundlanders who through no fault of their own are unable to work must look to the state and receive from the state adequate compensation, monies that will enable them to stay above the poverty line. This bill is to increase the Attachment of Wages Act to provide that in the case of a married person supporting his spouse the exemption is \$300; if it is a married person with one dependent, \$355; if it is a married person with a spouse and more than one dependent, \$355 plus \$25 for each dependent; in the case of a widower, etc. the sum is \$300 plus \$25 for each dependent; in the case of any other person \$225.

Now, Mr. Speaker, this is a great piece of social legislation and I am bold enough to suggest that there are no provinces in Canada with a more generous exemption than you will find in the Province of Newfoundland when, if the House so approves, this becomes law. I move second reading.

MR. SPEAKER: The honourable Member for Labrador South.

MR. M. MARTIN: Mr. Speaker, not having had time to examine this and not being blessed with an overly large research staff who could help me, at first glance I can see absolutely nothing wrong with it. I may very well be damned at some later stage for having letting it slip by but under the present circumstances there is very little that I can say except that it certainly comes at a most opportune time. As the minister says with inflation upon us and going to get worse that some consideration should be given to those people on social assistance who, however generous it might be, certainly do not get enough to enjoy the amenities of life in this day and age. I have absolutely nothing to say against the bill at this stage.

MR. SPEAKER: The honourable minister who speaks now, he closes the debate.

MR. HICKMAN: Mr. Speaker, for the information of the honourable the Member from Labrador South, this bill does not apply simply to social assistance recipients. What it says is that any person who against whom a judgment has been obtained, a judgment debtor, that there shall be certain exemptions. In other words, if a married person supporting a spouse is making \$500, the first \$300 is exempt from attachment. This is why I say that this is a very compelling piece of social legislation and I commend the honourable the Member for Labrador South for his unqualified support for this bill.

On motion a Bill, "An Act Further To Amend The Attachment Of Wages Act," read a second time, ordered referred to a Committee of the Whole House presently by leave.

Motion, second reading of a Bill, "An Act Further To Amend The Automobile Insurance Act."

MR. SPEAKER: The honourable Minister of Justice.

MR. HICKMAN: Mr. Speaker, if I may give a very brief explanation of this bill in the absence of my colleague, the honourable the Minister of Provincial Affairs. This bill provides, let me put it the other way - The law now is that if an insured person is intoxicated at the time of a collision and the damages awarded the plaintiff, the successful plaintiff, that the insurer, the insurance company, if the company can prove intoxication on the part of the insured, is only obliged to pay the minimum statutory limits regardless of what the amount of coverage is under the policy of automobile insurance. Insofar as a third party is concerned, this bill removes that restriction. If an insured has a coverage of, say, \$100,000 and judgment is obtained against him for \$100,000 and the insured was intoxicated at the time of the accident, the plaintiff is entitled to recovery from the insurance company the full amount of the coverage, namely \$100,000 rather than the statutory limits. This Province, I might remind the House has the highest statutory limits of any Canadian Province at this time. I move second reading.

MR. SPEAKER: The honourable Member for Labrador South.

MR. MARTIN: Again, Mr. Speaker, I am at a loss to offer any constructive criticism to this since I have not had the opportunity to go over it in depth and I must say that such is going to be the case, for every other bill that is presented to me tonight, all I can say now is that I will go on record as having supported it on the strength of what the minister has told us. At some future date if something occurs that has not been covered we, of course, reserve the right to try to get an amendment through and I hope that at that stage the minister will be receptive to anything that we might have to offer.

MR. SPEAKER: The honourable minister who speaks now, he closes the debate.

MR. HICKMAN: Mr. Speaker, may I commend the honourable Member for Labrador South for the attitude he has taken towards - again, what is a piece of social legislation and for the edification of the press and the public last year this administration appointed a committee of Cabinet ministers of which I am Chairman to look into the question of no-fault insurance. We believe that this Province should have no-fault insurance. We also believe that no-fault insurance to be effective and to convey or confer upon Newfoundlanders the benefits that flow from no-fault insurance, that it is essential that the seven provinces of Canada who have the wisdom to stay away from imposing upon the taxpayers the burden that the three N.D.P. provinces have imposed upon theirs by nationalizing insurance companies, that we should bring in this legislation concurrently. There have been several meetings of officials, one of ministers. I am hoping there will be another ministerial meeting sometime before the end of January, 1975 and my hope, my fondest hope, is that before the next session of the House of Assembly is concluded that this administration will be placed in the position where realistically they can bring before this House a bill to implement no-fault insurance.

AN HONOURABLE MEMBER: Hear! Hear!

MR. HICKMAN: What we have been very, very concerned about, Mr. Speaker, is the cost to the motorist, to the premium payer. So far the cost analysis that have been presented to us indicate that there must be some further refinement



and we have said to the Insurance Bureau of Canada who are the spokesmen for the insurance industry, "Go back to your computers and bring us back a realistic cost." Now I know the cost of insurance and insurance premiums must increase because the losses I guess are quite fantastic and what is more important, the cost of repairs to motor vehicles, the size of the awards from our courts are increasing, but what we as a legislature must do and what we as the government are determined to do is to try and keep the cost of insurance within realistic limits and at the same time bring in no-fault insurance which includes in it and this is something that the people of Newfoundland may not understand, that a very important element of no-fault insurance is compulsory insurance and in my opinion this is most essential and it is with great pleasure that I move second reading.

SOME HONOURABLE MEMBERS: Hear! Hear!

On motion a Bill, "An Act Further To Amend The Automobile Insurance Act," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. MARTIN: Mr. Speaker, if I might. This might not be a point of order but I am in great difficulty trying to hear above the racket out there. I wonder if somebody could ask these gentlemen to keep it down a bit.

MR. SPEAKER: I would direct the honourable Sergeant-at-Arms to make sure that persons in the corridors are making as less noise as possible.

Motion, second reading of a Bill, "An Act Further To Amend The Newfoundland Human Rights Code."

MR. SPEAKER: The honourable Minister of Manpower and Industrial Relations.

MR. MAYNARD: Mr. Speaker, this bill poses a number of amendments to the present Human Rights Code of the Province of Newfoundland. Over the past couple of years a number of representations made by various groups in the Province such as the Newfoundland and Labrador Federation of Labour, the Newfoundland Status of Women Council and probably most of the representations have been made by the Newfoundland Human Rights Association. I might point out in that context that the major recommendations made by the Human Rights Association were made when a colleague of ours, of mine, the honourable Member for Bonavista South was an executive member of the association at that time, I believe.

The department, of course, has also done a very thorough analysis of the Human Rights Code. We have had people attending national meetings of Human Rights Officers. I attended a national meeting in Victoria, British Columbia not too long ago with ministers and their officials responsible for Human Rights. There was a great deal of discussion. Our basic aim is to keep our Human Rights Code equal to or as good as other jurisdictions. Everyone, I think, is looking for new things, new items to insert in their Human Rights Legislation. All provinces are about the same but with the amendments that are proposed here in bill 125, I believe that we will be equal to other jurisdictions in Canada. It is quite obvious, of course, that the human rights problems that we have in this Province are

somewhat different from a lot of other jurisdictions but we do have discrimination in various sectors and our aim is to prevent the discrimination as much as possible. Many of the changes in bill 125 are a matter of clarifying the present wording or adding a few words. This can be noted as gone through clause by clause but basically the bill is to bring the Newfoundland Human Rights Code up to date in line with other jurisdictions. It gives me pleasure to move second reading.

MR. SPEAKER: The honourable Member for Labrador South.

MR. MARTIN: This is a bill, Mr. Speaker, which certainly one would expect to have a lot of amendments throughout the year, every year as we go along and become more sophisticated in our attitudes towards Human Rights. In this Province we certainly have a long way to go.

There are certain questions which occur to me at the moment which bear clarification because it will have some bearing on how we approach this thing in the coming twelve months. I would like to ask the minister at the outset what is the state of the Human Rights Division of the department? Are they staffed enough to handle the cases now before it or is it merely a token division as some people have stated it to be? There is really no point in trying to say that we are doing things about Human Rights and upholding the rights of the individual in this Province unless we have, first of all, the means whereby to carry through cases and secondly, the means to inform the people that there are machineries, the systems to carry them through. I would like to find out, for instance, what has happened in the prisons? Are the prisoners aware that they have any particular rights as human beings and if so what access do they have to the Human Rights Division?

In the case of native peoples, the Inuit, the Naskaupi, the Montagnais, are they aware that they have access to this court of appeal, this division? Is there any kind of an education programme? Are they aware that they can have interpretation services? What kind of an education programme is the honourable minister's department carrying out across the whole spectrum of our society and last of all, to give us some indication of exactly what transpires down in his department, perhaps he can give us some indication

of whether the work load is high or exactly what is the state? Is there a case load pending or are we on top of the situation?

MR. SPEAKER (Stagg): The Minister of Mines and Energy.

HON. L. BARRY: Mr. Speaker, I would like to have a few words on this bill. It is an important bill. It is too bad that the childish display the honourable members opposite has lessened the number of members who were available here to consider this particular legislation.

Mr. Speaker, there are several items in this bill that I think should be pointed out. First the fact that for the first time it is stressed that there shall be no discrimination specifically on the grounds of sex or marital status. These are words that were not contained in the previous Human Rights Code and an ancillary section, Mr. Speaker, section (10) deals with insuring equal pay to female employees, equal to pay received by male employees and we have a rewording on the strengthening of this section to insure that the female employee is not discriminated against by receiving less pay for the same work than would the male employee. So, Mr. Speaker, in this respect alone, this is a very important amendment to the Human Rights Code. It is really amazing when you stop to think of what has not been in the code up till now. Specifically spelling out, there should be no discrimination with respect to sex or marital status.

Another clause, Mr. Speaker, that is deserving of attention is the fact that Clause (5) points out that no person shall be discriminated against, no person shall be fired because that person has had wages attached. That, Mr. Speaker, is something that is needed in the case of employees who, in some cases through no fault of their own, have incurred financial difficulties are having their wages attached. I have experienced while practicing law, Mr. Speaker, situations where it has been thoroughly clear that employees have lost their jobs because the employer found it inconvenient or difficult or whatever to process attachments that he was receiving with respect to the wages of such employee.

So, Mr. Speaker, I think it is time that we move to bar this type of procedure, this type of discrimination against employees and this is another very important amendment in this Human Rights Code.

Mr. Speaker, again I can only say that it is too bad that the Leader of the Opposition's cohorts did not see it fit to remain in the House to consider important legislation such as the bill that we have before us.

MR. SPEAKER (MR. STAGG): Order please! The honourable minister is dealing with a point that is irrelevant to this particular debate.

The member for Bonavista South.

MR. MORGAN: Mr. Speaker, just a few brief words on this bill. The new amendments to the Human Rights Code are I think the result of efforts and recommendations made a number of months ago, indeed over the past two years by the Human Rights Association which is a voluntary group, organized in the province which I have been part of for the past five years. So it is indeed a great pleasure for me to support this bill, recognizing the fact that the government has now listened to associations like the Human Rights Association and listened to recommendations from other volunteer groups in the province such as the Status of Women Council, native groups, etc. But the most important part I think of the bill itself, the change to the bill is the part that now gives the right for females to earn the same salaries or same wages as males, providing they are doing the same work. That is one very important aspect of it.

It also eliminates any possible discrimination against females with regards to accommodations, both in commercial and self contained dwellings and in places where the public usually or frequently use. These are major points but there is one other major amendment to this piece of legislation and that is the setting up of ad hoc commissions. In other words instead of using one Human Rights Commission like we have now, Mrs. Keough, the Human Rights Commissioner, although she is the Human Rights Commissioner per se, she is not really a commission, doing a commission of enquiry until each enquiry is appointed by government, a commission of enquiry.

So now with this amendment where the government can appoint ad hoc committees, ad hoc commissions, we will now have a number of commissions looking into different specific cases of discrimination and not just the

one commission. So, Mr. Speaker, without prolonging the debate, I am indeed pleased to see the government has recognized the recommendations of the Human Rights Association and other voluntary groups and it is indeed a great pleasure for me to support this bill.

MR. SPEAKER (MR. STAGG): If the minister speaks now he closes the debate.

MR. MAYNARD: Just a couple of things, Mr. Speaker, to answer a couple of questions posed by the honourable member for Labrador South. He asked I believe if there was enough staff in the department to handle the various things that we propose to do. At the present time there are. We do not have a large work load in the Human Rights Division although the work load is increasing a fair amount as more people become aware of their rights within the laws of the province, more specifically within the Human Rights Code and there is no doubt we will have to add more people to the division within a short period of time.

I do not think we will need a large number of people. Some of the larger provinces, such as Ontario for instance, has only something like twenty-seven people on their staff, so it would be obvious that our staff would not be a large one. As far as the educational programme is concerned, the Human Rights Director is doing whatever he can and I believe accepting requests from pretty well everyone that makes a request to go either to schools or lecture to institutions or whatever, to inform them of their rights under the Human Rights Code. As far as prisoners and native peoples being aware of their rights, I believe that in most cases they should be if they are not, then we will certainly make a concerted attempt to make them aware, because one of the basic purposes of the Human Rights Code of course is to protect the rights of minority groups and native peoples and this is one that is a factor and is quite evident in other provinces probably more so than it is in the Province of Newfoundland.

We do carry on a very low key educational programme but there is a programme being carried out by the two people on staff, the Human Rights Commissioner and the Director of Human Rights. They say that programme will no doubt have to be expanded. At the present time, or up until the present time, these people found that they can handle the work load but it is getting to the point now where it is too much for two people.

I meant it when I moved second reading of the bill that there was to be a permanent Commissioner of Human Rights as opposed to the present system whereby Mrs. Keough, even though she is on full-time as a staff member, has to be re-appointed each time there is a hearing. We will now be able to appoint Mrs. Keough permanently and as well be able to set up any number of ad hoc commissions that could deal with any subject that the permanent commissioner found that she may not be able to deal with at that particular time. This will be much more flexible in its application.

Does that answer the honourable member's questions?

MR. SPEAKER (MR. STAGG): Order please! The absence of certain honourable gentlemen from the House does not mean that honourable gentlemen can carry on loud conversations and so on. I direct honourable gentlemen to that point.

On motion a Bill, "An Act Further To Amend The Newfoundland Human Rights Code," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. SPEAKER (MR. STAGG): Order 21, adjourned debate, "An Act Further To Amend The Financial Administration Act 1973," the honourable Minister of Finance.

MR. EARLE: Mr. Speaker, when the House -

MR. SPEAKER (MR. STAGG): The honourable minister is now closing the debate.

MR. EARLE: When the House closed the other day there were some questions being asked by members on the other side concerning the amendment to this bill, I am only sorry that those who asked the questions are not here to hear the replies. I will pass the compliment to the honourable member for Labrador South who did ask a question and he is here so he shall get the first answer.

In effect his question was - what was the reason for changing the presidency of the Treasury Board to the discretion of the Lieutenant-Governor in Council as opposed to its present status in the Act of having the Minister of Finance automatically be the President of Treasury Board? It is rather strange, Mr. Speaker, that I am entirely familiar with this

because I can report that the previous government in its closing days, when I think it was the honourable Eric Jones who was Minister of Finance at the time, the Premier of that day had also wanted to implement this change and I think he had gone to the stage of announcing it if I remember rightly, that the President of the Treasury Board would no longer be the Minister of Finance. But he found that although he had announced it he was tripped up by this Financial Administration Act which stated quite clearly that the Minister of Finance was to be the President of the Treasury Board.

Now the reason that government and the former Premier undertook to do this is exactly the same reason why the present government is doing it. The Department of Finance is normally divided into two distinct functions, the collecting of revenues, the raising of taxes and the looking after of our bond issues and all the public accounts and that section of it. The other part has to do with expenditures of the government and in the light of the fact that our government today is spending annually



in the neighbourhood of \$700 million and therefore has to raise considerable amounts of money in the money markets. There is a very heavy burden of work upon the Department of Finance to look after all of these functions. The appointment of somebody else as President of the Treasury Board takes off the shoulders of the Minister of Finance a tremendous burden because Treasury Board today is involved in a lot of things which heretofore were not done. Labour negotiations and so on are now being handled by the Secretariat of Treasury Board and these in themselves are a monumental task consuming a tremendous amount of time of the staff of that particular division. That in itself, as I say, Mr. Speaker, is a job in itself, a tremendous one. It was utterly ridiculous and complete nonsense the other day when the honourable members on the other side tried to say that they had discovered some deep dark plot whereby the honourable the Premier was trying to run the government with the assistance of two of his closest friends which they named as the Minister of Industrial Development and the President of the Council. Just how ridiculous that statement is, the fact that I do not think they themselves can bring themselves around to understanding what really good government is. They have never experienced it and they do not know what proper government and proper management is.

The fact is, of course, that Treasury Board will consist of the Minister of Industrial Development as Chairman, myself as Minister of Finance as vice-Chairman and six other ministers which at present I think are the Minister of Transportation, the Minister of Education, the Minister of Health, the Minister of Tourism, the Minister of Public Works and the Minister of Health. So for any person in their right senses to try to say that the conduct of Treasury Board and thereby the expenditures of government are controlled by any one minister is ludicrous in the extreme. This minister acts very properly only as Chairman of Treasury Board and he is of course subject to the decisions made by other ministers, six other ministers involved and himself. On top of that we have developed an extremely efficient staff in Treasury Board who are really watchdogs of the treasury and do a tremendously good job. I take this opportunity to compliment them on the job they are doing, so that this is in essence

a team job, quite a large team and one of the most important teams in government. The fact that the Minister of Industrial Development will be under these circumstances the Chairman of Treasury Board, reflects in no way any control by any individual over any expenditures of government. As a matter of fact, as Minister of Finance, I very heartily welcome his participation.

AN HONOURABLE MEMBER: Hear! Hear!

MR. EARLE: It was said, I think by the Leader of the Opposition, that possibly the reason that I was not kept in that post was because I did not have the ability. Well, fortunately I do not have to listen to the Leader of the Opposition. I have great deal more faith in the judgment of the Premier and incidentally when the transfer in portfolios was about to take place I discussed this in great detail with the Premier and was perfectly satisfied that his decision would lead to more efficient operation of Treasury Board and the Department of Finance.

Under the Department of Finance, as I said earlier, we are involved in the raising of huge sums of money, looking after revenues, after all the public accounts, also the Newfoundland Liquor Corporation the Newfoundland Liquor Licencing Board and about seven crown corporations come under me. If that is not a full time job, I would like to know what is? I think it is very appropriate and very fortunate that the Premier in his wisdom has decided that this extremely heavy load should be divided and that a number of ministers be involved in it. I have much pleasure in moving the second reading of the bill.

On motion a Bill, "An Act Further To Amend The Financial Administration Act, 1973," read a second time, ordered referred to a Committee of the Whole House presently by leave.

Motion, second reading of a Bill, "An Act Further To Amend The Department of Health Act."

MR. SPEAKER: The honourable Minister of Health.

DR. A. ROWE: Mr. Speaker, this bill to further amend the Department of Health Act present some relatively minor changes within the act. For instance it removes the Hospital for Mental Nervous Diseases, the Waterford Hospital

from the list of hospitals which are administered by the Department of Health; as much of this is now operated and managed by board. The act permits the minister to regulate the erection and construction of buildings in areas that are known as restricted areas. An amendment in this bill now says that this must apply also, not alone to the erection or construction of new buildings but also for the renovation and the extension of such facilities. The same thing applies to people who wish to establish mobile homes in what are termed restricted areas. They will now have to undergo the same regulations as those who are establishing conventional homes.

Finally the bill provides that where a person is convicted of an offence under either one of these, a continuation of the action as constituted the offence would be a separate offence. These are relatively minor changes within the act, Mr. Speaker, and I have pleasure in supporting the movement of this second reading.

MR. SPEAKER: The honourable Member for Labrador South.

MR. MARTIN: Again this appears to be timely and an important amendment to the act, Mr. Speaker. I certainly can see nothing in it to which to object. I have no hesitation to support it.

On motion a Bill, "An Act Further To Amend The Department of Health Act," read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. HICKMAN: Order 12, bill no.(102)

MR. SPEAKER: Order 12, bill no. (102). It is moved and seconded that bill no. (102) entitled, 'An Act Respecting Public Libraries And Boards To Operate Them,' be now read a second time.

The honourable Minister of Tourism.

MR. HICKEY: That bill has not been circulated, Mr. Speaker. I do not have it.

MR. HICKMAN: The one I meant to call for the honourable minister was bill no. (127).

MR. SPEAKER: Order 30, bill no. (127)

Motion, second reading of a Bill, "An Act To Amend The Historic Objects, Sites And Records Act, 1973."

MR. SPEAKER: The honourable Minister of Tourism.

MR. T. HICKEY: Mr. Speaker, this is not a very heavy piece of legislation but yet significant. It provides for the control and the requirement of a permit to be issued before investigations and surveys underwater take place. It is an effort, Mr. Speaker, to protect and develop our historic resources which - there are strong indications that we have lost some of them over the years, that where people can remove objects from underwater without permits and so this amendment would correct that situation. I move second reading.

MR. SPEAKER: The honourable Member for Labrador South.

MR. MARTIN: Mr. Speaker, I am pleased indeed to see this bill before the House. Last year when we discussed or was it the year before when we discussed the honourable minister's, not this honourable minister I do not believe, it was the other one, in the budget this fact came into the debate, that objects were being removed from the Province and that something needed to be done about it. I am not certain that this bill as it stands here is going to do everything. Certainly there is nothing in the bill that one would object to but I have a couple of questions which the minister might consider and if nothing is in the act at the present time to cover these contingencies perhaps he would be prepared to move further amendments at a later date.

There is no point in having an act to protect historic artifacts if we do not know where they are and if individuals can come and cart them away without anybody's knowledge. I am wondering if these sites, historic sites, historic objects are catalogued or in the process of being catalogued. Do we know where they are and if we do know where they are, are they being watched? Is there any means whereby we can apprehend people who are attempting to dismantle or to remove? These are the only two that occur to me at the moment. I do not object to this bill, Mr. Speaker.

MR. SPEAKER: The honourable Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, this is a minor amendment to the

bill, Mr. Speaker, but it is of some significance. Unfortunately there are times, Mr. Speaker, in Newfoundland as in other places where really we do not appreciate some of the things, some of the historic objects, some of the remains of times past, we do not appreciate them. We have them in the province, they at times go unnoticed or they become destroyed without proper appreciation.

One example of this, Mr. Speaker, has recently been brought to my attention as Minister of Mines and this concerns the fossil beds in the Manuels River Area. It is unbelievable, Mr. Speaker, the amount of scientific interest that these fossil beds have aroused, in the United States particularly. There have been very eminent scientists come to the province. They have gone back, astatic, is the only word to describe them, with this fantastic wealth of knowledge that they have gained from studying these fossils in these beds. But, unfortunately, Mr. Speaker, many of these are becoming destroyed either by amateurs going in and looking for a sample as a souvenir or something of interest or people digging for one reason or the other not realizing they are digging in fossil beds.

So, Mr. Speaker, the Department of Mines and Energy and myself as minister has requested that my colleague's department consider having these items protected under the Historic, Objects, Sites and Records Act. It appears that it is broad enough, especially now with this amendment to permit the protection of this type of - it is not the normal historic object but it is a very important part of our history, and of world history for that matter, of great interest, Mr. Speaker, to the academic community. We hope to see these are not just designated as a historic site or something that deserves protection but we hope to see proper markings put in there. We hope to see some sort of surveillance so that we protect something which even though as I say, Mr. Speaker, at the present time I do not detect a great amount of appreciation for it within the province or a great amount of interest in. Still the time will come, Mr. Speaker, when scientists who are now just scratching the surface of these fossil beds, the time will come,

Mr. Speaker, when much greater in depth study will be done of these beds and until that time arrives we must ensure that we protect them, since we are the trustees in effect to this particular historic site.

MR. SPEAKER: The Hon. Minister of Education.

HON. G. R. OTTENHEIMER: (MINISTER OF EDUCATION): Mr. Speaker, I would like to join with my colleague, the Minister of Mines and Energy in commending the Hon. Minister of Tourism, Historic, Objects, Sites and Records on bringing in this very progressive legislation. Indeed, it is high time that it was brought in because as many honourable members may be aware a certain amount of our underwater heritage may well be displaced and irrecoverable, indeed in an area of the province that I get an opportunity to visit for two or three weekends in the summer and the area from which my wife comes, in Trinity, there are of course and have been historically quite a number of objects there because as honourable members know - I am sure that the Hon. Minister of Justice is not convinced of the historic importance of matters in that area. While we all realize the historic importance of the Burin Area certainly the honourable gentleman should recognize the historic importance of other areas because there were many famous naval battles between the British and French in that area and there are quite a number of submerged objects of great historic interest. Indeed during the past year there has been quite a bit of activity with amateur divers recovering material from the sea bed.

So I would certainly join with the honourable Member for Placentia West in commending my colleague, the Hon. Minister of Tourism in bringing in this timely and important legislation.

HON. MEMBERS: Hear! Hear!

MR. SPEAKER: If the honourable minister speaks now he closes the debate.

MR. HICKEY: Mr. Speaker, in closing the debate let me assure my two colleagues, the Hon. Minister of Mines and Energy and the Hon. Minister of Education that work is already underway and plans are

underway to provide the necessary protection for the historic objects that they refer to. I can concur with the remarks, especially those of the Minister of Mines and Energy because as he pointed out very recently, by accident it would appear, this very important find -

MR. BARRY: The university has brought it to our attention.

MR. HICKEY: This brings me to answer the question raised by my honourable friend the Member for Labrador South that in the past and up to now it has been by accident that the province uncovered and came about a number of historic objects, resources, and as a result of the accidental find those areas have been developed and protected.

Again, Mr. Speaker, a forward step by this administration in setting up the Department of Tourism, in developing the Historic Resources Division, we are endeavouring to do a cataloguing and a study in this province of possible areas of historical value. I understand the Province of Nova Scotia, Mr. Speaker, has already commenced such a study, I do not know if it is completed or not, and other provinces are way ahead of us in this particular field.

I assure my friend for Labrador South and say to him that his question is very timing and assure him that action is being taken and we hope that within the next year to have a catalogue of possible areas of potential. Of course, the amendment that we are discussing right now will provide for the protection and the development of those sites.

On motion bill read a second time, ordered referred to a Committee of the Whole House now by leave.

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

COMMITTEE OF THE WHOLE

MR. CHAIRMAN: Order, please!

A bill, "An Act To Amend The Condominium Act."

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

A Bill, "An Act Respecting The Newfoundland Medical Association And Governing The Practise Of Medicine In The Province."

On motion clauses 1 to 7, carried.

On motion clauses 8 to 24 with leave carried.

MR. HICKMAN: I move an amendment to clause 25, Mr. Chairman, after the word "enquiry" in the sixth line, after the words "full enquiry" that there be inserted, "for the purposes of which the board and each member thereof are hereby vested with all the powers that are or may be conferred on a commissioner by or under The Public Enquiries Act, and."

On motion amendment carried.

On motion clause 25 as amended, carried.

On motion clauses 26 through 32, carried.

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

A bill, "An Act To Amend The House Of Assembly Act."

On motion clause 1, carried.

MR. CARTER: Clause 2, I believe this is the heading under which we may discuss the various districts and their boundaries. Am I correct in that assumption? I would like to confine my remarks to those districts that are contained within the present District of St. John's North and I intend to be fairly brief.

Honourable gentlemen -

MR. MURPHY: Point of order, I was just wondering, Sir, is that not a principle of the bill that was passed? Can we change that now? I thought that was contained in the principle of the bill. The boundaries were set out and I am just wondering. Does it affect the principle of what we did pass, fifty-one districts with delineations as set out? I am just wondering.

MR. CARTER: On that point of order, Mr. Chairman, I would think that it would be within the spirit of the clause by clause discussion of the bill to discuss the boundaries and to confine the discussion to the boundaries of a particular district or districts. I await your ruling.

MR. HICKMAN: To that point of order if I may submit, the principle of this bill is really clause 2 and the debate that took place on second reading



and indeed debate that took place on the resolution that preceded this bill dealt very specifically with the districts and I do submit that - Now maybe my honourable friend from St. John's North simply wants to make comment but certainly I would strongly submit that any move to amend any of the boundaries would go to the principle of the bill.

MR. CARTER: On that point again, Mr. Chairman, if I might for a moment, earlier in the debate on second reading there was what amounted to my hearing an assurance that another aspect of this bill would be amended, it is not something I had intended to discuss. But for instance there was some discussion as to what the quorum should be. At the present time the quorum is fourteen, if the number of seats were going to be increased to fifty-one it was suggested at the time that in committee the quorum would be enlarged to seventeen. Now that was one point.

AN HON. MEMBER: Suggested by the Leader of the Opposition.

MR. CARTER: Yes but it was a point as I recall and I do not have the Hansard in front of me, I understand that that particular point received some recognition in the debate. However, I am not at all anxious to discuss that point, it is merely the boundaries of a couple of the districts that fall within St. John's North I wish to discuss.

MR. CHAIRMAN: Order please!

MR. MARTIN: Since the principle of this bill was discussed, tonight as honourable members have heard the Premier has given assurances that certain changes will be made in respect of corrections made in the census. Now I think at this stage that it should be permitted that with respect to those boundaries which the Premier has already mentioned after the principle has been discussed, we should be given the opportunity to discuss them.

MR. CHAIRMAN: Order please! Well the Chair is going to entertain comments of honourable gentlemen who wish to comment and if necessary during these comments the Chair may intervene if the comments are irrelevant or they transgress any of the rules and if not the Chair will entertain them and honourable gentlemen may be heard.

MR. CARTER: Thank you, Mr. Chairman, again if I stray from the straight and

narrow it will only be because of my desire to make the boundaries less than straight and narrow.

I voted for this bill to go into third reading because I felt that it was in third reading that some of the more objectionable aspects of it could be corrected. The objectionable aspects as far as I was concerned being, among other things, the boundaries of the District of Mount Scio. Now to give my argument extra force and so as to avoid the charge that I am trying to carve out a cushy district for myself, I say here and now that it is not my intention to run in the District of Mount Scio. I intend to run in the reduced District of St. John's North. So therefore I am not speaking personally or trying to strengthen my own hand. However, the two communities that are in St. John's North that are being cut in half by the present boundary leaving one half of Portugal Cove in the new District of St. John's East Extern, the other half of Portugal Cove in the District of Mount Scio, one half of the Community of St. Phillips in the District of Mount Scio and one half in the new District of Conception Bay South, I believe it is.

Now, Mr. Chairman, both St. Phillips and Portugal Cove are rapidly developing communities. They are on the outskirts of St. John's and for some reason or other both communities are experiencing rapid growth and it will not be too long before these districts will require additional services. It could easily happen now that the political climate in Newfoundland has changed, it is no longer a pro or anti-Smallwood situation, it may happen, it could possibly happen that these three districts that I have mentioned that abut on St. Phillips and Portugal Cove, could elect members belonging to two different parties. If they do that, then I foresee a widening of any divisions that may exist in these communities.

Now the member for St. John's Centre, the honourable Minister of Social Services, in debate on second reading, said that perhaps district boundaries are of no importance at all and perhaps we are making too much of the people who object to district boundaries, cutting communities in half are perhaps mistaken. People do not care. Obviously

district boundaries have to go somewhere and in an urban area like St. John's, I think that his argument is entirely correct. But I would submit that the difference between an urban and a rural area is more than a difference of degree, it is a difference in kind.

Now I am disappointed that the government has seen fit to take a firm position on this. I did feel that in third reading some minor adjustments of boundaries would be possible. The member for Labrador South has already extracted what I would consider to be a major concession from government earlier this evening and I would hope that perhaps some of my arguments may not fall entirely on deaf ears.

I have been asked, it has been suggested that I am not being as loyal as I might be to this particular bill, to the government position on this bill. But I find it is very hard to follow any coherent criterion. If one follows the fact that the community of interest should be considered and should be given paramount importance, then I have to say that in District of Mount Scio the notion of community of interest is being disregarded. I cannot say the same for size of district, although in certain other districts the size of the district does seem to vary strangely and also ease of access.

MR. CHAIRMAN: Order, please! Just so that the Chair will not be interpreted as having slept on its rights, the honourable member is getting into a realm of debate now which is quite probably irrelevant. However, we will entertain him further on it.

MR. CARTER: Well then to get back to my main point of concern in this stage of the consideration of the bill, which is again, Portugal Cove and St. Phillips, and Portugal Cove particularly which is a historic community, in fact one of the first communities to be permanently settled in Conception Bay. I think it has had a continuous history for nearly 200 years. Certainly the road from St. John's to Portugal Cove is one of the earliest roads that we have record of. It seems to me to be unfortunate that any division should occur in this community. I would appeal to the government, if not now, then at the earliest possible convenience to alter the district boundary lines so that Portugal Cove is either in the new District of St. John's East Extern, entirely in the new District of St. John's East Extern or entirely in the New District of Mount Scio or entirely in the District of Conception Bay South. I would hope that the same thing would happen to St. Phillips because I think to split these two communities is, to put it unkindly, fathomless imbecility. Thank you.

MR. CHAIRMAN: The Member for Labrador South.

MR. M. MARTIN: Mr. Chairman, I should like to explain at this point why it is I raise these points which I have already gone over

in previous debate. A new connotation attaches now because of the statements made earlier this evening by the Hon. Premier in that he would reconsider the District which is now known as Labrador West. It is proposed that it be known as Menihek. I am sorry I did not get the -

AN HON. MEMBER: To reassess in a meaningful way.

MR. MARTIN: To reassess in a meaningful way that the population in that district - presumably since we are not playing political games, and presumably the agency or the committee or whatever that the Hon. Premier establishes to look into the census will come up with the same figures and answers that we have and will draw the only possible conclusion that can be drawn that in that district there exists enough of a population to allow, even under our guidelines as established here, for two districts.

Okay having said that I would like now to explain to the committee what will happen once those figures are corrected. The District that is now known as Labrador West comprises Labrador City, Wabush and Churchill Falls. The new district, the proposed District of Menihek does not include Churchill Falls. Once the figures are compiled in Labrador City and Wabush it may very well be that we will not be entitled to the two full seats in that district, I do not know, nobody knows at this stage. In the event that it is proven that there is not enough we are still being gyped out of one seat. What I would like to see is this whole thing delayed until the census is taken, no boundaries drawn in Labrador and once the census is taken and our figures are proven, if the District of Menihek is going to be redrawn then it follows therefrom that all of the remaining districts in Labrador will have to be redrawn. To do so now without taking those figures into consideration is playing a disservice to the people of Labrador. That is the first point.

The second point, and my arguments are well-known on the matter of community of interest. I will not bother to go into that. The second point concerns the proposed District of the Straits of Belle Isle. In the act which was passed last year it states quite explicitly that that

district will have an equal number of people on both sides of the Straits of Belle Isle, and an equal number means fifty per cent. If this committee passes this bill now, Mr. Chairman, we will be flying in the face of a law that we have already enacted. It is illegal to pass this bill the way it now reads. We cannot do it under the act. That in itself is enough of a reason to stop and consider a moment.

The other reason is that unless that district is made equal on both sides of the Straits, and I do not like that concept, and I have said that I do not like that concept, I think we are only playing into the hands of those people who are trying to cause strife. If that district is constituted the way it is proposed here—on television just last week the Hon. Leader of the Opposition already stated and he is right, he was not trying to play political games, everybody will have to agree that any member running in that district will not have to go across the Straits to Labrador in order to win the district. Will not have to. There are only one-sixth of the population on the Labrador side of the Straits. Human beings being what they are, he probably will not go across the Straits.

I do not think it is all that big an assumption. The honourable minister knows all about politicking and he knows of the difficulties and the costs involved in travel in trying to reach constituencies. If they do not matter a row of beans then he will not find the time, I submit, Sir.

Now that is all I have to say on this bill at this particular time but -

MR. MOORES: Excuse me, Mr. Chairman, would the member permit a question at this time? I would like to get the member's view on whether he thinks that the Labrador section of the Straits and the island section, if he thinks it is a good idea to have that as a joint seat or a seat representing both sides or whether he thinks that as it was before should be in the Straits Area, and the Northern Peninsula Area being in a separate district? I would like to get his views as to what he thinks on that.

MR. MARTIN: It is a difficult question to answer and not be tagged as being partisan. I wish to heaven I did not have to answer it. I must assure honourable gentlemen that I am trying to be sincere. There is a strong feeling of antagonism existing in the Straits of Belle Isle from the people on the Labrador side toward the people on the other side. This feeling I can state is not justified. From my perspective there is no justification for it but if you are living on the Straits of Belle Isle in Labrador and you look across the Straits and you see the people living in identical circumstances getting what appears to be better representation, more consideration than there is grounds for antagonism. To place both of these peoples in the same district is only to add fire and aggravate that situation.

What I would like to see is the whole of the Labrador reassessed in light of the corrected census figures, then it would be shown that there is no need to make special considerations, that under the guidelines laid down by this House to the Commission under the quotient that was established Labrador would be allowed four total complete seats and that there would be no question of splitting in the Straits of Belle Isle.

AN HON. MEMBER: Four. How many? Four?

MR. MARTIN: Four.

Now if honourable gentlemen feel that it is politically necessary, and I can appreciate that argument, if honourable gentlemen feel that it is politically necessary to create that peculiar kind of seat,

fine. If that must be done then it must be an equal fifty-fifty per cent on either side of the Straits.

MR. CHAIRMAN: The honourable the Premier:

PREMIER MOORES: Mr. Chairman, I would like to make a few comments regarding this Labrador situation and also regarding redistribution as such. We have been painted in this particular debate as wanting to, for political reasons, gerrymander boundaries and all that goes with it. I would like to make one thing very clear, particularly as far as the Labrador Area is concerned where the honourable Member for Labrador West and the honourable Member for Labrador South have made representations that I think deserve a lot of consideration.

These points are well taken and first of all I would like to deal with the Area of Menihek which is the Labrador West seat as we know it now. As I mentioned in the House earlier tonight, if the census shows that the district has a disproportionate number of population as has been suggested, and I am sure it is probably true, by all means I think it should be reviewed. No question. I think that census should be the type of census, not just door to door but an appeal set up to ensure that everybody has been covered. If that is the case certainly it has to be reviewed and it will be, as I said earlier, before an election.

The other thing I would like to mention is, where the Member for Labrador South and I disagree, the Coastal Labrador seat or the Eagle River seat if you like. I would like to see for once, even though there may be special considerations given to that member, even though it may be isolated as such, the opportunity of Coastal Labrador to be able to be developed in its own right as opposed to having a headquarters in Happy Valley or St. John's or wherever, because Happy Valley at the nearest point is one hundred and fifty miles away. It is remote control because people who live in Happy Valley just will not naturally gravitate to the coast. It is a chore if they go the same as it is a chore from here to there.

I would like to see that coastal seat identified but maybe that is not possible in the end analysis but it is



certainly something that I would like for more study to be done on than has been done at the present time.

Regarding the Straits Area: if the Menihek seat has been changed it might be totally feasible to have that Straits part of Labrador, the Labrador part of the Straits involved in the traditional Labrador South as we know it now.

Mr.Chairman, what I would suggest and what we as a government would be prepared to do is to set up, as was suggested in this House, a permanent commission to keep a total review of this. I think it has to be passed as is so that the census can be carried out so that we know exactly what the situation is, but with the total understanding and I want to make this very clear, that once that has been done if anyone thinks that a permanent commission for continuous review should be there to analyse any idiosyncrasies, whether it is Conception Bay South or whether it is Labrador West as we know it now, that this will be done and will be listened to by this government. I feel very strongly that Labrador be not discriminated against. As a matter of fact, the representation we have had from Labrador is substantial and since this has come into the House, not before it but since it has come into the House, Labrador has made a big contribution to this province. It has made a huge contribution and I think they should be recognized for having made it. I make no bones about saying this: this government will take every aspect of the Labrador redistribution into consideration before any definitive decision is eventually made.

I want to make that terribly clear because I think it is very important that Labrador be treated fairly, that it be treated properly. It is very easy to stand up here tonight and say: "We are going to stick with what we did." which we have to do until the census has proved us wrong. As I say, I have every reason to believe from the representation that has been made that it will prove us wrong. Equally the Straits seats: It is not the intention of this government to take the Labrador side of the Straits and lump it in with the Newfoundland or the island part of the Straits. That

is not the idea, with one-sixth influence. What upset me even more is that the possibility of the Leader of the Opposition representing those poor people on the Labrador side of the Straits but that is not really what we are discussing here now.

Really what I am trying to say, Mr. Chairman, is that we do want to make sure that Labrador has full representation in this House. On behalf of the government, certainly that will be totally considered and I mean this most sincerely, as soon as we get new census, a proper census. In consultation with the people of Labrador that one area of this Redistribution Bill is something that we have to look at and look at very carefully.

MR. CHAIRMAN: The honourable the Minister of Transportation and Communications:

HON. J.G.ROUSSEAU: (Minister of Transportation and Communications):

Mr.Chairman, if I could say a few words I will only keep you for a couple of minutes. I have gone through a few days of listening to the honourable the Leader of the Opposition, the honourable the Member for Labrador North, the honourable the Member for Hermitage and several other people having a glorious whack at myself and my colleague the honourable the Minister of Justice.

I would like first of all to thank my colleague the honourable the Minister of Finance for the very fine words he said. I was in a rather embarrassing position for a while and I would think that if anybody would understand it the honourable the Leader of the Opposition would. I want to say something quite clearly. I was prepared to be hung by this government. There is no question about it. I knew in the end result and in spite of what may be the soundings from the other side of the House,from some honourable members that this government did not care for Labrador was not true. I feel that as certainly as I feel my heart beat. I knew that any concern that had to be shown, and the point has been

brought and the Premier and my colleagues and I am sure everybody in the House knows the situation in Labrador West where people who are not permanent residents and the numbers there but the census are the official figures, unfortunately, and that is quite unfortunate insofar as the District of Labrador West is concerned now. And the rest of Labrador, the question of census has always been a question up there.

I am certainly pleased tonight, on behalf of all the people in Labrador West and I am sure on behalf of all the people in Labrador with the Premier's comments. I thank him very much for it and I can assure him that the people in Labrador appreciate the sentiments expressed by this government tonight.

MR. CHAIRMAN: The honourable the Minister of Industrial Development:

HON. C.W. DOODY (Minister of Industrial Development): I just want to say a few words on the Labrador situation, Sir, because for some reason or other I cannot explain myself I have some sort of strange emotional feeling for that Area of Newfoundland. I have not been there all that often and those times that I have been there I have become very, very involved. I appeared on a television show a little while ago with the honourable the Member for Labrador South and the Leader of the Opposition. At that time I said something that the Premier said before and has reiterated this evening, that when an enumeration is done, I think is probably the correct term, if I may be so bold, that if it is demonstrated at that time that the figures that have been stated are the correct ones, then certainly the situation will be reviewed. I think that what is more important than that is the fact that it is the prejudging of the whole situation by the honourable member and by others. The fact that there are more people on one side of the Straits than the other worries me. The fact that it will not be necessary for the candidate to have to cross the Straits to solicit the support of that section of the populace on the Labrador side.

In the District of Harbour Main we have a community of Brigus Junction, I think, which has something like twenty-four voters. I guess it is about ten to twelve miles away from the

nearest substantial community of Avondale. The honourable senior member who is not here this evening and myself went to Brigus Junction and knocked on every door and shook every hand and made very, very sure that they knew that we were their candidates and we were very anxious to have their support. We listened to their views and have done what we could for them and it will continue to be so.

I cannot think that because of the fact that there is a section of water dividing the Straits, the Labrador side from the island side, because of the fact that there

are more people on this side than the other, that the people on the Labrador side would not have a voice, I find that unexceptable completely. I do not think that because there are more people on one side of LeMarchant Road than the other that this member is going to spend all of his time on the west side of the street.

MR. MURPHY: Take the lower part of my district.

MR. DOODY: We are all Newfoundlanders together and will have to work together in that area, in that feeling or we are really not going to get anywhere towards creating just one province out of this huge geographical thing that we have to work with. I think that the honourable Member for Labrador South is certainly one of the more conscientious and honourable members we have in this House and I for one, Sir, am grateful that he is elected and is here with us. More often than not he has proved to be the conscience of this House.

AN HONOURABLE MEMBER: Hear! Hear!

MR. DOODY: But I do feel that in this particular case he is misjudging our people and misjudging whomever the candidate might be who is up there. This is one area that I can speak of without political bias and political partisanship because the possibilities of a P.C. or a Tory getting elected in that section of the country in the foreseeable future are statistically or historically or even remotely very, very, very, very rare indeed. All I hope for and all I can pray for is that that area of Newfoundland gets a great deal more attention than it has ever had in the past. From what I can see in my own very, very limited experience is that the breakdown that there is now gives it a better opportunity of having that opportunity of advancement than it has ever had before. I would like to think that having this junction of the Island part of the Province and the mainland part of the Province join together in that section, all be it there may be more on one side than the other, I think that that is a very important part. I think that coastal community community of interest is an important thing. The thing that the honourable member and myself discussed together as a Coastal Labrador Development Association can only be done in the context of the whole coast and I may be wrong on this and I have been wrong before

God knows but I would think that it is very, very important that the native population and those people on the Labrador Coast who are of European descent can all be treated as one group of Newfoundlanders and should all be looked after and a full development context as one group. To divide them into various sections because of conveniences of distance, to me right now on this point in the economic and social advancement of the Coast of Labrador is not nearly as important as to hold them together in terms of social development and in the opportunity to grow together and become part of our whole social fabric and our whole growth community and the whole context of what we have to offer all our people in this Province.

AN HONOURABLE MEMBER: Hear! Hear!

MR. DOODY: I do not say these things lightly because I mean them very sincerely. I have seen the conditions on the Coast of Labrador, certainly not nearly as closely nor do I know them as well as my friend but I can see that to divide them up for political convenience in terms of transportation is not the answer. The answer may be to provide extra travel allowances for that particular member who has to cover that area but maybe greater facilities has to be offered to him, maybe it is necessary in the interest of that particular district to provide air transportation, a float plane or whatever to get him around, back and forth to visit the area.

AN HONOURABLE MEMBER: Hear! Hear!

MR. DOODY: But let us tie them together and make that Coast of Labrador, that most neglected, I guess it is the biggest blot on the escutcheon in the history of Newfoundland that has ever been seen and perhaps in the history of North America. I am not that familiar with the history of North America. It is something that cannot be chopped up into little political areas to make it convenient for little people to visit from time to time when it is convenient for them. The idea of that Coastal Labrador seat as I see it and you can call it Eagle River or you can call it whatever you like, it does not really matter to me, the idea of that to me is an opportunity to get those people who have had the least advantages from the society that we have, to get them in one group so that they can be

looked at as a whole and as a whole on the bottom of the social and economic spectrum of the society that we live in and to give them the opportunity to join in what little we have in this Province.

MR. MARTIN: Hear! Hear! Well said.

MR. DOODY: If I say that it takes special consideration for the member whomever he might be and I repeat again that it is certainly not going to be a P.C. from what I know about politics in this Province, whomever he might be, I think that it may be necessary to give them extra travel allowance, to give them extra airplane, whatever. I think that that seat, although it may look geographically absurd in terms of a map, in terms of social problems, in terms of community of, the Premier has used the term community of interest although I like to think in this particular case, community of problems, community of neglect, community of absolute disgrace. I think that that district makes very, very great sense from that point of view.

So I have said what I have said about these two districts. The common district between the Straits, the large unwieldy district on the coast and the interior districts, the Menihek District, the district that we have to go by by the census, I think that as has been said before, I have said it publicly on television, the Premier has said it publicly, it has been said before in this House and it is just an insurance of this government and whether this government's word is worth anything then surely it can be accepted, that if the enumeration of voters that has to be done demonstrates the fact that another seat is necessary in that area, then this government's word will have to be taken and the necessary remedies will be taken to see that that representation is given.

That, Sir, is all that I have to say about that particular bill at this particular time.

MR. MURPHY: Very well said. Hear! Hear!

MR. CHAIRMAN: The minister of Mines and Energy.

MR. BARRY: Mr. Speaker, a couple of very brief comments, one of which the honourable member to my left has already dealt with and that is the

proposition put by the honourable Member from Labrador South to the effect that a person running in the Strait of Belle Isle District need not bother about the people on the Labrador side. Well, Mr. Chairman, the reason I wanted to speak on that is because I think I can give you an example, Mr. Chairman, that points out the fallacy in that proposition and demonstrates why any member running for election, if he wants to be elected should concentrate on every community that is in the district that he is going to represent.

Mr. Chairman, I have the dubious honour of probably having, I believe I did have the smallest majority in the last election, in the election of 1972, a sweeping majority of forty-three votes brought me into this House. Now, Mr. Chairman, I cannot certify to this but I can say that many members in my district informed me of this, many members in the communities I am going to refer to but the reference was, the tale that I was told was that my opponent had at some course, just before the election or some years previously had -

MR. CHAIRMAN: Order, please!

MR. BARRY: Just an analogy, Mr. Chairman, I realize relevancy but just an analogy.

MR. CHAIRMAN: A very short analogy.

MR. BARRY: A very short analogy. Mr. Chairman, my opponent in the election who was the previous member for the District of Placentia West, that he had said to the people in the four isolated communities, communities of Petit Forte, South East Bight, Monkstown, and Woody Island, where there were no more than sixty, 100, less than 120 voters all told, that he did not need those votes in order to get elected. Now, Mr. Chairman, I have to confess I did not hear my opponent say that but the actions of himself and the previous administration, Mr. Chairman, were to the same effect, namely, total neglect of these isolated communities.

Mr. Chairman, as it turned out in the election those four isolated communities made all the difference. I will submit, Mr. Chairman, that the same, that any member running in the Strait of Belle Isle District if it remains the same as it is should keep that in mind. He should not count



December 19, 1974.

Tape 2274

RH - 5

his chickens before they are hatched. Every community, every individual in the district if an honourable member wants to get elected is just as important as any other and should be treated as such. I am happy to say,

Mr. Chairman,

8758

in closing that this isolation, this neglect of the isolated communities of Placentia Bay has ended since this administration came into office. I would hope that the same consideration can be given to the coastal communities. I am sure over the past two years we have tried to give them the consideration that they deserve because there is neglect on the Coast of Labrador, there is no question about it.

Mr. Chairman, in closing I would just like to, because it seems to be appropriate at this time, point out that one of these isolated communities, Petite Forte has since obtained electrification, and this is irrelevant but just one further point, Mr. Chairman, I have the pleasure of announcing that tomorrow morning in the Community of Southeast Bight, a little community of some sixteen, seventeen families which is the only community and was the only community entitled to electrification under the existing policy where they must be more than fifteen customers, that tomorrow morning the switch will be thrown in the Community of Southeast Bight to give that community electrification.

I hope that we can show in the years to -

MR. CHAIRMAN: Order please!

MR. BARRY: Come the same consideration for the coast of Labrador as is shown -

MR. CHAIRMAN: Order please!

MR. BARRY: For the isolated communities in the District of Placentia West.

AN HON. MEMBER: Well done!

MR. CHAIRMAN (Stagg): I trust that the honourable member's short analogy is now complete.

MR. CARTER: Mr. Chairman, before the item is voted on I would like to assure the Member for Labrador South that I entirely concur with his remarks and I hope that the situation there is sorted out. Did I understand the honourable the Premier to say that a permanent boundary commission is being envisaged? If so, would it be possible, perhaps, to weave it into this present act? Perhaps we could sleep on this tonight and tomorrow when the House opens again -

MR. DOODY: We will be soon asleep if we do not get out of here.

MR. CARTER: I do not have any sympathy with that sentiment, Mr. Chairman. I think that what we are doing now is extremely important. If it were to take all night I do not think it would be too much to ask of honourable members.

MR. HICKMAN: Mr. Chairman, I appreciate the views of the honourable the gentleman from St. John's North and they are quite well taken. It is not this bill that would require that provision it is the Delimitation of the Electoral Boundaries Act.

MR. CHAIRMAN: The Member for Labrador South:

MR. MARTIN: I hate to belabour this point and I do not think I should need to but apparently I am going to have to. I fail to see how it is possible once this bill is proclaimed an act to then go back and change those boundaries without redrawing the whole thing again. In any case, what is the rush? If it is going to take a month to do it then it will not hurt to postpone this thing for a month. Then, it is done it is all done in one-fell-swoon and everybody is happy.

With regard to the Straits of Belle Isle; honourable gentlemen are trying to apply logic where there is total illogic. I agree it is logical to assume that a member will have to spend that much time in that particular part of the district. The fact of the matter is that the sentiment on the Labrador side of the Straits of Belle Isle is running so strong that it is totally illogical and they do not care whether a member goes over there or not. The fact of the matter is, they do not believe he will right now. The fact of the matter is, they believe this government is ramming something down their throats and the fact of the matter is, they believe that they are getting a raw deal. For heaven's sake! Is it that important that we have to add fuel to the fire?

I do not agree with the honourable the Premier and ministers who say that the community of interest on the coast, between the coast and Goose Bay is of no importance. They are talking apples and oranges, they are talking economic development

in the coastal community and we are talking about political representation in the other two districts. I am sure honourable gentlemen are sincere but they are away off track, Mr. Chairman, away off track. Now I will not be running in the next election so it does not matter to me where the boundaries will be drawn but I can promise honourable gentlemen and I make this promise that if it comes to the point where we are getting something jammed down our throats and if we are not getting any more out of redistribution than we have gotten out of the last three years of P.C. Administration, then I will be running again and I will be running on a separatist ticket. That is a promise.

HON. A. J. MURPHY: Aw, come on!

MR. MARTIN: The honourable minister says: "Come on!" and he shows some cynicism and sarcasm -

MR. MURPHY: (First part inaudible) this gets me down .

MR. CHAIRMAN (Stagg): Order please! Order please! The honourable minister may not interrupt. The honourable gentleman has the floor. The leniency which has been exercised by the Chair will have to be restricted or the rules will have to be strictly enforced. I already stated to the House that the Chair has given notice that it will not be interpreted as having slept on its rights. Much of the debate has been irrelevant and much debate could be irrelevant. The Chair reserves the right to interrupt honourable members.

However, it is apparent that this debate is a debate by consent and the Chair is not willing to thrust itself upon the chamber, if honourable members want to debate by consent. However, when consent vanishes then the Chair must reimpose itself.

MR. MARTIN: Thank you, Mr. Chairman. I have only one final thing to say.

MR. BARRY: \_\_\_\_\_ (Inaudible)

MR. MARTIN: Certainly. Certainly.

MR. BARRY: As I understand it and I am not totally up on the process of enumeration and so on, Mr. Chairman, but as I understand it until this act is passed you cannot get the enumeration process going for

the new districts.

AN HON. MEMBER: That is right.

MR. BARRY: This is the reason why it is appropriate to have this done now because then the honourable member's problem, his concern can be dealt with in the enumeration. But until the act is passed and you have your new districts and the returning officer or whoever does the enumeration (I do not who) has the authority to get out and start enumerating the districts. How do you deal with the problem? The other alternative is to wait until Statistics Canada brings in the next census which is '75 or -

MR. DOODY: That will still not be an enumeration.

MR. BARRY: That will not be an enumeration because they will still have the problem of who is ordinarily resident and who is not.

MR. CHAIRMAN (Stagg): Order please! Order please! The honourable member gained the floor -

MR. BARRY: (Inaudible)

MR. CHAIRMAN (Stagg): Order please! The honourable member gained the floor saying that he was going to ask a question. The honourable member then proceeded to make a speech.

MR. BARRY: I apologize.

MR. CHAIRMAN (Stagg): The honourable member may not use this ruse again.

MR. BARRY: My question, is really, does that meet the honourable member's concern? Is that something that he had considered previously?

MR. MARTIN: This is precisely what I had considered. The act states that the boundaries must be drawn in accordance with Census Canada figures. What honourable gentlemen are now proposing is that we redraw the boundaries according to the voters list. If that is the case honourable gentlemen are the government and they can do whatever they please with whomever they please at any time they please.

MR. BARRY: No, no. You have to have an enumeration once the districts are set up to determine who is entitled to vote in the districts. See?

MR. MARTIN: Let me just express my cynicism once more; that while honourable gentlemen may very well be sincere at this very moment I have over the last two and one-half years been given sincere promises

of action which never materialized so honourable gentlemen will bear with me if I appear to be a little reluctant to accept this and accept them at their word.

I express the opinion of the people in my district and in other areas of Labrador when I say: "We believe that once this act is passed we have lost our final chance until the next electoral boundaries redistribution."

The only other point I would like to make

and I will not belabour it further, is that, how does the Hon. Premier manage to go against a bill that is already passed expressly stating that the Straits of Belle Isle District will be equal.

MR. MOOPES Mr. Chairman, I have to answer this particular question.

I have said here in the House publicly for the record this would be reviewed before an election. But before it can be reviewed we have to have a census or we will never get one, We have to wait for Statistics Canada to have a census like we had previously. Now I have already made the commitment that before an election that this will be reviewed based on the census that was taken as a result of this redistribution.

The bill has to go through first before the census is done.

AN HON. MEMBER: The enumeration.

MR. MOOPES: The enumeration rather, I am sorry. You know I want to make it very clear, I said it before and I said it publicly in this House tonight that this is the case, It is not something that we would have liked to have done, that the ministers of the Crown have found impossible to do for whatever reason. This is a statement in this House of Assembly that is very clear, I would hope.

The other thing that upset me terribly is the Member for Labrador South mentioning running on the separatist ticket.

MR. M. MARTIN: Ask me.

MR. MOOPES: You know I think it is the wrong House to debate that. I find that a very unfortunate remark but certainly as far as the other part of the member's question is concerned, he has the government's commitment on it.

MR. M. MARTIN: I cannot allow this to pass without one more comment, Mr. Chairman. I apologize. Honourable gentlemen know my sentiments towards this so-called feeling of separatism. I have stated that I have not been nor am I now in favour, whatever the honourable minister may think about the possibilities of ever doing that. But I can guarantee that if separatist sentiments are being expressed in Labrador it is precisely because of the attitude of people such as the Hon. Minister of Social Services.

MR. MURPHY: I object to that, Mr. Chairman, very strenuously.  
I object to that remark.

MR. M. MARTIN: Objection is noted, Mr. Chairman.

MR. CARTER: Mr. Chairman, before it carries. I had a question for the Deputy Premier but now that the Premier is back in the House and I would like to bring him back to his earlier statement about suggesting the possibility of a permanent boundary commission and I wonder if he would care to comment on the possibility of that being set up in the very near future.

MR. MOORES: No it is not part of this bill, Mr. Chairman, but I said tonight the government would be open to setting up a permanent boundaries commission to review it on whatever time period necessary, one year, two years or whatever it is but certainly a permanent group to keep the total review because the population figures in this province would have changed and changed tremendously over the next few years. Certainly the answer to the suggestion is, yes.

MR. CARTER: How soon, Mr. Chairman, would you suggest?

MR. MOORES: I would suggest, Mr. Chairman, that it could be done and I would hope fairly quickly. When I say fairly quickly, within two or three months that sort of thing.

MR. CARTER: At any rate before the next election presumably.

MR. MOORES: Now, Mr. Chairman, that is a very difficult question. The Labrador one I have made a commitment on. I mean it will take less than three months to do that.



On motion Clauses 2 and 3 carried.

WHEREAS the House of Assembly has by resolution approved with alterations the recommendations of the Newfoundland Electoral Districts Boundaries Commission established by Section 4 of the Electoral Boundaries Delimitation Act, 1973, Act No 44 of 1973:

AND WHEREAS under Section 21 of the Electoral Boundaries Delimitation Act 1973 the government is required as soon after such resolution as conveniently may be to introduce a bill into the House of Assembly to implement such resolution.

BE IT THEREFORE enacted by the Lieutenant Governor and House of Assembly and legislative session convened as follows.

MR. CHAIRMAN: Shall the recital and the preamble carry?

On motion the recital and the preamble carried.

A bill, "An Act To Amend The House of Assembly Act."

MR. CHAIRMAN: Shall the Title carry?

On motion Title carried.

MR. CHAIRMAN: Shall I report the bill without amendment?

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

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

MR. CHAIRMAN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed Bill No. 119 with amendment, and have passed Bills Nos. 120, 126 without amendment and ask leave to sit again.

On motion report received and adopted.

On motion amendments read a first and second time, bill ordered read a third time now, by leave.

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

A bill, "An Act Respecting The Newfoundland Medical Association And Governing The Practise Of Medicine In The Province."

A bill, "An Act To Amend The Condominium Act."

A bill, "An Act To Amend The House of Assembly Act."

MR. HICKMAN: Mr. Speaker, Motion 20, Bill No. 116.

Motion second reading of a bill "An Act Further To Amend  
The Income Tax Act."

The Hon. Minister of Finance.

HON. H. R. V. EARLE (MINISTER OF FINANCE): Mr. Speaker, this is a relatively minor amendment. This bill would amend the income tax to simplify the calculation, both individual and corporation tax installments. This is a requirement of the bill to conform with certain federal regulations and it is that request to the federal department to conform with their acts. I move second reading of this bill.

On motion bill read a second time, ordered referred to a Committee of the Whole House now, by leave.

Motion, second reading of a Bill, "An Act To Amend The Increase Of Pensions Act, 1974."

MR. SPEAKER: The Hon. Minister of Finance.

MR. EARLE: This amendment, Mr. Speaker, simply corrects an error which occurred in the principle Act which would have deprived a survivor of the benefits of the increase in the 1973 pension. It is for this purpose that the amendment is made so that the survivor will not be deprived of benefits. I have much pleasure in moving second reading of this bill.

MR. SPEAKER: The Hon. Member for Labrador South.

MR. M. MARTIN: Just a point of clarification, Mr. Speaker, I wonder if the honourable minister could tell us whether or not anybody has been deprived up to this point? If so, is this Act in effect now or has anybody been deprived of monies which they ordinarily would have been allowed?

MR. SPEAKER: If the honourable minister speaks now he closes the debate.

MR. EARLE: No, Mr. Speaker, nobody will be deprived and nobody has been deprived but this is to catch up on a potential danger.

MR. SPEAKER: Is it the pleasure of the House that the said bill be now read a second time. Those in favour "Aye", those against "Nay", carried.

On motion bill read a second time, ordered referred to a Committee of the Whole House now, by leave.

Motion, second reading of a Bill, "An Act To Provide A Pension For The Last President Of The Newfoundland Federation Of Fishermen And For Other Purposes."

MR. SPEAKER: The Hon. Minister of Finance.

MR. EARLE: Mr. Speaker, this bill is quite clear insofar as it is an Act necessary to provide a pension for Mr. Patrick J. Antle, who for many years as the House knows was President of the Newfoundland Federation of Fishermen. The reason why an Act is required is that

Mr. Antle as such was not a public servant, not a civil servant and in order to give him a pension we have to pass an Act of the House. The details of the pension proposed are in the Act and will be revealed upon reading of course of the various clauses. But as I understand it, Mr. Antle while he was serving as President of the Newfoundland Federation of Fishermen that some of the funds for that body were provided many years ago from the accumulation of funds and taxes during the Commission of Government days. Mr. Antle, of course, received a salary partially from funds that were provided by government. It is felt only fair and just that Mr. Antle being a long time servant to the fishermen of this country should be provided with a pension, although as the facts will reveal the pension is comparatively very small. I have much pleasure in moving the second reading of this bill.

MR. SPEAKER: The Hon. Member for Labrador South.

MR. MARTIN: Mr. Speaker, I am indeed pleased to say that I wholeheartedly support this bill without any reservation whatsoever. I think Hansard will show that during the first session in which I took my seat in this House I suggested that part of those funds should be used for this very purpose. It must not pass without being noted the singular contribution which Mr. Antle made to this province. He was the one lone voice for many, many years when everybody else was saying that the fishery was doomed, that there was no point in carrying on, Pat Antle was the only one who kept the spirit alive. Whatever the federation of fishermen may or may not have been, whatever kind of healthy state the fishery may be in today can be attributed largely to Pat Antle. I certainly have no objection to this bill.

MR. SPEAKER: The Hon. Minister of Tourism.

HON. T. HICKEY (MINISTER OF TOURISM): Mr. Speaker, I just want to add a few brief comments in support of this bill, having had the privilege of bringing it to government's attention shortly before Mr. Antle retired from the Federation. Apart from the fact that he is a long time friend of mine and a constituent of mine, I do want to add my sentiments along with my friend for Labrador South and my colleague the Minister of

Finance. There is no doubt and there cannot be any doubt, Mr. Speaker, in the minds of any Newfoundlander who knows anything about the fishery and the history of it that Pat Antle has played a major role in the development of the fishery, in relation to the fishermen, and indeed tried very hard to further the aims of the Newfoundland fishermen.

I am sure that all Newfoundlanders will be happy and proud to know that there is something at least in recognition of him, of his efforts and I fully support this bill.

MR. SPEAKER: The Hon. Premier.

HON. F. D. MOORES (PREMIER): Mr. Speaker, it is very easy at this hour of the evening to pass over a bill such as this but I think it would be totally wrong unless the government expressed the very real realization of the contribution that Mr. Antle made to this province. Today when we see the fishermen's union being such that it is established, totally recognized, in a position to make a real contribution to the society in which it operates one cannot help but pay tribute to a man who under the most adverse circumstances led a fishermen's movement in this province against the will of government, against the will of industry and against the will in many instances of the fishermen themselves because they were not sure.

I think it is very important that a man of principle at a time when principle was so desperately lacking survived and survived with credit. I think it is very important, Sir, to just to identify at this time that such a man be recognized. I think it is very important at a time when our society is changing radically that we pay tribute to those pioneers who made that change possible.

MR. SPFAVER: The Hon. Minister of Mines and Energy.

HON. L. R. BARRY (MINISTER OF MINES AND ENERGY): Mr. Speaker, as a member of the House of Assembly for the District of Placentia West, of which Mr. Antle was a native, although now a constituent I understand of my colleague, the Minister of Tourism, I am proud to stand here and support this bill providing a small pension for Mr. Antle. But I am proud as a fellow Placentia Bay man, Mr. Speaker, to be able to

recognize the contribution that Mr. Antle has made to the development in this province. As the Premier has said, Mr. Antle survived with his reputation intact will, I would say, universal admiration within the province despite some awfully difficult times, Mr. Speaker.

So again just very briefly, I would like to go on record as supporting this recognition of Mr. Antle's service to all the people of Newfoundland.

MR. SPEAKER: The Hon. Minister of Justice.

HON. T. A. HICKMAN (MINISTER OF JUSTICE): Mr. Speaker, if I may just have one word in endorsing the sentiments expressed here by honourable gentlemen, and particularly my honourable and learned colleague from the District of Placentia West.

I have known the Antles of Fox Cove for a long, long time. May I say that Mr. Patrick J. Antle exemplifies very clearly the courage and determination that one has expected of the Antles of Fox Cove, hard-working fishermen, courageous bargainers, and a man who did a tremendous job, not only in organizing the fishermen of this province but in providing leadership he indicated very clearly that realism is necessary. He was not simply concerned about the wage and working conditions of the fishermen, as important as they are. He showed equal concern, Mr. Speaker, for trying to impress upon the government of the day, and in that instance he was not successful, of trying to impress upon the government of the day, the Smallwood Administration that a firm position should be taken on behalf of all Newfoundlanders vis-à-vis the Government of Canada to try and convince them that some backbone is necessary for Canada to unilaterally assert her sovereign rights over the coastal waters off our shores, the Grand Banks, the Mizzen Banks, Banquereau Banks, and Green Bank and St. Pierre Bank and Hamilton Bank. He spent as much time trying to persuade the people of

this province that our fish stocks on the Continental Shelf, on our Continental Shelf, were in danger of being depleted. They found a very sympathetic audience amongst the fishermen of Newfoundland and in particular amongst the deep sea fishermen who I represent in this House or a large portion thereof. He did not succeed in convincing the administration of the day.

May I say at this time, Mr. Speaker, that Mr. Antle found within the Moores' Administration the kind of sympathy that those of us particularly who represent south coast districts had been looking for a long, long time. Not too many months ago I had the very distinct honour of appearing before the External Affairs Committee of the House of Commons and I believe I am the first minister from this province who ever did that to try and convince the federal government that we wanted a firm unequivocal position taken by the Government of Canada at Caracas, at the Law of the Sea Conference.

SOME HON. MEMBERS: (Inaudible).

MR. HICKMAN: Mr. Speaker, I am being so rudely interrupted by the gentleman from St. John's East and other places who have some difficulty in distinguishing a sculpin from a cod.

MR. OTTENHEIMER: From a Caracas.

AN HON. MEMBER: Is this relevant?

MR. HICKMAN: May I say, Mr. Speaker, it is very relevant. I am talking about the contribution that Mr. Patrick J. Antle made to the fishery of this province when he asserted his influence to convince this administration that we should try and put before the Government of Canada our position with respect to the conservation of the fish stocks off our shores. As of now Mr. Antle and the government of this province have not been as successful as we would like to have been in convincing our confrères if that is the word, in Ottawa to take a firm position. Be that as it may, Mr. Speaker, and I know that I speak on behalf of all of those who were members of the Newfoundland Federation of Fishermen and in that I include my very good friend, Mr. Walter Foote of Lamaline, when I say that we wholeheartedly support this bill.

MR. SPEAKER: The Hon. Member for Burgeo.

MR. EVANS: As a delegate I should say of the convention of 1951 out of which the Newfoundland Federation of Fishermen was born and who organized several branches of that union upon the Southwest Coast, it goes without saying that my association with Pat Antle dates back a long way. Everyone knows of the weaknesses of all unions in our province at that time and especially a union that was formed under the auspicious of the government of that day. It was just started originally to be a whipping boy so that the government would get away with a lot of its responsibility regarding the fishery. I am happy to say that under the leadership of Pat Antle this did not turn out to be the case. He really did wonders for the union and for the fishermen of Newfoundland.

SOME HON. MEMBERS: Hear! Hear!

MR. EVANS: I am proud to say that our government has recognized what he did for the industry by the bill that is going through here tonight.

SOME HON. MEMBERS: Hear! Hear!

MR. SPEAKER: If the honourable minister speaks now, he closes the debate.

MR. EARLE: Mr. Speaker, there is little I can add to what has already been said only to concur very strongly and very deliberately with all the tributes that have been paid to Patrick Antle. With a period of thirty-two years in the salt fish business, I was probably closer to Pat Antle than anybody else in the House for many, many years. I served on many committees with him. I made many trips to Ottawa, to the federal government, with Pat Antle. At times I sat across tables with him as a friendly antagonist, representing the fish trades. I was the founder of the Newfoundland Salt Fish Association and president of NAFEL for several years and our dealings with Pat Antle were always on the highest level and on the most friendly level. I always found that gentleman to be straight in his dealings, articulate



in what he wanted to propose and above all acting always in the interests of the Newfoundland fishermen.

I, therefore, have great pride in presenting this bill tonight.

On motion, a bill, "An Act To Provide A Pension For The Last President Of The Newfoundland Federation Of Fishermen And For Other Purposes," read a second time, ordered referred to a Committee of the Whole House now by leave.

MR. MARSHALL: There are only a few bills to put through Committee, Mr. Speaker, so we will not keep the House nor the Committee too much longer, just a few more moments. I would move that the Committee of the Whole report progress and ask leave to sit again.

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

COMMITTEE OF THE WHOLE:

MR. CHAIRMAN (Mr. Stagg): Order please!

A bill, "An Act Further To Amend The Department Of Health Act."

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

A bill, "An Act Further To Amend The Securities Act."

On motion Clause 1, carried.

MR. MARSHALL: Mr. Chairman, on Clause 2, there is an amendment and the amendment reads: "Paragraph (g) of Section (5) of the Securities Act, Chapter 349 of the Revised Statutes of Newfoundland is amended by inserting immediately after the words, with another company, the expression, ' or the holders of the securities of the other company.'" It is just a technical amendment.

On motion amendment, carried.

On motion Clause 2 as amended, carried.

MR. MARSHALL: Mr. Chairman, there is an amendment on Clause 3, the words "the said act", replace the Securities Act, Chapter 349 of the Revised Statutes of Newfoundland.

On motion amendment, carried.

On motion Clause 3 as amended, carried.

On motion Clause 4, carried.

MR. MARSHALL: Mr. Chairman, there is a new clause 6, paragraph (g) of section (20) of the said act is amended by inserting therein immediately after the words, "with another company the expression of the holders of the securities of the other company," it is similar to the previous amendment.

On motion amendment carried.

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

A bill, "An Act Further To Amend The Emergency Measures Act, 1974."

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

A bill, "An Act Further To Amend The Attachment Of Wages Act, 1974."

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

A bill, "An Act Further To Amend The Commissioners For Oaths Amendment Act, 1974."

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

A bill, "An Act To Provide A Pension For The Last President Of The Newfoundland Federation Of Fishermen And For Other Purposes."

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

A bill, "An Act Further To Amend The Income Tax Act."

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

A bill, "An Act Further To Amend The Financial Administration Act, 1973."

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

A bill, "An Act To Amend The Increase Of Pensions Act, 1974."

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

A bill, "An Act Further To Amend The Children Of Unmarried Parents Act, 1972."

8776

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

A bill, "An Act Further To Amend The Adoption Of Children Act, 1972."

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

A bill, "An Act Further To Amend The Child Welfare Act, 1972."

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

A bill, "An Act Further To Amend The Social Assistance Act, 1971."

On motion 1 through 3, carried.

MR. MARSHALL: Clause 4, Mr. Chairman, in paragraph (a) the word "appear" should be "occur."

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

A bill, "An Act To Amend The Department Of Social Services Act, 1973."

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

A bill; "An Act Further To Amend The Automobile Insurance Act." (No.123).

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

A bill; "An Act Further To Amend The Newfoundland Human Rights Code." (No. 125).

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

A bill; "An Act To Amend The Historic Objects, Sites And Records Act, 1973." (No. 127).

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

A Bill: "An Act Further To Amend The Labour Relations Act." (No. 129).

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

A Bill: "An Act Respecting The Licensing Of Trust Companies And Loan Companies." (No. 97).

MR. MARSHALL: Now, Mr. Chairman, there is an amendment. Clause (a) of the Act defining company. Company means a trust company and a loan company incorporated under the laws of any province of Canada other than a loan company incorporated under the laws of Newfoundland, which has been actively engaged in the business of a loan company for a period of not less than two years immediately prior to the 31st day of March, 1974 and which has not during that period advertised for sale nor sold any of its bonds, debentures or other securities to the public. I am bringing in the amendment, Mr. Chairman, but the Minister of Justice is the one to explain it. I am only bringing it in because the Minister of Justice introduced it and he cannot amend his own bill.

MR. HICKMAN: Mr. Chairman, the only explanation is that this was raised by honourable gentlemen opposite.

MR. CHAIRMAN (Stagg): Order please! Order please!

MR. HICKMAN: Mr. Chairman, this amendment was brought in at the request of honourable gentlemen opposite.

MR. MARTIN: I am by myself.

MR. HICKMAN: Yes. The honourable gentlemen who used to sit opposite and who are no longer sitting opposite, Mr. Chairman. It is a grandfather clause to protect companies that are presently doing business in Newfoundland.

On motion amendment carried.

On motion clause (2) as amended carried.

MR. MARSHALL: In clause (3) there is an amendment, Mr. Chairman, taking clause (4) out complying with the requirements of the Act that a trust company or a loan company incorporated by or under a Statute of Canada or a Province may be licensed under this Act.

Again the Minister of Justice can explain it.

MR. HICKMAN: That was complained of on this side of the House, Mr. Chairman, and my advisors say it should be deleted.

SOME HON. MEMBERS: Why? Why?

MR. HICKMAN: Do not be confusing.

AN HON. MEMBER: It should not be there. Are you not going to read it?

MR. HICKMAN: Let me have a look.

MR. MARSHALL: We have to get out of here.

MR. HICKMAN: There is some question as to whether or not this legislature has the jurisdiction. I do not think it does. It would be ultra vires for the legislature to bring it in.

AN HON. MEMBER: What section?

MR. HICKMAN: That is (3) - (4).

MR. CHAIRMAN (Stagg): Order please! While the hour is getting late or comparatively speaking, late, the ordinary rules of debate and decorum are still in force. This is referred particularly to honourable gentlemen who may be sitting in places other than those assigned to them, asking questions of the gentleman who has the floor. It is only one step from that to further deterioration and I suggest to all honourable members that we would behave as if the session had just begun.

MR. MARTIN: Mr. Chairman, could I just have from the honourable minister a clarification of this? Is the amendment to delete this subclause (4)?

MR. DAWE: Yes.

MR. MARTIN: Okay.

On motion amendment carried.

On motion clause (3) as amended carried.

MR. MARSHALL: In clause (7) subsection (2), Mr. Chairman, we replaced the words "advice" with "notice," so it reads: by notice in writing to the licensee rather by "advice" in writing to the licensee because this was really in the nature of a typographical error.

On motion amendment carried.

On motion clause (7) as amended carried.

MR. MARSHALL: In (13) there is an amendment, Mr. Chairman, which reads - first of all we want to take the paragraph there as is there is clause (13) and make it subparagraph (1) and there is an amendment of subparagraph (2) which reads: "Notwithstanding section (1), if a loan company which (1) borrows money for the purpose of lending it on security of real estate or (2) has been actively engaged in the business of a loan company for a period of two years immediately prior to the 31st. day of March, 1974, and which has during that period advertised for sale or has sold its bonds, debentures or other securities to the public, applies to the minister for a waiver, sections (5) and (11) in respect of such loan company, the minister shall bring the application to the attention of the Lieutenant Governor-in-Council and if the Lieutenant Governor-in-Council is satisfied that the loan company referred to in subparagraph (1) is not carrying on any business other than that referred to in such subparagraph, or (4) the assets of the loan company referred to in subparagraph (2) are more than sufficient to pay the face value of all bonds, debentures and other securities issued by it and outstanding on the date of the application, the minister shall waive the requirements of sections (5) and (11) of this Act in respect of any such loan company

subject to such terms and conditions as the Lieutenant Governor-in-Council may subscribe.

I believe the purpose of this particular amendment is to give additional security with respect to companies. Here again my colleague, the Minister of Justice can explain the amendment much more fully than I.

MR. MARTIN: I am no expert on finance, Mr. Chairman, but I think for the record we should have the explanation.

MR. HICKMAN: Mr. Chairman, this again and it was a most difficult clause for the legislative draftsman to prepare, but it is designed to do two things. (1) We do have some companies in the province that have been carrying on business legitimately and



over the years. It was felt that the capital requirements that are imposed in the Act, that any new companies coming into business, which this Act is really designed to cover and protect the public from, that it may not be necessary for them to have the paid-up capital that is required under another section of the Act. I have forgotten the section. At the same time the minister responsible and the Lieutenant Governor-in-Council have an obligation to any investors or to any person lending money to that company to make sure that there are adequate assets that are readily convertible into cash to cover any monies that are out by way of debentures.

MR. DOODY: Reserve.

MR. HICKMAN: Well, reserve is the word and my honourable friend the honourable the Junior Member for Harbour Main who has had many, many years of business and experience in high finance and that sort of thing has used the word, reserve, and he is quite right. This is what this amendment is designed to do and it has been done after much consultation around the House with honourable gentlemen and I see my friend from Labrador South nodding his head. I gather he now understands it.

On motion amendment carried.

MR. DOODY: I do not know if it is proper or not but I wish there were some people over there to ask some questions. I am still not quite clear on this new companies thing. Does this mean now that loan companies or such companies as you described are restricted to those who are already in business? Does it mean that new companies cannot start to become organized and get into business? Is there some sort of a law on that? I know that a Minister of the Crown should not question another Minister of the Crown. I wish these people were doing their duty here then I would not have to ask these questions.

MR. HICKMAN: It is indicative of the new freedom, Mr. Chairman. This party has brought the breath of freedom and fresh air into this House that is -

MR. CHAIRMAN (Stagg): Order please!

MR. HICKMAN: The honourable gentleman, I believe, is referring back to clause (2a) and I am not sure that the rules will permit me to go back to clause (2a) but with -

MR. DOODY: If they will not then forgive me.

MR. HICKMAN: All right! Fine! Thank you very much.

AN HON. MEMBER: You cannot break the rules just because the opposition are away.

On motion clause (13) as amended carried.

MR. MARSHALL: In clause (16), Mr. Chairman, there is a minor amendment to put subsection "(1) of" before the words "section (11).

On motion amendment carried.

On motion clause (16) as amended carried.

MR. MARSHALL: In clause (18), Mr. Chairman, after the word "companies" you put in the words "licensed under the Act."

MR. CHAIRMAN (Stagg): Order please! Honourable gentlemen are asked, especially when amendments are being posed that the rule of silence be strictly observed even though honourable members may have things that are very interesting to discuss, they either retire from the chamber or write them out or do them in monotone.

On motion amendment carried.

On motion clause (18) as amended carried.

Motion that the committee report having passed the bill with amendment carried.

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

MR. CHAIRMAN (Stagg): Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed bills Nos. (122): (108) and (97) with amendments and having passed bills Nos. (96): (117); (115); (113): (116); (118): (114): (110); (109); (107): (112): (111): (123): (125): (127) and (129) without amendments and ask leave to sit again.

On motion report received and adopted.

On motion amendments read a first and second time, bills ordered read a third time now, by leave.

MR. SPEAKER: The Chairman of the Committee of the Whole

reports that they have considered the matters to them referred and reports having passed bills Nos. (96): (117): (115); (113): (116): (118): (114): (110): (109): (107): (112): (111): (123): (125): (127) and (129) without amendment.

On motion report received and adopted bills ordered read a third time now, by leave.

On motion the following bills read a third time ordered passed and title be as on the Order Paper:

A bill: "An Act Respecting The Licensing Of Trust Companies And Loan Companies."

A bill: "An Act Further To Amend The Department Of Health Act."

A bill: "An Act Further To Amend The Securities Act."

A bill: "An Act Further To Amend The Emergency Measures Act."

A bill: "An Act Further To Amend The Attachment Of Wages Act."

A bill: "An Act Further To Amend The Commissioners For Oaths Act."

A bill: "An Act To Provide A Pension For The Last President Of The Newfoundland Federation Of Fishermen And For Other Purposes."

A bill: "An Act Further To Amend The Income Tax Act."

On motion a bill, "An Act Further To Amend The Financial Administration Act, 1973," read a third time, ordered passed and title be as on the Order Paper.

On motion a bill, "An Act To Amend The Increase Of Pensions Act, 1974," read a third time, ordered passed and title be as on the Order Paper.

On motion a bill, "An Act Further To Amend The Children Of Unmarried Parents Act, 1972," read a third time, ordered passed and title be as on the Order Paper.

On motion a bill, "An Act Further To Amend The Adoption Of Children Act, 1972," read a third time, ordered passed and title be as on the Order Paper.

On motion a Bill, "An Act Further To Amend The Child Welfare Act, 1972," read a third time, ordered passed and title be as on the Order Paper.

On motion a bill, "An Act Further To Amend The Social Assistance Act, 1971," read a third time, ordered passed and title be as on the Order Paper.

On motion a bill, "An Act To Amend The Department of Social Services Act, 1973," read a third time, ordered passed and title be as on the Order Paper.

On motion a bill, "An Act Further To Amend The Automobile Insurance Act," read a third time, ordered passed and title be as on the Order Paper.

On motion a bill, "An Act Further To Amend The Newfoundland Human Rights Code," read a third time, ordered passed and title be as on the Order Paper.

On motion a bill, "An Act To Amend The Historic Objects Sites And Records Act, 1973," read a third time, ordered passed and title be as on the Order Paper.

On motion a bill, "An Act Further To Amend The Labour Relations Act," read a third time, ordered passed and title be as on the Order Paper.

MR. MARSHALL: Mr. Speaker, just before we move the adjournment of the House the Premier has something he would like to say to the House.

MR. SPEAKER: The honourable the Premier.

MR. MOORES: Mr. Speaker, very briefly, I suppose with the major opposition party walking out tonight it would have been a very easy thing for government to pass legislation of major significance. I would like to make it very clear and I think it should be pointed out that that was not the intent. Most of the bills that went through tonight and the amendments are not of a major nature. The two that are left on the Order Paper are of a major nature and that is why we are not taking advantage of this situation tonight and I think it should be very clear that these bills should be debated and should be debated thoroughly.

As I mentioned the bills were basically of a comparatively minor nature with the exception of the Redistribution Bill which had three weeks solid debate which has been well debated, thoroughly commented upon. The two bills that did not receive second reading tonight are the bill, "An Act To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act," the snowmobile legislation and the all-terrain vehicle legislation is of major importance to a great many areas of this province, particularly Labrador and the more remote areas. The All-Terrain Vehicle Act is an act that certainly applies to all the parts of the province where destruction is being carried on and is one that deserves full debate.

The other one, which is probably the most major bill before the House at the present time including all that we have discussed in the last week or two is "An Act Respecting The Newfoundland And Labrador Hydro-Electric Corporation." This is basically the act that set up the structure that will allow the Gull Island Development, that was responsible really to be the overseer company for Churchill Falls, for the distribution of power on the island. It is a \$2.5 billion corporation. It is probably the most major Crown Corporation in Eastern Canada or in the Atlantic Provinces. It is one that deserves a lot of debate and one that deserves a lot of explanation to

the public and to the press and to the people of the province.

I would just like to point out, Sir, these bills have not been just put through for the sake of convenience tonight but have been purposely left for thorough debate because I think they are of major enough importance to this province that they should have and deserve thorough debate and I would hope that the opposition who walked out tonight will at least have the courtesy to come back and discuss something of such major importance to our province.

MR. SPEAKER: The honourable member for Labrador South.

MR. MARTIN: May I just say in response, Mr. Speaker, very briefly that we appreciate, at least I appreciate, the concession that the honourable Premier has given us tonight. We do need the time to debate this in depth and I would just like to go on record as stating that we appreciate his gesture toward us.

MR. MARSHALL: Mr. Speaker, I move the House at its rising do adjourn until tomorrow morning, Friday at 11:00 A.M.

MR. SPEAKER: It is moved and seconded that the House do now adjourn until tomorrow, Friday at 11:00 A.M.

I now leave the Chair until 11:00 A.M. tomorrow Friday.