

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
3:00 p.m. - 6:00 p.m.
TUESDAY, MAY 20, 1980

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

ORAL QUESTIONS

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

MR. D. JAMIESON: Mr. Speaker, in the absence of the hon. the Premier and the Minister of Mines and Energy (Mr. L. Barry), perhaps the Minister of Labour and Manpower (Mr. J. Dinn) may be able to answer my question. It really is a follow-up to one I had last week and it is now possible for me to reveal that, as I said at that time, I had had information that the Labrador ore situation was worrisome to some people. It has subsequently been confirmed that the Scully mine is going to be closed for the entire month, I believe, of August as a measure of cutting back on production, and I understand that that has been worked out with the union and so on. Has the minister or the government either a) done anything subsequent to my earlier question to discover whether indeed there are any other market fluctuations that we might have to be concerned about, or is the one month close-down in one case all that is likely to happen during the remainder of 1980 - 1981?

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

MR. J. DINN: Mr. Speaker, as to what is being done in the Department of Labour and Manpower, we have one person assigned to doing an investigation and also co-ordinating the information that is available in the Premier's office and in the office of the Minister of Mines and Energy. I forget the other department that is involved, but we have one person assigned to that and he should have a report for me by next week.

MR. D. JAMIESON: A supplementary, Mr. Speaker.

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

MR. D. JAMIESON: Well, since my original comment, which I carefully worded to ensure that it was not either going to cause concern or anything of the sort, I can now say again that I have had subsequent

MR. D. JAMIESON: information which indicates that the market situation is, to say the least, precarious for the next twelve months or so. And does the one man whom the hon. the minister has assigned to this - is he in touch with whoever is doing it in Mines and Energy and in the Premier's office and has he anything further to report with regard to the likely possibility of cutbacks in production let us say within the next six, nine to twelve months?

MR. SPEAKER (Simms): The hon. the Minister of Labour and Manpower.

MR. J. DINN: Yes, Mr. Speaker, that is exactly what I said. He is co-ordinating now with the different departments so that he can have a report for me next week. He is also checking with the mining operations themselves and I believe there is some independent information that is available. I cannot say which department has the information, but we have some independent information that we have gotten somewhere else. He is going to put that in the report for me and I will report to the House next week when I get that compiled and all the information that is available, available.

MR. L. STIRLING: Mr. Speaker, a supplementary.

MR. SPEAKER (Simms): A supplementary, the hon. member for Bonavista North.

MR. L. STIRLING: The supplementary again would be to the Minister of Industrial Development (L. Barry). But, since the Minister of Manpower is filling in for him, what information did the minister have to forecast that this was coming up? Was the first information that he received when the Leader of the Opposition asked this question in the House?

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

MR. J. DINN: Mr. Speaker, no. We had more or less some spurious reports coming in about different things that were supposedly going to happen earlier this year. I have been talking to the President of the Iron Ore Company of Canada, also with the General Manager of Scully Mines, Mr. Molloy, and we have been in touch with the unions. We are trying to and attempting to gather all the information that we can possibly gather. And, as I say, some of the previous information that I had had indicated that in early June and July we would have some close-downs. It did not materialize. And, of course, once I checked out all the information I found out that it would not actually come to pass.

As I say, before the end of this month, I will be having a meeting here in St. John's and efforts are being made now to get everyone together on it to discuss with the President IOC, Mr. Mulrooney, with the General Manager of Scully Mines, Mr. Molloy, with the union leaders. Here in St. John's we have a number of things to discuss. One of the items that will be discussed at that point in time will be the prospects for the iron ore companies that are operating in Western Labrador.

MR. L. STIRLING: A final supplementary, Mr. Speaker.

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

MR. STIRLING: A final supplementary. Can the minister tell us whether in fact he now has the same kind of warning from IOQ that there is an impending close-down with IOC?

MR. SPEAKER (Simms): The hon. the Minister of Labour and Manpower.

MR. J. DINN: Mr. Speaker, the only thing that I am aware of now, right now, with respect to IOC is that they are giving some serious consideration to that. We are trying to - attempting to get some, as I say, as much independent information together as we possibly can and hopefully be able to report to the House by next week and also to have a meeting with the people involved between now and the end of the month so that we can be more fully briefed on what the prospects are. So, as I say, we are accumulating independent information on our own. We are attempting to arrange the meeting before the end of this month with the principals involved and we should have a better and more definitive report for hon. members of the House before the end of this month.

MR. SPEAKER (Simms): The hon. member for Terra Nova followed by the hon. member for LaPoile.

MR. T. LUSH: Mr. Speaker, I want to ask the Minister of Labour and Manpower (Mr. J. Dinn) a question too and it is re the composition of this Province's work force presently engaged in offshore activities. And my question is, could the minister indicate to the House when was the last time that he had a study done re the composition of the work force, specifically, the numbers involved and just what classification - or the identification by jobs that our people are engaged in on the offshore activities?

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

MR. J. DINN: Yes, Mr. Speaker, I can give the hon. member a complete blow by blow description of how many people are involved in the offshore, offshore-wise. The exact figure right now is something like 359. I can give him the exact number by area, by job description, well, just about whatever way the hon. member wants them broken down.

MR. S. NEARY: By political affiliation.

MR. J. DINN: I am not aware of any political affiliation requirement. But, for example, seamen, we have fifty-nine seamen; we have first mates - 12; we have - you know, I have got the whole list for the hon. member and if he wants the information he has just to ask and I will make sure that the hon. member gets it.

MR. T. LUSH: Supplementary, Mr. Speaker.

MR. SPEAKER: Supplementary, the hon. member for Terra Nova.

MR. T. LUSH: I will thank the minister and hope that he will table that information for all hon. members. Supplementary, Mr. Speaker, I wonder if the minister can again verify that there is one way and one way only for a worker to gain employment with the offshore companies or to get his name on this elusive list or marriage or whatever it is and that is either through direct contact with the office here in St. John's, either through writing or through a worker presenting himself before the powers that be, in order to gain employment with the offshore activities?

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

MR. J. DINN: Mr. Speaker, I will outline here in this House for all hon. members in great detail the procedure that can be used

MR. J. DINN: to gain employment in the offshore. I did it on a half an hour show with CBC last week, I have explained to hon. members opposite individually. One of the things that I can say, Mr. Speaker, is that up to two years ago there was no procedure whereby a person could get jobs in the offshore. Now that our regulations are in place and accepted by the oil companies and accepted by just about everybody, the procedure that is to be used is that one would fill out a registration form. That form can be obtained by calling toll free my office, by going into any post office in the Province, I understand, by telephoning, by writing or by coming into the office and getting a registration form, filling that form out so

MR. J. DINN: that we make sure that oil companies do not hire outside people, whether they are Philippine or Mexican or of any other nationality whilst we have people in this Province who are qualified to do that work. So the procedure is fairly simple. Either get in touch with myself by calling my number in all of the telephone directories, by calling any department, any of my regional offices, by going into any post office in the Province, by contacting any Canada Manpower office- and the Canada Manpower has conceded to me of this as late as the end of last week that they will endeavour to assist any person looking for a job on the offshore, they will make sure that they get registration forms etcetera- filling out that registration form and sending it in so that they are registered.

Now, Mr. Speaker, I know of cases where people have been hired who were not registered but they had proof that they were Newfoundlanders and that they had certain skills and they were registered the next day with my department. So it is a fairly simple process. The process now is fairly straightforward. There was no process whereby a Canadian could be hired up to two years ago. No Canadians had a chance for the jobs and nobody cared, nobody gave a damn whether they got jobs or not. Right now, Mr. Speaker, there is a procedure and that procedure is looking after and making sure that Newfoundlanders can be hired. And as I said, for the hon. member's information, there are exactly 359 people working in the offshore today.

SOME HON. MEMBERS:

Hear,hear!

MR. T. LUSH:

A final supplementary, Mr.

Speaker.

MR. SPEAKER (Simms): A final supplementary, the hon. member for Terra Nova.

MR. T. LUSH: The minister no doubt is aware that the Federal Government Manpower centres were established throughout Canada and throughout this Province on a regional basis to give as large a number of people as possible, on a larger geographical scale, the opportunity to get jobs. In view of this fact, it would appear that the Provincial Government's policy in this matter is just the reverse or certainly having the reverse effect. So in view of this would the minister not concede that this particular procedure of hiring workers for offshore employment is outrageously, blatantly and scandalously discriminatory to workers living outside the Avalon Peninsula? And in view of this would the minister not give some consideration to changing or modifying this procedure to give more people from this Province an equal opportunity at those jobs with the offshore?

MR. ROBERTS: Well said.

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

MR. DINN: Mr. Speaker, I am delighted to see that finally there is somebody opposite concerned that somebody in Newfoundland at least gets a job in the offshore. We had not noticed that for the past couple of years and, indeed, we have been attacked viciously by hon. members opposite because we have gotten a few jobs in the offshore, we apparently

MR. DINN: were attempting to discriminate some way against some Canadians. And the fact of the matter is that we have 359 Canadians offshore now. Some hon. gentlemen opposite may not have liked that, that is the way they operated for at least ten years when they were drilling offshore. They did nothing about employment offshore for either Newfoundlanders or Canadians. And now we have one hon. member opposite do a flip flop because we have some successs in getting some jobs for people in the offshore. I am personally delighted that we have 359 offshore, and many more onshore. And we will continue to work in that same great fashion so that this year we should have somewhere between 800 and 1,000 people working in the offshore.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): A new question, the hon. member for LaPoile.

MR. NEARY: Mr. Speaker, my question is for the Minister of Finance.

On February 14th., the Deputy Minister of Finance, and Comptroller of the Treasury resigned and/or was fired. We are not sure which. I will try to figure it out from the hon. gentleman's answer to the question I am going to ask him. Would the hon. gentleman indicate to the House what benefits in the way of severance pay, and moving allowances have been granted to Mr. Fearn, who was Deputy Minister of Finance, in order to move to the Mainland to another job?

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

DR. J. COLLINS: Mr. Speaker, I will have to take notice of that question. I do not have at hand the details but I will take notice of it and I will take it under advisement, the extent to which the information should be released, because there may well be certain aspects to it that are of a very private nature which would be undesirable to release from that point of view. But I will certainly take it under advisement.

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, we are talking about private money, and the hon. gentleman tells us it is of a confidential nature, why is it necessary,

MR. NEARY: this is what I want to ask the hon. gentleman, if Mr. Fearn tendered his resignation, why is it necessary for this government to make any commitment at all to Mr. Fearn in order to move him away from here up to the Mainland, or to give him a year's salary, say severance pay, before he leaves? Why is that necessary if he passed in his resignation?

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

DR. COLLINS: Mr. Speaker, I think the hon. gentleman mentioned a year's salary. I am not sure what he is referring to.

MR. NEARY: Well, whatever it is.

DR. COLLINS: I certainly did not mention any year's salary.

MR. NEARY: Whatever it is.

DR. COLLINS: The hon. member may be aware that one time when people left their jobs they were given a gold watch or they were given a certificate or whatever, but I do not think that is in the modern idiom. I think when people, after a period of employment now lay down that employment there is some provision made. I would point out -

MR. NEARY: After resigning?

DR. COLLINS: - that in a particular situation such as did happen in regard to the Deputy Minister of Finance, he did not

DR. COLLINS: carry any pension rights with him or not necessarily so. Those would only be transferable if he entered government service, either the provincial or federal, so it is not at all unusual to reach some severance agreement. Any agreement that was made in that respect was based upon long established tradition in the civil service.

MR. NEARY: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A final supplementary, the hon. the member for LaPoile.

MR. NEARY: Mr. Speaker, is the hon. gentleman saying that it is common practice when a public servant in the caliber of Mr. Fearn, when he resigns, that it is the government policy to give that gentleman, whoever he may be, a substantial amount of severance pay? In this case I hear it is a year's salary which is around \$48,000 or \$50,000 plus moving allowances, moving expenses, if you are going to the Mainland, would involve somewhere in the vicinity of \$15,000. Is that the policy of this government when somebody resigns, as Mr. Fearn has done - he is going to work with Shawinigan Engineering, I understand, which is a high executive post - that this government will move him to his job, move his family, move his car and give him a year's salary to boot? Now, that is not bad, Mr. Speaker, for somebody who resigns. Is this the policy of the government?

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

DR. COLLINS: Again, Mr. Speaker, the question of a year's salary was mentioned I have no information on that. It is certainly not something that I have stated. I will only reiterate that the arrangements that were made were quite in keeping with not the traditions of this administration but of long established traditions in regard to the public service.

MR. NEARY: No way. When somebody resigned, they resigned and that was it.

MR. SPEAKER: The hon. member for St. Mary's-The Capes.

MR. HANCOCK: Thank you, Mr. Speaker. I have a question for the Minister of Fisheries (Mr. Morgan). I am just wondering if the Minister of Fisheries (Mr. Morgan) has received any representation from lobster fishermen throughout the Province complaining about the severe losses they are experiencing through poachers or stealing of lobsters from their lobster traps?

MR. SPEAKER (Simms): The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, no I have not. The only representation that I have been receiving from fishermen, the lobster fishermen in particular, is in connection with the pricing of lobster. There have been no complaints to me in connection with poaching but if any incidents are occurring in the Province I would be glad to hear from the fishermen concerned and take it up with the Fishermen's Union and possibly with the law enforcement officers.

MR. HANCOCK: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary. The hon. member for St. Mary's-The Capes.

MR. HANCOCK: Thank you, Mr. Speaker. I had two calls over the weekend, one was from one fisherman and it was not bad enough that they stole the lobsters from his traps but they destroyed twenty-five lobster traps in the process. Another fisherman had eighteen pots destroyed. To the amazement of me and to the fishermen there are no fishery's officers on patrol over the weekends. Is this indeed true, that there are no fishery's officers on patrol at any weekend or over the weekends when most of those incidents occur?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. MORGAN: Well, of course, Mr. Speaker, the protection of the fisheries and the conservation of the fisheries are strictly in the jurisdiction of the federal authorities and if there is no surveillance carried out, of course, it is maybe because of the fact it was a long weekend. But I fail to recognize why the federal authorities would not have conservation people out there or surveillance

MR. J. MORGAN: people out on the long weekend in particular. I will gladly refer the representations of the hon. gentleman on to the authorities on the federal level and see why, if there was no surveillance being carried out over the long weekend.

MR. J. HODDER: Mr. Speaker.

MR. SPEAKER (Simms): The hon. the member for Port au Port.

MR. J. HODDER: Mr. Speaker, a question for the Minister of Education. In light of the feeling across the Province by the teachers, the N.T.A. and French groups, and in view of the fact that the French minority in the Province are shocked by the minister's decision to put French money into the general revenue which was earmarked for bilingual education, has the minister undertaken to review her decision or has the minister any intention of changing her stand in this particular matter?

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

MS L. VERGE: Yes, Mr. Speaker. As I stated in this hon. House last week, the matter of the bilingual programmes is still under consideration and at a time when a final position is made about the programmes which will be offered next year, I will inform the House through a Ministerial Statement.

MR. J. HODDER: Mr. Speaker, a supplementary.

MR. SPEAKER: A supplementary, the hon. the member for Port au Port.

MR. J. HODDER: It was my understanding, Mr. Speaker, that the government had made a decision. Is the minister now saying that she may change the decision? Because I think it is important for those groups to know whether the minister is considering changing and putting the money back for the purposes which the federal government gave it to us.

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

MS L. VERGE: Mr. Speaker, actually, a final decision had never been made. It had been thought that some bilingual programmes would be reduced from what they have been for the past year. But a final decision was not made. The matter is still under consideration and when final decisions are made on the bilingual programmes which will be offered next

MS L. VERGE:

year, then the House will be informed.

MR. J. HODDER:

Mr. Speaker, a final supplementary.

MR. SPEAKER (Simms):

A final supplementary, the hon. the member for Port au Port.

MR. J. HODDER:

I was just wondering if the minister had now checked with her officials or her officials had checked with the other provinces to let her know that the basic assumption on which she put the money into general revenue was an incorrect one, since most provinces do not put the money into general revenue?

MR. SPEAKER:

The hon. the Minister of Education.

MS L. VERGE:

Mr. Speaker, the assumptions which I and the government had been operating under regarding the practices of the other provinces and the attitude of the federal government, through the Secretary of State, are accurate and well-founded. I did re-check this situation and found, through the Secretary of State's office in Ottawa, that most of the other provinces have not been using the special bilingual grants for the special programmes for which the Secretary of State has given them. The other provinces claim that they use these special grants for French instruction or bilingual programmes, but for the regular ongoing programmes and not for special supplemental additional programmes. So, clearly, the assumptions which this

MS. L. VERGE:

government had been operating under, which I have stated to this House, are accurate and well-founded.

MR. SPEAKER (Simms): The hon. the member for St. Barbe.

MR. T. BENNETT: Mr. Speaker, my question is directed to the Minister of Lands and Forests. The district of St. Barbe and that whole area generally seem to be having a bit of a problem with the fishery this year. And I am wondering if the minister, in view of this, and in view of the fact that a lot of these fishermen will have to pack their bags and go to the mainland looking for employment, I wonder if the minister would turn on lands that might be available for sawmillers. We have an awful lot of sawmillers in that area with, I think, something like forty or fifty small, portable rigs.. I am wondering if the minister would, at this time, be giving it some attention so that our people do not have to leave and go to the mainland when, indeed, we have so much timber that could be harvested in that area?

MR. SPEAKER: The hon. the Minister of Forests, Resources and Lands.

MR. C. POWER: Mr. Speaker, I am a little, tiny bit confused. Because the fishery is bad in the general area, you expect us to give more sawmilling licences in the area or to allow more persons to get involved in the lumbering and forestry part of our industry? In that section of the Province we have a Forest Management Act which takes in certain areas, which allows for a certain annual allowable cut, which allows for a certain number of man years in employment each year to harvest a certain amount of wood. We also have, as the member knows, in that area a survey being done and a study being carried out to check and see if we can get a higher, I suppose, labour intensive industry in the Great Northern Peninsula as it relates to our forestry sector. That study has just been completed which did not have particularly

MR. C. POWER: favourable returns for that part of the Province. As it relates to the sawmilling industry, Mr. Speaker, I would be glad to check and see if the annual allowable cut is being harvested in the area and if it is not, then certainly to encourage sawmillers to do so.

MR. BENNETT: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A supplementary, the hon. the member for St. Barbe.

MR. BENNETT: Mr. Speaker, the reason for relating to fisheries and timber is because our people in that area, when the fishery is bad they have to go, just automatically, to the forest to supplement their income. I am wondering, Mr. Speaker, if indeed the allowable cut in that area at this time is being harvested by the existing Bowater or Lundrigan or the bigger operators and if indeed there is not a surplus which-I feel there must be quite a surplus of timber that could be available to small sawmillers to give them an extra income after the fisheries being a failure?

MR. SPEAKER: The hon. the Minister of Forests, Resources and Lands.

MR. C. POWER: Mr. Speaker, because of the Forest Management, Land and Taxation Act which was brought into place by this government in 1974, we have just had a little over a million acres of land reverted to the Crown from Bowater holdings on the Great Northern Peninsula. Certainly, we have been trying to develop, as I just mentioned, a labour intensive industry relating to ~~thermo~~mechanical pulp operations in the Great Northern Peninsula. The initial study says that that is not practical nor feasible. Maybe one way to

MR. POWER: make full maximization of that resource in that given area is to again get persons more actively involved in the sawmilling sector. And again, I would be glad to take it under advisement and see if the annual allowable cut is being harvested in that area and I can bring in the answer for the member tomorrow.

MR. SPEAKER (Simms): A final supplementary, the hon. member for St. Barbe.

MR. BENNETT: A final supplementary. In view of the fact that there was a study being done with a view to introducing a thermo-mechanical pulper that would take 50,000 or 60,000 cords of wood per year, so I understand, and in view of the fact that this has been scrapped - and apparently, Mr. Speaker, there was timber enough to justify a study and now the thermo-mechanical is not going ahead - I am wondering if the timber that was being studied cannot be turned over to the small sawmillers so they can make a decent living from the timber, which they have been used to doing down through the years?

MR. SPEAKER: The hon. Minister of Forest Resources and Lands.

MR. POWER: Mr. Speaker, the consultant's report that was done was primarily relating to pulpwood which is not what would be used in a sawmilling operation, so they are two diverse elements of the forestry industry. Again, what we will have to do with the pulp; there is developing in Newfoundland and in the world markets a very decent demand for Newfoundland pulpwood, particularly wood that is of a healthy variety. Our department is trying to undertake initiatives with, certainly European countries, to see if we can harvest some of our spruce budworm damaged timber to see if we can get persons involved in the harvesting of pulpwood and the export of that damaged timber which may be of some minor solution to the unemployment problems on that part of the Great Northern Peninsula.

MR. POWER: Again, Mr. Speaker, the two operations, the sawmilling operations and the pulp operation may not be in total harmony in the area. The annual allowable cut, both for pulpwood and for sawlogs, would be the determining factor and, again, I have taken that question under advisement and I will gladly find out for the member and bring in the answer tomorrow.

MR. SPEAKER (Simms): The hon. member for Torngat Mountains.

MR. WARREN: Yes, Mr. Speaker, my question is for the Minister of Transportation and Communications, and seeing I have a short time I will ask a supplementary at the same time.

Could the minister advise the House if the Freedom Road from Happy Valley - Goose Bay to Churchill Falls and beyond will be opened up this Summer? And my supplementary would be, can the minister deny or confirm that there will not be any major bridge construction on that road this year?

MR. SPEAKER: The hon. Minister of Transportation and Communications.

MR. BRETT: Mr. Speaker, yes that road, commonly called - the Freedom Road is it?

MR. WARREN: Yes.

MR. BRETT: There is an allocation, I do not know what it is but it is a fair size allocation. It is possible the maintenance crews are in there now, if not they will be in there real soon, to open it up to put in the culverts and so on.

Whether or not there will be any bridges built on that road I could not say. I do not think there will. It is my understanding that the federal government were looking at the designs, or probably working on the design, but I do not think it is far enough advanced to have any actual construction this year.

MR. SPEAKER: A final supplementary, the hon. member for Torngat Mountains.

MR. WARREN: Yes, Mr. Speaker, my supplementary probably will be the same question. I understand that the Minister of Rural, Agricultural

MR. WARREN:

and Northern Development (Mr. Goudie)

did announce some time ago that there would be bridge construction on that road this year. Now, can the minister confirm or deny if construction will go ahead this year or not? Will there be any bridge construction on that road this year other than just a few small pipes put in to get the traffic over?

MR. SPEAKER (Simms) The hon. the Minister of Transportation and Communications.

MR. C. BRETT: I can only repeat what I said just now, that unless the DREE agreement is signed then, you know, certainly there will be no construction of bridges by the provincial government, it is just normal maintenance work which is to install culverts and that sort of thing.

MR. SPEAKER: Order, please! The time for Oral Questions has expired.

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

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

MR. L. BARRY: Mr. Speaker, in line with the approach that this government has taken to answer no questions, I want to supply an answer to question number 11 on the Order Paper.

MR. S. NEARY: By whom?

MR. SPEAKER: Are there any further answers?

PRESENTING PETITIONS

MR. SPEAKER: The hon. Minister of Education.

MS. L. VERGE: Yes, Mr. Speaker, I have received a petition from the Royal Canadian Legion, Branch 13 in Corner Brook, on the subject of the flag. The petition is on Legion letterhead and it bears the signatures of 53 residents of the city of Corner Brook and surrounding area including Bay of Islands, Humber Valley as well as some other communities in the Province. Out of respect for the Royal Canadian Legion and out of a sense of duty to the residents of Humber East, my district, I wish to read the prayer of this petition. "We, the undersigned, strongly protest the exclusion of the Union Jack as an integral part of the proposed provincial flag and we hereby petition the members of the House of Assembly to reject the proposed flag in its present form and proceed with all speed to reactivate the Flag Committee with a enlarged representation, including one senior official of the Provincial Command of the Royal Canadian Legion

MS. L. VERGE: and one or more others associated with the history and culture of Newfoundland and Labrador." I wish to lay this petition on the Table of this hon. House.

MR. S. NEARY: Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for LaPoile.

MR. S. NEARY: Mr. Speaker, I notice that the hon. minister, the member for Humber East (Ms. L. Verge) who presented the petition, did not say whether or not she supported this petition.

MR. R. MOORES: Hear, hear.

MR. S. NEARY: My understanding, Sir, is that in -

MR. L. THOMS: Maybe she is not supporting it.

MR. S. NEARY: -keeping with the traditions of this House, and presenting petitions in this hon. House, you can not stand in your place and present a petition to the House unless you support it.

MR. R. MOORES: That is right.

MR. S. NEARY: And the hon. minister did not say whether she was supporting the petition so I can only assume that the hon. minister is being very weak-kneed about this matter.

Mr. Speaker, the fact of the matter is that time is running out on this matter of a new provincial flag.

MR. S. NEARY: The government are trying to get the measure through the House as quickly as possible to head off petitions and the like being brought in on the floor of this House. The whole thing is not being handled in a very democratic way, Mr. Speaker. We saw an example the other day where the government refused to allow a representative of the Royal Canadian Legion to come in on the floor of the House to address this hon. House. And I ask, Your Honour, what is the rush? Why rush the thing? If the government thinks this flag is going to grow on people -

MR. SPEAKER (Simms): Order, please!

I think the hon. member is beginning to drift into the area of debate. He should contain his remarks to the prayer of the petition and the number of signatures attached thereto.

The hon. member for LaPoile.

MR. S. NEARY: Well, I would submit, Your Honour, that if the government were not so hell bent on ramming this flag down the throats of Newfoundlanders and getting this bill passed so quickly, that there would be more petitions like the one the hon. minister just brought in. The unfortunate part about it is that time is running out and that is exactly what the government wants.

I am glad to see today a tremendous representation of the Royal Canadian Legion in the public galleries especially the Ladies Auxiliary. This is the peoples' House, they have every right to be here and I hope today that these people will see for themselves who is prepared to stand up and be counted in this hon. House. We have a debate going on with a bill introduced by the hon. the Premier -

MR. SPEAKER (Simms):

Order, please!

The hon. member is beginning to debate I would ask him to confine his remarks to the petition as presented by the Minister of Education (Ms. Verge) the prayer of the petition and the number of signatures attached thereto. I do not wish to keep interrupting the hon. member for LaPoile (Mr. Neary).

MR. S. NEARY:

Well, Mr. Speaker, it is awfully disappointing that the minister so far has been unable to persuade the Premier, who brought the bill into the House, to speak in the debate. The minister, herself, has not spoken in this debate and any number of government members, twelve or fourteen government members, including a large number of ministers, have not spoken in this debate. I do not know whether they are waiting, Mr. Speaker, for us to run out of speakers and then put up a whole raft of them at the end but that seems to be their strategy.

MR. SPEAKER:

Order, please!

Again the hon. member is not confining himself to the remarks in the petition.

MR. S. NEARY:

Well, Mr. Speaker, I support the petition. I support the prayer of the petition and that is more than I can say that the hon. minister who presented the petition to the House did.

MR. E. ROBERTS:

Well said.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Any further petitions?

ORDERS OF THE DAY

Second reading of a
bill entitled, "An Act To Adopt A Flag For The Province".
(Bill No. 44)

MR. SPEAKER (Simms): On the amendment, the hon.
member for Trinity - Bay de Verde.

SOME HON. MEMBERS: Hear, hear!

MR. F. ROWE: Mr. Speaker, having said that
I would vote against the main motion,
would like to speak in support of the amendment now to put,
as the phrase goes, 'The six month hoist' on this
particular bill to give the people of this Province more
time to have a close look at it to basically fulfill
the sixth condition set down by the committee itself.

But, Sir, in speaking to it
I would like to say that I am deeply saddened and shocked
and depressed and probably somewhat embarrassed over what
has happened in the last four or five days because this
debate, when it first started off, was indeed a very good
debate. But, Sir, something very, very strange happened
during the course of this particular debate. At the
beginning we had hon. members getting up one for one,
one from each side of the House of Assembly speaking
freely for or against this particular design. For the
first one, two, three, four days we had hon. members
standing up one for one, one from the Opposition and one
from the government side standing up and speaking their
own mind, indicating whether they would vote for or against.

In fact, during the first
four days, Mr. Speaker, we had eleven members from the
government speak and eleven members from the Opposition
side speak to the particular motion, the flag bill.

MR. F. ROWE:

And we had members on this side vote against it, or say they were going to vote against it, and we had members saying they were going to vote for it. We had hon. members on the other side saying they were going to vote for it and hon. members saying they were going to vote against it.

MR. F. ROWE: But, Sir, something very, very strange happened around the fifth day. We had eleven members from each side speaking tit for tat, so to speak, good logical, sometimes emotional but sensible, straightforward debate. Then on the fifth day, Sir, something very peculiar happened - mystifying, strange, I would say almost sinister, because what happened, as hon. members from this side continued to speak, hon. members opposite went mute, refused to speak. As a matter of fact, in the ensuing two or three days, we had two members - two only - from the opposite side speak on the flag debate and thirteen members from this side speak on the debate.

Now, Mr. Speaker, you have to ask yourself the basic question, Why did the government suddenly go mute? Why did they suddenly shut up? Why did they suddenly cease to speak opposite? Now, Mr. Speaker, I do not know what motives - I can only draw certain conclusions. Either hon. members opposite wish to wear down the Opposition side or wear down the non-supporters of the flag and then come on heavy with the supporters of the flag at a later date - that is one conclusion an hon. member can draw. A second conclusion is that the supporters opposite did not have the intestinal fortitude, did not have the courage to get up and speak for or against the flag, did not want to get up in this debate and say what they thought or what their constituents thought, did not have the courage to get up and speak; or, Sir, the third conclusion one can draw is that hon. members opposite, under the direction of the Premier, wanted to get this debate over with as quickly as possible, ram this flag down the throats of the Newfoundland people and the Labradorian people without a full-fledged debate - get it over with, ram it down the people's throats. Those are the only three possibilities, that I can identify, for the government not getting up to speak. And might I add, Mr. Speaker, that this bill is in the name - "An Act To Adopt A Flag For The Province" in the name of hon.

A. Brian Peckford, Premier. It was introduced by another minister. The Premier of this Province has yet to speak on that flag. There were four occasions, Mr. Speaker, in which the Premier was pushed into a forced debate situation. We sat here and waited for an hon. member opposite to rise

MR. F. ROWE: after we had spoken and the minister who introduced the flag rose in his place to speak on four different occasions and if he had spoken we would have had a situation where the debate would have been closed, it would have gone to the vote and the Premier of this Province, in whose name this bill stands, has yet to identify and speak in support of the flag which he indicates that he supports. Mr. Speaker, what has happened to the Premier? Has he chickened out? Has he no courage? Does he have any principle? Can he not get up and defend what I consider to be the indefensible in defending this particular design?

Mr. Speaker, I am sickened and depressed and embarrassed, as a member of this House of Assembly, that the very gentleman, in whose name this bill stands, has refused to speak in support of the bill and has obviously put the clamps on his own members over there not to speak. Either they are waiting for hon. members who are against this bill to have their say and come in with a flood of speakers in support of the bill afterwards, or they do not have the courage to speak in support of or against the bill, or, Mr. Speaker, the last one that I mentioned, they want just simply to ram this flag down the throats of the Newfoundland people with the least possible debate, so that hon. members opposite can go out to their constituents and say, 'I did not vote for or against the resolution.'

MR. F. ROWE: because they have not got the courage to do so, Sir.

MR. BENNETT: It is only foolish to speak to them.

MR. F. ROWE: Now, Mr. Speaker, if the Premier of this Province and hon. members have any courage, any respect for their constituents, any respect for this House of Assembly, I would submit that they should all get up and be counted. It is a free vote but unfortunately members opposite have politicized this particular debate now to a point where it is a partisan debate. It is no longer a non-partisan debate. Mr. Speaker, to my mind this flag is already dead. It has been buried, Not physically, Mr. Speaker, the flag still stands physically, We still have it before us, we still have it hung up down there in the lobby of the Confederation Building. Physically, I suppose you can say it is still alive but, Mr. Speaker, psychologically, morally, this flag has been buried, it is dead, it is finished, it is completely unacceptable and it has not fulfilled the last condition set down by the Committee itself in that it is not widely acceptable by the majority of the people of this Province. And from what I hear, Sir, from my reading, from the representations that I have had, from the reading of the media, from what I hear on the media, from what I hear in personal conversations, the majority of the people are against this particular design. It is as simple as that. So psychologically it is dead, morally it is dead, it is dead as far as the hearts and the souls of the Newfoundland people are concerned, it is dead and buried as far as the emotions of the people are concerned. The flag is finished and, Mr. Speaker, the last thing that I want to see in this Province is a situation where we are going to fly in this Province a provincial flag which for all intents and purposes is psychologically, morally, emotionally dead, buried, zonked out. That is the last thing that I want to see in this particular Province. Now, Mr. Speaker, if I had any inclination, if I had any inclination in this world, which I might say that I had right at the beginning, because I wanted to see a distinctive flag for this Province - nobody more than

MR. F. ROWE: myself, nobody more than myself, just as much but nobody more than myself, wanted to see a distinctive flag for this Province. And I might add, Mr. Speaker, the Canadian Legion, who are probably the best organized and the most vociferous group as far as this flag is concerned, are not against a distinctive provincial flag. Let us set that to rest right from the beginning. The Canadian Legion want a distinctive flag for this Province. The Canadian Legion do not, if I understand them correctly, do not want the Union Jack as the distinctive provincial flag. The Canadian Legion do not want the Union Jack as the flag for this Province.

MR. STAGG: Are you sure of that?

MR. F. ROWE: Yes, I am positive. And, Mr. Speaker, they do want a distinctive flag but they want to see some meaningful reflection of the Union Jack or of the Commonwealth within that particular flag. And, Mr. Speaker, if you can see the meaningful symbolism of the Union Jack in this flag I can only say, Sir, that you are some sort of an artistic, abstract genius. And I would further submit that any hon. members of this House who can sell this flag to the people of Newfoundland should be hired by the Chrysler Corporation right, immediately. It is as simple as that.

MR. STIRLING: That is what happened (inaudible). They are the same people.

MR. SPEAKER (Butt): Order, please!

MR. F. ROWE: Now, Mr. Speaker, I was about to say that if I had any inclination whatsoever to vote for this flag, which I had a tinge of when it was first introduced because I wanted a distinctive flag, so much, I was kind of turned off by the design, which I explained in my first speech, but the greatest insult of all, Sir, was the fact that the Premier of this Province refused to have a representative of the Canadian Legion come before the Bar of this House and make what I have read and what I would call a very eloquent speech,

SOME HON. MEMBERS: Hear, hear!

MR. F. ROWE:

Mr. Speaker, why are we here today in this democratic system? Why do we have the privilege and the right to sit down here and debate every single issue that we wish to debate? Why are we here? Because we are elected in a free, open election. And why do we have free, open elections?

MR. F. ROWE:

Why do we have a Western, democratic method of society or government in this Province, in the other Provinces in Canada and, indeed, throughout the Commonwealth? Because, Sir, of the men and women who went through two world wars and subsequent wars afterwards. Sir, the Throne Speech, the Throne Speech in this House of Assembly, in other Houses of Assembly throughout Canada, in the House of Commons in Ottawa, the Throne Speech is read provincially by His Honour the Lieutenant-Governor, the representative of the Queen of the Empire. The Throne Speech in the House of Commons is read by the Governor-General, the representative of the Queen, the Empire.

The very reason we sit here is because of the efforts of the people who have gone into two world wars and subsequent wars to give us what we have here today. And the grossest insult that I have ever seen was the day when the Premier, in answer to a question from my friend from Grand Bank (L. Thoms) said that, no, we cannot let the Canadian Legion in here and started to compare the Canadian Legion to everything but the dog-catchers association in Newfoundland.

MR. R. MOORES:

Hear, hear.

MR. ROWE:

I would submit, Mr. Speaker, that the Canadian Legion represents something very, very special in this Province. Very, very deep -

MR. THOMS:

Throughout the world.

MR. F. ROWE:

- very, very deep and throughout the world, throughout the world and contrary to what some hon. -not hon. members -contrary to what some people have said during the hearings, the Canadian Legion think more than just about war. What an insult

MR. F. ROWE: for a member to come before the Flag Committee and suggest the Canadian Legion can think of nothing but war. They probably cannot forget the war, Mr. Speaker, because they lost so many relatives and so many friends, as did a lot of hon. members in this House. They probably cannot forget the war but that is not all they think about. They have made a great contribution to our society in peacetime and during wartime and I think it was the grossest kind of an insult to bar the Canadian Legion from coming into this hon. House and presenting what I call - when I read it - what I would consider to be one of the most eloquent and, at times, emotional speeches that I have ever had the privilege to read.

MR. R. MOORES: Hear, hear.

MR. F. ROWE: And it is an absolute shame that the Canadian Legion were not given that particular privilege. They do not have the right but they were not given that privilege and I found that to be very disturbing. And if I ever had a tinge of support for this flag, that was the day it ended.

MR. STIRLING: Right on.

MR. ROWE: -when these gentlemen, representing ladies and gentlemen, children of both sexes were barred the right to speak in this hon. House. We can have Dalton Camp in here but we cannot have the Canadian Legion. It is incomprehensible, Mr. Speaker, I cannot understand it.

MR. STIRLING: Arrogant, ignorant.

MR. F. ROWE: Now, Mr. Speaker, I would like to take issue with the hon. member from St. John's North (J. Carter), the Chairman for the Flag Committee. I understand that he is quoted publicly as saying that my friend and colleague from Grand Bank (L. Thoms) was whipped into shape by the whip and by the Leader of the Opposition when he-

MR. MORGAN: Shame, shame.

MR. STIRLING: He never said that! Oh, he never said that.

MR. ROWE: When he changed his mind and voted for this particular ammendment. Now Mr. Speaker,

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

MR. ROWE: I might have known - a very sensitive gentleman, Mr. Speaker.

MR. SPEAKER (Butt): A point of order, the hon. the member for St. John's North

MR. J. CARTER: I do not object to the hon. gentleman boring us but I do object to untruths and that is just not correct.

MR. ROWE: Mr. Speaker, obviously there is a difference of opinion -

MR. SPEAKER: To the point of order?

MR. ROWE: To the point of order, Mr. Speaker. I heard reports of the particular newscast, Mr. Speaker, and obviously there is a difference of opinion between two hon. gentlemen. The hon. gentleman from St. John's North (J. Carter) does not want repeated or interpreted what he, in fact, had said or is quoted as saying on radio. I submit it is just simply a difference of opinion between two hon. gentlemen, and for him to get up and say it is an untruth is paramount to calling me a liar and I submit that would be a question of privilege.

MR. SPEAKER: To the point of order, I would rule that there is no point of order but the hon. member for -

AN HON. MEMBER: Hear, hear.

MR. SPEAKER: - St. John's North took the opportunity to explain remarks that were attributed to him. The hon. member for Trinity - Bay de Verde.

MR. ROWE: Thank you, Mr. Speaker, I can tell the hon. gentleman for St. John's North, Mr. Speaker, that I have known the

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MR. ROWE: member from Grand Bank (L. Thoms)
through university days and through my working years and that takes

MR. F. ROWE: some - I will not disclose the years, Mr. Speaker, because it will probably disclose our age - but for quite a number of years and he is one of the most independent-minded individuals that I have ever seen, Mr. Speaker, and nobody is going to twist the arm or strong-arm of the hon. member for Grand Bank (Mr. L. Thoms). There have been hon. members, after he made a speech, coming down in the elevator and coming into the common room and saying, "What have you done to 'Les' who has been putting the whip to him? Who is twisting his arm?" And all that sort of thing.

Mr. Speaker, we have been debating this flag motion for a number of days now -

MR. F. ROWE: - and the hon. member got up and he said he was going to vote in support of this flag. He sat down and he listened to debate, and in the course of the debate, Mr. Speaker, either the content of the debate or the method or procedure of the debate, changed his mind.

MR. L. STIRLING: Right on.

MR. F. ROWE: Now, what are we here, Mr. Speaker, for? What are we debating for? If we are debating just for the sake of debate, we might as well not have debate, if we have got our minds closed and made up before we enter into debate, why not just bring in a bill, say "question", everybody gets up and they are counted. The whole purpose of debate is to hear different points of view and, presumably, if some people are clever enough, are emotional enough, are rational enough, make enough common sense, they may, in fact, change some people's minds one way or the other. That is the whole purpose of debate.

Now, in the case of the hon. member for Grand Bank, he listened, studied, sized up the situation after three or four days of debate and got up in the House of Assembly, and because of the procedure and the methodology and the content of the debate, he got up and simply changed his mind because of debate. That is the purpose of the House of Assembly. So shame, Mr. Speaker, to those who indicate that the hon. member for Grand Bank was whipped into shape -

SOME HON. MEMBERS: Oh, oh.

MR. F. ROWE: - was strong armed, was arm twisted into voting against this particular flag. Hogwash! Let us see how many other hon. members will change their minds on this side at the end of the debate. Maybe all of them, maybe none of them, but, Mr. Speaker, do not have the motives -

MR. L. STIRLING: (inaudible) as happened over there.

MR. F. ROWE: - of the hon. member for Grand Bank (Mr. L. Thoms) questioned in that particular fashion.

Now, Mr. Speaker, I can see why the member for Grand Bank changed his mind.

MR. L. STIRLING: Of course.

MR. R. MOORES: Everyone can.

MR. F. ROWE: The hon. the Premier said publicly in this House that he wanted to speak on the flag debate - not a word. As I indicated earlier, on four separate occasions he was forced to speak or we tried to force him to speak. The minister who started the debate got up to close the debate. If the Premier did not speak then he would have been wiped. The Premier did not get up and hon. members on this side jumped up and we continued on with the debate. He has had unlimited opportunities to speak to this debate. Has he spoken, Mr. Speaker?

SOME HON. MEMBERS: No.

MR. F. ROWE: Not a word, Mr. Speaker, except that he obviously has his members whipped into shape on the other side. Mr. Speaker, this administration is being perceived more and more, hour by hour, day by day, week by week, month by month not as a Premier who is standing up fighting for Newfoundland, the administration that standing up and fighting for Newfoundland. At the beginning that was the perception of this administration and the Premier but the real perception is starting to come through now, Mr. Speaker, this is government by confrontation. Mr. Speaker, I may appear to be wandering off course but I am coming back to make my point. It is not necessarily in chronological order but, first of all, Mr. Speaker, we saw the Premier in head-on confrontation with Ottawa over offshore oil and gas, no negotiations, confrontations through TV's press releases, radio releases, newspaper releases. Then we see confrontation with Ottawa over the fisheries.

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MR. J. HODDER:

Separatist Premier.

MR. F. ROWE:

Then we see confrontation with Nova Scotia
over the Northern cod stocks. Then we see confrontations with this
administration

MR. F. ROWE:

with the councils in this Province, with the Local Government Act. We see confrontations with this administration with Quebec when there is a referendum going on, of all times.

MR. L. STIRLING: Shocking!

SOME HON. MEMBERS: Oh, oh!

MR. F. ROWE: We saw confrontations, Mr. Speaker, of this administration, this Premier, with his own Federal Prime Minister when he was a Prime Minister, Joe Clark, a confrontation on the front of the Confederation Building steps during an election campaign. What in the name of heavens would happen, Mr. Speaker, if there was not an election campaign? They would probably be rising at dawn for a duel.

MR. G. WARREN: No flag (inaudible)

MR. F. ROWE: And our own local Minister of Fisheries, Mr. James McGrath, when he was Minister of Fisheries -

MR. SPEAKER (Butt): Order, please! The hon. member is getting away from the amendment.

MR. F. ROWE: Yes, I am coming - that was the last point, Mr. Speaker.

MR. L. STIRLING: The symbolism.

MR. F. ROWE: The symbolism - my symbolism, Mr. Speaker, my symbolism is not near as complex as what is in this particular flag.

Now, Mr. Speaker, confrontation -

MR. L. STIRLING: Shaft! Golden shaft!

MR. F. ROWE: Mr. Speaker, confrontation after confrontation after confrontation, the last one that I was about to mention was with Mr. McGrath who was then Minister of Fisheries. Now, Mr. Speaker, we got the situation where we have open confrontation between the people of this Province and the Premier himself, and the administration which he represents.

MR. STIRLING: Very symbolic.

MR. F. ROWE: Now, why do I say that, Mr. Speaker? Because if you look at the fifth condition, and I do not know how many times we have got to repeat this in the House, the fifth condition set down by the Flag Committee was—the following conditions must be met, the last widely acceptable. Now, Mr. Speaker, there has been nothing since this flag has been shown that indicates that this flag is even close to being widely acceptable to the people of this Province.

MR. R. MOORES: That is right.

MR. F. ROWE: So we have another confrontation now, Mr. Speaker, between the Premier, the administration and the people of this Province. I simply ask where is it going to end?

MR. F. STAGG: I have heard from five people.

MR. F. ROWE: Now, Mr. Speaker, may I simply close and I -

MR. L. THOMS: It is not five people who would talk to you

MR. F. ROWE: - by saying this.

MR. SPEAKER (Butt): Order, please!
The hon. member for Trinity-Bay de Verde.

MR. F. ROWE: May I simply say this, I cannot comprehend, it is a complete mystery to me, it is even sinister to me that hon. members have ceased to speak. In the last fifteen speakers we have had two opposite speak, thirteen on this side speak.

The Premier, in whose name this bill stands, has not spoken.

MR. L. STIRLING Not even in the House.

MR. F. ROWE: The Premier has said he is going to speak. He has not spoken. The Premier was forced on four occasions to speak, he did not speak. The question is is he going to speak? Why are members opposite silenced? Why are they not speaking?

AN HON. MEMBER: The Premier said it before.

MR. F. ROWE: Why are they not speaking? They have every opportunity to speak after every hon. member opposite, here.

MR. STAGG: (inaudible) frivolous amendment (inaudible) speak.

MR. F. ROWE: Mr. Speaker, every time the hon. member for Stephenville (Mr. Stagg) opens his mouth he represents the greatest case for euthanasia that I have ever seen.

SOME HON. MEMBERS: Hear, hear!

MR. F. ROWE: Now, Mr. Speaker, the hon. member for LaPoile (Mr. Neary), seconded by the hon. member for the Strait of Belle Isle (Mr. Roberts), has moved a motion which I intend to support, which basically says, give the people of this Province some breathing space, some time to look at this particular flag design and size it up and indicate whether, in fact, it is widely acceptable. Because that is one of the fundamental and most basic conditions set down by the Flag Committee.

Now, if the Premier had any sense, he does not even have to be brave, if he had any common sense whatsoever, Mr. Speaker -

MR. G. WARREN: Which he has not got.

MR. F. ROWE: - he would have hon. members opposite, and hon. members on this side - he cannot control hon. members on this side, but hon. members on this side who have voted for the flag, they would also vote for this amendment simply to give the people of this Province time to have a good look at this flag.

May I once again repeat how can the Committee, themselves, have any comprehension whether this flag was universally acceptable, or widely acceptable, or even partially acceptable, to the people of this Province, when it was not shown before it was tabled before the House, and then the bill was brought in immediately?

So, Mr. Speaker, I simply appeal to the members, during this free vote, appeal to the members to vote for this motion in order to give the people of this Province the opportunity to size up this flag and determine whether they really like it or not, because I do not want to be placed in the position of having been a member of this House of Assembly that passed a flag that for all intents and purposes was psychologically buried, morally dead, emotionally drained and not fit to fly because it had been torn to pieces even before it had had a chance to fly in this Province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Butt):

The hon. the President of the Council.

MR. W. MARSHALL:

Mr. Speaker, I just want to say a few words because I want to be able to make a few observations concerning this particular amendment. I do not propose to speak for nearly as long as the hon. the member for Trinity - Bay de Verde (Mr. F. Rowe) and perhaps not with his great eloquence and incisive attack on the bill. But, Mr. Speaker, let me say this - because I want to put forth what I consider to be the reasoned approach to this particular amendment. First of all, I have no intention of repeating the arguments that were made during the main debate on this motion. The main debate on this motion was for second reading of this bill to adopt the flag, and as everyone knows, the nature of the design of the flag itself. And contrary to what the hon. member opposite has indicated, there have been speakers on this side of the House putting forth very forcibly their own individual views on this which is going to be ultimately a vote not of government against Opposition, hopefully, but certainly a free vote of the members having heard all of the arguments that have been presented over the last - this flag has now been unfurled and the Committee has given its report for over three weeks. Certainly, the members of this House have had ample opportunity to hear and weigh and assess the views that have been given, Mr. Speaker, by constituents and persons not constituents, to read letters to the paper and what have you. So I have no intention whatsoever, as tempted as I may be, to repeat the words and the arguments that were given at the time when I, myself, made an address to the House when the Canadian Legion were here the first day. I would simply point out that it was resolved over seven months ago by this House to establish a committee to have a distinctive flag. And that particular resolution was endorsed unanimously by this House. A Committee met and the Committee came back-and what was then unheard of in the annals of this House - came back with the unanimous recommendation as to the design to be adopted.

MR. L. STIRLING:

(Inaudible).

MR. W. MARSHALL:

Mr. Speaker, I do not intend to attempt to

MR. W. MARSHALL: compete in any size, shape or form with the hon. the member for Bonavista North (Mr. L. Stirling). I have the floor and I wish to speak without interruption from the hon. member.

MR. SPEAKER (Butt): Order, please! The hon. the President of the Council wishes to be heard in silence.

MR. W. MARSHALL: Now, Mr. Speaker, as I say, it has been over three weeks ago that this flag has been unfurled and members have had an opportunity to assess and consider the remarks and views of people giving both the pros and the cons, so I am not going to repeat those arguments today. The only thing I am going to address myself to for a few moments is the present motion which is before this House, and this motion is to the effect that the bill not be read or adopted now, but be adopted in six months time. Now, that is the first question that the House will have to consider, and members will then vote on that. If it is carried "it is not to be considered for six months, if it is not carried then we get on to the main motion as to whether or not we will adopt the flag as presented in the bill itself.

Mr. Speaker, that particular motion which we have -

MR. S. NEARY: A point of order, Mr. Speaker.

MR. SPEAKER: A point of order, the hon. the member for LaPoile.

MR. S. NEARY: Mr. Speaker, the hon. gentleman who is now on his feet speaking said that the amendment was that this bill not now be read a second time, but it be adopted six months hence. That is incorrect. Mr. Speaker, the motion - I have it here in front of me; I was the one who moved it - says that the bill be not now read a second time but that it be read a second time this day six months hence,

MR. MARSHALL: Yes.

MR. S. NEARY: Not adopted but read six months from now.

MR. W. MARSHALL: To the point of order, Mr. Speaker.

MR. SPEAKER (Butt): To the point order, the hon. President of the Council.

MR. W. MARSHALL: Well, Mr. Speaker, if it is going to be read in six months time-when you read a bill it is a resolution of the House that the bill be read and when the bill is read it then passes second reading.

MR. SPEAKER: To the point of order -

MR. W. MARSHALL: Now, let me just get to the -

MR. N. WINDSOR: There is no point of order.

MR. W. MARSHALL: There is no point of order.

MR. L. STIRLING: To the point of order, Mr. Speaker.

MR. SPEAKER: To the point of order, the hon. member for Bonavista North.

MR. L. STIRLING: Mr. Speaker, I think there is a valid point of order because the President of the Council (Mr. Marshall) should know better than to attempt to try to make this into something that it is not. The Government House Leader knows that there are very few forms that the Opposition can use in order to get something deferred or defeated when you have a government majority. And he knows that the intent on this side is not to have that bill adopted and he knows that fully. But he has persisted in saying to the press that this was the intent and the point of order by the hon. member for LaPoile (Mr. Neary) is one of the few desperate efforts that we have on this side in order to delay or dispose of it. We have no intention to adopt it and he knows the difference.

MR. W. MARSHALL: To that point of order, Mr. Speaker.

MR. SPEAKER (Butt): To the point of order, the hon. President of the Council.

MR. W. MARSHALL: Mr. Speaker, it is a pretty desperate point, it is an attempt to interfere with the debate. It is not a point of order, it is a point of debate, maybe, but it is certainly not a point of order. And if the hon. gentlemen wish to pursue it they can pursue in the debate.

MR. SPEAKER: To the point of order. There is no point of order but merely a difference of opinion. The hon. President of the Council.

MR. W. MARSHALL: Now, Mr. Speaker, the motion is then that it not be read now but it be read six months from that day. Okay?

AN HON. MEMBER: Now you got it right. You finally got it right.

MR. OTTENHEIMER: Same thing.

MR. W. MARSHALL: So it is exactly the same thing, Mr. Speaker. In six months time, then, this bill will be read. These people who have attacked the bill so savagely and said it is not acceptable under any circumstances, at any clime, or at any time, now bring in an amendment and the amendment says it be read in six months time. So they are either doing it for the purpose—you know, they are inconsistent with their motion, number one, or else they are doing it to defer it indefinitely, either one of the two options. But just let me deal with both of them.

I suggest that seven months ago it was resolved unanimously by this House and it was implicit in the motion, that there be a distinctive flag for this Province. The committee has brought in a

MR. W. MARSHALL: recommendation, a bill has been brought before the House and I see, really, no actual point in delaying the matter any further than it has been delayed now. Three weeks have gone by, seven months have gone by, representations have come, members have seen the representations, they have heard the representations, they have weighed the representations and they have assessed them and in accordance with the principles of representative government, they are quite competent in a free vote now to assess them. I do not see any point in this being delayed any further.

Now, the other point is to defer - maybe they will bring it in to attempt to defer the matter so that it can be deferred indefinitely. But if they want to defer it indefinitely, Mr. Speaker, I suggest that this House can resolve this after the amendment has been disposed of one way or the other. And the only way in which to defer it, if it were the wish of the House in the free vote, is to vote it down.

There seems to be no point whatsoever, Mr. Speaker, to this particular resolution because it is only a resolution, really, in effect, which is an attempt to have, if you wish, a second kick at the cat, to try to get it turned down on the basis of an amendment and do the same thing that the House can address itself to in the event that the motion is defeated and we go on to the main motion itself. So it amounts to one and exactly the same thing. I suspect that from what the hon. members opposite say - one or two of them, anyway, have the idea that the purpose of the amendment is to defer it indefinitely. Well, if that is so the deferring of it indefinitely can occur, I would submit, and most appropriately occur when it is resolved, as I say, in the free vote on the main motion itself.

MR. W. MARSHALL: But let it not be forgotten, Mr. Speaker, when all is said and done, that despite the very emotional statements that have come from some members opposite to the effect that this flag should not fly in Newfoundland, it is unacceptable under any occasion, that we are considering a motion, coming from some of them over there and supported by some of these very gentleman, to the effect that it be read in six months time.

Well, if it is not good for Newfoundland now, in their own opinion, what makes it good for it in six months time?

SOME HON. MEMBERS:

Hear, hear!

MR. W. MARSHALL:

So, Mr. Speaker, that is the way I feel myself towards the amendment. I think we should dispose of the amendment as soon as feasible and possible and we will then proceed to the free vote, both on the amendment and on the bill itself. Remarks have been -

MR. L. STIRLING:

Free vote (inaudible)

MR. SPEAKER (Butt):

Order, please!

MR. W. MARSHALL:

Mr. Speaker, I have no intention or interest in trying to debate or contest with the hon. the member for Bonavista North (Mr. L. Stirling).

Now, Mr. Speaker, there have been certain comments made, not only by the member for Trinity - Bay de Verde (Mr. F. Rowe) but by other members with respect to the Premier. First of all, let me inform the House that the Premier today is in Springdale for the funeral of a very close friend of his who died over the holidays, Mr. Ford Ralph, and after that he is due to go to Ottawa for a meeting with the National Press Gallery in accordance with the plans tonight for an assessment of whatever occurs on the referendum vote. The Premier had every intention of speaking in this debate, and as a matter of fact, he is disappointed that he has not.

SOME HON. MEMBERS:

Oh, oh!

MR. W. MARSHALL:

But let the hon. members opposite, Mr. Speaker -

MR. L. STIRLING:

A point of order, Mr. Speaker.

MR. SPEAKER:

Order, please! A point of order, the hon. the member for Bonavista North.

MR. L. STIRLING:

Just to get things correct, Mr. Speaker, there would have been no objection on this side if the President of the Council had introduced the Workers' Compensation - the reason we are debating the flag is that he decides what is being debated, and to apologize for the Premier for not being here for the vote today is a completely - well, I cannot use that word. Outside the House you can use that word, but in the House I have to refer to the hon. gentleman in an honourable manner

MR. L. STIRLING: no matter whether that is true or not. But it should be clear, and we had better get it clear for the record that the decision to go ahead with this -

MR. L. BARRY: A point of privilege, Mr. Speaker.

MR. SPEAKER (Butt): A point of privilege, the hon. the Minister of Mines and Energy.

MR. L. BARRY: The member opposite is abusing the privileges of this House. He is rising on a spurious point of order, an improper point of order. It is not a point of order, it is an attempt to debate, to interrupt the presentation of the House Leader, the President of the Council (Mr. W. Marshall) and, Mr. Speaker, I would ask that the hon. member be cut off right there. He will have his opportunity in debate -

MR. S. NEARY: You are turning her into a dictatorship.

MR. L. BARRY: No, Mr. Speaker, have the rules of this House followed, the rules which were established, democratic rules, Mr. Speaker, which is what democracy is all about.

SOME HON. MEMBERS: Oh, oh!

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

The hon. minister.

MR. L. BARRY: If the hon. member wants to turn it into a bear pit, let him just try, Mr. Speaker. But there are people in this Province who want this House of Assembly run according to the rules of democracy and not according to the bear pit rules that they want to draw up from day to day.

SOME HON. MEMBERS: Hear, hear!

MR. L. THOMS: Mr. Speaker, to the point of privilege.

MR. SPEAKER: To the point of privilege, the hon. the member for Grand Bank.

MR. L. THOMS: Mr. Speaker, you know, if what I have just heard raises a point of privilege, it is unbelievable. The very people, Mr. Speaker, who preserved the parliamentary tradition in this country and every country in the free world have been the Canadian Legion, an organization that the hon. members on the other side of the House refused

MR. L. THOMS: and insulted by not permitting them into this House to have their say on this important piece of legislation.

SOME HON. MEMBERS: Hear, hear!

MR. L. THOMS: Do not talk to me about parliamentary traditions with an attitude such as that.

MR. L. STIRLING: To that point of privilege, Mr. Speaker.

MR. SPEAKER (Butt): To the point of privilege, the hon. the member for Bonavista North.

MR. L. STIRLING: As the member for Mount Scio (Mr. L. Barry) knows much better than anybody else, to raise a point of privilege takes precedence over everything else and he could not wait to get into the legitimate debate on the point of order, so he rushed in to interrupt my point of order by bringing up a point of privilege in which there is absolutely no point of privilege, and I would like to suggest that Your Honour rule so that we can get back to my completing the point of order.

MR. SPEAKER: To the point of privilege, there is no point of privilege. The hon. the minister took the opportunity to make a brief explanation of the way he sees the House run.

The hon. the member for Bonavista North on a final point of order.

MR. L. STIRLING: Yes, on that point of order to which I was speaking. The whole basis of having the Speaker in control of this House is to make sure that we do follow the rules. One of the rules is that the government sets the order of business, and the order of business set today was not set by this side, it was set by that side, and I am suggesting that it is coming close to not misleading this side, because we know the difference, but certainly giving the impression to the public that the Premier is not here and he would certainly be here to vote on this debate. He can withdraw it right now and let us proceed with some

MR. STIRLING:

other piece of business, by the leave of this side, we would certainly not want to vote without the Premier being here. And that is the point of order, Mr. Chairman, **that the order of business** was set by the President of the Council.

MR. OTTENHEIMER:

To the point of order.

MR. SPEAKER (Butt):

To the point of order. The hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, I would submit that if one were to do research to endeavour to find and identify and locate and hold up for everybody to examine a specious point of order that the hon. gentleman would have so done and I suggest that the introduction of specious points of order almost inevitably leads to a deterioration of the debate and decorum of the House and would hope, Mr. Speaker, that a ruling can be given on it now and then hon. members may continue. They may differ with one another in debate as much as they wish but specious points of order usually have the effect of deteriorating the debate and the atmosphere of the House.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

I rule there is no point of order.

And I also would like to point out at this particular time that on occasion hon. members on both sides of the House, I feel, are guilty of interrupting hon. members speaking on what is not even close to a valid point of order. I think there are people on both sides who are guilty of this and I would ask them to refrain.

The hon. the President of the Council.

MR. MARSHALL:

Thank you, Mr. Speaker. I just wanted to reiterate again, before I was cut off, that the Premier will speak on the matter of the flag, the Premier will give his feelings on the matter of the flag but, as I say, inadvertently, Mr. Speaker, he is unable to be here today because of the death of a very close personal friend in Springdale. And if the hon. members wish to make a capital case of that

MR. MARSHALL: I cannot help it. But there is no doubt about the fact that the Premier, as I say, will make his views known. And this happens to be, also, I would point out to the House, a free vote, a completely free vote, and **despite** the way in which things may appear to the hon. gentlemen there opposite, and I will refrain from making any **adjective** observations as to their approach and their impressions, for which I care not one whit, Mr. Speaker, the fact of the matter is that this is a free vote and there are enough people in this House today to speak as to the House's will. As to other people in the House, there **have been references made from time to time with respect to members on this side.** Some members may wish to speak, some members may wish to vote but the present motion that we have before the Chair is one which I suggest, Mr. Speaker, is not one which is really - **that it is fruitful** in the circumstances to speak on unless one has already spoken in the main motion - this is the only way you can speak, that it is better to speak and address yourself to the main motion because after all, the purpose of the amendment and the question on the main motion are really one and the same. So if certain members wish to speak, **there may be certain members who do not wish to speak, they just may wish to cast their vote.** So, Mr. Speaker, that is the situation and that is my view, my own view with respect to the six month hoist amendment and I only make this statement because I think it is important that the other side, with respect to the six month hoist, be put, and that the arguments made by the other side not be greeted with silence. That is the situation, Mr. Speaker. I realize that this is an issue that is of a great deal of concern to a lot of people and it certainly should be a matter of a great deal of concern. I know that all members have weighed the arguments of everybody the Canadian Legion and other organizations, with a great deal of concern and with a great deal of respect and eventually, having weighed these **we will then get with the vote.** As I say without derogating in any way the importance of this particular measure, I wonder though sometimes when one sees the reaction, if one compares the reaction to the adoption of a flag with such other basic issues, equally basic, mind you, as the flag, the flag as I say is not one of any lesser importance but

MR. MARSHALL: such issues as ownership of the offshore resources, or incursion into our Northern cod stocks, the taking of our electrical resources and I wonder, Mr. Speaker, that if it were greeted not only -

SOME HON.MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. MARSHALL: - here by certain members opposite but you might even say by certain people in the public with

MR. MARSHALL: even the same degree of concern and indepth consideration that I think we would economically and in every other way in this Province probably have a much more healthy society.

But, Mr. Speaker, having said that I will -
MR. L. THOMS: Why do you not sit down and be done with it.

MR. MARSHALL: I am dealing with the amendment on this, the six month hoist. I repeat again, I see no point in voting for a six month hoist. Number one, if you are against the bill why would you want it read six months time? And number two, when you are for the bill you are going to be for the bill today as you would be six months time.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The hon. member for Port au Port.

MR. HODDER: Yes, Mr. Speaker -

SOME HON. MEMBERS: Hear, hear!

MR. HODDER: - this is a free vote that was first -

MR. L. THOMS: On this side it is. On this side.

MR. HODDER: I think the idea of a free vote was first brought to the House by the hon. the Leader of the Opposition (Mr. Jamieson), and because it is a free vote, and only because it is a free vote, I have decided that I will follow my conscience in this matter and that while I am going to vote for the flag I am also going to vote against the amendment.

SOME HON. MEMBERS: Hear, hear!

MR. HODDER: Mr. Speaker, I hate getting -

SOME HON. MEMBERS: Oh, oh!

MR. HODDER: I do hate, Mr. Speaker -

MR. SPEAKER: Order, please!

MR. HODDER: - getting applause from the other side.

Mr. Speaker, I feel that enough has been said on the issue. And I think that everything has been said on the issue, that can possibly be said on it, has been said. And I believe that it is time that this House got down to other business.

I believe that the flag is a good one. I saw it long before any other members, or most of the members of this House and I

MR. HODDER: had quite a bit of time to think about it before that, because from my point of view, I suppose, I have been living with the flag, along with the other seven members of the Committee for, perhaps, six months, not with that particular design but wrestling with the idea of bringing a new flag in which alternately would unify the Province. The flag is a good one in my estimation, and I do not believe that we could have ever come up with a flag that was going to suit everyone in the Province. I do not think we could have come up with a flag that could even suit 50 per cent of the people in the Province, because, as I said when I spoke here the last time, as we went around the Province, each group and each town that we visited, or the Committee visited, that everyone seemed to have his own design, his own preferences. We had some weird and wild and wonderful flags presented to us; we had some beautiful flags presented to us, but there was no consensus, Mr. Speaker.

Now, the Flag Committee deliberated on this flag in a very quiet atmosphere. There was no pressure from anyone. As a matter of fact, Mr. Speaker, the only pressure on the Flag Committee as we travelled the Province was "What are you doing?", going around the Province trying to determine a new flag for the Province when we have problems like unemployment and this and that. Not only that, Mr. Speaker, but the Flag Committee, the six of us, were all from different backgrounds. Most of the members on the Flag Committee on the other side of the House, and there were four of them over there, I did not even know them by name when we first got on the Committee, I was not sure which was which. I had not met them before, I had met one or two of them before, I had never socialized with them. The members on this side of the House I knew a bit better, but, basically, we all came from different areas. We were not close friends and we did not go into the Committee with any fixed ideas. When we did start out as a committee, no one was thinking about the flag at all. As a matter of fact, the big issue, if we remember back six month's time, was the offshore oil find and the speculation around the Province was about Hibernia. That is what was taking the

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MR. HODDER: people's attention at that particular time.

When we travelled the Province, there was not a lot of interest, not even in St. John's. There were three distinct groups of people who made representations to the Committee in St. John's, but outside of St. John's there was not a lot of interest. Most people

MR. J. HODDER: said, Why the Flag Committee? Why not unemployment? I remember the meeting which I attended in Port aux Basques where the President of the Union was an old friend of mine, I suppose, a person I have known for quite a long time, was quite forceful. He came in and he said, you know, he was quite upset, with layoffs at the CNR and things like, that we should even be thinking about a flag.

The President of the PC Association in my district attacked me publicly on two or three of the media by the fact that I was travelling around the Province paying attention to the flag and not paying attention to my district, which was not quite true but nevertheless, it goes to show what the feeling was and most members, I think, on the Committee would argue that we had to keep defending our existence when we started to travel the Province.

Now, we went to the media and we asked for some help for the Flag Committee and they gave us a big send-off. They cooperated in every way. The press gallery upstairs gave us every bit of help that we asked for and as we travelled the Province notices were in papers, the media were quite cooperative across the Province.

Now, I did not go to every area in the Province but I went to quite a few and I attended those meetings where the most briefs were put before the Committee. But it was not until we unveiled the flag here in the legislature that interest started to mount. Suddenly everyone had a design. After it was presented, I did a private poll on both sides of the House. Sort of wandered across and saw what people were thinking over there. How do you like the design? Of course, I would. I was one of the persons who brought it in. I did the same on this side of the House. And at that particular time, I had the distinct feeling, and without speaking - a lot of members did not say one way or the other. They saw the flag. Some thought it

MR. J. HODDER: was not bad, this, that and the other thing, but a lot of members did not have any feelings on it. But then came the criticisms of the flag. Some members did private polls, both provincial and federal. There were people who had their secretaries on the phone and back came the opinions.

After that, the Legion, the Monarchist group, the Pink, White and Green started to campaign which was their right. But, now we are in the third week of the debate and I think that basically everything that can possibly be said has been said. But we knew as a committee that there would be criticism. But yet, when I see the Daily News poll of this morning, I see that it is three to one, it was half and half or two to one on Friday, today it is three to one, I do not consider that to be a vote against the Flag. I do not think that in any way, shape, or form because when you look at the flag, that every- why, you know, when a person is against the flag, for what reason?

I mean, it is not enough to say you are against the flag. If you are going to do a proper survey you have got to do a survey which determines the reasons they are against the flag. Some people are against the flag because it is not the Pink, White and Green. Some people are against the flag because it is not the Union Jack. Some people are against the flag because the Union Jack is not in it in some way. There are other people who are against the flag because they do not like the design which the majority of members, I suppose, here have put their vote on, the fact that they did not like the design. But there are a great number of reasons which only emphasizes to me, Mr. Speaker, that whatever flag we brought in would have the same type of poll, would have the same type of reaction in the Province. It did not matter.

But, let us look at the flag, the flag issue at the present time. Mr. Speaker, no religious group in this Province have come out against it. Now, I think that says something because

MR. J. HODDER: in our past, religion has been pitted against religion on issues like this but not one religious group in the Province. I know there are many clerics in the Province and many religious groups where people have their own opinions for or against but not one has come out against it.

MR. L. STIRLING: Would that have affected (inaudible).

MR. HODDER: No sports group have come out against the flag. No service club in the Province has come out against the flag that I am aware of. No municipality, which is our second level of government, has come out against the flag. The unions, and this Province is filled with unions, I have not heard one union leader who has made a stand on the flag.

The development associations in the districts have not come out against the flag. The teachers, the school boards, the interest groups, the professional groups, the Chambers of Commerce, the Status of Women,

MR. J. HODDER:

you know, all of those groups and I think I have covered a great majority, have not come out against this flag, not a word. There are some groups that did come out against the flag and again I want to emphasize they had every right to do so. But we did come up with a distinctive flag, Nobody can ever say we did not come up with a distinctive flag.

SOME HON. MEMBERS:

Hear, hear.

MR. J. HODDER:

And because it is distinctive most people, at first glance, just will not use it, you know, do not warm up with it because for that very reason, that most people's ideas about a flag are - you know, everyone has his own flag in his mind and everyone has the type of design. If this issue had never come, I could go to every member of the House and say, "What would you like for a flag?" and I am quite sure that we would not find one design alike. But we came up with a flag which an awful lot of people say they do not like at the moment, I am not sure, and the general impression I am getting more and more and I was back to my district this weekend, I was to a function, an army cadet function, where there were Legion people there and military people and the flag issue is just not an issue. The message I got was, get off this, you know, if you are going to get the flag, if it is going to be brought in, bring it in and do it quickly and, you know, get down to talking about the things we want you to talk about.

But I think that, Mr. Speaker, the very fact, it might be a bit of reverse logic, but the very fact that the flag has not been accepted by a lot of people, by the people who are most interested in it and all for different reasons, I think that means that it has more of a chance of becoming a unifying symbol down the road.

Now, Mr. Speaker, the yellow bolt, the arrow, the shaft, whatever it has been called here in the House, that is where the criticism has sort of come most, that has been the focal point for the criticism of this flag and people have said, you know, put a Coat of Arms there and we will accept the flag and all that sort of thing. And I sometimes, and I am thinking out loud now, and you should not do that when you are speaking but I sometimes wonder if that golden shaft, that

MR. J. HODDER: bolt which looks to our future and there is no doubt about it, which looks to a bright future may not intimidate people, because the flag does look to the future. It is based on the past but it looks to the future. And I wonder sometimes if that does not intimidate people somewhat because, you know, if we are going to have a bright future we are going to have to work very hard for it. And when we look at our past there are a lot of things we would like to change but that in graphic form says to people in this Province that there is our future forward and if we are going to have a bright future we are going to have to work for it. And I do not think that a bright future can be given us either by offshore oil or anything else. I think the challenges facing Newfoundland now are great ones but if we work for it, and that flag symbolizes it, if we work for it then I am quite sure that down the road that flag could become a very integral part and a very unifying force in this Province.

Mr. Speaker, I just want to make a few more comments before I sit down. There have been criticisms about the way the Committee operated. Mr. Speaker, the Committee never had any intention of all members going to all parts of the Province at any one time. All members, I think, were to the biggest meetings where most submissions were. I went to, I suppose, about one-third of the meetings, other members went to another third, you know, but generally there were two or three, three or four of the members at those meetings which were taped and where the designs were all filed and I have seen them all, seen the tapes. Mr. Speaker, we were listening to saying, We did have meetings. At none of the meetings that I know of were any of the members absent. The meetings were where the crucial decisions were made. It was Wintertime, we did get around the Province, we did get to every geographical area in the Province and then finally, knowing that we were a Committee and I think that the phrase that a camel is a horse designed by Committee was felt by all of the Committee members and we went to Chris Pratt. And I think it was right that we went to Chris Pratt because he had, first of all, shown an interest in the flag. He had offered his services. Not only that but he is a painter, an artist

MR. J. HODDER:

of great renown in this Province.

Some member here the other day talked about the stages which an artist goes through, and how Mr. Pratt's paintings at one time had been of one type - the cat is the one that was mentioned. But if you look at some of the artists' paintings now they are very futuristic and, you know, I feel if we had gone to other artists - I looked at David Blackwood's submissions and I think that they are more in the past than in the future.

MR. L. STIRLING:

That was after the Committee report - make that clear.

MR. J. HODDER:

That was after the Committee report, yes. It was after the Committee report, but he had been invited to submit. But whether or not he had them there before I could not have accepted them. If we want to talk about David Blackwood's art, I like it. He is my favourite artist, but his reputation was made on the seal hunt and on past Newfoundland history. Very many of his paintings look back to the 1930s.

I think that we selected the correct artist when we selected Chris Pratt.

The people we spoke to across the Province and the people who spoke out against the flag, and the people who have spoken out against the flag here, most have given their reasons. They did not like the design. There is no Union Jack. There is a variety of different things that people want in there that they feel would be a unifying symbol. But, Mr. Speaker, there was no way this Committee could come up with a flag that would please all Newfoundlanders. No flag that this Committee could have brought in would have done anything but bring controversy, and I do not think any flag could be brought into this Province - if we put it off for six months then we will have failed again.

I suppose that I stake my reputation on the fact that in the future we will look at it as our flag. And I think in six months time after it is flown at the federal/provincial conference, after it is flown down at Marystown or wherever it is this Summer,

MR. J. HODDER: after it is flown - in Toronto, I believe, there is some sort of a get-together of sports people this Summer. I do not think it will take very long before people will start to realize this is our flag. And I would say the vast majority of Newfoundlanders on this particular issue have no opinion at all. They are willing to accept it. The vast majority who do not speak, the silent majority, are willing to accept that flag once it flies.

Mr. Speaker, I only have one other thing to say and it is one thing of great disappointment to me and I have to differ with the hon. the House Leader on the other side (Mr. W. Marshall)

MR. G. WARREN: Right on! Right on!

MR. J. HODDER: The House Leader said - and I quite understand - that the Premier is at a funeral. Well, that is fine, and I understand why he is not here today and we are going to vote on the flag. But, Mr. Speaker, the Premier had his opportunity to speak on the flag.

MR. G. WARREN: Right on! Right on!

MR. J. HODDER: And I am very, very surprised that with the power that the Premier has and by the very nature of the fact that the government does set the business of this House, that it could not have been arranged so that the Premier spoke on this particular issue. Because, Mr. Speaker, I am going to say one thing now and I am going to say it very emphatically, that if the Premier does not speak on this flag, he has no right to ever take credit in the future for the flag. He could have spoken before. I would have expected him to lead off the debate. If I remember correctly - I do not know if the hon. the House Leader - but very early in the debate, he made his views known as to what the flag should be and the fact that he was not voting for it. But I have never seen this sort of thing happen in the House before where a bill - and as my friend and colleague from Trinity - Bay de Verde (Mr. F. Rowe) brought up, an act to - I have lost my flag - but anyhow, "An act To Adopt A Flag For The Province" brought under the name of the hon. Brian Peckford, that first of all, the Minister of Tourism (Mr. R. Dawe) brought in the flag, that the Minister of Tourism, it seems, will close the debate, and we are in the third week

MR. J. HODDER: and that the Premier has not spoken on the flag. You know, Mr. Speaker, I am starting to think that the flag is more mine than his, because I have said more to support the flag in this House than he has. And I have to say, Mr. Speaker, again, and re-emphasize that, if he does not stand up and support in verbal form this flag, I do not think he has the right to take the credit for it in the future.

I would like to say, Mr. Speaker, as well, that I had no objection - before I finish I would like to say this - that I had no objection to the

MR. HODDER:

Canadian Legion coming before the bar of this House and speaking.

MR. NEARY:

Hear, hear!

MR. HODDER:

I will not comment on the reasons why or speculate on the reasons why on the other side. But I do feel outside of the fact of the comments that I just made, I feel the flag is a good one. I feel that it will last. I feel that the design will grow on us and I know that has been said over and over again until we are almost sick of hearing it. But nevertheless, I feel that the Committee did do its job. I think we did do it well, that it will be a unifying symbol and that some day all members, or the majority of the members of this House, will be glad that this flag came in if indeed the vote is for the flag. Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (SIMMS):

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

DR. MCNICHOLAS:

Mr. Speaker, I would like to say that I support completely the view of the President of the Council (Mr. Marshall). The suggestion opposite that we put off debate for another six months to my mind is for the birds. If hon. members on either side cannot make up their minds after three weeks of intensive debate I do not think they are going to be any better off in six months time. I have already stated my views on the flag. I am against it and I intend to vote against it but I am going to vote against the amendment. I think the amendment is only just a maneuver on the part of the hon. members opposite to expand on what they have already **stated**. And, incidentally, it is an opportunity for the hon. member for Grand Bank (Mr. Thoms) to change his mind.

MR. SPEAKER:

Is the House ready for the question?

SOME HON. MEMBERS:

Ready.

MR. SPEAKER:

The motion is that Bill No. 44, "An Act To Adopt A Flag For The Province", be not now read a second time but that it be read a second time this day six months **hence**. Those in favour say 'Aye'. Contrary, 'Nay'. I declare the motion lost.

AN HON. MEMBER:

Divide.

MR. SPEAKER:

Division. Call in the members.

DIVISION:

MR. SPEAKER (SIMMS):

Order, please!

Motion is that Bill No. 44, "An Act To Adopt A Flag For The Province", be not now read a second time but that it be read a second time this day six months hence.

Those in favour of the motion please rise:

The hon. Leader of the Opposition (Mr. Jamieson); Mr. Fredrick Rowe; Mr. Lush; Mr. Roberts; Mr. Neary; Mr. William Rowe; Mr. Thoms; Mr. White; Mr. Tulk; Mr. Moores; Mr. Stirling; Mr. Hollett; Mr. Warren; Mr. Bennett; Mr. Hancock.

MR. SPEAKER:

Those against the motion please rise:

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

The hon. Minister of Mines and Energy and Industrial Development (Mr. Barry); the hon. the Minister of Forest Resources and Lands (Mr. Power); the hon. Minister of Fisheries (Mr. Morgan); the hon. Minister of Social Services (Mr. Hickey); the hon. Minister of Consumer Affairs and the Environment (Mrs. Newhook); the hon. Minister of Tourism, Recreation and Culture (Mr. Dawe); the hon. Minister of Labour and Manpower (Mr. Dinn); the hon. Minister of Municipal Affairs and Housing (Mr. Windsor); the hon. Minister of Finance (Dr. Collins); the hon. Minister of Justice (Mr. Ottenheimer); the hon. President of the Council (Mr. Marshall); the hon. Minister of Transportation and Communication (Mr. Brett); the hon. Minister of Rural, Agricultural and Northern Development (Mr. Goudie); the hon. Minister of Education (Ms. Verge); the hon. Minister of Health (Mr. House); Mr. Andrews; Mr. Walsh; Mr. Butt; Mr. Rideout; Mr. Stagg; Mr. Collins; Mr. Barrett; Mr. Carter; Mr. Doyle; Mr. Patterson; Mr. Aylward; Mr. Woodrow; Dr. McNicholas; Mr. Baird; Mr. Hodder.

MR. SPEAKER:

Order, please!

Fifteen in favour, thirty against. I declare the motion lost.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (SIMMS): Speaking on the main motion, the hon. member for Burgeo-Bay d'Espoir.

SOME HON. MEMBERS: Hear, hear!

MR. ANDREWS: Mr. Speaker, I have only a few words to say to probably satisfy some hon. members on the other side who indicated that people over here were afraid to stand up and speak. We just stood up and voted. I have indicated already to the House, through a point of privilege when I was misquoted in the Evening Telegram, how I will vote on this flag and I will support the main motion. There is probably no need for all of us to speak on the motion if we indicate how we are going to vote. There are many other serious pieces of business that this House could well occupy itself with. But I will say a couple of things. One is that I think there could not be any more democratic method by which a flag could be possibly selected. The Flag Committee was unanimous. It was unanimous, I say. It brought in something which I consider to be a reasonable design for a flag. If I was going to

MR. ANDREWS: design a flag or pick a flag, probably I would have picked another design, but I do not think that is the point, I do not think that is the point. I can remember very vaguely when Mr. Pearson brought in his Maple Leaf design flag, there was some debate about that. As a matter of fact, the House of Parliament in Ottawa debated that issue almost all Summer, and a lot of people in Canada were very upset about the point -

MR. F. ROWE: Which one?

MR. ANDREWS: The Maple Leaf - which one -

MR. THOMS: (Inaudible) the first one (inaudible)

MR. ANDREWS: - which Maple Leaf - right. But even the last Maple Leaf, there were a lot of people upset about it. People said it was going to divide the nation. There are people saying that this flag is going to divide the Province. I object to that -

SOME HON. MEMBERS: Oh, oh!

MR. ANDREWS: - Mr. Speaker.

MR. SPEAKER: (Simms) Order, please!

MR. ANDREWS: If we go along those lines or those lines of thinking we could have, as many hon. members have already said, 600,000 flags. I do not think there is any other possible way we can get a flag. We want a flag. I think Newfoundlanders are unanimous in that regard, except for some groups of people who want to retain the Union Jack. However, I think most Newfoundlanders want their own flag. The hon. member for the district of Trinity-Bay de Verde (Mr. F. Rowe) calls this a confrontation issue by the government. I do not think it is an issue of confrontation, I think it is an issue where the government and government members and one member on the other side here - one member on this side is going to vote against the flag - it is an issue where I think all hon. members are standing strong to the point that we want a new flag. Whether or not we all agree with the individual design of the flag, the arrow should be removed, the Union Jack should be in the corner, there should be, maybe, even a Maple Leaf in it, I do not think that is the point. I will say this flag, as with the Maple Leaf, Mr. Speaker, will not divide the country, it will unite Newfoundland again. I am voting for the main motion.

MR. SPEAKER: (Simms) Order, please! Before I recognize the hon. Minister of Labour and Manpower, I would like to welcome to the gallery today on behalf of hon. members the former member of this hon. House who represented, I think, the then district of Labrador North, Mr. Mel Woodward.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. Minister of Labour and Manpower.

MR. STIRLING: (Inaudible).

MR. SPEAKER: Order, please! The hon. Minister of Labour and Manpower.

MR. DINN: Mr. Speaker, I could not let this debate go by without saying a few words -

SOME HON. MEMBERS: Oh, oh!

MR. DINN: - on the flag.

MR. SPEAKER: Order, please!

MR. DINN: There are many other very important pieces of legislation that I want to see go through this House of Assembly, not the least of which is an act to amend the Workers' Compensation Act so that we can get all the fishermen in this Province covered by Workers' Compensation, I think that is very important. The hon. member for Bonavista North (Mr. Stirling) who continues to interrupt every speaker who stands in this House of Assembly, Mr. Speaker, is over there now interrupting me and I would ask protection of the Chair -

MR. SPEAKER: Order, please!

MR. DINN: And, in fact, if he continues to interrupt, be named and chucked out of the House where he should be, because he cannot seem to control himself. He continually attempts to destroy the decorum of this House and I, therefore, ask for protection of the Chair so that I can speak on this very important flag issue -

AN HON. MEMBER: Oh, oh!

MR. SPEAKER: Order, please! The hon. minister is -

MR. ROBERTS: Point of order.

MR. SPEAKER: Point of order, the hon. member for the Strait of Belle Isle.

MR. ROBERTS: I just want to say that I think the hon. gentleman's request is well taken, Sir, and I hope Your Honour will extend the hon. minister all the protection he needs, which is a great deal, and I also want to say, Sir, that the minister earlier asked if we would consent to give Private Members' Day tomorrow to discuss the Workers' Compensation bill. He ought to learn he is not going to get very far the way he is going at it now, Sir. I think his point was well made.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Simms) With respect to the point of order, there are obviously occasions when a certain amount of give and take is acceptable to the House. When a member requests the right to be heard in silence, it is a right that he has and the Chair will have to try to enforce that right. I will remind hon. members that I have the responsibility of enforcing those rules, but the members also have the responsibility of adhering to the rules and I would ask them to do so.

The hon. Minister of Labour and Manpower.

MR. J. DINN:

Thank you, Mr. Speaker, Now, first

of all, Mr. Speaker, I want to congratulate all the members of the Committee, the member for St. John's North (J. Carter), Port au Port (J. Hodder), Menihek (P. Walsh), Kilbride (R. Aylward), Eagle River (E. Hiscock), Grand Bank (L. Thoms), and Fortune - Hermitage (D. Stewart). I think they did a pretty fair job in coming up with a design for a new flag. I think they listened all around the Province. And whilst not all of the members of the Committee attended all the meetings in all areas of the Province, they were there to listen to the people and as long as they had one or two members there I think that was sufficient, they got the views, they taped them and they understood basically what the people wanted. They then, since they did not have the wherewithal themselves, decided to get a very well known Newfoundland artist to put together the thoughts of what most of the people who attended and made requests to the Committee, put it together in a flag design and they came up with a pretty fair design, in my opinion. Now, Mr. Speaker, I have received requests from constituents of mine, telephone calls and letters, indicating one way or the other how they felt about this particular design and I want to inform the hon. House about what I think of this particular design. Well, I like the design.

SOME HON. MEMBERS:

Hear, hear!

MR. J. DINN:

I like the design because it has, for me in it, what I would like to see in a flag. I did not know what I wanted in a flag, certainly when the Flag Committee started out. If I were to draw a design I do not know, I probably would not come up with this particular design but having the design put on a flag and put in front of me it is one that I like. It is destintive, it is something that can mean whatever we want it to mean. As to whether the Maple Leaf represents me or represents Newfoundland or represents how I feel, the Maple Leaf Flag is the Flag of Canada. And whilst maybe I did not like it right off, I like it now, I think it is a fair flag of this country.

MR. STIRLING:

He really did not like it right off.

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MR. J. DINN: And this flag this particular design I liked right off -

MR. STIRLING: Oh.

MR. J. DINN: -Straight out, not question about it. I liked everything about the flag. The fact that in the heart -

MR. L. THOMS: liked the flag.

MR. J. DINN: The fact that in the heart of the flag -

the hon. member for Grand Bank (L. Thoms) is now interrupting. He stood up here and went out with six other members of this House on a Flag Committee and came up with a design that was unanimous and then came in here in the House and flip-flopped and he had his two speeches on the flag Mr. Speaker, and now, he does not want me to have my few words

MR. L. THOMS: (Inaudible)

MR. DINN:

in this House of Assembly. Well, Mr. Speaker, I asked for protection from the Chair and I still request that protection.

MR. THOMS: (Inaudible).

MR. SPEAKER (SIMMS): Order, please!

MR. DINN: And I ask the hon. member for Grand Bank (Mr. Thoms) to sit and listen whilst I have my few minutes in this debate. Now, Mr. Speaker, the flag is a distinctive design. As I said it can represent what we want it to represent.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: It can represent pretty well anything that anyone wants it to represent.

AN HON. MEMBER: Right.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: If somebody wants to see the Union Jack in that flag they can see the Union Jack in that flag. If somebody wants to see Newfoundland and Labrador, as represented by triangles, they can see it. For those who do not want to see it they will not see it, Mr. Speaker. There is none as blind as those who will not. And, Mr. Speaker -

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

MR. SPEAKER (BUTT): A point of order. The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, I have been sitting here in the House of Assembly for the last number of days listening without any interruptions at all in this Flag Debate. Right now we have a minister speaking in the Flag Debate and he is continually being interrupted by the Opposition. I would ask, Mr. Speaker, that the members who want to speak in this Flag Debate be listened to in silence. We have listened to the other members of the Opposition speaking and we have listened in silence without objections and I would ask the same courtesy.

MR. STIRLING: To that point of order.

MR. SPEAKER: To the point of order, the hon. member for Bonavista North.

MR. STIRLING: Yes, Mr. Speaker, to that point of order. In professional football there is a penalty given if the team tries to draw the other team offside. And the same sort of thing happens in the House. These people are experts at leading the Opposition into making a comment and they are expert at attacking, say, the member for Grand Bank (Mr. Thoms). And they are just as much out of order by encouraging you to get into the debate and then when they do not like it they cry for the protection of the Chair. So, Mr. Speaker, there is no point of order here.

MR. SPEAKER (BUTT): There is obviously no point of order but I would like to point out to all hon. members that it is any member's privilege to be heard in silence.

The hon. Minister of Manpower and Labour.

MR. DINN: Now, Mr. Speaker, can I understand what the Legion would like? I think I can. The Monarchists, the Loyal Orange Lodge, they all have their little something that they would like to see in the flag. I can understand the hon. member for St. John's Center (Dr. McNicholas). The Editor of the Daily News made his representations to the Flag Committee, I can understand what he would like to see. Ray Guy has his thought, he wants a white flag with a partridge in the center.

MR. POWER: A partridgeberry.

MR. DINN: A partridgeberry in the center. I can understand, I think, what he is trying to say. But what I wanted was when the Flag Committee was sent out and it was unanimous here in this House, that we should have a distinctive flag. Now if this was a majority report that came back I would say, 'Well, maybe there is something wrong'. But we had all of the members of the Committee. Now, not all of the members of the Committee agree now. We have one member who says that he does not agree for whatever reason. He does not agree because somebody is trying to push it through the House. Well, Mr. Speaker, this Flag Debate, not this particular one, but the flag debate has been

MR. DINN:

going on in this House for a long time and I think it is time that members on both sides of the House stood up one way or the other and are counted as to where they stand with respect to this design. Not six months hence but now.

Now, Mr. Speaker, one would like to think that you could please everyone in the Province on any particular issue. I would certainly like to think that the Canadian Legion can accept this flag.

MR. G. FLIGHT+

They cannot. They cannot.

MR. J. DINN:

The hon. member opposite is interrupting, Mr. Speaker, but I would like to think -

MR. SPEAKER (Butt):

Order, please!

MR. J. DINN:

- that the Canadian Legion would become accustomed to this flag. Now, maybe they can not, maybe that is something that is not possible. I think that it is possible. I think that as they are becoming accustomed to the Canadian flag that they can and will become accustomed to this particular flag. But whether they do or whether they do not I intend to vote for this flag because I like this flag.

AN HON. MEMBER:

To hell with (inaudible)

MR. J. DINN:

No, not to hell with the Canadian Legion or anyone else. The fact of the matter is, for the hon. member's information, I am a member of Branch 56. They may kick me out but the fact of the matter is that I am and that not 100 per cent of all the members, of all the people in the Legion are against this flag. -

SOME HON. MEMBERS:

Hear, hear.

MR. J. DINN:

- that I happen to know -

MR. L. STIRLING:

Name names, name names.

MR. J. DINN:

I am like the hon. member opposite, you know, I do not have to name names. I am standing up as myself, the member for Pleasantville -

AN HON. MEMBER:

Hear, hear.

MR. J. DINN:

- and I am going to state my position and vote the way I feel I should vote on this particular issue. I will not get in the House of Assembly and name names for any reason. It is not necessary. But I have letters in my possession, the hon. member can see them on a confidential basis if he wishes, for and against this flag.

MR. L. STIRLING:

How many do you have for?

MR. J. DINN:

The hon. member can come over and have a look at them, I am not interested nor am I going to allow the hon. member to detract from the few words that I have to say.

MR. J. DINN: Now, Mr. Speaker, the thing that bothers me about this debate is this, that we have had in this House on Private Members' Day hon. members opposite stand up and say, "Let us set up a Select Committee to have a look at the fisheries, let us set up a Select Committee to have a look at the transportation system, the education system." The hon. member for LaPoile (Mr. S. Neary) wanted to set up a Select Committee to examine into all aspects of the offshore. Well, Mr. Speaker, the latest thing that we have done is set up a Select Committee on the flag.

AN HON. MEMBER: Right.

MR. J. DINN: The Select Committee goes out, spends several months at it, comes back, presents their report to the House and what happens? Hon. members opposite get up almost en masse -

MR. L. THOMS: It is a free vote.

MR. J. DINN: - and say that they do not like it.

MR. L. THOMS: (inaudible) your right (inaudible)

SOME HON. MEMBERS: Oh, oh.

MR. J. DINN: The hon. member from Grand Bank (Mr. L. Thoms) who -

MR. SPEAKER (Butt): Order, please!

MR. J. DINN: -brought this distinctive, flag in and stood up in this House, spoke in support, now stood up and did a complete flip flop -

SOME HON. MEMBERS: Oh, oh.

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

MR. J. DINN: - not on the basis of the six or seven months of investigation, of consideration, of input by other people, not on the basis of that but on the basis that in the past week or so people seem to be trying to shove his design down his throat.

Now, Mr. Speaker, that would have to be specious.

MR. F. STAGG: Yes.

MR. J. DINN: That would have to be a fairly weak point.

SOME HON. MEMBERS: Oh, oh.

MR. J. DINN: If one were to consider all the points that one could make for or against -

MR. F. STAGG: Put them back (inaudible)

MR. J. DINN: - this new flag, one would have to think that the debating point that the hon. member for Grand Bank (Mr. L. Thoms) made with respect to shoving his design down his throat would be a little bit specious, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh.

MR. F. STAGG: Yes, that is right.

MR. L. THOMS: A point of order, Mr. Speaker.

MR. SPEAKER (Butt): A point of order, the hon. member for Grand Bank.

MR. L. THOMS: Mr. Speaker, in connection with the comments being made by the minister right now, I pointed out on Friday and I will point out again that one of the conditions that the Committee themselves set down for them at the very first meeting that the Committee had was that the design brought in by the Committee would be accepted by the majority of the people of this Province.

SOME HON. MEMBERS: Hear, hear.

MR. L. THOMS: That is what I have not been convinced of, and that is why I am voting against the flag that you are trying to ram through.

SOME HON MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. J. DINN: Mr. Speaker, there is no point of order.

MR. SPEAKER: Order, please! To the point of order, there is no point of order. The hon. member for Grand Bank merely took the opportunity to explain remarks that were attributed to him.

The hon. Minister of Labour and Manpower.

MR. J. DINN: That is right, Mr. Speaker. Mr. Speaker, I do not have to repeat what I just said, it is in Hansard. The hon. member stood up here in his first speech and said he did not think

MR. DINN: that it was possible to get a flag that all people in Newfoundland would accept. So, this is the best thing that he could do and he was going to vote for it. Several days later, he stands up in the House and said he is going to vote against it, because somebody is trying to push the design down his throat.

MR. THOMS: No, I did not.

MR. DINN: Now, that is basically what the hon. member said, Mr. Speaker. So, I mean, if that is his argument, that is fine. I will respect the hon. member's decision. If he would not interrupt me, I would not take a few shots at him. I would not take a few shots if he would not keep interrupting, but he keeps interrupting.

MR. THOMS: I am not (inaudible).

MR. DINN: He flip-flops -

MR. SPEAKER:(Simms) Order, please!

MR. DINN: - he flip flops.

MR. THOMS: (Inaudible).

MR. SPEAKER: Order, please!

MR. DINN: - he had two speeches.

MR. SPEAKER: Order, please! This House is beginning to have a sense of disorder to it, and I would ask hon. members to please restrain their interruptions and allow hon. members to speak in silence, especially if they have requested it.

The hon. Minister of Labour and Manpower.

MR. DINN: Mr. Speaker, so the fact of the matter is that I would like to get to a vote on this flag today or in the very near future so that we can get on with An Act To Amend Workers' Compensation.

MR. STIRLING: Well sit down.

MR. DINN: I have many more things that I could say with respect to the flag. I will be voting for the flag. I believe it is a good design. I believe it is one that we will all be proud of in time and, Mr. Speaker, as I said, I congratulate the Committee, all members of the Committee, for bringing in this distinctive design, and I would hope that it would be dealt with in very short order.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: (Simms)

Order, please!

The hon. member for Humber West.

MR. BAIRD:

Thank you, Mr. Speaker.

I have been accused by some of the members opposite of not having the courage to get up and speak in the flag debate. Have I got news for any member of that Opposition inside or outside this House! And if I have the courage of my convictions, I am quite prepared to stand up and state so. Number one, we talked about the flag debate and I will not be too long, Mr. Speaker. I feel that we have heard enough on both sides on the flag issue, we can debate it back and forth like the great flag debate of '63. However, my father was in the First World War. He was very -

AN HON. MEMBER:

(Inaudible) Three minutes left.

MR. SPEAKER:

Order, please!

MR. BAIRD:

You will have less than three minutes if you keep interrupting.

MR. MARSHALL:

Point of order.

MR. SPEAKER:

Point of order, the hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, Your Honour just a moment ago indicated to the House that there were too many interruptions, and there are interruptions emanating from the other side. The hon. gentleman is trying to make his speech. You cannot conduct an Assembly in something that is approaching a bear pit, that is being brought about by the interjections made by the people on the other side. I would ask, I would ask in the interests and the privileges of the House that the hon. gentleman be able to make his speech in silence.

MR. SPEAKER:

With respect to the point of order, it is a legitimate point of order and I have constantly repeated - I do not think I need to repeat it again - I would ask hon. members to please allow hon. members speaking to be heard in silence.

The hon. member for Humber West.

MR. BAIRD:

Thank you, Mr. Speaker.

Getting back to the flag debate, my father was a member of the First World War. I think the Union Jack

MR. BAIRD: gave him, as a lot of Legionnaires throughout the Island - they are very, very proud of it, as am I. However, our younger people feel today that they would like to have their own flag. I agree with them. I have every respect for the Union Jack; the Union Jack can still fly among the buildings. The Premier has said it will still fly on the public buildings. Anybody who wants to fly the Union Jack, they still can. I would just like to go on record that I have every respect for the Legionnaires and the Union Jack. However, I represent the area of Humber West, I have checked around with my constituents. I know there is an election day coming up in two or three or maybe four years. I am quite prepared to stand on the record and what I have the courage and convictions for. I will be voting for the flag with pride. Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Simms) The hon. the Minister of Education.

MS. VERGE: Mr. Speaker, I support the flag design which is the subject of this debate, and I intend to vote for the main motion. I would like to outline just briefly the reasons for my position, realizing that I am not going to be contributing any new ideas to this debate but considering this matter of such importance to people who live in my district, Humber East, as well as in the rest of the Province, that it is necessary for me to articulate my reasons. First, I believe that it is high time for our Province to have a unique flag to fly alongside the Maple Leaf and the Union Jack.

MS. L. VERGE:

I think most people of Newfoundland and Labrador share this view. Second, I think the procedure followed in choosing the design was sound. A Select Committee comprised of members of both sides of this hon. House held hearings in some twenty-six communities of the Province. I understand that the submissions which it received were diverse and it was and is clear that there is no consensus among the people of the Province on the design which should be adopted. It seems that there is no one symbol which most of the people in our Province can rally around and regard as a unifying symbol. As much as possible the Committee, I am satisfied, reconciled the conflicting views and reflected in the proposed design many ideas which were advanced by the public. The third point that I would like to make is that I personally very much like the design proposed. When I first saw the proposed flag, when it was unveiled in this House, I was presently surprised and actually I am quite excited and thrilled at the prospect of having this design as the distinctive flag of our Province. Having said that, I think that any flag finds its way into the hearts of the people only after many years of usage and I think that it is important to consider the expectations and preconceived ideas of people when they are entering into this debate. If people expect that any new flag will instantly embody and symbolize for them their feelings for their Province, I think it is only natural that they will be disappointed. And I think the tendency for people to come to this with preconceived notions is greater among the older population. But it is obvious that there are a large number of people in our Province who are young. We are a Province of young people. And I am confident that the proposed design will become our new Provincial flag, that it will be used and flown over the years more and more, and that it will come to be synonymous with our bright future which I am sure will be based on our heritage and will grow from our past but which will provide a better quality of life for all our people with more social justice for all. In concluding I would like to say that in arriving at my position I have given careful consideration to the views of the Royal

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER: (Simms)

Order, please!

MS. L. VERGE:

Canadian Legion whose petition I read and laid on the table of this House this afternoon, as well as carefully thinking about the positions of other groups and residents of Humber East. Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. Minister of Municipal Affairs and Housing.

MR. N. WINDSOR:

Mr. Speaker, I do not intend to take too much time of hon. House debating this particular issue because I think basically most of what needs to be said has been said many times and I think the issue is quite clear and I agree with some of the previous speakers that perhaps it is now time to get on with the motion and get down to other important business before the House of Assembly. I would like to congratulate the Committee. I, for one, would not have wanted to be on that particular Committee. I think they had an almost impossible task. I think they did an extremely good job and this is the point that I wish to make that, as has been said, it has been a very democratic procedure. The Committee sat all around the Province, anyone who wished had the opportunity of having something to say, to make a presentation to the Committee, to make their views known. Indeed, many people did and, indeed, I have passed along many flag designs from people who did not wish to appear before the Committee but who brought me their designs, school kids and people from my district, I have presented them to the Flag Committee on their behalf. I am sure these were all considered in due course. Let me say, Mr. Speaker, that I have great respect for the Legion in this issue. I respect the points of view that they have put forward and the manner in which they have put them forward.

MR. L. STIRLING:

You will get more respect from them.

MR. N. WINDSOR:

Mr. Speaker, can I be protected from this? I have been listening for three weeks to nonsense from the opposite side. Could I at least have five minutes in silence to put across my point of

MR. N. WINDSOR: view? They complained the other day that I had not been on my feet to speak and now when I try to speak I get interrupted.

MR. SPEAKER: (Simms) Order, please! The hon. Minister has asked to be heard in silence and he has that right.

MR. N. WINDSOR: Mr. Speaker, it was indeed the unanimous recommendation of the Committee. As I said, it was a difficult recommendation but I am sure that the point of view of the Region and all other interested groups around this Province was considered by the Committee. Obviously, not all groups could be represented in a flag, not all points of view could be represented in it, however, I think the Committee has done an admirable job in coming up with what at least appeared, from the hearings, to be the common denominators and to have them represented in a flag which I think is somewhat distinctive.

MR. N. WINDSOR:

I have one great disappointment in this whole debate, Mr. Speaker, in that this was a Select Committee of the House totally non-partisan but unfortunately the debate now has become very partisan. I am very disappointed in that because I was very much looking forward to having a distinctive flag of the Province that was selected for non-political reasons. And I think the design as presented by the committee was presented for totally non-partisan reasons.

I say that, Mr. Speaker, because I have had the honour over the last several years to represent the Province at many national events, particularly sporting events. And it has always been a matter of great concern to me and I know to my colleague, the Minister of Tourism, Recreation and Culture (Mr. Dawe) when our delegates, our athletes and I note particularly of the Wheelchair Games, when our wheelchair athletes were not represented - we had a flag but it was not ours - every other province has their own, very distinctive flag and our athletes did not.

I suggest to you now that this alone is a very good reason. I guess there is no argument about why we should have a flag, everybody agrees we should. I just want to point out the many times that I have looked at the Union Jack being flown and with great respect to the Union Jack and all that it represents for the Commonwealth, it is not the flag of the Province. And in provincial events we, indeed should have our own flag to represent us.

But I am disappointed with members opposite, the approach that they have taken, that this has become a very partisan debate. I had hoped that it would not be. The member for Grand Bank (Mr. Thoms) who does not seem to be able to make up his mind on the issue.

SOME HON. MEMBERS:

Oh, oh!

MR. FLIGHT: (Inaudible) would not going to give the legion six months to (inaudible) the flag.

MR. SPEAKER (Simms): Order, please! Order, please!
Hon. minister.

MR. N. WINDSOR: Thank you, Mr. Speaker. It is one thing, Mr. Speaker, to follow one's conscience as many members have, as the hon. member for Port au Port (Mr. Hodder) has, he has followed his conscience, he has spoken as his conscience tells him to speak, has the courage of his convictions and stands up in this House and says what he believes in the interest of his district. That is not always easy, Mr. Speaker. Many of us have great pressures from within our districts particularly on this issue which is a very sensitive and a very emotional issue, certainly I do.

SOME HON. MEMBERS: Hear, hear!

MR. N. WINDSOR: From my district I have pressure from Branch 36 of the Royal Canadian Legion in Mount Pearl. I have talked with them, I have spoken with the President, I have not hidden as some members want to suggest. I offered to go and sit down at a meeting with them, in fact, and discuss it with them. So they are fully familiar with my views and I with theirs and I respect it. Unfortunately, the day of reckoning comes when one has to stand in this House and make a decision and vote in accordance with one's conscience. And I would sooner be defeated in my district, Mr. Speaker, for having voted in accordance with my conscience than for not being able to make a decision.

SOME HON. MEMBERS: Hear, hear!

MR. N. WINDSOR: Now, I am confident, Mr. Speaker, that when the next day of reckoning comes, as it does for all members of the House of the Assembly, that the people of my district will view me not for one issue, not for how I voted on this particular issue but for my record over the past eight years and I am quite happy to stand on it.

MR. N. WINDSOR: I think this is a very distinctive flag, Mr. Speaker. A flag is, indeed, a symbol and, I think, as my colleague mentioned a moment ago, you may look into a flag such as this and you can read into it whatever you wish to read into it. I think it is a very progressive design. I congratulate the artist. I think, indeed, Mr. Speaker, it is a flag for the future of its Province that is proud of its heritage and very confident of tomorrow. And I will be supporting the motion.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The hon. Minister of Consumer Affairs and Environment.

MRS. H. NEWHOOK: Mr. Speaker, I too commend the Select Committee of this hon. House for the way they went about choosing this flag and for the desire and the sincere efforts they put into trying to encompass in the design they have presented to us, the wishes and concerns of all of the people who were interested enough to attend their meetings or to present their views in writing.

The fact that we wish to adopt a flag, Mr. Speaker, to represent Newfoundland and Labrador in no way, I feel, affects the allegiance that many of us feel towards the Commonwealth. To choose a flag to be our Province's flag I do not think it in any way diminishes the way we feel towards the Union Jack. I do not feel that we are turning our backs on the Union Jack and I do not feel that we are pulling down the Union Jack as some people wish to say. Personally, Mr. Speaker, I think if that were to happen I myself would shudder at that thought. But I am re-assured that any person or any

MRS. H. NEWHOOK:

group may continue to fly the Union Jack at any time or whenever they please. Mr, Speaker, I like the design of the proposed flag, I liked it the first time I saw it and I think what I liked about it best -

SOME HON. MEMBERS:

Oh, oh !

MRS H. NEWHOOK:

What I liked about it best Mr. Speaker,

is the arrow.

SOME HON. MEMBERS:

Hear, hear !

MRS. H. NEWHOOK:

Mr. Speaker, it is a symbol that reminds

me of our aboriginal natives the Beothuks who subsisted by and died by the arrow. A tragic part of our history Mr. Speaker, and I think it is only right that when we look at the flag we remember it. And I, myself, of course, I feel vexed every time I think about the Beothuks, how they were wiped out and will never ever more be continued on the face of this earth, the race has absolutely disappeared. And, of course, Mr. Speaker, I think that if we were to look upon the arrow as a lethal weapon we can see that it represents all the sacrifices made for our country. Mr. Speaker, I chose now, in this day and age, to think of this symbol as a golden arrow, pointing to worthwhile targets and goals. When I look at this flag, Mr. Speaker, it readily conjures in my mind the Union Jack. And I have no problem identifying the two red triangles with Newfoundland and Labrador. Mr. Speaker, at school we were taught to draw the map of Newfoundland by first, very lightly with pen and ruler, drawing a triangle and erasing one little part of it and then shaping the bays and the coastline according to little marks that we had on this triangle. And, of course, Labrador is somewhat the same shape as Newfoundland only on a larger scale. So, Mr. Speaker, I see that the wishes of our people have been fulfilled in that it represents the Union Jack and it also represents - the symbol represents Labrador. I, myself, I am a great admirer of our Coat of Arms and I think I would have liked to have seen it in our flag.

SOME HON. MEMBERS:

Hear, hear !

MRS. H. NEWHOOK:

But, there is not any space for it,

Mr. Speaker,

SOME HON. MEMBERS:

Hear, hear !

MRS. H. NEWHOOK:

without removing something and the flag as it is, I would not like to see anything removed. And even if we were, perhaps, if we were to put in the Coat of Arms it would most likely spoil the symmetry of the flag. Certainly as is the flag is very distinctive. It symbolizes the Union Jack, just retaining old ties, it is modern, it is idealistic and I think it can mean many things to many people. And Mr. Speaker, I am proud of the decision of our government that there is to be a free vote on the flag. And I also admire the hon. member from Lewisporte (F. White) on reaching his decision. He likes the flag but he is voting against it because his constituents- he thinks most of them dislike it and I admire him very much for that. In my district, Mr. Speaker, I know that some of the legionnaires are against the flag, they have spoken to me about it but not all of them and not all of them want the Union Jack. They said "Oh, well we could accept it

MR. H. NEWHOOK: as is and just have the Coat of Arms put in. And I have had some people speak to me, just a very few, who did not like it, I have had a lot of people talk to me about it and they said, "I am going to be the first one to fly it." And I have had just one letter from one person in my district who wrote and asked me not to vote for it. So, Mr. Speaker, of all the people I have not heard from I think I have to presume that they are for the flag. Well, Mr. Speaker, I would just as soon not prolong the debate I think we have a lot of more important legislation to go through this House and I would just like to pledge my support for the flag.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Simms) The hon. member for Menihek.

MR. P. J. WALSH: Mr. Speaker, I am going to solve some problems. I would like to request the protection of the Chair and be heard in silence. I do not interrupt other people when they speak in this House. I do not think I really need to speak, It is a fact that I am a member of the Select Committee, the Flag Committee, and that I can assure you of my vote, when it comes, I will vote in the same way I voted in the Committee. I am not about to change. Now with respect to the legionnaires, I am a legionnaire and I am also a veteran. I also lost an uncle in the Second World War. I can assure you I have all the respect in the world for veterans and legionnaires and always will. And this flag, Mr. Speaker, is probably one of the best things that ever happened to Newfoundland.

SOME HON. MEMBERS: Hear, hear!

MR. P.J. WALSH: Probably one of the best things that ever happened to it, because you know why? We are looking to a future, we are not looking back on the miserable lousy 500 years we did have. Thank you, Mr. Speaker. I will be voting for the flag.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Simms) The hon. member for Port de Grave.

MR. R. COLLINS: Mr. Speaker, I rise as the elected representative from the historic district of Port de Grave to show once and for all that I am not a trained seal or ever a trained anything as the member for LaPoile would have us believe. If ever a free spirit lived in an Newfoundlander, Sir, it lives in me.

AN HON. MEMBER: Hear, hear.

MR. R. COLLINS: No man or group of men or indeed no women, although many have tried, will ever break this spirit as long as God gives me life to live. Mr. Speaker, I entered political life with the firm conviction that the pitfalls and blunders that characterized the former Liberal administration would forever be a thing of the past. I watched for twenty-two years as 'Joe Smallwood' made a laughing stock of Newfoundland and Labrador with proposals made to him for such projects as the Tannery in Harbour Grace, the Rubber Factory in Holyrood, Steel Mill in Octagon Pond and many other ventures too numerous and ridiculous to mention. These were all accepted by 'Joe Smallwood' because

AN HON. MEMBER: Relevance, Mr. Speaker, relevance.

MR. SPEAKER: Order, please!

MR. R. COLLINS: - they were presented by Mr. Valdmanis not on a sound thought out financial base but because the man was supposed to be a financial wizard and the actual bindings of leather and gold lettering so impressed Mr. Smallwood he was completely swept off his feet, Are we once again to be laughed at and ridiculed by the rest of Canada or will we come to our senses before it is too late and design a Provincial flag which represents our true heritage and not the figments of some artist's imagination? With all due respect to Mr. Christopher Pratt, he may be one of Newfoundland's greatest artists, but as a flag designer he is an absolute disaster. I compare the Flag Committee, Mr. Speaker, to a family preparing and planning very carefully

MR. R. COLLINS: their Summer cruise vacation down to the very last detail only at the last minute to miss the boat. I truly believe, Mr. Speaker, that the Flag Committee did a tremendous job but in the final analysis missed the boat when they approached Mr. Christopher Pratt for advice. The day after the flag was unveiled I was asked for my opinion on it by one of my constituents and I explained to him that I just finished reading an article in last month's medical journal on the factor that might trigger a migraine headache. They were, Mr. Speaker, tension, excessive sound, bright lights, etc. I thought to myself now we have made medical history with our new flag for I am quite sure that within a year this will also be listed as a factor which may trigger migraine headache if looked on for any length of time. If indeed any more convincing than that - if I needed any more convincing that this was not

MR. R. COLLINS:

the flag for Newfoundland, it was brought home to me by my son. I presented a twelve year old boy with a coloured picture of the flag less the explanation and asked him for his opinion. His answer was, "My opinion of what?". And I replied, "Your opinion of the flag". His answer was, "Dad, you are only kidding. I do not see any flag". It was at that moment I realized what I had to do.

AN HON. MEMBER:

Hear, hear!

MR. R. COLLINS:

We have before us a proposed flag which does not show the true heritage of Newfoundland and Labrador and, indeed, the jumble of triangles represent absolutely nothing except what one man has conceived in his own mind. I have never agreed with anything that Joe Smallwood has ever done and I thought I would never see the day when our opinions would agree. But, Mr. Speaker, maybe there is wisdom in age for I have to agree with Mr. Smallwood when he said, "This is but the biggest mistake ever". If the Opposition were ever in doubt that our present Premier does not believe in democracy let it be put aside today for he would no more suppress a man's right to express his opinion on such an important issue than indeed we, as three thinking Newfoundlanders serving in the backbench of this government, would allow him to do so.

Mr. Speaker, if the day were to come when I was told to express an opinion and back a motion which I felt was wrong for Newfoundland, then I could not support that government. I would like now to read a letter which I wrote to the Flag Committee on February 4th. "Dear Mr. Carter, I have been reading with great interest the newspaper coverage of the issue regarding the provincial flag for Newfoundland. After considerable thought and consideration I would like to offer my suggestion which I think you will find quite helpful in your deliberations. If you look at this problem like so many others, the solution is really quite simple as it was in the case of the Canadian flag. I think the input you are receiving from the general public and the idea of this touring flag committee warrants some merit. The end result is quite obvious. The basic design of the flag must be at all costs kept

MR. R. COLLINS:

quite simple. The flag, if it were to only represent a very small portion of the religious, native and paternal organizations, etc. would look quite ludicrous. Although I am the son of a war veteran and fly the Union Jack, I do not consider it or any other existing flag to be a necessary part of our new design. The design we choose now will be of far more importance to our children than to our fathers. Taking this into consideration, I would like to suggest the obvious design, a white flag with a six inch wide blue stripe running horizontally on either side. The center should be a twenty inch diameter circle enclosing either the Coat of Arms of Newfoundland or possibly the Newfoundland Caribou. Whatever your final decision I sincerely hope that it will be completely new, unique and a simple design."

Now, Mr. Speaker, having said this, if true democracy reigns and by such a procedure this flag is adopted by this House of Assembly, I will accept the decision and fly this flag as a proud Newfoundlander with the knowledge that I have done my duty and will never utter another word against it. Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (SIMMS):

The hon. member for Harbour Main-Bell Island.

MR. DOYLE:

Mr. Speaker, I would like to add a remark or two to what has already been said relative to the proposed flag of our Province. I would like to offer my congratulations to the Flag Committee for having done what I consider to be a very admirable job in bringing this design onto the floor of the House of Assembly. In spite of the great deal of controversy, Mr. Speaker, as to the pros and cons of the design of our new flag, I would like to submit, Sir, that we have before us now what I consider to be, at any rate, an excellent, excellent design. And for me to outline today what I consider to be the good points, and there are many, would simply be a rehash of what has already been said by numerous other speakers. However, I would like to say that some of the many reasons put forth by the Opposition for not voting for this very

MR. DOYLE:

outstanding design are, in my opinion, absolutely ridiculous. Immediately the hon. member for Lewisporte (Mr. White) and the hon. member for Grand Bank (Mr. Thoms) come to mind when you think of weak reasoning. The hon. members made the shameful statement, Mr. Speaker, that they really liked our new flag design but would nevertheless vote against it and that has

MR. DOYLE: to be political reasoning, if I ever heard it.

SOME HON. MEMBERS: Oh, oh!

MR. DOYLE: I feel that politics, Mr. Speaker, should -

MR. SPEAKER: (Simms) Order, please!

MR. DOYLE: - not come into play in this particular issue, and that all members should have the good old-fashioned intestinal fortitude to do the job that the average Newfoundlander sent them here to do, and I believe the average Newfoundlander is very much in favour of this flag design. There are far too many opinions, Mr. Speaker, far too many rash opinions being formed, and it is being done by a very vocal minority. I believe that our children will be very, very proud to associate themselves with this flag. They will be proud to state that they had a hand in bringing a flag into our Province and, of course, we consider the opinions of children to be very, very important when dealing with this particular issue because in just a few short years from now they will be associating themselves in a much more meaningful manner with what this flag represents; red for human effort, an arrow to be a constant reminder that our future is, indeed, for the making and not for the taking. Of course, we all need to be reminded of that on a continuous basis, Mr. Speaker, and it is very appropriate that such a principle be incorporated in the flag of our Province. So, Mr. Speaker, I am not going to take the stand that some hon. members took and say that I like the new flag design but, nevertheless, will vote against it. I think they have given the many, many submissions that were made by the hundreds of different groups and hundreds of different backgrounds, and given the fact that not all people can be given equal representation on a flag, I have absolutely no other choice but to say that Christopher Pratt has given to Newfoundlanders exactly what Newfoundlanders have given to him. We placed before him hundreds of different proposals reminiscent of our past and he has given us a proposal that is associated with our present, our past and our future. So, what more should a flag do, Mr. Speaker? I think we all fully recognize, and we should forever, the tremendous contribution that the Legion has made and that the war

MR. DOYLE: veterans have made to the future of our Province. As a matter of fact, without them we would not have a future at all, I would imagine, so I do not think we can ever forget that. So, Mr. Speaker, I will cut this short right now and say that I will be voting for the flag, and I am very, very proud to do so.

Thank you.

MR. SPEAKER: (Simms) The hon. Minister of Tourism, Recreation and Culture. If the hon. minister speaks now, he will close the debate.

MR. DAWE: Mr. Speaker, I would like to move at this time second reading of Bill 44.

MR. SPEAKER: Is the House ready for the question?
Is it the pleasure of the House to adopt the motion, those in favour aye, contrary nay?

SOME HON. MEMBERS: Division.
DIVISION

MR. SPEAKER: Division, Call in the members.

Is it agreed to stop the clock? Agreed. Call in the members.

Order, please!

Those in favour of the motion, please

rise:

The hon. the Minister of Mines and Energy and Industrial Development, (Mr. L. Barry), the hon. the Minister of Forest Resources and Lands, (Mr. C. Power), the hon. the Minister of Fisheries, (Mr. J. Morgan), the hon. the Minister of Social Services, (Mr. T. Hickey), the hon. the Minister of Consumer Affairs and Environment, (Mrs. H. Newhook), the hon. the Minister of Tourism, Recreation and Culture, (Mr. R. Dawe), the hon. the Minister of Labour and Manpower, (Mr. J. Dinn), the hon. the Minister of Municipal Affairs and Housing, (Mr. N. Windsor), the hon. the Minister of Finance, (Dr. J. Collins), the hon. the Minister of Justice, (Mr. G. Ottenheimer), the hon. the President of the Council, (Mr. W. Marshall), the hon. the Minister of Transportation and Communications, (Mr. C. Brett), the hon. the Minister of Rural, Agricultural and Northern Development, (Mr. J. Goudie), the hon. the Minister of Education, (Ms. L. Verge), the hon. the Minister of Health, (Mr. W. House), Mr. H. Andrews; Mr. P. Walsh;

May 20, 1980

Tape No. 1668

GH-3

Mr. J. Butt; Mr. T. Rideout; Mr. F. Stagg; Mr. H. Barrett; Mr. J. Carter;

Mr. N. Doyle; Mr. W. Patterson; Mr. R. Aylward; Mr. L. Woodrow;

Mr. R. Baird; Mr. J. Hodder.

SOME HON. MEMBERS:

Hear, hear!

SOME HON. MEMBERS:

Hear, hear!

Those against the motion

please rise.

The hon. the Leader of the Opposition (Mr. Jamieson), Mr. Flight, Mr. Frederick Rowe, Mr. Lush, Mr. Roberts, Mr. Neary, Mr. William Rowe, Mr. Thoms, Mr. White, Mr. Tulk, Mr. Moores, Mr. Stirling, Mr. Hollett, Mr. Warren, Mr. Bennett, Mr. Hancock, Mr. Collins, Dr. McNicholas.

MR. SPEAKER (Simms):

Order, please!

In favour of the motion - 28;

against the motion - 18. I declare the motion carried.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

On motion, a bill, "An Act To Adopt A Flag For The Province", read a second time. Ordered, referred to a Committee of the Whole House on tomorrow.

The hon. the President of the Council.

MR. W. MARSHALL:

Mr. Speaker, I move the

House at its rising do adjourn until tomorrow, Wednesday at 3:00 P.M. and that this House do now adjourn.

MR. SPEAKER:

On motion, the House at its

rising adjourned until tomorrow, Wednesday, May 21st., at 3:00 P.M.

I N D E X

ANSWERS TO QUESTIONS

TABLED

MAY 20, 1980

Question No. 11

Mr. Neary (LaPoile) - to ask the Honourable the Minister of Industrial Development to lay upon the Table of the House the following information:

Agreement between the Department of Industrial Development or the Harmon Corporation and the Stephenville Development Limited covering the leasing of two buildings at the former Harmon Air Force Base.

ANSWER:

Agreements between Her Majesty the Queen in right of Newfoundland as represented by Harmon Corporation and Stephenville Developments Limited dated November 17, 1975 and October 1, 1977 is hereby tabled as requested.

THIS INDENTURE OF LEASE made at the Town of Stephenville,
in the Province of Newfoundland as of this 1st day of
October, Anno Domini, One thousand nine hundred and
seventy-seven.

BETWEEN: HER MAJESTY THE QUEEN in right of
Newfoundland as represented by
Harmon Corporation, hereinafter
called "the Landlord"
of the One Part

AND: STEPHENVILLE DEVELOPMENTS LIMITED,
a body corporate, incorporated
under the laws of the Province of
Newfoundland, and having its head
office at the Town of Stephenville,
in the Province aforesaid, hereinafter
called "the Tenant"
of the Other Part

WITNESSETH AS FOLLOWS:

1. In consideration of the rents and covenants herein contain-
ed on the part of the Tenant to be paid, performed and observ-
ed, the Landlord HEREBY DEMISES AND LEASES (subject as herein-
after provided as to the term) unto the Tenant ALL THAT certain
piece or parcel of land situate, lying and being at the site
of the Ernest Harmon Air Force Base at the Town of Stephenville
in the Province of Newfoundland aforesaid, the same being
more particularly shown and delineated on the attached plan
whereon it is outlined in red (which said plan is incorporated
herein by reference thereto and is deemed to be a part and
parcel of these presents), TOGETHER WITH all buildings
(Building 360) and erections thereon and appurtenances thereto,
(the lands and such buildings, erections and appurtenances
being herein collectively called "the demised premises").

SUBJECT as hereinafter set forth, TO HOLD the said demised
premises for a term of twenty-five years from the first day
of October, A.D. 1977 to and ending on the 30th day of September
A.D. 2002, or such shorter period as herein set forth;

PROVIDED HOWEVER that the parties hereto acknowledge and agree

that this lease and the term thereof as stated above is conditional upon the Tenant concluding an agreement prior to the 1st day of April, A.D. 1979 with the Government of the Province of Newfoundland for the rental at market rates from time to time by the Province from the Tenant, commencing not later than the 1st day of April, A.D. 1980, of the whole or substantially the whole of the demised premises as the primary location for the Bay St. George Community College, and also conditional upon the Tenant having arranged the necessary financing to alter the said demised premises to meet the requirements of the Province for such purpose and to have substantially commenced such necessary renovations, alterations and repairs prior to the 1st day of October, A.D. 1979.

AND THE PARTIES HERETO FURTHER AGREE that irrespective of the term otherwise granted herein, in the event that the Tenant cannot conclude the aforesaid agreement with the Province prior to the 1st day of April, A.D. 1979, or shall not have arranged the necessary financing as aforesaid and produce satisfactory evidence thereof to the Landlord and have substantially commenced such works and renovations as aforesaid prior to the 1st day of October, A.D. 1979, then this lease shall terminate on the 1st day of April, A.D. 1979 in the event of a default in concluding such an agreement with the Province aforesaid, or on the 1st day of October, A.D. 1979 in the event of a default in the other particulars as aforesaid to be completed prior to such date, and not on the 30th day of September, A.D. 2002 as earlier set forth.

AND FURTHERMORE the parties hereto acknowledge that the term and rental and the other provisions hereof have been agreed to by the Landlord upon the premise that substantially all of the said demised premises shall be used for the purpose of the Bay St. George Community College and educational purposes related

thereto during the term herein granted, and if (barring earlier termination as aforesaid) the said demised premises shall at any time during the term herein granted not be used for such purpose and be not so used for a continuous period of ninety (90) days, or should the Province terminate its rental arrangement for such purposes with the Tenant, then the Landlord may at its option by notice in writing given to the Tenant ninety (90) days prior to the date of such intended termination, indicate its intention to terminate the said lease on a specified date and thereupon the term hereof shall terminate and the reversion of the said term of years herein granted shall pass to the Landlord.

YIELDING AND PAYING THEREFOR, subject as hereinafter immediately set forth, during the term unto the Landlord without any deduction, set off or abatement (except as herein expressly provided for) the rental of an amount equal to:

1. For the period from the 1st day of October, A.D. 1977 to the commencement of the first lease year as herein defined, the sum of one dollar (\$1.00);
2. In the first lease year, the annual rental of one dollar (\$1.00);
3. In the second lease year, the annual rental of an amount equal to two and one half percent (2½%), and in each subsequent lease year the annual rental equal five percent (5%), of the gross income (as hereinafter more particularly defined) from the demised premises, to be paid in quarter yearly instalments within ten (10) days after the last day of each quarter of each and every lease year throughout the term hereof, together with any and all amounts hereinafter referred to as "additional rent" as by any provision hereof shall be from time to time payable by the Tenant to the Landlord and by such

provision referred to as additional rent.

PROVIDED HOWEVER that should the term of this lease extend beyond the 1st day of October, A.D. 1984 in accordance with other provisions hereof, then the annual rental to be paid by the Tenant to the Landlord shall not, for the lease year commencing October 1, 1984, and for each successive lease year thereafter, be less than the sum of Eighteen ***** thousand dollars (\$18,000).

AND THIS INDENTURE FURTHER WITNESSETH that the parties hereto mutually covenant each with the other as follows:

2. For the purpose of defining, calculating, and paying the rental hereinbefore reserved to the Landlord:

(a) The term "gross income" shall mean all income of the Tenant or any associate company or assignee due, accruing due, paid or to be paid over to the Tenant or any associate company or assignee from all rooms, apartments, and lease of space for classrooms, and all ancillary commercial establishments, shops or facilities in and upon the demised premises from which revenue is derived for the use or right of use thereof, and from whatsoever source in, or upon or related to the demised premises including any part of such rental income or other revenue in respect of facilities or space in and upon the demised premises payable by way of subsidy or directly from any Federal, Provincial or Municipal body; in the determination of gross income no deduction shall be made for uncollected or uncollectable accounts or taxes or expenses of whatever nature or kind.

(b) The term "lease year" shall mean the periods of twelve (12) months each running consecutively throughout the

term hereby created, commencing with the first lease year which shall run from the first day of the month following the date upon which any part of the demised premises is leased by the Tenant to any person, firm or corporation or government which first lease year shall commence not later than the first day of October, A.D. 1980, as hereinbefore provided;

- (c) Quarterly, on or before the tenth day after the last day of each quarter of each lease year and after the expiration or sooner termination of this lease, the Tenant shall submit to the Landlord a statement in writing signed and verified by the Tenant (but which need not be audited) setting forth the Tenant's (including any associate company or assignee) gross income for such quarter.
- (d) Within sixty (60) days after the last day of each lease year, the Tenant shall deliver to the Landlord a statement in writing signed and verified by the Tenant and certified by the auditor of the Tenant (who shall be a chartered accountant acceptable to the Landlord) setting forth with reasonable detail and particulars the Tenant's (including any associate company or assignee) gross income for such lease year and the rental payable for such lease year calculated as hereinbefore set forth.
- (e) The Tenant shall keep on the demised premises, full, true and accurate records of all rental or other business carried on by it (or any associate company or assignee) upon the demised premises from which its gross income (as hereinbefore defined) may be accurately determined, and to which the Landlord and Her officers and agents or any auditor appointed by Her shall have access to at any and all times during regular hours of business for the

purpose of examining or auditing the same without expense to the Tenant, and the Tenant shall furnish to the Landlord such statements, information and other supporting data relating to such gross income as the Landlord may reasonably require.

3. The Tenant HEREBY COVENANTS AND AGREES with the Landlord as follows:

PAYMENT OF RENT

3.1 To pay to the Landlord the rent hereby reserved including any additional rental and any and all other sums payable pursuant to any clause of this lease on the days and in the manner aforesaid without any deductions whatsoever and without prior demand therefor.

WATER RATES

3.2 To pay as promptly as the same shall become due all water and sewerage rates, charges, levies and assessments imposed by the Town of Stephenville (or other competent authority) at any time during the term hereof in respect of the demised premises.

HEATING SYSTEM

3.3 At its own expense to adequately heat the demised premises and to pay any costs incurred in putting the heating system in good and proper repair and condition prior to the commencement of the first lease year end and thereafter throughout the term hereby created.

ELECTRICAL METER INSTALLATION

3.4 To install at its own expense an electrical metering device to the satisfaction of the local power company (should there not be such a device in the building at the commencement of this lease) and to pay for all electricity consumed on the said premises and to produce

to the Landlord receipts therefor if and when required.

REPAIRS

3.5 The Tenant shall at its own expense maintain and keep in good repair and condition (both inside and outside) and promptly make all necessary repairs and replacements (structural or otherwise), including all such repairs and replacements which a prudent owner would make in and to the buildings, structures and improvements now or at any time hereafter located on the premises, including, without limitation, the roofs, foundations and appurtenances, water and sewer and gas connections, pipes and mains, and all other fixtures, machinery, facilities and equipment belonging to or commenced with the premises or used in their operation; PROVIDED THAT in the event of any structural repair, replacement or rebuilding involving a cost of more than five thousand dollars (\$5,000.00) the Tenant shall before commencing any work obtain the approval of the Landlord to the plans and specifications for such repairs, replacement or rebuilding, such approval not to be unreasonably or arbitrarily withheld.

ENTRY TO REVIEW STATE OF REPAIR

3.6 It shall be lawful for the Landlord and its agents at all reasonable times during the term to enter the premises to examine the condition thereof and of the buildings, structures, fixtures, equipment and facilities thereon and the Tenant shall, within one month of receiving notice in writing to that effect from the Landlord, make good any want of repair found by the Landlord or Her agents. In default of the Tenant carrying out such repair or replacement, the Landlord may carry it out for the account and at the expense of the Tenant and any moneys expended by the Landlord shall become due from

the Tenant to the Landlord as additional rent on the next date following the incurring of such expenses on which a regular payment is due.

ALTERATIONS

3.7 The Tenant may from time to time make any alterations and additions to the buildings and structures on the premises or demolish or replace the whole or any part of such buildings and structures; PROVIDED THAT the Tenant shall not then be in default hereunder, and PROVIDED FURTHER that if the estimated cost of such alteration, addition, or replacement shall be in excess of five thousand dollars (\$5,000.00), the Tenant shall have obtained the approval of the Landlord to the plans and specifications for the alterations, additions or replacement, which approval shall not be unreasonably withheld or delayed if such alterations, additions, or replacement will not result in the diminution of the value of the buildings or structures on the premises at the time.

AND FURTHERMORE subject to delays due to acts of God, strikes, lock-outs, unavailability of materials or labour or other causes beyond the reasonable control of the Tenant, without cost or expense to the Landlord and with due diligence, to carry out and complete the repairs and alterations to the demised premises in accordance with the plans and specifications submitted to the Landlord by the Tenant prior to commencement of any such repairs and alterations to the demised premises (which plans and specifications shall be subject to the approval of the Landlord before commencement of any works) and subject to such changes and alterations therein as may be approved by the Landlord in writing, but such approval shall not be unreasonably withheld. The

carrying out and completion of such repairs to the demised premises shall be subject to the Landlord's constant review and approval of the works and the right to stop the same if in the Landlord's opinion, the same are considered injurious to the value of the said demised premises.

Furthermore, the parties hereto agree that in carrying on such alterations or other works, all property removed from the demised premises shall remain the property of the Landlord and be delivered over to the Landlord at the demised premises or disposed of by the Tenant if the said property is deemed by the Landlord, after examination of same, to be of no use or value.

The Tenant shall cause all work done in connection with any demolition, rebuilding, change, alteration or additions of or to the buildings, structures or improvements on the premises to be done promptly and in a good and workmanlike manner and in accordance with the plans and specifications therefor approved by the Landlord and with all applicable building and zoning by-laws and with all applicable laws, orders, rules, regulations and requirements of all Federal, Provincial and Municipal Governments and agencies.

MECHANICS' LIENS

3.8 The Tenant shall pay off as and when any payments in respect thereof become due any mechanics' or similar liens that may be filed against the premises during the term of this lease and shall cause them to be discharged; PROVIDED that the Tenant may contest the validity of any such lien on giving to the Landlord such reasonable security as the Landlord shall request to ensure payment and to prevent any sale, foreclosure or forfeiture of the premises by reason of such non-payment. PROVIDED

FURTHER that upon determination of the validity of any such lien the Tenant shall immediately pay any judgement in respect thereof rendered against the Tenant or the Landlord with all proper costs and charges including costs incurred by the Landlord in connection with any such liens, and shall cause a discharge of such lien to be registered without cost to the Landlord.

TAXES AND OTHER CHARGES

3.9 The Tenant shall in every year during the term pay and discharge when due all taxes, rates, duties and assessments that may be levied, rated, charged or assessed against the premises and all buildings, structures, fixtures, affixed equipment and facilities thereon, and shall in every year during the term pay and discharge when due every tax and licence fee in respect of any business carried on therein, or in respect of the occupancy of the premises by the Tenant which shall constitute a charge upon the premises whether such taxes, rates, duties, and assessments or licence fees are charged by any municipal, parliamentary, school or other body and whether or not of a kind now existing or within the contemplation of the parties hereto and shall pay all charges for electric current, water and other rates in connection with any such business or occupancy which shall constitute a charge as aforesaid. The Tenant shall indemnify the Landlord against payment of all loss, costs, charges and expenses occasioned by or arising from every such tax, rate, duty, assessment and licence fee. In the event of nonpayment by the Tenant of any of the above taxes, rates, duties, assessments and fees as and when they become due the Landlord may pay them and the amount thereof shall be deemed to be rent and the Landlord may add such amount together with any penalties, interest, or charges in connection therewith

to the rent due for the next ensuing month as additional rent, and default in payment thereof shall constitute default in payment of rent hereunder.

COMPLIANCE WITH STATUTES

3.10 The Tenant shall, at its own expense, comply with and conform to the requirements of every applicable lawful statute, law, by-law and ordinance, and with every applicable lawful regulation or order, with respect to the removal of any encroachment, or to the condition, equipment, maintenance, use or occupation of the premises, including the making of any alteration or addition in or to any structure upon, connected with or appurtenant thereto, whether or not such alteration or addition be structural or be required on account of any particular use to which the premises, or any part thereof may be put, and whether or not such requirement, regulation or order be of a kind now existing or within the contemplation of the parties hereto.

INSURANCE

3.11 To insure and keep insured the building hereby demised against loss or damage by fire or other perils, hazards and risks such as are usually carried by persons or companies carrying on business similar to that of the Tenant in the sum of seven hundred and fifty thousand (\$750,000.00) dollars (and such other greater amounts if required as hereinafter specified) in a company approved by the Landlord with the loss payable to the Landlord, irrespective of any insurance carried by the Tenant itself for the Tenant's improvements or any other purpose; the Landlord may on thirty (30) days notice in writing to the Tenant, require the Tenant to insure the demised premises in an amount equal to the approximate replacement value (as determined by the Landlord) of the

building and other improvements comprised in or forming part of the premises, and to increase the said specified amount accordingly. If the Tenant shall neglect to insure the said building, the Landlord shall be entitled but not obligated to insure as aforesaid, and add to the rent payable hereunder the cost of so doing as additional rent. The Tenant shall deliver to the Landlord receipts for such policy or policies of insurance with all renewals thereof. And the Tenant shall forthwith on the happening of any loss or damage furnish at its own expense all necessary proofs and do all necessary acts to enable the Landlord to obtain payment of the insurance moneys.

DEFAULT OF TENANT REGARDING INSURANCE COVERAGE

3.12 To keep and observe all fire, police and health regulations and municipal by-laws and not to do or suffer or permit to be done anything whereby the insurance on the demised premises may be liable to be increased and to indemnify the Landlord for any increased or additional premiums which by reason of any act or default of the Tenant may be required for effecting or keeping up such insurance and in the event of the said premises or any part thereof being damaged or destroyed by fire or other insured peril and insurance money under any policy of insurance effected thereon being by reason of any act or default of the Tenant, wholly or partially irrecoverable, forthwith to pay to the Landlord the cost of completely rebuilding, and reinstating the same, being allowed the amount (if any) actually received in respect of such damages or destruction under any such insurance as aforesaid.

PROVIDED HOWEVER that the amount so payable under the terms of this clause shall in no event exceed the amount

of insurance required to be carried by the Tenant from time to time pursuant to Clause 3.11 hereof, including any increases over the specified amount.

LIABILITY INSURANCE AND WORKMEN'S COMPENSATION

3.13 The Tenant shall indemnify and hold harmless the Landlord from and against all liability, claims, damages or expenses due to or arising out of the act or neglect of the Tenant or its servants, employees, agents, invitees or licencees in and about the demised premises, or due to or arising out of any breach by the Tenant of any provision of this lease, and including liability for injury or damages to the person or property of the Tenant's servants, employees, agents, invitees or licencees, and the Tenant shall provide and keep in force general liability insurance in the amount of not less than five hundred thousand dollars (\$500,000.00) (and such other greater amounts if required by the Landlord on thirty days notice to the Tenant) in respect of injury to or death of one or more persons or property damage in or about the demised premises.

Before commencing any major structural alterations, additions or improvements to the demised premises as hereinbefore provided, the Tenant shall have obtained such public liability and property damage insurance indemnifying the Landlord against all claims for damage or injury to persons or property or for loss of life arising out of such alterations, additions, changes or improvements, and at its own expense, to procure and carry full workmen's compensation coverage in respect to all workmen, employees, servants and others engaged in or upon such work.

All insurance shall be without right of subrogation

against the Landlord, or with the Landlord as a named insured, and shall be effected with insurers and upon terms and conditions satisfactory to the Landlord, and shall expressly provide that the insurers shall notify the Landlord in writing at least ten (10) days prior to any alteration or cancellation thereof. The Tenant shall promptly furnish to the Landlord copies of insurance policies or other evidence satisfactory to the Landlord as to such insurance and any renewals thereof. In the event that the Tenant fails to insure as herein required or fails to promptly furnish to the Landlord satisfactory evidence of such insurance or of the renewal thereof prior to its expiration, the Landlord may from time to time effect such insurance for the benefit of the Tenant or the Landlord or both of them for a period not exceeding one (1) year, and any premium paid by the Landlord shall be recoverable from the Tenant as additional rent on demand.

ASSIGNMENT AND SUB-LETTING

3.14 The Tenant may not assign this lease or sub-let the premises without the prior written consent of the Landlord being first obtained in writing, which consent shall not be unreasonably withheld; PROVIDED HOWEVER that no such assignment or sub-letting shall in any way affect or release the liability of the Tenant hereunder, which shall continue throughout the full term of this lease.

USE OF PREMISES

3.15 Not to permit the said premises to be used for any purpose other than as a space for the Bay St. George Community College or other educational functions or educationally-related activities incidental thereto.

MANAGEMENT OF PREMISES

3.16 The Tenant shall be solely responsible for the condition

operation, maintenance and management of the premises, and the Landlord shall be under no liability for damage to the Tenant's property on the premises on any account or for any reason whatsoever.

UTILITY EASEMENTS

3.17 To permit the Landlord to enter upon the premises with or without vehicles and other machinery for the purpose of laying, maintaining in, over and on the said premises water and sewerage mains, light and power lines, or poles and other pipes and conduits relating to municipal and public services in such courses and in such manner as the Landlord may from time to time determine, and for repairing, relocating or altering the said service facilities and equipment, PROVIDED NEVERTHELESS that in exercising any of its rights under the provisions of this clause, the Landlord shall carry on the permitted works in such a way so as to cause a minimum of interference, obstruction or disruption of the normal activities and operations of the Tenant, and shall restore the premises to its condition immediately prior to the exercise of its rights hereunder.

NET LEASE

3.18 It is the intention of the parties hereto that this shall be a net lease and the rent provided to be paid to the Landlord hereunder shall be absolutely net to the Landlord, and that all costs, expenses and obligations of every kind and nature whatsoever relating to the premises shall be paid by the Tenant.

CARE OF PREMISES

3.19 During the said term to keep the said premises and lawns and grounds appurtenant thereto in a clean, sanitary and neat and tidy condition, satisfactory to the Landlord and not to deposit or permit any person to deposit outside

the building any waste materials, crates, boxes, tins, containers, or any other refuse or garbage save in the course of immediate transit from the premises to place of collection of the same.

MISCELLANEOUS

3.20 Without having first obtained the consent in writing of the Landlord, not to:

- (1) put out garbage, waste, refuse or ashes in extemporized containers but to use at all times a standard covered can;
- (2) erect any fences of any nature save with the approval of the Landlord in writing;
- (3) erect and install, attach or in any way locate on the exterior of the demised premises, radio or television antenna or aerials of any kind or description;
- (4) affix, place or erect on the demised premises any signs, advertising devices or trade emblems without first having obtained written permission of the Landlord as to both type and location of the same.

YIELDING UP PREMISES AT TERMINATION OF LEASE

3.21 The Tenant shall at the expiration, surrender or termination of the term hereof, peaceably surrender and yield up the premises to the Landlord in good and substantial repair and condition, all in accordance with the provisions for repair herein set forth, and any additional alterations or improvements made by the Tenant to the demised premises shall remain a part of the demised premises and remain the property of the Landlord upon the termination of this lease or of the Tenant's occupancy of the premises without compensation by the

Landlord therefor to the Tenant at any time either during or after the term hereby created.

4. The Landlord HEREBY COVENANTS with the Tenant as follows:

QUIET ENJOYMENT

The Landlord covenants with the Tenant that the Tenant paying the rent hereby reserved and performing the covenants herein on its part contained, shall peaceably possess and enjoy the premises for the term hereby granted without any interruption or disturbance from the Landlord or any other person or persons lawfully claiming by, from or under Her.

5. PROVIDED ALWAYS AND IT IS HEREBY EXPRESSLY AGREED AS

FOLLOWS:

5.1 Further to the provisions respecting termination of the within lease as hereinbefore set forth in Clause 1 hereof, it is expressly agreed:

- (i) If the Tenant shall be in default in the payment of rent or amounts collectable hereunder as rent, whether lawfully demanded or not, and such default shall continue for a period of fifteen (15) days after notice by the Landlord to the Tenant specifying such default and requiring the same to be remedied; or
- (ii) If the Tenant shall be in default of any of its covenants hereunder (other than its covenant to pay rent or amounts collectable hereunder as rent) and such defaults are continued for a period of thirty (30) days (or such longer period as may be reasonably necessary to cure such default considering the nature thereof, after notice by the Landlord to the Tenant specifying with reasonable particularity the nature of such

default and requiring the same to be remedied; or

- (iii) If the Tenant shall make an assignment for the benefit of creditors, or shall make an assignment or have a receiving order made against it under The Bankruptcy Act, or becoming bankrupt or insolvent shall make application for relief under the provisions of any Statute now or hereafter in force concerning bankrupt or insolvent debtors, or any action whatsoever, legislative or otherwise, shall be taken with a view to the winding up, dissolution or liquidation of the Tenant.

the then current month's rent together with the rent for the next following quarter (at a rate not less than the rental for the immediately preceding quarter of the lease year), shall immediately become due and payable, and at the option of the Landlord, the term hereby granted shall become forfeited and void, and the Landlord may without notice or any form of legal process whatsoever forthwith re-enter upon the premises or any part thereof in the name of the whole and repossess and enjoy the same as of its former estate, anything contained in any statute or law to the contrary notwithstanding; PROVIDED HOWEVER that such forfeiture shall be wholly without prejudice to the right of the Landlord to recover arrears of rent or damages for any antecedent breach of covenant on the part of the Tenant, AND PROVIDED FURTHER that notwithstanding any such forfeiture the Landlord may subsequently recover from the Tenant damages for loss of rent suffered by reason of the lease having been prematurely determined.

5.2 Notwithstanding the foregoing provisions of this para-

graph, it is agreed that if at any time during the currency of this lease the Tenant effects a mortgage of its leasehold interest in favour of a mortgagee who has given notice in writing of such mortgage to the Landlord and the Tenant makes default in the payment of the rents herein reserved or the taxes, insurance premiums or other costs and charges herein provided to be paid by the Tenant, or in the observance and performance of any of the covenants and conditions herein contained, the Landlord, before becoming entitled as against such mortgagee to exercise any of the rights and remedies herein set forth, shall give to such mortgagee notice in writing of such default, and such mortgagee shall, subject as hereinafter provided, have thirty (30) days after receipt of such notice within which to remedy such default if it shall arise by reason of default any payment of rent or amounts collectable hereunder as rent, and two months after receipt of such notice within which to remedy any other default, or if such default cannot be cured within such two month period, such mortgagee shall, subject as hereinafter provided, have such further period of time as may be reasonably required to remedy such default considering the nature thereof, including sufficient time to institute foreclosure proceedings, should the mortgagee consider such proceedings necessary, and sufficient time to carry out such proceedings to their conclusion; AND PROVIDED HOWEVER that if the default of the Tenant shall arise by reason of the events mentioned in Clause (iii) of sub-paragraph 5.1 then, so long as such mortgagee shall pay the rents herein reserved, and the taxes, insurance premiums and other costs and charges herein provided to be paid by the Tenant, and shall observe and perform the other covenants and conditions herein contained such

mortgagee shall be entitled to preserve its right and interest under its mortgage; AND PROVIDED FURTHER that the rights and privileges granted to any such mortgagee by virtue of this sub-paragraph shall not in any way be deemed to alter, affect or prejudice any of the rights and remedies howsoever available to the Landlord as against the Tenant.

- 5.3 (a) If during the term of this lease the said demised premises be destroyed by fire, lightning, tempest or other casualty or are partially destroyed so as to be wholly unfit for occupancy by the Tenant, the Tenant shall pay rent within the term only to the time of such damage or destruction and the Landlord and Tenant shall each have the right within thirty (30) days from the date of such damage or destruction to notify the other in writing that this lease is terminated and in the absence of such notice being received by the party to whom it is addressed within such time, the Tenant shall repair the same with all reasonable speed and the rent shall re-commence immediately upon such repairs being completed, and in any event the proceeds of all insurance against property damaged by fire or other cause to the premises shall be paid to the Landlord. In the case of damage to or partial destruction of the premises or any part thereof, or total destruction as aforesaid (by fire or otherwise) where the parties hereto do not elect to terminate this lease, the Tenant shall give the Landlord prompt notice thereof, and shall promptly proceed to restore the property so damaged to the same condition as prevailed immediately prior to the occurrence of such damage with such changes as may be requested by the Tenant and approved by the Landlord, such approval not to be unreasonably withheld if the changes will not

result in any diminution of the value of such property from that which prevailed immediately prior to the occurrence of such damage.

- (b) The insurance proceeds shall be applied to the cost of the work of repairing or rebuilding the property so damaged (hereinafter referred to as "the work") and shall upon request by the Tenant (but subject to the right of the Landlord to retain from such proceeds the amount permitted or required to be retained by an owner of property under The Mechanics' Lien Act or any successor thereto) be paid out from time to time to the Tenant as the work progresses. Such request by the Tenant shall be accompanied by:
- (1) a certificate of the architect or engineer in charge of the work, who shall be employed by the Tenant and approved by the Landlord, stating:
 - (a) that the sum requested is justly due to the contractor, subcontractors, material men, labourers, engineers, architects, or other persons, firms or corporations, rendering services or materials for the work, or is justly required to reimburse the Tenant for expenditures made by the Landlord in connection with the work, and when added to all sums previously paid out by the Tenant, does not exceed the value of the work done to the date of such certificate, and
 - (b) the amount estimated to be necessary to complete the work, and
 - (2) unless such proceeds are to be paid or released to the contractor in respect of the work, evidence satisfactory to the Landlord that the Tenant has heretofore paid for the services or material made the basis of such request;
- (c) Before making any such payment the Landlord shall also be furnished at the Tenant's expense with evidence that there are no lien claims with respect to the work which have been filed or of which notice has been received by

the Landlord or the Tenant. If any such claims are outstanding the Landlord may after ten (10) days notice to the Tenant pay the amounts thereof together with reasonable costs, and may cause discharges thereof to be registered, and may deduct the total sum so disbursed together with its own solicitor's costs from the insurance moneys which would otherwise be payable to the Tenant; PROVIDED THAT if the Tenant so desires it may contest any such lien claim upon the conditions set forth in paragraph 3.8 hereof and the Landlord may thereupon make such payment to the Tenant as requested.

- (d) If the insurance money in the hands of the Landlord shall be insufficient to pay the entire cost of the work, the Tenant agrees to pay the deficiency. Upon the completion of the work by the Tenant the Landlord shall, upon receipt of proof satisfactory to Her that the work has been completed in full and that there is no outstanding lien claims whether actual or potential in respect of the work, transfer to the Tenant any insurance money then remaining in the possession of the Landlord.

WAIVERS

- 5.4 No waiver by the Landlord of any breach of the Tenant of any of its obligations hereunder shall be a waiver of any subsequent breach or of any other obligation, nor shall any forbearance by the Landlord to seek a remedy for any breach by the Tenant be a waiver by the Landlord of its rights and remedies with respect to such or any subsequent breach.

ARBITRATION

- 5.5 Any dispute between the parties hereto arising out of the provisions of this lease shall be referred to arbitration in accordance with the provisions of The Judicature Act

for the Province of Newfoundland.

These presents and everything in them contained shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the Landlord has hereunto caused these presents to be executed in accordance with its statutory requirements and the Tenant has caused these presents to be executed in accordance with its Articles and Memorandum of Association.

DATED at Stephenville, in the Province of Newfoundland this

6th day of March, A.D. 1978.

THE CORPORATE SEAL of the Landlord was hereunto affixed by the Chairman (or Deputy Chairman) and the Secretary in the presence of:

Receipt Pincaway

)
)
) George H. Leonard
)
)
) Walter H. Mackey

THE CORPORATE SEAL of the Tenant was hereunto affixed and these presents executed by its authorized signing officers in the presence of:

Receipt Pincaway

)
)
) [Signature]
)
)
) [Signature]

Witness Mrs. Hornum's Signature only.
M. Hecker Ribault
as the signature of
R. L. Mackey

MASSACHUSETTS DRIVE

PAVED PARKING

PAVED DRIVEWAY

BUILDG. NO. 360

S 2 25 E (455.7)

LOT PLAN
SCALE: 1" = 50'

SEBASTIAN ALEXANDER
REGISTERED SURVEYOR
STATE OF MASSACHUSETTS
Sebastian Alexander

DWG. NO. AEL 7622-2
DATE: 17 MAY 1976

THIS INDENTURE OF LEASE made at the Town of Stephenville in the
Province of Newfoundland, this 17th day of
November, Anno Domini, One thousand nine
hundred and seventy-five.

BETWEEN:

HER MAJESTY THE QUEEN in right of
Newfoundland as represented by Harmon
Corporation, hereinafter called "the
Landlord"

of the one part

AND:

STEPHENVILLE DEVELOPMENTS LIMITED
a body corporate, incorporated under the
laws of the Province of Newfoundland, and
having its head office at the Town of
Stephenville, in the Province aforesaid,
hereinafter called "the Tenant"

of the other part

WITNESSETH AS FOLLOWS:

1. In consideration of the rents and covenants herein contained on the
part of the Tenant to be paid, performed and observed, the Landlord
HEREBY DEMISES AND LEASES (subject as hereinafter provided as to
the term) unto the Tenant ALL THAT certain piece or parcel of land
situate, lying and being at the site of the Ernest Harmon Air Force Base
at the Town of Stephenville, in the Province of Newfoundland aforesaid,
the same being more particularly shown and delineated on the attached
plan whereon it is outlined in red (which said plan is incorporated herein
by reference thereto and is deemed to be a part and parcel of these
presents), TOGETHER WITH all buildings (Building 361) and erections
thereon and appurtenances thereto, (the lands and such buildings, erections
and appurtenances being herein collectively called "the demised premises")
TO HOLD the said demised premises for a term of sixty-two (62) years
from the first day of October, A.D. 1975 to and ending on the thirtieth
day of September, A.D. 2037, or such shorter period as herein set forth.

PROVIDED HOWEVER, that the parties hereto acknowledge and agree that this lease and the term thereof is conditional upon the tenant herein having agreed to borrow funds in excess of one million dollars (\$1,000,000) from the Central Mortgage and Housing Corporation with which to carry out certain renovations, alterations and repairs necessary to rent the whole of the demised premises as rooms, apartments or housing units, and the parties hereto further agree that in the event that the Tenant cannot arrange the required financing for the aforesaid project and produce satisfactory evidence thereof on or before the first day of October, A. D. 1976, or shall not have the whole of the demised premises ready for leasing as rooms, apartments or housing units on or before the first day of October, A. D. 1977, then this lease shall terminate on the first day of October, A. D. 1976, in the event of a default in the arrangement of the necessary financing as aforesaid, or on the first day of October, A. D. 1977 in the event of a default in having the whole of the demised premises ready for leasing as rooms, apartments or housing units as aforesaid (and not on the thirtieth day of September, A. D. 2037 as earlier set forth).

YIELDING AND PAYING THEREFOR during the said term onto the Landlord without any deduction, set off or abatement (except as herein expressly provided for) the annual rental of an amount equal:

- (1) In the first lease year, to one per cent (1%),
- (2) In the second lease year, to two per cent (2%),
- (3) In the third lease year, to three per cent (3%),
- (4) In the fourth lease year, to four per cent (4%),
- (5) In the fifth lease year, and throughout the remainder of the lease years in the term granted herein, to five per cent (5%),

of the gross income (as hereinafter more particularly defined) from:

the demised premises, to be paid in quarter yearly instalments within ten (10) days after the last day of each quarter of each and every lease year throughout the term hereof, together with any and all amounts hereinafter referred to as "additional rent" as by any provision hereof shall be from time to time payable by the Tenant to the Landlord and by such provision referred to as additional rent.

AND THIS INDENTURE FURTHER WITNESSETH that the parties hereto mutually covenant and agree each with the other as follows:

2. For the purpose of defining, calculating, and paying the rental hereinbefore reserved to the Landlord:

- (a) The term "gross income" shall mean the gross income of the Tenant due, accruing due or paid over from all rooms, apartments, housing units, and all ancillary commercial establishments, shops or facilities by which revenue is derived, in and upon the demised premises including any part of such rental income or other revenue from any rooms, apartments, housing units or other said facilities payable by way of subsidy from any Federal, Provincial or Municipal body; in the determination of gross income no deduction shall be made for uncollected or uncollectable accounts, or taxes or expenses of whatever nature or kind.
- (b) The term "lease year" shall mean the periods of twelve (12) months each running consecutively throughout the term hereby created, commencing with the first lease year which shall run from the first day of the month following the date upon which any part of the demised premises is leased by the Tenant to any person, which first lease year shall commence not later than the first day of October, A.D. 1977, as hereinbefore provided.

- (c) Quarterly, on or before the tenth day after the last day of each quarter of each lease year and after the expiration or sooner termination of this lease, the Tenant shall submit to the Landlord a statement in writing signed and verified by the Tenant (but which need not be audited) setting forth the Tenant's gross income for such quarter.
- (d) Within sixty (60) days after the last day of each lease year, the Tenant shall deliver to the Landlord a statement in writing signed and verified by the Tenant and certified by the auditor of the Tenant (who shall be a chartered accountant acceptable to the Landlord) setting forth with reasonable detail and particulars the Tenant's gross income for such lease year and the rental payable for such lease year calculated as hereinbefore set forth.
- (e) The Tenant shall keep on the demised premises, full, true, and accurate records of all rental business carried on by it upon the demised premises from which its gross income may be accurately determined, and to which the Landlord and Her officers and agents or any auditor appointed by Her shall have access to at any and all times during regular hours of business for the purpose of examining or auditing the same without expense to the Tenant, and the Tenant shall furnish to the Landlord such statements, information and other supporting data relating to such gross income as the Landlord may reasonably require.

3. The Tenant HEREBY COVENANTS AND AGREES with the Landlord as follows:

PAYMENT OF RENT

3.1 To pay to the Landlord the rent hereby reserved including

any additional rental and any and all other sums payable pursuant to any clause of this lease on the days and in the manner aforesaid without any deductions whatsoever and without prior demand therefore.

WATER RATES

3.2 To pay as promptly as the same become due all water and sewerage rates, charges, levies and assessments imposed by the Town of Stephenville (or other competent authority) at any time during the term hereof in respect of the demised premises.

HEATING SYSTEM

3.3 At its own expense to adequately heat the demised premises and to pay any costs incurred in putting the heating system in good and proper repair and condition prior to the commencement of the first lease year end and thereafter throughout the term hereby created.

ELECTRICAL METER INSTALLATION

3.4 To install at its own expense an electrical metering device to the satisfaction of the local Power Company (should there not be such a device in the building at the commencement of this lease) and to pay for all electricity consumed on the said premises and to produce to the Landlord receipts therefor if and when required.

REPAIRS

3.5 The Tenant shall at its own expense maintain and keep in good repair and condition (both inside and outside) and promptly make all necessary repairs and replacements (structural or otherwise), including all such repairs and replacements which a prudent owner would make in and to the

buildings, structures and improvements now or at any time hereafter located on the premises, including, without limitation, the roofs, foundations and appurtenances, water, sewer and gas connections, pipes and mains, and all other fixtures, machinery, facilities and equipment belonging to or connected with the premises or used in their operation; PROVIDED THAT in the event of any structural repair, replacement or rebuilding involving a cost of more than five thousand dollars (\$5,000.00) the Tenant shall before commencing any work obtain the approval of the Landlord to the plans and specifications for such repairs, replacement or rebuilding.

ENTRY TO REVIEW STATE OF REPAIR

3.6 It shall be lawful for the Landlord and its agents at all reasonable times during the term to enter the premises to examine the condition thereof and of the buildings, structures, fixtures, equipment and facilities thereon and the Tenant shall, within one month of receiving notice in writing to that effect from the Landlord, make good any want of repair found by the Landlord or its agents. In default of the Tenant carrying out such repair or replacement, the Landlord may carry it out for the account and at the expense of the Tenant and any moneys expended by the Landlord shall become due from the Tenant to the Landlord as additional rent on the next date following the incurring of such expenses on which a regular payment is due.

ALTERATIONS

3.7 The Tenant may from time to time make any alterations and additions to the buildings and structures on the premises

or demolish or replace the whole or any part of such buildings and structures; PROVIDED THAT the Tenant shall not then be in default hereunder, and PROVIDED FURTHER that if the estimated cost of such alteration, addition, or replacement shall be in excess of five thousand dollars (\$5,000.00), the Tenant shall have obtained the approval of the Landlord to the plans and specifications for the alterations, additions or replacement, which approval shall not be unreasonably withheld or delayed if such alterations, additions, or replacement will not result in the diminution of the value of the buildings or structures on the premises at the time.

AND FURTHERMORE subject to delays due to acts of God, strikes, lock-outs, unavailability of materials or labour or other causes beyond the reasonable control of the Tenant, without cost or expense to the Landlord and with due diligence, to carry out and complete the repairs and alterations to the demised premises in accordance with the plans and specifications submitted to the Landlord by the Tenant prior to commencement of any such repairs and alterations to the demised premises (which plans and specifications shall be subject to the approval of the Landlord before commencement of any works) and subject to such changes and alterations therein as may be approved by the Landlord in writing, but such approval shall not be unreasonably withheld. The carrying out and completion of such repairs to the demised premises shall be subject to the Landlord's constant review and approval of the works and the right to stop the same if in the Landlord's opinion, the same are considered injurious to the value of the said demised premises.

Furthermore, the parties hereto agree that in carrying on such alterations or other works, all property removed from the demised premises shall remain the property of the Landlord and be delivered over to the Landlord at the demised premises or disposed of by the Tenant if the said property is deemed by the Landlord, after examination of same, to be of no use or value.

The Tenant shall cause all work done in connection with any demolition, rebuilding, change, alteration or additions of or to the buildings, structures or improvements on the premises to be done promptly and in a good and workmanlike manner and in accordance with the plans and specifications therefor approved by the Landlord and with all applicable building and zoning by-laws and with all applicable laws, orders, rules, regulations and requirements of all Federal, Provincial and Municipal Governments and agencies.

MECHANICS' LIENS

3.8 The Tenant shall pay off as and when any payments in respect thereof become due any mechanics' or similar liens that may be filed against the premises during the term of this lease and shall cause them to be discharged; PROVIDED that the Tenant may contest the validity of any such lien on giving to the Landlord such reasonable security as the Landlord shall request to ensure payment and to prevent any sale, foreclosure or forfeiture of the premises by reason of such non-payment. PROVIDED FURTHER that upon determination of the validity of any such lien the Tenant shall immediately pay any judgment in respect thereof rendered against the Tenant or the Landlord with all proper costs and charges including costs incurred by the Landlord in connection with any such liens, and shall cause a

discharge of such lien to be registered without cost to the Landlord.

TAXES AND OTHER CHARGES

3.9 The Tenant shall in every year during the term pay and discharge when due all taxes, rates, duties and assessments that may be levied, rated, charged or assessed against the premises and all buildings, structures, fixtures, affixed equipment and facilities thereon, and shall in every year during the term pay and discharge when due every tax and licence fee in respect of any business carried on therein, or in respect of the occupancy of the premises by the Tenant which shall constitute a charge upon the premises whether such taxes, rates, duties, and assessments or licence fees are charged by any municipal, parliamentary, school or other body and whether or not of a kind now existing or within the contemplation of the parties hereto and shall pay all charges for electric current, water and other rates in connection with any such business or occupancy which shall constitute a charge as aforesaid. The Tenant shall indemnify the Landlord against payment of all loss, costs, charges and expenses occasioned by or arising from every such tax, rate, duty, assessment and licence fee. In the event of nonpayment by the Tenant of any of the above taxes, rates, duties, assessments and fees as and when they become due the Landlord may pay them and the amount thereof shall be deemed to be rent and the Landlord may add such amount together with any penalties, interest, or charges in connection therewith to the rent due for the next ensuing month as additional rent, and default in payment thereof shall constitute

default in payment of rent hereunder.

COMPLIANCE WITH STATUTES

3.10 The Tenant shall, at its own expense, comply with and conform to the requirements of every applicable lawful statute, law, by-law and ordinance, and with every applicable lawful regulation or order, with respect to the removal of any encroachment, or to the condition, equipment, maintenance, use or occupation of the premises, including the making of any alteration or addition in or to any structure upon, connected with or appurtenant thereto, whether or not such alteration or addition be structural or be required on account of any particular use to which the premises, or any part thereof may be put, and whether or not such requirement, regulation or order be of a kind now existing or within the contemplation of the parties hereto.

INSURANCE

3.11 To insure and keep insured the building hereby demised against loss or damage by fire or other perils, hazards and risks such as are usually carried by persons or companies carrying on business similar to that of the Tenant in the sum of one million dollars (\$1,000,000.00) (and such other greater amounts if required as hereinafter specified) in a company approved by the Landlord with the loss payable to the Landlord, irrespective of any insurance carried by the Tenant itself for tenant's improvements or any other purpose; the Landlord may on thirty (30) days notice in writing to the Tenant, require the Tenant to insure the demised premises in an amount equal to the approximate replacement value (as determined by the Landlord) of the building and other

improvements comprised in or forming part of the premises, and to increase the said specified amount accordingly. If the Tenant shall neglect to insure the said building, the Landlord shall be entitled but not obligated to insure the aforesaid, and add to the rent payable hereunder the cost of so doing as additional rent. The Tenant shall deliver to the Landlord receipts for such policy or policies of insurance with all renewals thereof. And the Tenant shall forthwith on the happening of any loss or damage furnish at its own expense all necessary proofs and do all necessary acts to enable the Landlord to obtain payment of the insurance moneys.

DEFAULT OF TENANT REGARDING INSURANCE COVERAGE

3.12 To keep and observe all fire, police and health regulations and municipal by-laws and not to do or suffer or permit to be done anything whereby the insurance on the demised premises may be liable to be increased and to indemnify the Landlord for any increased or additional premiums which by reason of any act or default of the Tenant may be required for effecting or keeping up such insurance and in the event of the said premises or any part thereof being damaged or destroyed by fire or other insured peril and insurance money under any policy of insurance effected thereon being by reason of any act or default of the Tenant, wholly or partially irrecoverable, forthwith to pay to the Landlord the costs of completely rebuilding, and reinstating the same, being allowed the amount (if any) actually received in respect of such damages or destruction under any such insurance as aforesaid.

PROVIDED HOWEVER that the amount so payable under the

terms of this clause shall in no event exceed the amount of insurance required to be carried by the Tenant from time to time pursuant to Clause 3.11 hereof, including any increases over the specified amount.

LIABILITY INSURANCE AND WORKMEN'S COMPENSATION

3.13 The Tenant shall indemnify and hold harmless the Landlord from and against all liability, claims, damages or expenses due to or arising out of the act or neglect of the Tenant or its servants, employees, agents, invitees or licensees in and about the demised premises, or due to or arising out of any breach by the Tenant of any provision of this lease, and including liability for injury or damages to the person or property of the Tenant's servants, employees, agents, invitees or licensees, and the Tenant shall provide and keep in force general liability insurance in the amount of not less than five hundred thousand dollars (\$500,000.00) (and such other greater amounts if required by the Landlord on thirty days notice to the Tenant) in respect of injury to or death of one or more persons or property damage in or about the demised premises.

Before commencing any major structural alterations, additions or improvements to the demised premises as hereinbefore provided, the Tenant shall have obtained such public liability and property damage insurance indemnifying the Landlord against all claims for damage or injury to persons or property or for loss of life arising out of such alterations, additions, changes or improvements, and at its own expense, to procure and carry full workmen's compensation coverage in respect to all workmen, employees, servants and others engaged in or upon such work.

All insurance shall be without right of subrogation against the Landlord, or with the Landlord as a named insured, and shall be effected with insurers and upon terms and conditions satisfactory to the Landlord, and shall expressly provide that the insurers shall notify the Landlord in writing at least ten (10) days prior to any alteration or cancellation thereof. The Tenant shall promptly furnish to the Landlord copies of insurance policies or other evidence satisfactory to the Landlord as to such insurance and any renewals thereof. In the event that the Tenant fails to insure as herein required or fails to promptly furnish to the Landlord satisfactory evidence of such insurance or of the renewal thereof prior to its expiration, the Landlord may from time to time effect such insurance for the benefit of the Tenant or the Landlord or both of them for a period not exceeding one (1) year, and any premium paid by the Landlord shall be recoverable from the Tenant as additional rent on demand.

ASSIGNMENT AND SUB-LETTING

3.14 The Tenant may not assign this lease or sub-let the premises without the prior written consent of the Landlord being first obtained in writing, which consent shall not be unreasonably withheld; PROVIDED HOWEVER that no such assignment or sub-letting shall in any way affect or release the liability of the Tenant hereunder, which shall continue throughout the full term of this lease: PROVIDED FURTHER that the Tenant may effect the normal subleasing of apartment units, garages, parking spaces, and chattel equipment all as contained in the buildings and appurtenances located on the lands herein described in its normal course of operation without obtaining

the prior written consent of the Landlord.

USE OF PREMISES

3.15 Not to permit the said premises to be used for any purpose other than as an apartment building or for residential use or any other business operation or activity in connection therewith or incidental thereto, or such other business or businesses, operations and activities to which the Landlord may grant Her consent in writing.

MANAGEMENT OF PREMISES

3.16 The Tenant shall be solely responsible for the condition, operation, maintenance and management of the premises, and the Landlord shall be under no liability for damage to the Tenant's property on the premises on any account or for any reason whatsoever.

UTILITY EASEMENTS

3.17 To permit the Landlord to enter upon the premises with or without vehicles and other machinery for the purpose of laying, maintaining in, over and on the said premises water and sewerage mains, light and power lines, or poles and other pipes and conduits relating to municipal and public services in such courses and in such manner as the Landlord may from time to time determine, and for repairing, relocating or altering the said service facilities and equipment, PROVIDED NEVERTHELESS that in exercising any of its rights under the provisions of this clause, the Landlord shall carry on the permitted works in such a way so as to cause a minimum of interference, obstruction or disruption of the normal activities and operations of the Tenant, and shall restore the premises to its condition immediately prior to the exercise of its rights

hereunder.

NET LEASE

3.18 It is the intention of the parties hereto that this shall be a net lease and the rent provided to be paid to the Landlord hereunder shall be absolutely net to the Landlord, and that all costs, expenses and obligations of every kind and nature whatsoever relating to the premises shall be paid by the Tenant.

CARE OF PREMISES

3.19 During the said term to keep the said premises and lawns and grounds appurtenant thereto in a clean, sanitary, neat and tidy condition, satisfactory to the Landlord and not to deposit or permit any person to deposit outside the building any waste materials, crates, boxes, tins, containers, or any other refuse or garbage save in the course of immediate transit from the premises to place of collection of the same.

MISCELLANEOUS

3.20 Without having first obtained the consent in writing of the Landlord, not to:

- (1) put out garbage, waste, refuse or ashed in extemporized containers but to use at all times a standard covered can;
- (2) erect any fences of any nature save with the approval of the Landlord in writing;
- (3) erect and install, attach or in any way locate on the exterior of the demised premises, radio or television antenna or aerials of any kind or description;
- (4) affix, place or erect on the demised premises any signs, advertising devices or trade emblems without having first

obtained written permission of the Landlord as to both type and location of the same.

YIELDING UP PREMISES AT TERMINATION OF LEASE

3.21 The Tenant shall at the expiration, surrender or termination of the term hereof, peaceably surrender and yield up the premises to the Landlord in good and substantial repair and condition, all in accordance with the provisions for repair herein set forth, and any additions, alterations or improvements made by the Tenant to the demised premises shall remain a part of the demised premises and remain the property of the Landlord upon the termination of this lease or of the Tenant's occupancy of the premises without compensation by the Landlord therefor to the Tenant, and shall not be removed from the premises by the Tenant at any time either during or after the term hereby created.

4. The Landlord HEREBY COVENANTS with the Tenant as follows:

QUIET ENJOYMENT

The Landlord covenants with the Tenant that the Tenant, paying the rent hereby reserved and performing the covenants herein on his part contained, shall peaceably possess and enjoy the premises for the term hereby granted without any interruption or disturbance from the Landlord or any other person or persons lawfully claiming by, from or under Her.

5. PROVIDED ALWAYS AND IT IS HEREBY EXPRESSLY AGREED AS FOLLOWS:

5.1 It is expressly agreed that:

(i) If the Tenant shall be in default in the payment of rent

or amounts collectable hereunder as rent, whether lawfully demanded or not, and such default shall continue for a period of fifteen (15) days after notice by the Landlord to the Tenant specifying such default and requiring the same to be remedied; or

- (ii) If the Tenant shall be in default of any of its covenants hereunder (other than its covenant to pay rent or amounts collectable hereunder as rent) and such defaults are continued for a period of thirty (30) days (or such longer period as may be reasonably necessary to cure such default considering the nature thereof (after notice by the Landlord to the Tenant specifying with reasonable particularity the nature of such default and requiring the same to be remedied; or

- (iii) If the Tenant shall make an assignment for the benefit of creditors, or shall make an assignment or have a receiving order made against it under The Bankruptcy Act, or becoming bankrupt or insolvent shall make application for relief under the provisions of any Statute now or hereafter in force concerning bankrupt or insolvent debtors, or any action whatsoever, legislative or otherwise, shall be taken with a view to the winding up, dissolution or liquidation of the Tenant,

the then current month's rent together with the rent for the next following quarter (at a rate not less than the rental for the immediately preceding quarter of the lease year), shall immediately become due and payable, and at the option of the Landlord, the term hereby granted shall become forfeited

and void, and the Landlord may without notice or any form of legal process whatsoever forthwith re-enter upon the premises or any part thereof in the name of the whole and repossess and enjoy the same as of its former estate, anything contained in any statute or law to the contrary notwithstanding; PROVIDED HOWEVER that such forfeiture shall be wholly without prejudice to the right of the Landlord to recover arrears or rent or damages for any antecedent breach of covenant on the part of the Tenant, AND PROVIDED FURTHER that notwithstanding any such forfeiture the Landlord may subsequently recover from the Tenant damages for loss of rent suffered by reason of the lease having been prematurely determined.

- 5.2 Notwithstanding the foregoing provisions of this paragraph, it is agreed that if at any time during the currency of this lease the Tenant effects a mortgage of its leasehold interest in favour of a mortgagee who has given notice in writing of such mortgage to the Landlord and the Tenant makes default in the payment of the rents herein reserved or the taxes, insurance premiums or other costs and charges herein provided to be paid by the Tenant, or in the observance and performance of any of the covenants and conditions herein contained, the Landlord, before becoming entitled as against such mortgagee to exercise any of the rights and remedies herein set forth, shall give to such mortgagee notice in writing of such default, and such mortgagee shall, subject as hereinafter provided, have fifteen (15) days after receipt of such notice within which to remedy such default if it shall arise by reason of default any payment of rent or amounts collectable hereunder as rent,

and one month after receipt of such notice within which to remedy any other default, or if such default cannot be cured within such one month period, such mortgagee shall, subject as hereinafter provided, have such further period of time as may be reasonably required to remedy such default considering the nature thereof; PROVIDED HOWEVER that if the default of the Tenant shall arise by reason of the events mentioned in Clause (iii) of sub-paragraph 5.1 then, so long as such mortgagee shall pay the rents herein reserved, and the taxes, insurance premiums and other costs and charges herein provided to be paid by the Tenant, and shall observe and perform the other covenants and conditions herein contained such mortgagee shall be entitled to preserve its right and interest under its mortgage; AND PROVIDED FURTHER that the rights and privileges granted to any such mortgagee by virtue of this sub-paragraph shall not in any way be deemed to alter, affect or prejudice any of the rights and remedies howsoever available to the Landlord as against the Tenant.

- 5.3 (a) If during the term of this lease the said demised premises be destroyed by fire, lightning, tempest or other casualty or are partially destroyed so as to be wholly unfit for occupancy by the Tenant, the Tenant shall pay rent within the term only to the time of such damage or destruction and the Landlord and the Tenant shall each have the right within thirty (30) days from the date of such damage or destruction to notify the other in writing that this lease is terminated and in the absence of such notice being received by the party to whom it is addressed within such time, the Tenant shall repair the same

with all reasonable speed and the rent shall re-commence immediately upon such repairs being completed, and in any event the proceeds of all insurance against property damaged by fire or other cause to the premises shall be paid to the Landlord. In the case of damage to or partial destruction of the premises or any part thereof, or total destruction as aforesaid (by fire or otherwise) where the parties hereto do not elect to terminate this lease, the Tenant shall give the Landlord prompt notice thereof, and shall promptly proceed to restore the property so damaged to the same condition as prevailed immediately prior to the occurrence of such damage with such changes as may be requested by the Tenant and approved by the Landlord, such approval not to be unreasonably withheld if the changes will not result in any diminution of the value of such property from that which prevailed immediately to the occurrence of such damage.

- (b) The insurance proceeds shall be applied to the cost of the work of repairing or rebuilding the property so damaged (hereinafter referred to as "the work") and shall upon request by the Tenant (but subject to the right of the Landlord to retain from such proceeds the amount permitted or required to be retained by an owner of property under the Mechanics' Lien Act or any successor thereto) be paid out from time to time to the Tenant as the work progresses. Such request by the tenant shall be accompanied by:

- (1) a certificate of the architect or engineer in charge of the work, who shall be employed by the tenant and approved by the Landlord, stating:
 - (a) that the sum requested is justly due to the contractor, subcontractors, material men, labourers, engineers, architects, or other persons, firms or corporations, rendering services or materials for the work, or is justly required to reimburse the Tenant for expenditures

made by the Landlord in connection with the work, and when added to all sums previously paid out by the Tenant, does not exceed the value of the work done to the date of such certificate, and

(b) the amount estimated to be necessary to complete the work, and

(2) unless such proceeds are to be paid or released to the contractor in respect of the work, evidence satisfactory to the Landlord that the Tenant has theretofore paid for the services or material made the basis of such request;

(c) Before making any such payment the Landlord shall also be furnished at the Tenant's expense with evidence that there are no lien claims with respect to the work which have been filed or of which notice has been received by the Landlord or the Tenant. If any such claims are outstanding the Landlord may after ten (10) days notice to the Tenant pay the amounts thereof together with reasonable costs, and may cause discharges thereof to be registered, and may deduct the total sum so disbursed together with its own solicitor's costs from the insurance moneys which would otherwise be payable to the Tenant; PROVIDED that if the Tenant so desires it may contest any such lien claim upon the conditions set forth in paragraph 3.8 hereof and the Landlord may thereupon make such payment to the Tenant as requested.

(d) If the insurance money in the hands of the Landlord shall be insufficient to pay the entire cost of the work, the Tenant agrees to pay the deficiency. Upon the completion of the work by the Tenant the Landlord shall, upon receipt of proof satisfactory to Her that the work has been completed in full and that there is no outstanding lien claims whether actual or potential in respect of the work, transfer to the Tenant

any insurance money then remaining in the possession of the Landlord.

WAIVERS

5.4 No waiver by the Landlord of any breach of the Tenant or any of its obligations hereunder shall be a waiver of any subsequent breach or of any other obligation, nor shall any forbearance by the Landlord to seek a remedy for any breach by the Tenant be a waiver by the Landlord of its rights and remedies with respect to such or any subsequent breach.

5.5 ARBITRATION

Any dispute between the parties hereto arising out of the provisions of this lease shall be referred to arbitration in accordance with the provisions of The Judicature Act for the Province of Newfoundland.

5.6 CHANGES IN LEASE

The parties hereto acknowledge and agree that the Landlord is at the date of execution hereof engaged in obtaining advice concerning the insurance coverage and related matters for the demised premises, and agree that the amounts set out in 3.11, 3.12, and 3.13 of this lease, and the substance of Clause 5.3 concerning damage to or destruction of the premises by fire or other causes, may be changed by the Landlord in accordance with advice received by the Landlord from its insurance advisors.

These presents and every thing in them contained shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the Landlord has hereunto caused these presents to be executed in accordance with its statutory requirements and the Tenant has caused these presents to be executed in accordance with its Articles and Memorandum of Association on the day and year first before written.

THE CORPORATE SEAL of the)
Landlord was hereunto affixed)
by the Chairman (or Deputy)
Chairman) and the Secretary in)
the presence of:)

[Signature])
_____)

[Signature]

THE CORPORATE SEAL of the)
Tenant was hereunto affixed and)
these presents executed by its)
authorized signing officers)
in the presence of:)

[Signature])
[Signature])
[Signature])
[Signature])
[Signature])
[Signature])
[Signature])

[Signature]

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX SS

I CERTIFY that on this 10th day of November, A.D. 1975 Roland Mersey, one of the proper officers of Stephenville Developments Limited, signed and executed the said Indenture in my presence and I have signed as a witness to such execution.

[Signature]
A. Commissioner of the Supreme
Court of Nova Scotia