

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
3:00 P.M. - 6:00 P.M.  
Monday, May 26, 1980

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

STATEMENTS BY MINISTERS

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

MR. C. POWER: Mr. Speaker, I would like  
to make a very short announcement just to inform the  
House that since we met on Friday when I made an  
announcement that we had sent one of our Canso water-  
bombers to Manitoba, on Friday afternoon we received  
an urgent request from the Province of Ontario because  
of the tragic fire situations they had. On Friday  
afternoon we immediately released one of our Canso  
waterbombers to the Province of Ontario. Based  
primarily on the fact that the local forest fire  
hazard was low in this Province and that we were  
adequately covered by the five remaining aircraft,  
we took the necessary steps to dispatch a Canso water-  
bomber to Ontario.

And it should be pointed  
out, Mr. Speaker, that Ontario came to our call in  
1967 when we had a very tragic situation developing  
in Labrador relating to a forest fire situation when  
they sent two waterbombers to us. And we are just glad  
that the fire situation in Newfoundland is sufficient  
that we were able to send a waterbomber to Ontario.

MR. SPEAKER: The hon. the member for the  
Strait of Belle Isle.

MR. E. ROBERTS: Well, Mr. Speaker, we for our part would welcome the government's action as enunciated by the minister in his statement. I think he really said it all in the last two or three sentences of his statement when he said first of all that we are in a position fortunately where at this stage we do not need the waterbombers in Newfoundland on anything like the same degree of urgency as the Government of Ontario do. And if we do need them obviously they can be recalled at short notice and I assume that is part of the deal. He also said, and it is well it is so, that number of years past, when we in this Province were facing the kind of problem that they are now facing in the Provinces of Ontario and Saskatchewan, and I gather Alberta and British Columbia as well, that they responded by letting us have use of their facilities.

So, you know, that is just one of the strengths of Confederation and I am glad the government have responded as they have. And as far as we are concerned as long as the needs of this Province are adequately protected let us do every we can to help our sister provinces in this problem.

MR. S. NEARY: And we hope this weather is going to last at least two weeks.

MR. E. ROBERTS: Yes, the weather is federal anyway.

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

MR. C. BRETT: Mr. Speaker, Transport Canada will this Summer be installing a new Instrument Landing System facility on runway 17 at the St. John's Airport. To permit this ILS installation, Transport Canada intends to shut-down the existing Precision Approach Radar System effective early June 1980.

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Tape No. 1786

DW - 3

MR. C. BRETT:

As a result of the PAR shut-down, St. John's Airport will have only one landing aid available for the next five months, this being the Instrument Landing System on runway 29. This means that St. John's Airport will be severely handicapped for several months for all bad

MR. BRETT: weather operations other than when runway 29 is a required landing surface.

My department staff will be discussing this matter with Transport Canada officials with the hope of ensuring that the existing Precision Approach Radar system remains functioning while the new Instrumental Landing System is being installed on runway 17.

It is brief, Mr. Speaker, but that pretty well - it is a brief statement but these are the facts. The old system is coming out, the new system is going in. We are going to ask them to keep the old system functioning all the while if they can; if not, as long as possible.

MR. SPEAKER (Simms): The hon. member for the Strait of Belle Isle.

MR. NEARY: (Inaudible) a PC district.

MR. ROBERTS: Mr. Speaker, in the absence of my colleague, the member for St. Barbe (Mr. Bennett), I will say a word or two and I want to begin by saying how crushed we were when the minister got up to make his statement and it was not the road statement that we have been expecting hourly for days now.

MR. NEARY: He just contradicted Crosbie by the way.

MR. ROBERTS: Yes. I think it is worthy of note that the minister's statement, as my friend from LaPoile (Mr. Neary) points out, of course, is in complete contradiction of the statements made on the weekend by the member for St. John's West, the hon. Mr. Crosbie. But then again, I would say to my friend from LaPoile, that this government and the hon. Mr. Crosbie frequently and flagrantly contradict each other. I simply want to say that obviously everybody welcomes the news that the government are taking some steps to protect the public interest. The thousands of people who will use the facilities at Torbay Airport this Summer would obviously be concerned to ensure that adequate safety measures are in place and obviously anything that the government can do to ensure that the Government of Canada do their job should be done.

I think it is a very commendable thing that this government are helping the Ministry of Transport and the Government of

MR. ROBERTS: Canada in this way. I have no doubt the Ministry of Transport will be equally grateful for the opportunity to help the minister carry out his functions from time to time and I have no doubt he can expect to hear more of that in the weeks ahead now that the pattern and the precedent have been set.

MR. SPEAKER (Simms): Any further statements?

ORAL QUESTIONS:

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, really the minister I wanted to ask the question of is not in the House, so I will have to change my question to another minister who has been baiting us outside the House, and that is the Minister of Finance (Dr. Collins). In connection with the Come By Chance oil refinery, would the minister care to make his statement now that he gave us a preview of what he was going to make in the Daily News. What did Petrocan find out about the oil refinery? Is it in good condition? Is it operative? Can it be whipped into operation in a short time? What did they find out? Would the minister care to give us a report?

May 26, 1980

Tape No. 1788

AH-1

MR. SPEAKER (Simms):

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, I am awaiting a report from the co-ordinating committee which was set up between the provincial government and Petro-Canada. I have had some preliminary words from the committee that they have met with officials of Petro-Canada and at that meeting there was also, I understand, some of the inspection team and the preliminary report is that the inspection team is encouraged by what they have found. I do not wish to go any further than that because as I say I am awaiting the report and I do not want to anticipate what the wording of the report will be. But I think the meaning of the interim word was that the refinery is in as least as good a shape as we had been lead to believe all along.

MR. NEARY:

A supplementary.

MR. SPEAKER:

A supplementary. The hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, well I will not press the hon. gentleman on that matter. We will get a report I presume in due course, within a day or two. How long will it take to get the report? And would the hon. gentleman indicate if he is now encouraged by - well, not only encouraged by the report, but is he encouraged that Petrocan now is interested in the oil refinery and may take it over and operate it as a going concern? Does the gentleman have any indication that that might happen?

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, when the co-ordinating committee receives its report it will be reporting to government. In the first instance it will be reporting to me and to the President of the Council, who are a small committee of Cabinet appointed by the Premier quite a number of months ago now, almost a year ago as a matter of fact, to keep a watching brief on this situation. So the co-ordinating committee will be reporting to us in the first instance and of course we will pass that on to the Cabinet generally and it will be up to Cabinet then to decide what happens to the report after that. At the same time, of course, Petro-Canada





MR. S. NEARY: Mr. Speaker, that is not what the Chairman of Petrocan has been saying all along; he says there was a 30 per cent chance that even if it was in tiptop condition that they may go ahead, but the indication that I have now is that they are not going to go ahead with the purchase and to operate the oil refinery as a going concern. And I have read various and sundry reports in magazines recently.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. S. NEARY: My question to the hon. gentleman is this, that if Petrocan, after they receive the report, if they are not prepared to take over the oil refinery and operate it as a going concern, will the government then go back to the only realistic proposal that they had before them, which is the Shaheen proposal? Why will they not deal with Mr. Shaheen, who apparently is the only one - I mean, what does the government have to lose? They were talking about scrapping before this report came in. What do they have to lose? If Petrocan, if the deal peters out, will they then go back to the only proposal that is on the table now and that is the Shaheen proposal?

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

DR. J. COLLINS: Mr. Speaker, I am sure the hon. member does not expect me to respond to a hypothetical question, and that is a very hypothetical question. We have no information at this point in time what Petrocan's intentions are, but we know that they entered into this thing in a very sincere manner. They have set about a certain mechanism to decide what they are going to do. That mechanism seems to be in place and I have no doubt that Petro-Canada will proceed in a very logical and sensible way.

With regard to Mr. Shaheen, this government has always taken the position that if any feasible proposal is put up we will look at it, but that the proposal would have to go through the receiver.

DR. J. COLLINS:

This was an arrangement made with ECGD who are the first mortgagees - and they would have the major say in the matter - that any proposal that came in would have to be assessed by the receiver and then the receiver would pass that proposal on to ECGD and also to us as the second mortgagee. We have never received from the receiver a feasible proposal from Mr. Shahsen, but if one presumably had been received by the receiver, we would have been informed about that and we were not so informed.

MR. SPEAKER (Simms):

The hon. the member for Grand Bank.

MR. L. THOMS:

Thank you, Mr. Speaker.

I have a question I would like to direct to the Minister of Justice (Mr. G. Ottenheimer). I was wondering if the Minister of Justice would confirm one way or the other whether or not the regulations to the Constabulary Act were changed prior to the appointment of Mr. Coady to the police force or after Mr. Coady's appointment to the police force?

MR. SPEAKER (SIMMS):

The hon. Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, I can certainly reply to that.

And let me say in general, because obviously the crux of the matter, no doubt, the hon. member is referring to allegations made that the appointment was not legal, and I can give him total assurance that the appointment is legal.

MR. THOMS:

Was it?

MR. OTTENHEIMER:

The hon. gentleman wishes to hear the answer, presumably? To give more specific information, the amendments on the regulations were passed by Cabinet on May 15th; approved by the Lieutenant-Governor in Council, May 22nd; are being gazetted today; the appointment becomes effective on June 1st, as the hon. member will recall from my statement, because the appointment is to fill a vacancy which will occur after the last day of May when Assistant Chief LeDrew retires.

Perhaps I will point out to the hon. gentleman as well, and to hon. members, that the draft, new Constabulary regulations, including this, were given to the Brotherhood for their comments on March 26th. This, of course, was done as a matter of courtesy, there is no legal requirement to do so, and that draft contains the same provisions with respect to senior management as is contained in the amendment. It was a draft of that regulation and apart from, you know, the verbal or statements to the press of some days ago, we have not received comments from the Brotherhood and heard nothing from them from March 26th until shortly after my announcement when there were verbal reports, you know, to the press. But, specifically, as I said at the very beginning in terms of the Constabulary Act, in terms of the regulations, in terms of the collective agreement, the matter is totally legal.

MR. THOMS:

Supplementary, Mr. Speaker.

MR. SPEAKER:

Supplementary, the hon. member for Grand Bank.

MR. THOMS:

Mr. Speaker, the Police Brotherhood has asked that the regulations be now amended so that senior appointments within the Royal Newfoundland Constabulary would be made from the Royal Newfoundland Constabulary. Would the minister indicate whether or not his department is giving sympathetic consideration to this request by the Police Brotherhood?

MR. SPEAKER (Simms):

The hon. the Minister of Justice.

MR. G. OTTENHEIMER:

Mr. Speaker, as I indicated in the House last week, the general practice is that appointments are made from within the ranks of the Constabulary. That is the general practice. I pointed out that in this specific instance, it was felt that a certain mix of experience and qualifications were well exemplified in the person of the appointee and that government was exercising its prerogative to appoint that gentleman.

MR. OTTENHEIMER: I repeat that the general practice is appointments within the ranks, but as I said last week and I will say again today, I will not surrender government's right and indeed government's obligation to exercise its own judgement in those matters and I would not give an assurance to the hon. member that never again in history will a person be appointed as an assistant chief who has served in the RCMP. I am not about to build up an iron wall between the RCMP and the Royal Newfoundland Constabulary. I should point out, hon. members may know, that it is not unusual for there to be movement in the other direction. Two of the RCMP, for example, two men serving in senior capacities in the RCMP in Newfoundland today are former members of the Provincial Force.

In the person of Superintendent Richards, he was a member of the Rangers, and Sergeant-Major Lundrigan, RCMP in St. John's, is a former member of the Newfoundland Constabulary. There are also three applications now pending by members of the Constabulary to the RCMP. So surely it would be the height of provincialism and parochialism, and I think it would be very petty if I were to say that never again will a person be in the Newfoundland Constabulary because he has served formerly in the RCMP. That would be, I think, a disgraceful kind of disqualification and would be most improper and I certainly do not intend to give any assurance that never will a person who has served in the RCMP be automatically disqualified by that.

SOME HON. MEMBERS: Hear, hear!

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

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

MR. THOMS: How sanctimonious, Mr. Speaker, can one get?

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. THOMS: Mr. Speaker, I simply asked if the minister was prepared to let us know whether or not he was going to change the regulations to comply with a request which the Brotherhood at least deems

MR. THOMS: to be reasonable. I did not ask for a speech like that at this time. Mr. Speaker, the minister speaks as if this is going to be a once in a lifetime situation. I hope the minister realizes that at the present time as head of the EMO we have a former retired RCMP person, in connection with the enforcement of the gun regulation in this Province we have a former RCMP personnel, and now we find the RCMP being appointed to the Royal Newfoundland Constabulary.

So the exceptions are becoming the rule, Mr. Speaker, rather than the other way around. My supplementary question, however, is to the minister in connection with police commissions. I have done some checking since the minister spoke to this on Thursday or Friday, and I find that across Canada the lack of a police commission is an exception

MR. THOMS:

rather than a rule - it is an exception rather than a rule. And my question to the minister is if he would undertake to really do an indepth study of this particular problem - and I am thinking again of mainly getting these appointments out of the political ground-and look to setting up either a police commission or some sort of a board that would make these appointments.

MR. SPEAKER (Simms):

The hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, I would like to comment briefly on the hon. member's preamble and then of course give him a specific and precise answer to his question. The hon. gentleman took some exception to the way that I answered the question, but all I have to say is that I certainly leave to the hon. gentleman the way he asks the questions and he is going to have to leave to me the wording of the answering of them. I do not ask to draft his questions and obviously I would not accept that he would draft my replies. I would trust I am sufficiently literate to do so myself.

SOME HON. MEMBERS:

Hear, hear!

MR. OTTENHEIMER:

And the second part of the preamble was the fact that the Director of EMO - that is the same person actually - former RCMP, and the gentleman in charge of fire arms registration, former RCMP - I mean, is that not a shocking thing? There are 550 Newfoundlanders serving in the RCMP, 300 of them in Newfoundland, 550 across Canada, so we have two or three former RCMP people serving in the Province. Is that not shocking? You would not know if they came from the SS or the Gestapo and they come from a fine police force.

SOME HON. MEMBERS:

Hear, hear!

MR. OTTENHEIMER:

But the specific question that the hon. gentleman asked was with respect to the Police Commission, which I answered a little while ago. A few days ago the hon. gentleman from Twillingate (Mr. W. Rowe) asked the same question. And we have - now the hon. gentleman says my answer is not specific but if he is speaking when I am answering he does not hear them - we have made a study of Police Commission practice, if you wish, across Canada and what is evident

MR. OTTENHEIMER: from that is that where there are Police Commissions there is a multiplicity of police -

MR. THOMS: (Inaudible)

MR. SPEAKER (Simms): Order, please!

MR. OTTENHEIMER: Well now, the hon. gentleman cannot complain about the lack of accuracy of the answers if he is talking when I am trying to give him the answer. The hon. member from Twillingate (Mr. W. Rowe) can tell him because he asked the same question and he heard my answer, because he was not speaking when I was giving it. Anyway, he asked me and I will be glad to give it to him: The practice across Canada shows that where there are police commissions there is a multiplicity of police forces, a number of municipalities having police forces, sometimes counties having police forces, there also being a provincial police force and in some cases also the RCMP doing some provincial policing, but you have a multiplicity of police forces, municipal, provincial and county. In Newfoundland, we do not have that system. All of Newfoundland is policed by either the Royal Newfoundland Constabulary or the RCMP. There is no



MR. OTTENHEIMER: multiplicity. The reason for having the commission is to solve the problems in getting some uniformity where you have multiplicity. And where you do not need a commission, merely to have one to keep the hon. gentleman happy would bring in an unnecessary level of bureaucracy resulting in unnecessary expenditures of money.

MR. WOODROW: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for Bay of Islands.

MR. WOODROW: Mr. Speaker, to the hon. Minister of Justice.

I would like to ask the hon. minister, Mr. Speaker, if he is aware of the fact that on Saturday, May 17th., a young twenty-three year old was bitten by the police dog in the Curling area, and by way of this supplementary, because of other incidents of this nature will it be necessary that the dog be destroyed?

MR. THOMS: He probably thinks that is funny too.

MR. SPEAKER: The hon. Minister of Justice.

MR. OTTENHEIMER: If the hon. member will allow, because the hon. gentleman is commenting on answers before they are even given. Yes, I am aware that around mid-May there was an incident where a person in the Corner Brook area while in the process of being apprehended was taken or grasped by a police dog.

To my knowlege -

MR. THOMS: Bit.

MR. OTTENHEIMER: Okay, if the hon. member wants, when the hon. member is Minister of Justice - and do not hold the hon. member's breath - then he can give the answers. Now he either asks the questions or he listens. The hon. gentleman will please be quiet.

My understanding is that no stitches were necessary. But I will tell the House what the situation was there: There was a report to the Corner Brook detachment that two people were being chased by a person with an axe, and that a car had already been damaged by this person with an axe. And the hon. gentleman knows that this would be a somewhat frightening experience -

SOME HON. MEMBERS: Hear, hear!

MR. OTTENHEIMER: - for those being chased.

MR. SPEAKER (Simms): Order, please!

MR. OTTENHEIMER: So the RCMP have a police dog there and the person, when the RCMP came after to apprehend this person, ran into the woods, ran into a forest area, and the police dog was used with the constables to apprehend the person. Criminal charges have now been laid against that person, not against the dog.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for St. Mary's-The Capes, unless he wishes to yield.

MR. NEARY: I have a supplementary for the hon. Minister of Justice.

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

MR. NEARY: Talking about dogs biting people, has it been reported to the Minister of Justice that somebody in St. John's is going around with two vicious huskies, putting them in people's cars and people who have come out to get in their cars have been attacked by these dogs, has that been reported to the hon. gentleman?

MR. SPEAKER: The hon. Minister of Justice.

MR. OTTENHEIMER: No, Mr. Speaker, I am not aware of that.

That has not been reported to me.

MR. SPEAKER: The hon. member for St. Mary's-The Capes, followed by the hon. member for Bonavista North.

MR. HANCOCK: Thank you, Mr. Speaker. They must be some brave dogs to go chasing a guy with an axe. My question, Mr. Speaker, is to the Minister of Transportation and Communications (Mr. Brett], in view of the fact of the high unemployment in the construction industry, I am wondering when is the minister going to make some announcements regarding road projects this year? We have been hearing it for the last week or so that he is going to make it. Is it worthwhile to make the announcements you have to make or are you going to make them at all?

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

MR. C. BRETT: No, Mr. Speaker. I am sorry, but there was some delay with some changes that had to be made in the programme, but it will definitely be ready tomorrow. Definitely.

MR. L. STIRLING: Mr. Speaker.

MR. SPEAKER: The hon. the member for Bonavista North.

MR. L. STIRLING: Mr. Speaker, I have a question for the Minister of Fisheries (Mr. J. Morgan) who is not here. In his absence I would like to ask the Premier. I will go back to an involvement that the Premier had with fisheries. The fishermen who were on the Fisheries Loan Board prior to the Premier's announcement here last October of the appointment of an interim board, the Minister of Fisheries has indicated that they have now come to the realization that these fishermen were treated in a shabby manner. Would the Premier advise us whether or not those fishermen who were on the Fisheries Loan Board have now been written and completely exonerated of any possible blame that was being held over their heads?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: I will take the question as notice, Mr. Speaker, consult with the Minister of Fisheries, and get back to the hon. member in due course.

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

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

MR. L. STIRLING: Would the Premier indicate - because the Minister of Fisheries indicated, and reported back - would the Premier indicate what the status is of the ninety-four applications that were approved and loans granted during this period in which the Minister of Fisheries now says that there was no Fisheries Loan Board in force? My first question was on the basis of these fishermen being fired. The Minister of Fisheries said that their term expired in July and there was no Fisheries Loan Board in force until the Premier appointed these people in October. Would the Premier tell us what the status is of the approval

MR. L. STIRLING:

of the ninety-four applications

during that period?

MR. SPEAKER (Simms):

The hon. the Premier.

PREMIER PECKFORD:

I cannot answer the question, Mr. Speaker.

I knew that legal advice was sought by the Minister of Fisheries (Mr. J. Morgan) a number of weeks ago, and I imagine by this point in time it has been received by the Minister of Fisheries, but I am not sure whether, in fact, the final decision on the matter has been made as to the legality of the situation but I will undertake to get the information for the hon. member.

MR. L. STIRLING:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Bonavista North, followed by the hon. the member for Torngat Mountains.

MR. L. STIRLING:

Would the Premier assure us that if, as a result of what is essentially the fault of the Cabinet for not appointing or re-appointing that board, will the Premier assure us that none of the fishermen who were granted those loans will be hurt by this? Will the Premier agree that whatever is necessary to do to approve those loans will now be done?

MR. SPEAKER: (Simms)

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, we will do what is proper

and right to do.

MR. SPEAKER:

The hon. the member for Torngat Mountains.

MR. G. WARREN:

Yes, Mr. Speaker, I had a question for

the Minister of Fisheries (J. Morgan) but in his absence I would ask the Premier.

On Friday the Minister of Fisheries distributed a pamphlet, the Fishing Vessels Assistance Plan. I am just wondering if this government would consider printing this pamphlet - a small portion, probably 2,000, in Inuit and the Indian language whereas they -

SOME HON. MEMBERS:

Hear, hear!

MR. G. WARREN:

- could understand what it is about?

MR. S. NEARY:

Good idea.

MR. SPEAKER:

The hon: the Premier.

PREMIER PECKFORD:

I have no objection at all, it sounds like a great idea, as long as the cost is reasonable. You know, it sounds like a very good idea. I will take the matter under consideration for the hon. member. It sounds like an excellent idea, in my view. And we will get back to him on it.

MR. S. NEARY:

(Inaudible) Devins's (inaudible)

Cabinet (inaudible)

PREMIER PECKFORD:

The sooner you can the better, 'Steve',

boy.

MR. E. HISCOCK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. member for

Eagle River.

MR. E. HISCOCK: A supplementary question to the Premier. With regard to a translation of pamphlets like this, the Premier said basically if it does not cost too much. This administration has basically said a lot about bringing democracy to the Province and any test of democracy is how the government at that time really treats its minorities.

I would like to ask the Premier the question, not only pamphlets like this but other pamphlets and other government documentation would be officially translated in Inuit as well as Indian language? Not necessarily because of the cost but because they are one of our minorities in this Province that have given so much to us.

MR. SPEAKER (Simms): The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I thank the hon. member for acknowledging the fact that this administration is trying to bring democracy to the people and assure him that that will not only continue for this first eleven months but for as long as we are on this side of the House.

SOME HON. MEMBERS: Hear, hear.

PREMIER PECKFORD: Secondly, the whole question of how-

MR. S. NEARY: The new flag is a good example of how (Inaudible)

PREMIER PECKFORD: Yes, it is-

MR. SPEAKER: Order, please!

PREMIER PECKFORD: - yes, it is an extremely good example of it, Mr. Speaker. I would thank the hon. member for LaPoile (S. Neary) for giving me an additional reason for saying that -

MR. NEARY: (Inaudible)

PREMIER PECKFORD: - this administration is bringing democracy to the Province.

PREMIER PECKFORD: And I will ask the hon. the member for LaPoile (S.Neary) to continue to provide us with additional ammunition and substance to the claims that we have been making over here. And I thank the hon. member for LaPoile very much and he is very welcome over here any time he wants to come, if he wants to articulate democracy in that kind of form. He is very welcome indeed, and I thank him.

SOME HON. MEMBERS: Oh, oh.

PREMIER PECKFORD: Now, Mr. Speaker, if I can get on to answer the question, there are a number of ways in which a society, there are a number of ways in which a society can either judge itself or be judged as it relates to how much democracy it brings to a given society or a given people. One is, as the hon. member just said, as it relates to how it treats the minorities in that society. And I think it is fair to say that in the last number of months on that score in a whole bunch of areas I can think of, for example, the Bill that is now being circulated as it relates to the Status of Women, as it relates to the arts community, as it relates to -

AN HON. MEMBER: Municipalities.

PREMIER PECKFORD: - a number of other - municipalities - in a whole bunch of areas, we have attempted to do just that. Now, as

PREMIER PECKFORD: it relates to the translation of all government documents.

MR. E. HISCOCK: Not all government documents ones that are pertaining to those towns and those minorities.

PREMIER PECKFORD: Okay, fine, I think it is an excellent idea. Now, one has to consider how far you would take that kind of thing, Inuit, yes I can see. The Naskaupi and Montagnais language is the same - is it? - for both.

MR. HISCOCK: Yes.

PREMIER PECKFORD: Both have the same language? Both the Naskaupi and the Montagnais speak and write the same language?

MR. HISCOCK: The Premier asking a question like that.

BREMIER PECKFORD: Then one has to consider - I am just trying to assess some of the factors inherent in the question that the hon. member asks if I may be permitted to do so. And I do not know if one would have to go so far as to look at also the Micmac language because there is a substantial number of them on the Island both in Conne River and on the West Coast who could be affected by different programmes in which it might be a good idea to also do that.

But I think the idea is an excellent one and we will pursue it to see whether in fact it is a viable and feasible way of moving towards finding another way in which we can deliver democracy to the people.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER: The hon. the member for the Strait of Belle Isle.

MR. E. ROBERTS: Mr. Speaker, I wonder if the Minister of Health (Mr. W. House) could tell us precisely when he is going to announce the oft heralded five year plan. It was first announced four and one half years ago. When are we going to get the five year plan for hospitals?

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

MR. L. THOMS: He is occupied with plans for hospitals in Port aux Basques (in).

SOME HON. MEMBERS: Hear, hear.



MR. W. HOUSE: Mr. Speaker, I do not know if that is a satisfactory answer or not.

SOME HON. MEMBERS: Oh, oh!

MR. E. ROBERTS: If the minister will give me his now.

MR. W. HOUSE: Mr. Speaker, the whole five year plan, of course, is not just pertaining to the Department of Health, there are a number of other departments involved. As I understand it, it is in process and it will be announced in due course, perhaps within a month or so.

MR. E. ROBERTS: Supplementary, Mr. Speaker.

MR. SPEAKER (Simms) Supplementary, the hon. the member for the Strait of Belle Isle.

MR. E. ROBERTS: Thank you, Mr. Speaker. I thank the minister. His answer, although he is not aware of it, is most revealing because up until now, I think, people have been under the impression there was to be a five year plan for hospitals and it is not part of the overall stankanovite plan that this government are adopting. We are going to have five year plans with little red stars on our shirts.

Can the minister confirm there will be no hospital construction undertaken until the five year plan is in place?

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

MR. THOMS: (Inaudible) sign down some how.

SOME HON. MEMBERS: Oh, oh!

MR. W. HOUSE: Mr. Speaker, as has been announced there obviously part of the five year plan for hospital construction has been announced and that is beginning this year with the planning and hopefully some site work with the hospital at Channel, Port aux Basques -

SOME HON. MEMBERS: Hear, hear.

MR. W. HOUSE: - and the clinic a Forteau, I believe. These were the two - and another clinic on some part of the South Coast. So, obviously that has been announced before the total five year plan.

The five year plan of hospital construction is going hand in hand, I guess, with the five year plan for the Department of Health but I understand that it will be announced at a separate time.

MR. E. ROBERTS: Final supplementary, Mr. Speaker.

MR. SPEAKER (Simms): Final supplementary, the hon. member for the Strait of Belle Isle.

MR. E. ROBERTS: Mr. Speaker, dealing with the minister is like putting your hand into a bowl of jelly, you know there is something there but you can not grab hold of it, you know.

SOME HON. MEMBERS: Oh, oh.

MR. E. ROBERTS: Let me then try a supplementary under a different item. Are we going to wait for the five year plan to emerge before we go ahead and implement the decision announced in the budget two months ago to provide assistance with air ambulance services for people from the Labrador part of the Province who must come to the Island here to get access to hospitals or medical treatment? And if we are not going to have to wait, when are we going to see that in force?

MR. SPEAKER: The hon. Minister of Health.

MR. W. HOUSE: Mr. Speaker, in a response to that question from the member for Torngat Mountains (Mr. G. Warren), three separate times, I have announced that everything is in process. There are a lot of details to work out on that kind of thing, it is in the system and as it gets through that system and as soon as we have everything put in place it will be announced and hopefully that will be shortly.

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

I would like to, on behalf of all hon. members, welcome a delegation from the town of Change Islands in the district of Lewisporte headed by Mayor Ralph Brown and Mr. Charles Watton.

SOME HON. MEMBERS: Hear, hear.

NOTICES OF MOTION

MR. SPEAKER: (Simms)

The hon. the Premier.

PREMIER PECKFORD:

In the absence of the Minister of Mines and Energy (Mr. L. Barry), Mr. Speaker, I wish to give notice of a very important piece of legislation.

I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act Respecting The Supply Of Electrical Power To Industrial Users Of Electricity In Enabling The Board Of Commissioners Of Public Utilities To Set The Rates That Industrial Users Must Pay For Electrical Power".

MR. NEARY:

The ERCO (inaudible).

MR. SPEAKER:

Are there any further notices.

ORDERS OF THE DAY

Motion, the hon. Minister of Health to introduce a bill, "An Act To Amend The Generic Dispensing Of Prescription Drugs Act", carried. (Bill No. 61)

On motion, Bill No. 61 read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Consumer Affairs and Environment to introduce a bill, "An Act To Amend The Attachment Of Wages Act", carried. (Bill No. 60)

On motion, Bill No. 60 read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Consumer Affairs and Environment to introduce a bill, "An Act To Amend The Landlord And Tenant (Residential Tenancies) Act, 1973", carried. (Bill No. 59)

On motion, Bill No. 59 read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Fisheries to introduce a bill, "An Act To Amend The Fishing Ships (Bounties) Act", carried. (Bill No. 58)

On motion, Bill No. 58 read a first time ordered-read a second time on tomorrow.

Motion, the hon. Minister of Fisheries to introduce a bill, "An Act To Amend The Fishing And Coastal Vessels (Rebuilding And Repairs) (Bounties) Act", carried. (Bill No. 57)

On motion, Bill No. 57 read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Fisheries to introduce a bill, "An Act To Amend The Fisheries Loan Act", carried. (Bill No. 56)

On motion, Bill No. 56 read a first time ordered read a second time on tomorrow.

MR. SPEAKER (Simms): Motion, third reading of a bill, "An Act To Adopt A Flag For The Province". (Bill No. 44)

Is it the pleasure of the House to adopt the motion?

The hon. the member for LaPoile.

MR. S. NEARY: Mr. Speaker, I would like to have a few words before we vote on whether or not this bill should be read a third time. I was hoping, Mr. Speaker, that the government would not call third reading of this bill. I was hoping at the last minute that they might have come to their senses, that they might have realized that the majority of Newfoundlanders are opposed to this flag design and that they would have let it just ride along until the Fall or next Spring when we came back into a new session of the House. But as one of my colleagues indicated I was expecting too much.

This is the crowd, Mr. Speaker, who boast bringing democracy to Newfoundland. Bringing democracy to Newfoundland, they hold that up as one of their major accomplishments. And here you have a situation where 97 or 98 or 99 per cent of the people are against something

MR. NEARY: and the government says you are going to take it whether you like it or not. Now, that is the crowd that brought democracy to Newfoundland. Can anything be more undemocratic? Can anything be more Hitler like?

Mr. Speaker, the Premier the other day, when he broke his silence, when he came from his retreat and spoke in the Committee of the Whole on the flag, he really did not say anything except something that perturbed me and stirred up an awful lot of resentment throughout this Province and that is that the hon. gentleman said ten years ago you could not have brought in a flag bill in this House and got it passed without various and sundry organizations around the Province raising quite a ruckus about it. The hon. gentleman was, I presume, referring to some of the religious groups. He said, 'Thank God that is not happening today therefore we can push the flag through the House. 'They are silent' he said, 'they are silent, you do not hear any reaction from these groups'.

Well, the hon. gentleman is assuming quite a bit, Mr. Speaker, because ever since the hon. gentleman made that statement I have had telephone calls and discussions with the heads of some of these organizations that he says are remaining silent and keeping quiet who do not want to enter into a controversy with the hon. gentleman or his government, who do not want to come straight out in a knock-them-down, drag-them-out fight with the administration, but they are opposed, Mr. Speaker. It is wrong to assume that through their silence they are not objecting to this flag. They are objecting to this design and they are against this design and the hon. gentleman knows that.

MR. NEARY:

And it is unfair for the hon. the Premier to say that because the Canadian Legion is the only organization that is out in the forefront - you do not see the others, he indicated the other day, out taking the lead in this. Well, they are taking the lead and the hon. gentleman will find out in due course. This bill can be repealed, it can be changed and it will be changed in due course. It is certainly a poor way, Mr. Speaker, it is a very poor way to bring a flag into this Province, a flag that is supposed to unite the Newfoundland people. Not divide them, to unite them. It is a very, very poor beginning, a poor start.

And the hon. gentleman can go down in front of Confederation Building or wherever he wants, and he can have a big ceremony now and he will invite various and sundry people and he will hoist the flag, a flag that is not acceptable to the majority of the people of this Province.

We have an example of that today. Every member today, Mr. Speaker, found on his desk a letter that the Premier had in his possession weeks ago, and a bumper sticker showing the design of a flag. And an open letter. It says, 'To Premier Peckford'. This is an open letter written by the Flag Society, a group of people who banded together many years ago to design a distinctive Newfoundland flag and there is the design they came up with, a Newfoundland native flag.

MR. MARSHALL:

On a point of order, Mr. Speaker.

MR. SPEAKER (Simms):

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

MR. MARSHALL:

I think it is wise as much for anything as a matter for setting an incorrect precedent.

MR. MARSHALL:

The hon. gentleman is now introducing another flag design, another item not within the four corners of the bill itself and this is, Mr. Speaker, the - what may be done and what may not be done on third reading is well established.

Obviously the calling of third reading is a debatable motion but it does not admit the same wide-ranging debate as in second reading when one discusses the principle of the bill itself. And I refer Your Honour as an authority to this to May, the 19th. Edition of May, Page 543 and I quote as follows:



MR. W. MARSHALL: 'Debate' - this is the last line in the third paragraph: 'Debate on third reading, however, is more restricted than at the earlier stages, being limited to the contents of the bill and reasoned amendments which raise matters not included in the provisions of the bill are not permissible.' I would draw your particular attention to the words that "debate on third reading is more restricted than at the earlier stages, being limited to the contents of the bill itself." I believe, Mr. Speaker - I was about to think I was in another place - but you will find a similar quotation in Beauchesne with respect to third reading but not completely. But I think the rationale and the reasoning behind it, Mr. Speaker, is the fact that we have already debated the principle of the bill itself and in debate on third reading, care has to be taken not to regurgitate exactly the same thing that has been decided by the House in a previous sitting. There is no doubt I am not disputing the fact that debate may take place on third reading, but I do very much wish to draw to Your Honour's attention the fact that you cannot bring in matters extraneous to the bill itself, and this is what the hon. gentleman is doing, I would submit, when he is introducing now another flag design, that is, the design of the Newfoundland Flag Society, or whatever they are called.

MR. E. ROBERTS: To the point of order, Mr. Speaker.

MR. SPEAKER (Simms): To the point of order, the hon. the member for the Strait of Belle Isle.

MR. E. ROBERTS: My Lord, this is a most interesting point, and as my learned friend says, it is probably a new one. I do not have May in front of me, but, Mr. Speaker, you might wish to have a look at Beauchesne, which of course, outranks May in our little hierarchy here in the Chamber. Section 802 and Section 804 seem to be relevant, and they are found on page 239 and page 240. I will read them if Your Honour wants, but if Your Honour has them there, there is probably no need for me to read them. Suffice it to say that they indicate - they talk of amendments and they say that the amendments are -

MR. W. MARSHALL: What pages?

MR. E. ROBERTS: Page 239 and page 240, citations 802(1) and 804.

MR. E. ROBERTS: There is a part in 802(1) that says, 'the same type of amendments which are permissible at the second reading are permissible at the third reading with the restriction that they cannot deal with any matter which is not contained in the bill.' Now, what is contained in the bill? Well, the design of a flag is contained in this bill. So my hon. friend from LaPoile (Mr. S. Neary) is quite in order to talk of a design. If he is prepared to put forward an alternate, Sir, that is surely in order. Because remember, third reading, Mr. Speaker, is a formal stage but it is still a fully debatable stage and it is surely in order for my hon. friend from LaPoile to try to persuade the House to reject this bill by voting against it at third reading. And one of the ways he could try to persuade the House to reject this bill is to put forward an alternate design. Now, I think my hon. friend is quite in order and I would say further, he is equally in order to move a six month hoist - and he knows how to do that - which gives him an extra half hour to go on top of his hour should he decide he needed a little more time on this and that the six month hoist, which is an effort to try to persuade the House to postpone the consideration on the matter for six months, it would surely be appropriate for him to say, one of the reasons to postpone it is to reject design A and use design B

Now, I do not need to suggest to my hon. friend from LaPoile how he should carry on the debate in this House, Mr. Speaker, when he knows full well and has given countless instances of his ability to debate vigorously and within the scope of the rules. But if it is in order to talk -

MR. S. NEARY: I am going to vote for you after that.

MR. E. ROBERTS: Well, now I am worried! Now I am really worried!

AN HON. MEMBER: (Inaudible).

MR. E. ROBERTS: Not puzzled, but worried.

SOME HON. MEMBERS: Oh, oh!

MR. E. ROBERTS: Mr. Speaker, the point is that it is surely in order at third reading to use almost any arguments that are in order.

MR. E. ROBERTS: at second reading. And if it is not in order at third reading - and I suggest it is - that all my hon. friend has to do is to move a six month hoist, and I would venture he is not reluctant to move that, and he might even find a seconder over here. So I would say that not only is it in order, but I would think in the interests of facilitating debate. He is not challenging the principle of the bill. The principle of the bill is surely to establish a national flag for Newfoundland.

MR. L. THOMS: Another slip. A 'national' flag?

MR. E. ROBERTS: Well, a provincial flag. I mean, we are une nation if we want to be en francais une nation. That is p-e-u-p-l-e for the benefit of -

MR. L. THOMS: Well that is (inaudible)

MR. ROBERTS:

Well, I think it is a national flag, I am a Newfoundland nationalist, I am also a Canadian nationalist, unlike those who think that Ottawa ought to be some sort of agent, agent general for the - But that is not to the point of order, is it?

MR. SPEAKER: (Simms) No.

MR. ROBERTS: The point of order surely is that it is in order for my hon. friend to debate the way he is, at second reading the debate is certainly broader. The May citation, I would think, is good parliamentary law because at second reading you could talk about not having a flag at all. Well, my hon. friend from LaPoile (Mr. Neary) has accepted the ruling of the House. I am sure that there is going to be a flag. All he is trying to do now is to persuade the House to come to the wisdom of his way, to see the wisdom of his views to have design A as opposed to design B. And I would say to my learned friend from St. John's East (Mr. Marshall) if he does not want a six month hoist on this he ought really to let my hon. friend from LaPoile (Mr. Neary) say what he has to say because he is entitled to say it and he is going to say it.

MR. MARSHALL: May I, Mr. Speaker?

MR. SPEAKER (Simms): Yes, you certainly may. The hon. the President of the Council.

MR. MARSHALL: The fact of whether or not there is a motion for a six month hoist is - you know it has to be academic as far as we are concerned. I think this is a matter of - you know it is going to set a precedent apart from anything else. I would just add in response to what the hon. member has said, I want to add just one further quotation from May if I may to the one I put. It is on page 496 and it relates to third reading. Actually there is a very interesting - the content there is very interesting on the various procedures, the stages of the bill and what they are supposed to be there for.

Now on third reading it says, "The purpose of third reading is to review a bill in its final format after the shaping it has received in earlier stages." It goes on to say, "when debate takes place

MR. MARSHALL: it is confined strictly to the contents of the bill and cannot wander afield as on second reading."

Now, the hon. member opposite I know agrees with this because he has indicated and he has adopted that this is the rule in a precedent. I would simply say that I draw issue with him when he says that this really - the principle of the bill is to adopt a provincial flag. I would submit to Your Honour that the principle of the bill quite clearly is to adopt a provincial flag of the design set forth in the schedule to that act, and when the hon. gentleman is bringing in another design now at this stage, a matter that has been passed on, he is wandering farther afield within the definition of May.

As I say, I rise on this point of order because I think it is a fairly important precedent that will be set and one that should be drawn to Your Honour's attention.

MR. ROBERTS: Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for the Strait of Belle Isle.

MR. ROBERTS: Very briefly, Your Honour, I simply want to say that I agree that May is an authority and I could seek no greater authority in support of the proposition than the words read by my hon. friend from St. John's East (Mr. Marshall), the ultimate townie as he is, the words read by the hon. gentleman are surely conclusive evidence of what my hon. friend for LaPoile (Mr. Neary) is saying is quite in order. And as for the principle of the bill, if we wanted to discuss that we could have a long time but I would simply say to Your Honour that the title of this bill is a bill, "An Act To Adopt A Flag For The Province." And all my hon. friend is attempting to do, and my hon. friend from St. John's East is trying to frustrate him and to buffalo him and he will not succeed - I say now he will not succeed. If he is trying to prevent my hon. friend from LaPoile (Mr. Neary) from putting forth for the edification of the House, and for the decision of the House, not the question of whether or not there ought to be a flag but whether it ought to be a particular design that my hon. friend wishes to advocate, or one that at this stage the House has adopted.

MR. ROBERTS:

I think it is quite in order at third reading,

Sir.

MR. SPEAKER (Simms):

With respect to the point of order, first of all I might point out and I am sure hon. members are aware, that traditionally in this House at least there is generally not too much debate on third reading in any event. But I think it is obvious and agreed by everybody that it is a debatable motion. In view of the fact that it is a matter that might be precedent setting, I would like to recess the House for a few moments just to prepare.

May 26, 1980

Tape No. 1801

DW - 1

MR. SPEAKER (Simms):

Order, please!

With respect to the point of order raised by the hon. the President of the Council (Mr. Marshall) I believe first of all that the question really under consideration is how wide-ranging should debate be on third reading? Beauchesne and I quote, fifth edition, page 221 paragraphs 712 sub-paragraph (5) which relates to the stages of a bill. And also Beauchesne, page 220, paragraph 712, sub-paragraph (2) which points out clearly that the opportunity for wide-ranging debate exists in second reading. But to quote what it says about third reading, "The purpose of the third reading is to review the bill in its final form after the shaping it has received in its earlier stages." So comments, therefore, should be restricted to the bill itself that has reached this stage. May, page 496 also states the same thing, "When debate takes place it is confined strictly to the contents of a bill and cannot wander afield as on second reading". And May, page 543 says, "The debate on third reading, however, is more restricted than at the earlier stage being limited to the contents of the bill". So the operative words, I believe, are 'confined, restricted and limited to the contents of the bill'. So I would rule that the debate on third reading must be confined to the contents of the bill as outlined in these earlier comments.

The hon. member for LaPoile.

MR. S. NEARY:

Mr. Speaker, in order to give myself a little wider latitude, Sir, I would like to move that the bill be not now read a third time but that it be read this day six months hence.

MR. SPEAKER:

Do you have a seconder for the motion?

MR. S. NEARY:

And it is seconded by the hon. member for Grand Bank (Mr. Thoms).

May 26, 1980

Tape No. 1801

DW - 2

MR. SPEAKER (Simms):  
motion.

I believe that is a dilatory

MR. E. ROBERTS:

Yes, and it is not debatable.  
Mr. Speaker.

MR. SPEAKER:  
of Belle Isle.

The hon. member for the Strait

MR. E. ROBERTS:

Mr. Speaker, in fact, Sir, there are rulings of this House by your predecessor, Mr. Speaker Russell on this one. I think Mr. Speaker Ottenheimer also made a ruling on it, Sir, if memory serves me. Before, Your Honour, makes a ruling may I simply ask - my memory may be wrong but I have a vivid recollection that we had a case where Mr. Speaker Russell ruled that third reading was not debatable and he later was in the position where he had to change his ruling, Sir, from the Chair.

MR. W. MARSHALL:  
motion now?

Is this with respect to this

MR. E. ROBERTS:  
reading, it is debatable.

A six month hoist at third

MR. W. MARSHALL:

Yes.

MR. E. ROBERTS:

The Speaker -

MR. SPEAKER:

First of all, if I could have the motion in writing, that might assist me. Could somebody from the table get the motion? Either the Clerk or the page.

MR. R. BAIRD:  
in writing.

They are always ready for it

MR. SPEAKER:

The only question here now is, of course, that the motion is not moved as an amendment, is moved as a motion-

MR. E. ROBERTS:

Your Honour, it has to be moved as an amendment there is only one motion before the Chair that the bill be now read a third time. I do not know if



MR. E. ROBERTS: my hon. friend used the word, 'amendment' I thought he did but surely that it is all it can be. I mean it is not a dilatory motion in the sense that the 'Orders of the Day' be now read or the 'House do now adjourn,' that is not debatable, it is a six month hoist amendment, Your Honour.

MR. W. MARSHALL: A point of order, Mr. Speaker.

MR. SPEAKER (Simms): Mr. Speaker, I would like to speak to that because here again we are talking about precedents more than you know, it goes much farther than this particular debate.

There are two types of ways, I would submit, to move the motion. If you move it as a dilatory motion I quote Beauchesnes, page 151, Types of motion "Dilatory motions are designed to dispose of the original question either for the time being or permanently. They are usually of the following type: " and it goes on to say, "That the consideration of the question be postponed to such and such (date)". Now if a person moves, as I understand the tenor and dilatory motions, there is authority here as well that dilatory motions are the types of motions which are not debatable. And as I heard the way in which the motion was moved and, of course, there is no reason why a motion of that nature cannot be moved but the question is as to whether or not it becomes debatable. If the hon. gentleman had moved that I move that all words after 'that' be deleted and there be substituted therefore as was done when the second reading motion was come in, that is an amendment then and that is debatable. But as I heard the hon. gentleman, the way he gave the motion was 'I move' exactly the same words as I have quoted in Beauchesne, page 151, paragraph 417, and therefore, being in that character a dilatory motion, the matter is votable now I mean, it is not debatable.

MR. E. ROBERTS: To the point of order, Mr. Speaker.

MR. SPEAKER (Simms): To the point of order, the hon. member for the Straits of Belle Isle.

MR. E. ROBERTS: First of all, let there be no doubt as Your Honor has said and rightly, that a dilatory motion is not debatable. Now, if you look - dilatory motions are a very limited type and the question is whether this is dilatory or not. And I- the matter is really of importance only in the very technical sense because if this is a dilatory motion, as I will argue it is not on its very wording, then somebody else will move the six month hoist. I mean, if hon. gentlemen opposite wish to prolong this debate they apparently are doing it by this kind of tactic.

But, let me say that the dilatory motion, Your Honor, is that consideration of the question be postponed and if Your Honor looks at the citation read by my hon. and learned friend from St. John's East (W. Marshall) on Page 151, he will find that that is the wording. There are a number of others, that the Orders of the Day be read, the House proceed to another order. They are standard and they are not debatable, they are put to a vote instantly and disposed of by the House in that way.

The motion before the Chair - Now, I did not really mark the words used by my hon. friend from LaPoile (S. Neary) but the motion before the Chair is obviously a six month hoist on its very wording. It says that the Bill be not now read and that it be read this day six month hoist.

MR. S. NEARY: Right on.

MR. E. ROBERTS: And that is - in six months hence, I am sorry. That is the wording of the six month hoist. It is the same, Your Honor, as the wording used at Second Reading, I would suggest, and equally in order here. It is not a dilatory motion. I do not really recall whether

MR. E. ROBERTS: my hon. friend - I did not remark it - whether he used the words, 'I move the following amendment ' or not. But it is not a dilatory motion, it is a six month hoist. I suggest as such it is in order and it is a debatable motion.

AN HON. MEMBER: Hear, hear!

MR. SPEAKER(Simms): For the purpose of clarity, as far as the Chair is concerned, the way the motion was put, I consider it to be a dilatory motion because the words - the proper way in moving the amendment such as deleting so and so was not done in this particular case so whatever transpires following this particular matter is not a matter for the Chair to be concerned with at this time. I think for the sake of carrying on the traditions, as they have been in the past and I have one in front of me from Hansard, June 28th and may be the one that the hon. member is referring to. I believe the hon. member for Trinity - Bay de Verde (F. Rowe) was involved on that particular one. But clearly a dilatory motion then was one that was just moved and seconded without the proper words being used as when proposing an amendment. So, I propose to deal with this particular matter as a dilatory motion which is not debatable and then whatever happens after that would be up to the hon. members.

MR. ROBERTS: Well, if it is not debatable, Your Honor put it to the vote.

MR. SPEAKER: Right.

MR. ROBERTS: No, if it is not debatable put it to the vote then you carry on.

MR. NEARY: That is right.

MR. SPEAKER: Well, I wish to put the question -

MR. E. ROBERTS: Put the dilatory motion to the vote.

MR. SPEAKER: Yes. The motion is that this Bill be

MR. SPEAKER (Simms): not now read a third time but that it be read this day six months hence. Those in favor of the motion, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Contrary, nay.

SOME HON. MEMBERS: Nay.

MR. SPEAKER: The motion is defeated.

The hon. the member for LaPoile.

MR. S. NEARY: Mr. Speaker, I would like to move the following amendment. And I hope I get all the words in right this time, Sir. That all the words after 'that' be deleted and substituted with the following. That is to satisfy the hon. gentleman.

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

MR. SPEAKER: On a point of order, the hon. the President of Council.

MR. MARSHALL: I have to, again, as I say, this is a matter of precedence to the House, refer Your Honor to May, Page 377, 'A member who has already spoken on the main question is not permitted to move either form of dilatory motion; nor having moved a dilatory motion can he later speak to the main question if his motion is negatived. Similarly, a member who has moved a dilatory motion is not then entitled to move another in the course of the same debate.'

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: So, I would say to Your Honor, I mean, this is a precedent that the hon. gentleman, you know, - the hon. gentleman is no longer able to speak.

MR. SPEAKER: That certainly is quite correct. So the hon. member for LaPoile (S. Neary), of course, did not finish what he was about to say so I will have to wait and see what he is going to say first.

May 26, 1980

Tape No. 1802

EL - 4

MR. S. NEARY: Mr. Speaker, I am moving an amendment, Mr. Speaker, that all the words after 'that' be deleted and substituted with the following; 'That this Bill be not now read a third time but that it be read this day five months hence.'

AN HON. MEMBER: oh, oh.

MR. SPEAKER (Simms): I guess the question here is whether or not the hon. member for LaPoile (S. Neary) is able to move the motion, in view of the fact that he has already moved a dilatory motion. You cannot - is that the subject matter of the President of the Council's (W. Marshall) interruption?

MR. NEARY: Your Honour

MR. SPEAKER (Simms): Well, I am sorry, I do not have May in front of me so I will have to -

MR. ROBERTS: (inaudible), Your Honour. I am sure where we are.

MR. SPEAKER: The hon. the member for the Strait of Belle Isle.

MR. ROBERTS: The question appears to be whether my friend from LaPoile having moved, as Your Honour ruled, a dilatory motion, and Your Honour accepted that, or put it whether that exhausts his right to speak in this debate or, even if it does not exhaust his right to speak, whether it exhausts his right to move motions.

My hon. and Learned friend from St. John's East (Mr. Marshall) referred to a citation on 151, I believe, of Beauchesne which I do have in front of me, or I will have in a second and he also referred to May and I do not have May here with me. I know I have one in my office. But the question really is, and Your Honour can solve it, it is surely not a point that requires any argument. If Your Honour has a ruling let us have it. Because I will say now that if my hon. friend - you know, if the rules do not permit him then I will move the six month hoist. But we are going to have a six month hoist. I do not believe debate ought to be restricted but I do believe debate ought to go by the rules. And I will say that if my friend from LaPoile (Mr. Neary) wants to say something in this debate I will certainly do what I can to make it possible for him to say it and let us let it go at that. But Your Honour will have to interpret the rules of the House.

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

MR. MARSHALL: Mr. Speaker, if I could just indicate - I mean, what the hon. the member wishes to do after is, of course, certainly within the rules, it is his prerogative but we are talking about, now, parliamentary procedure and precedents being established and I refer again, which it crystal clear, to May, Page 377, 'A member who has already spoken to the main question is not permitted to move either form of dilatory motion (b); nor, having moved a dilatory motion can he later speak to the main question if his motion is negatived.' So having, Mr. Speaker, obviously had his - the hon. member, having his dilatory motion negatived, he cannot now speak to propose an amendment. It is quite obvious. And it goes on, because it flows from that. it says, 'Similarly a member who has moved a dilatory motion is not then entitled to move another in the course of the same debate'. So that is it.

MR. SPEAKER(Simms): With respect to the point of order. I think it is clear and I do not think it is necessary for me to repeat what the hon. the President of the Council (Mr. Marshall) has just repeated, but May, Page 377, clearly states that a member who has already spoken to the main question and has moved a dilatory motion, he cannot speak later to the main question if his motion was negatived.

Is the House ready for the question.

MR. ROBERTS:

No, Your Honour.

MR. SPEAKER:

the Strait of Belle Isle.

The hon. the member for

MR. ROBERTS:

Mr. Speaker, I shall say a word or two in this debate and I will not take the time the rules allow. I could get an hour I believe under the rules, half an hour or twenty-nine minutes

MR. ROBERTS: and then move the amendment which I shall shortly move but I will not. I simply want to say that I believe my friend from LaPoile certainly has a right to say what he wishes to say and I think he ought to be heard according to the rules of the House, and I have no quarrel with the rulings at all, the rulings are the rulings. So I will simply say that I move the following amendment to the question now before the Chair. And just so we are clear the question before the Chair I would submit, Your Honour, is that this bill be now read a third time and I would move that that motion be amended by deleting all the words after the word 'that' - and I have it in writing here - and replacing them with the following words, 'the bill be not now read a third time but that it be read a third time this day five months hence'. And the amended motion, if it were to carry, Your Honour, so that we are all clear, the motion be that this bill be not now read a third time but that it be read a third time this day five months hence. And that, of course, is not a dilatory motion, it is a motion of substance that is quite in order and I am seconded by my friend from Trinity - Bay de Verde (Mr. F.B. Rowe) who has not as yet spoken in this third reading debate. He may or may not be tempted to speak as a result of what has gone on in the debate so far.

Now, I do not intend to say anything more. My friend from LaPoile, certainly in my view, has something he wants to say and in my view he has a right to say it subject to the rules of House and so I move the sixmonth hoist in the hope that -

MR. HISCOCK: Five month.

MR. ROBERTS: Five month hoist, I am sorry. I also want to say that I would hope he will



MR. ROBERTS: talk about - he can give all his reasons now for trying to persuade the House not to go along with this bill. Certainly, suggesting an alternate design is a good reason for not going ahead with it, in my opinion.

MR. NEARY: The member for Eagle River.

MR. ROBERTS: Oh, and the member for Eagle River, I am sorry. What is -

MR. F.B. ROWE: I have already spoken on the main question.

MR. ROBERTS: I am sorry my friend

MR. ROBERTS: from Trinity-Bay De Verde (Mr. F. Rowe).  
But I will tell you what, after we dispose of the five month hoist then we could have a four month, three month or two month and we can go on like that if we so wish.

MR. NEARY: Right on.

MR. ROBERTS: But I do not think we have any desire to filibuster the bill. We have used up half an hour on points of order that are important but I suggest, Sir, are not as important as allowing members to say what they wish and getting ahead with the business of the House, Sir. But anyway I will move it and see what happens.

MR. SPEAKER (Simms): The hon. President of the Council.

MR. MARSHALL: I am not quite sure myself as to whether - well, I do not believe really technical speaking that that particular amendment is admissible because of the fact that the matter has already been determined in third reading. Now I know the hon. gentleman has changed from six to five but, you know, the operative part really of the amendment is that the bill not be read now but sometime really in the future and the detail of the motion if five months rather than six months so you could have the thing really reduced to an absurdity. If this one were defeated there could be, you know, four months, three months, two months, thirty days, twenty-nine days and so on, forever and a day. I would submit, Mr. Speaker, that that would not be admissible. I quote you Beauchesne, Mr. Speaker, on this, page 154, the Fifth Edition, paragraph 432, "An amendment which is substantially the same as one moved"-in that case it says on the Address in Reply to the Speech from the Throne - "is not in order because an amendment must not raise a question substantially identical " Substantially now you note, identical with one on which the House has given a decision in the same session. Now, if you are not allowed to raise an amendment substantially identical with one raised in the same session in another debate, it is surely not permissible to raise an amendment within this very debate now which is substantially the same. However, having said that, Mr. Speaker, having said all that, because I would wish this recorded from the point of view that we would not want in two \_\_\_\_\_

Mr. MARSHALL: years, five years, ten years, twenty years or forty years or however long we may be in government, this raised against us in the future. I would like to say that if we go ahead with this I would be prepared to say that we will not proceed with this point of order at the present time and allow the debate to go ahead as long as it is not creating a precedent which will bind us in the administration of the affairs of this Province over the next half century?

MR. ROBERTS: To the point of order, Sir.

MR. SPEAKER (Simms): To the point of order. The hon. member for the Strait of Belle Isle.

MR. ROBERTS: We do not intend to debate things by right of grace and favour from any of our friends opposite. We will debate the things allowed us by the rules of the House. I would submit that the motion is in order. My hon. friend referred to Beauchesne, page 154 and he read it. That obviously deals with a question of substance. Now the procedural one-I would refer Your Honour to a citation overlooked by my hon. friend in his wish to show us his magnanimity and that is page 239 of Beauchesne, 802 (1) which deals specifically with third reading stage. I shall read number one. I read it earlier, "When an Order of the Day for the third reading of a bill is called," and Your Honour will agree we are now in that situation, "the same type of amendments which are permissible at the second reading stage are permissible at the third reading stage with the restriction that they cannot deal with any matter which is not contained in the bill." There is no doubt that the six month hoist is permissible at third reading and I would say to Your Honour there is no principle of parliamentary law and there is no precedent of this or any other House which says you cannot move a six month hoist at second reading and a six month hoist again at third reading. So I would suggest it is in order to do so and that is why I have done so.

MR. MARSHALL: Further to the point of order.

MR. SPEAKER (Simms): Further to the point of order. Yes, I would gladly accept any contributions to the debate.

The hon. President of the Council.

MR. MARSHALL: Because it is an important point, Mr. Speaker - you know the way the hon. gentleman phrased it they do not want to speak on the basis of the so-called magnanimity on this House no matter how large the magnanimity is day after day. If the hon. gentlemen wish to go strictly by the rules that is one thing but we say we leave it open on that basis. However, I do not for one moment dispute what the hon. gentleman read on the correct reading, obviously, of Beauchesne on third reading, that when third reading of a bill is called the same type of amendment - certainly we are not saying, Mr. Speaker, that it is not permissible to have a hoist, a six month hoist is what it is called on third reading the same way as in second reading but what the hon. member was not taking into his calculations, his computations and his arguments when he made his presentation just immediately ago is the

MR. W. MARSHALL: fact that there has preceded here a dilatory motion. A dilatory motion has been voted on, it has been regatived, it is in the same debate as we are in now, and what the hon. gentleman is now proposing is an amendment which is substantially the same - and I underline the word 'substantially' the same, as I read from the other quotation in Beauchasne on page 151 - there is no need for me to go through that again - and that being so, is out of order. However, as far as the government is concerned, it is perfectly prepared, if the hon. gentleman wishes to speak to it, to allow it.

MR. E. ROBERTS: Mr. Speaker.

MR. SPEAKER (Simms): Further to the point of order, the hon. the member for the Strait of Belle Isle.

MR. E. ROBERTS: I shall deal, Your Honour, only with the points raised most recently by my friend from St. John's East (Mr. W. Marshall) that require any response, which are very few, only one or two in my view.

First of all, there is nothing in the rules that says that a dilatory motion, having been moved in a debate, there can not then be a substantive motion, an amendment moved by some other member, and that is the situation which we have here. There cannot be another dilatory motion until some substantive proceeding has interposed itself. You cannot have a series of dilatory motions. But that is not so here - we have had one, more by good luck than good management, I would suggest, and now we have a substantive amendment. And there is nothing in the rules, nothing in precedent, nothing in practice that says if you have a six month hoist at second reading you cannot equally have a six month hoist at third reading. We have chosen not to have a six month hoist because we realize the government are not prepared to go for six months. We hope they will go for five months, Sir, and that is why we have phrased the amendment the way we have.

MR. SPEAKER: I would thank hon. members for their contribution to the debate on the point of order. I am not quite sure if

MR. SPEAKER (Simms): the hon. the President of the Council (Mr. W. Marshall) withdrew the point of order or pursued it or not, but in any event, I guess it is the Chair's responsibility to make a ruling on whether or not the amendment is in order.

Having heard all the debate, may I just point out for the benefit of hon. members prior to the ruling I am about to give that in the same context that I discussed earlier in ruling on the dilatory motion, I referred to Hansard, June 28, 1978, and I make the same reference now to Hansard, June 28, 1978 where the dilatory motion was put, albeit on second reading - no, and it was defeated. The same situation here, and later on the amendment and the hoist was also put, so there was a substantive matter - so there is a precedent on second reading. So having considered all the debate and discussion, I would have to rule that the amendment is in order.

The hon. the member for LaPoile.

SOME HON. MEMBERS:

Hear, hear!

MR. S. NEARY:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for LaPoile.

MR. S. NEARY:

Mr. Speaker, this is typical of the attitude of the government ever since this flag debate started. It just goes to prove how arrogant this administration has become in a very short time and the contempt that they have for the people, and the contempt they have for this House. What the hon. gentleman was trying to do was to muzzle any further debate. He was trying to muzzle members of the House who are opposed to this flag design. That is what the hon. gentleman was up to.

Now, Mr. Speaker, my hon. friend, the Opposition House Leader (Mr. E. Roberts) has made an amendment and I thank the hon. gentleman for it. It is an indication - it is almost, coming events cast their shadows before them. Hon. members should now see what a great team my hon. friend, the Opposition House Leader and myself will make between now and the end of October when certain events are going to take place in this Province. We are going to make a wonderful team, the hon. the Opposition House Leader and myself, and I thank him.

MR. S. NEARY: I will tell you the significance, Mr. Speaker, of this amendment. The significance of it was that you had a number of members on this side of the House clamouring to second the amendment, including, Mr. Speaker - just listen to this. If I could get Your Honour's attention for a moment.

MR. SPEAKER (Simms): I can hear the hon. member.

MR. S. NEARY: If the hon. member wants to protest Your Honour's ruling there is a procedure and I would suggest he not interrupt the business of the House.

MR. SPEAKER: I would ask the hon. member to carry on. I can assure you I am listening with great (inaudible).

MR. S. NEARY: I am pointing out to Your Honour that among those who wanted to second that motion was none other than my hon. friend from Eagle River (Mr. E. Hiscock) a member of the Flag Committee.

MR. G. WARREN: On the Committee too, yes.

MR. S. NEARY: That is the second member of the Flag Committee. The first member to support such an amendment was the member for Grand Bank (Mr. L. Thoms). And now the member for Eagle River wanted to second the motion, which is an indication to me at least that the hon. gentleman feels that the government are handling this whole situation of the flag very poorly, in an unconstitutional manner, in a non-democratic

MR. NEARY: manner, and are being arrogant about it and have nothing but contempt for the people, and I would think my hon. friend is concerned and worried about the way that the government has handled this particular bill in the House.

MR. HISCOCK: Yes.

MR. NEARY: Right on. My hon. friend says yes. That is two members of the Committee. Now, where is the hon. the Premier he is not in his seat to hear this because the hon. gentleman the other day got up and twisted and distorted the fact that, "All members of the House," he said, "all members of the House went along with this, and all members of the House agreed to set up a Select Committee. And all members of the House were agreeable to accept the report of the Select Committee, when in actual fact, Mr. Speaker, that was deceit of the lowest order. What the Committee said, Mr. -

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

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

MR. MARSHALL: The words used by the hon. member for LaPoile (Mr. Neary) were 'That was deceit of the lowest order'. I would submit to Your Honour that to say that somebody has deceived the House is an unparliamentary expression. 'Deceit of the lowest order' would be even a more restricted and a worse type of expression. "Deceive", page 106 of Beauchesne, to say "deceive", or "deliberately deceived", or I say "deliberately deceived," but certainly 'deceit of the lowest order' is not the type of - is certainly unparliamentary and should be retracted without any further debate.

MR. THOMS: To that point of order, Mr. Speaker.

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

MR. THOMS: Yes, Mr. Speaker, to that point of order. I think probably, although what my hon. friend from LaPoile (Mr. Neary) said was absolutely true, it is unparliamentary and should be withdrawn



MR. SPEAKER (Butt): I would ask the hon. member for LaPoile (Mr. Neary), to withdraw the word "deceived".

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

MR. SPEAKER: Yes.

MR. MARSHALL: The hon. member for Grand Bank when he got to his feet and was talking on the point of order said, and I quote, "what the hon. member for LaPoile said, while it was probably true, it should have been withdrawn." His using the words, "while it was probably true," he was adopting these words to himself, he is therefore deemed to have said that the hon. Premier has deceived the House in the lowest possible way and he should retract.

SOME HON. MEMBERS: Hear, hear!

MR. THOMS: To that point of order, Mr. Speaker.

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

MR. THOMS: Mr. Speaker, I withdraw if - well, I would withdraw it anyway, parliamentary or unparliamentary. And in doing so, of course, state that I certainly cannot be blamed for what I am thinking.

MR. SPEAKER: Order, please!

I would ask the hon. member for LaPoile (Mr. Neary) to withdraw the word deceive.

MR. NEARY: Yes, I withdraw Your Honour. I did when I got up first I withdrew and -

AN HON. MEMBER: (Inaudible).

MR. NEARY: Your Honour did not hear me because of the interruptions from the Government House Leader, who obviously does not want to hear any further debate on this flag. They have taken such a scolding on this, Mr. Speaker, they have gotten their fingers burned so badly, and they have got such a crucifixion from the ordinary people of this Province they do not want to hear anything else about it. It is now becoming a bit of a nuisance to them. Well, I do not care, Mr. Speaker,

MR. NEARY:                   how much of a bother it is to the hon. gentlemen, they are going to have to listen to further debate. We are making one last-ditched attempt. Mr. Speaker, we said in the beginning we had no intention of filibustering. We said in the beginning that the government had every right, and they call the order of business in this House, they have every right to debate and discuss whatever they want to discuss. The fact of the matter is that they have forced the House to debate the flag, and the reason they forced the House to debate this flag is to distract from all the major problems facing the ordinary people of this Province. It is the government that calls the order of business. The Opposition has no control over what is debated in this House except on Private Members' Day which is Wednesday.

MR. THOMS:                   They cannot even bring in a roads program.

MR. NEARY:                   The government, if they wanted to, could have been discussing roads; they could have been discussing social assistance, unemployment, industrial development, cost of electricity, cost of living, offshore resources, any of these items. They could have been debating them in this House for the last two and a half or three weeks, but the government put the flag as the number one priority. It is the government that did that, Mr. Speaker, the government calls the order of business in this House, and that is their number one priority. In the process of wanting that debated, instead of bringing democracy to Newfoundland, Mr. Speaker, they have behaved just as if you were living behind the Iron Curtain, as if you were living in Russia. In Russia you would not see this happen. It is the same tactic, it is the same strategy, it is the same type of thing you see going

MR. S. NEARY:

on in the Kremlin in Moscow, exactly the same thing, when here you have 95 or 99 per cent of the people saying, 'We do not like that design,' and you have got the Hitlerites and you have got the 'Emperor Brian' over there and his knights saying to the people, 'You will take this design as we like it, I like it.' 'Emperor Brian' likes it so the people have to accept it. And that, Mr. Speaker, is the same sort of thing that goes on behind the iron curtain. And it will not be too long now, Mr. Speaker, when they will be out in front of Confederation Building have a little bit of a ceremony and the emperor and his knights will be standing around the flagpole -

MR. SPEAKER (Butt): Order, please! Order, please! I would ask the hon. member to refer to other hon. members of the House either by their district or the office that they represent.

MR. S. NEARY: Well, Mr. Speaker, I do not know who I am referring to but the emperor and his knights will be standing around the flagpole and in this case, Your Honour can use his own imagination of who the emperor is.

AN HON. MEMBER: That is right.

MR. S. NEARY: Standing around the flagpole with the sparklers, the flashlights and they will be hauling up this flag that has the rocket on it, the dart on it or the arrow or whatever you want to call it and they will say, 'There it is now, that is going to fly over Newfoundland.'

Well, Mr. Speaker, that is sad, very, very sad indeed because nobody but nobody in this Province apart from a handful of people want that design and yet the government is going to force it on the people and I would submit to Your Honour that in due course, I do not know how long it will take, but in due course, Mr. Speaker, that Bill will be repealed in this House. And if the government has the gall, if they are brazen enough and they have proven over the last three or four weeks that they have the face of a robber's horse, if they are brazen enough to haul it up, it will be hauled down at the earliest opportunity I can guarantee members that.

MR. S. NEARY: One of the issues that I will go to my constituents on in the next election will be to get something in the provincial flag that you can relate to Newfoundland.

You know, Mr. Speaker, I believe if that rocket, that arrow and these triangles had been taken off of that and substituted with something else you might have been able to sell it. If we had, for instance, something like members found on their desks today in this hon. House which was a beautiful design and it is not the first time that the Premier of this Province saw that -

MR. W. MARSHALL: I want to rise on a point of order, Mr. Speaker.

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

MR. W. MARSHALL: Mr. Speaker, the hon. gentleman is now raising again a matter on an amendment that he is speaking to which in the main motion the Speaker indicated he was out of order in raising. Now, the fact of the matter is and I do not need to refer to May again, the fact of the matter is the debate on third reading is restricted from that in second reading, you have to confine yourself to the contents of the bill itself. The hon. gentleman, when he is getting up and waving, you know, other designs and talking about other designs is not talking about the contents of the bill itself and consequently is out of order as was determined by the Speaker when the Speaker was in the Chair.

MR. S. NEARY: Mr. Speaker, to that point of order.

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

MR. S. NEARY: Mr. Speaker, that is not correct what the Government House Leader (Mr. W. Marshall) just said in raising his point of order. It is not a point of order, Mr. Speaker. The whole idea of moving the five month hoist is to allow people to think about other designs. That was the whole purpose of it. And my hon. friend can not muzzle debate in this House under the disguise of a point of order or a so-called point of order.

MR. E. ROBERTS: To the point of order, Mr. Speaker.

MR. SPEAKER (Butt): To the point of order, the hon. the member for LaPoile. I am sorry, the Strait of Belle Isle.

MR. E. ROBERTS: My heavens, we may be cheek to cheek, etc. but it has not gone that far, Mr. Speaker, yet. I think Carter and Mondale boy got nothing on this, if only we could figure out who is Carter and who is Mondale, yes.

MR. S. NEARY: Who is who. We will sort that out -

MR. E. ROBERTS: Mr. Speaker, it is out of order - we will sort it out a number of times, sometimes one way, sometimes another.

Mr. Speaker, it is obviously out of order at third reading to debate the design. It is equally obviously in order in giving your reasons in favour of voting for a five month hoist which is the amendment. We are not debating the third reading now, Your Honour, we are debating a five month hoist, the amendment, which Your Honour accepted and has put and we are debating it. And surely it is in order, in giving one's reasons to advance any reason that one can think of subject to the laws of decency and so forth, that a member of the House may say, 'All right, that is a good one, you know, I will buy that one, I will vote for this.' And all my hon. friend is saying as I heard him is he is not trying to amend the principle of the bill, he is trying to say, here is a reason why a group of level-minded, open-minded, honest, impartial, dedicated citizens of this Province,

MR. E. ROBERTS:

being the members of this House, might want to consider. And I think it is quite in order for him to put forth not an alternate design but to put forth other designs and say, 'Now, maybe you want to think about it some more and have a look at this one as a for example. So I think it is in order for him to carry on as he is, Sir.

MR. SPEAKER (Butt): To the point of order, I would rule that there is a legitimate point of order here and I would ask the hon. member to not make comparisons with another design which found its way into the House this evening in the way of a letter to all hon. members. It was previously ruled by the Speaker that other -

MR. ROBERTS: Your Honour, we are on a different motion.

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

I would rule that there is a legitimate point of order and I would ask the hon. member to confine his remarks to the amendment of the five month hoist. The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, the reason we are asking for the five month hoist, and I do not like that term as I said the other day, six month hoist, five month hoist, it is just a name but it is a name that I do not like. There should be a better term that we could use. Actually, what we are asking for is the government to give the people five months, to give the people five months to say whether or not as the government have indicated, the Premier indicated, this flag will grow on you like a wart or like an ingrown toenail or like a pimple on the back of your neck that develops into a boil, will grow on you. The government are telling us that this flag will grow on you. Well, that is what we want to find out - will it grow on you?

We have had about two and a half to three weeks of debate in this House on the flag and it has not grown on anybody yet. As a matter of fact, the Flag Committee have now lost two

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MR. S. NEARY: members, the member for Grand Bank (L. Thoms) and the member for Eagle River (E. Hiscock), who say- and there is probably more coming.

MR. STIRLING: They have been abusing the committee, they have been abusing.

MR NEARY: They have been, that is right. Because of the abuse of the Committee by the government who have tried to manipulate the Committee, abuse the Committee, two members now say, 'Yes, let us have a little more time to study it.' And that is what we are asking the government for.

MR. STIRLING: And a free vote (inaudible).

MR. NEARY: And over the weekend and today the Premier's argument that all the organizations in Newfoundland that would have kicked up a fuss before are now silent. That argument has been exploded because all the same organizations are violent towards this design and if the hon. gentleman thinks otherwise he is deluding himself, he is living in a fool's paradise.

Mr. Speaker, I do not know what else I can say. I have used up my vocabulary to try to persuade the government to come to their senses, to try to persuade the government not to use the Russian tactics, the strategy they use behind the Iron Curtain. I have tried every way that I know. I have used every parliamentary maneuver, every parliamentary means at my disposal to try to slow down the progress of this Bill in the House. The government wanted to cut off the debate ten days ago. Three times, I believe it was, the Minister of Tourism (R. Dawe) who introduced this Bill stood in his place three times to try to shut off the debate.

MR. WARREN: (Inaudible) they can do.

MR. NEARY: And then the Premier told us that on one occasion that he was away to a funeral and that is why he could not speak. Well, he was here. The hon. gentleman was here in this House for

MR. NEARY: most of the debate, and did not elect to speak before the Minister of Tourism (R. Dawe) got up to close the debate.

The fact of the matter is that all those who are very close to the hon. gentleman, very close, as close as you can get have told the hon. gentleman, they said 'Look, we do not care about a flag but we are very concerned about the way you are handling this in the House.' That was told to me by people who have made the hon. gentleman, made him what he is today. They have told him to his face and they reported to me that we were right, the people are right and they should be concerned about the way they have handled this flag issue in the House, and



MR. S. NEARY: the arrogance and the contempt for the people. And they have been told, Mr. Speaker, and they should be men enough to admit that they are wrong. They should have the courage to admit their mistakes. They should be big enough and men enough to get up and say, 'Yes, we are wrong in foisting this monstrosity on the people of this Province in such a short time. We are wrong. We want to recognize Labrador. We want some recognition of the native people in that flag that we do not have. We want Labrador represented in that flag which we do not have.' And the triangles do not represent the Island and Labrador, the triangles show, if anything, that they are separating - they are going off this way. And you have that rocket in between. I had a letter today from an outstanding Newfoundlander. I cannot read it. I wish I could.

MR. STIRLING: Why can you not read it?

MR. S. NEARY: Well, because it is a little bit obscene the way they describe this, Mr. Speaker. It is like somebody taking a bath, stooped over washing his feet - like a man taking a bath, that is what I was told, use your imagination - bent over washing his feet.

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: Look. I think it is a very poor way, Mr. Speaker, to start off a flag.

The Committee laid down some guidelines for themselves. They said the flag had to be distinctive, it had to represent Newfoundland and it had to be this and it had to be that, but the most important rule that they laid down for themselves was the fact that it had to be acceptable to the majority of people of this Province. And now, two members of the Committee have parted company because of the way the government have abused - especially the Premier - have abused that rule, that guideline that they laid down for themselves. It is not acceptable to the people.

MR. STIRLING: They have abused the Committee.

MR. S. NEARY: And they have abused the Committee in the process. If they want to get good faith in this House, they are certainly going about it, Mr. Speaker, in the wrong way. Will they ever get a

MR. S. NEARY: Select Committee again the way they abuse committees in this House, the way they have abused this Flag Committee? Will they ever get co-operation again? Or do they want it? Or do they just want to set themselves up as dictators, as they have in this case?

MR. STIRLING: (Inaudible).

MR. S. NEARY: They are out to abuse everybody. They operate on confrontation - attack Ottawa, attack this one, attack that one. And the other day the Premier attacked all the organizations that ordinarily would kick up their heels ten years ago, he said, are now silent, and that should be significant. And yet today in front of us we have a letter. And the hon. gentleman had that in his possession, plus a number of other documents, Mr. Speaker. The hon. the Premier should table all the petitions, telexes and letters that he has received and then his little argument would explode and blow right up in his face. Because I happen to know where some of these came from.

MR. W. MARSHALL: A point of order, Mr. Speaker.

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

MR. MARSHALL: Again, Mr. Speaker, it is obvious the hon. gentleman is wandering, very, very far off this bill even if one were able to debate it with the latitude as in second reading. But he is now obviously into areas that have no relevancy whatsoever and certainly they are not competent to be brought up in third reading.

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

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

MR. L. STIRLING: The amendment, Mr. Speaker, is to delay for five months. One of the things that my colleague was asking the Premier to do - because the Premier in the debate earlier indicated on a very specific item that there was no protest. We have now seen evidence of the protest, and my colleague was simply saying to the Premier, 'Will you table all the documents that you have received, all the telexes, so

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MR. L. STIRLING:

that this House on a free vote -

because this is a free vote - this House will be in a position to  
know whether or not it is worthwhile to extend this for five months?

It should be completely in order.

MR. SPEAKER (Butt):

Order, please!

Once again there is a legitimate point of order. The hon. member is straying well over the bounds of this amendment and I would ask him to confine his remarks to the amendment.

The hon. member for LaPoile.

MR. S. NEARY:

Mr. Speaker, one of the reasons we are asking for this five month delay in reading this bill a third time is to give the hon. the Premier an opportunity table all the documentation in this House that he has received since this debate started. Now that is a fair and reasonable request, Mr. Speaker. And if the hon. gentleman had any courage, if he was the man he says he is he would have no hesitation to bring it in because, Mr. Speaker, he can it in in bag fulls, fill up the table of this House! And yet the hon. gentleman gets up and tries to - I would not say deliberately - but tries to mislead the House including his colleagues. because his colleagues are not aware of the representation that has been made to the hon. gentleman. And he made this statement, Mr. Speaker, that those organizations who ordinarily would be kicking up a fuss are now silent when the hon. gentleman knows the difference. And we have evidence of that before us today in the letter that was laid on each member's desk that I am not allowed refer to. I wish I could.

MR. G. WARREN:

You can read the first paragraph.

MR. S. NEARY:

No, I am not even going to bother to read the first paragraph. Because, Mr. Speaker, we have been at this debate now a long time. It has been a hard, hard fought debate. It has been a good debate. That is what the House is for. We are a debating forum and once you

MR. S. NEARY: stop debating in this House and protecting the Public Treasury then you may as well shut the House down. But in the process of debate, Mr. Speaker, points are made, valid points are made, sometimes foolish points are made. Valid points are made, that is what debate is all about, back and forth across the House, and when valid points are made, Mr. Speaker, people in high places, people in authority should take note, should recognize these valid points. And I think we have made a prima facie case in this House for the Premier of this Province to sit up and take notice. Two members of his own side have refused to vote for this design, two members of the committee are now refusing to go along with the way the government handled this whole affair.

It never happened in the House before, Mr. Speaker. And the message does not seem to have filtered through to the hon. gentleman that the greatest majority, 95 to 99 per cent of the people of this Province, are opposed to that design. And the hon. gentleman sits there day in and day out listening to these protests and these objections, he sits back and in his cocky way, cocky attitude that he has developed -

MR. L. THOMS: Arrogant.

MR. S. NEARY: - arrogant, contempt for the people, his cockiness and his cockiness is catching up with him I can tell the hon. gentleman that, in his cocky way he is saying to the people, 'Look, I like this design and because I like it you take it. And if you do not like it you can lump it.' That is what the hon. gentleman is saying in his mind. 'I like it, the Emperor and his knights like it so, therefore, Newfoundlanders and Labradorians you have to like it'. And his reasons again, if I may repeat, are that all these organizations are now silent. And one of them surfaced over the weekend, surfaced today.

MR. S. NEARY: And if we had another five months the hon. gentleman would find out how silent they are. He would get that rocket that is on that flag, he would get that dart right in the place where he least expects it. And I am not allowed to say where he would get it in this House, Mr. Speaker, because that would be unparliamentary. But that dart, that rocket or the spear, whatever he wants to call it on that flag, will come back to haunt him. That dart is going to be turned around and the hon. gentleman will get the dart in due course for not listening to the people of this Province. The people are always right, Mr. Speaker, the people are never wrong and they elect

MR. NEARY: governments to be their servants and not for the government to make servants out of the people, and that is what happened in this case. The people are always right and the people will win out in the end and democracy will win in the end, and I will end up by saying what I said the other day, Sir, God guard thee Newfoundland and God save the people of this Province.

MR. SPEAKER: (Butt) Is the House ready for the question on the amendment? The hon. member for Eagle River.

MR. HISCOCK: Mr. Speaker, I wish to speak on this amendment. I would also like to point out to particularly, probably, the media and also to this House that when the time came for the second vote I was not present in the House. A report recorded me as saying that I would support it. I would just like to say that I was in Montreal or Quebec at the time of the referendum, and I had given notice to the Chairman of the Committee that I would be away as well as members on this side so I was not away from the point of view that I wanted to abstain myself from voting. I would like to clarify that.

Well, on this motion and when I spoke on the second reading or spoke on the flag first, I pointed out certain things that I was rather concerned with, and that, basically, is that the flag would become a partisan flag. Also, that the flag would be used to tap, I would say, nationalism in Newfoundland, and I expressed that concern that, basically if we saw the flag going in a direction of a partisan flag and also using it from the point of view of nationalism, I saw a danger in that. That danger is only being expounded and, in my own conscience, I feel that even more so, because I think it would be a terrible shame to this Province and to the people to turn around and try to divide our people on such a, basically, emotional issue.

The final part of the Committee was widely accepted. There has been much criticism in this House and in the public by the way it has gone through. Some people have referred to it as arrogance, some people have referred to it as just ramming it down people's throats. I, for one, on the Committee like the design and I have no questions or no hesitation in saying that

MR. HSICOCK: now and saying that in future, and I will accept the design whatever it may be. But I am concerned about now from the point of view of the widely accepted. If this is a suggestion of the five-month hoist and having the point of view of letting our people see if it grows on them and also letting various groups throughout the Province express their opinion and getting some sounding board from it, because, basically, we have been around now for over 400 years and we are bringing into this Province now a flag that, hopefully, will fly for 400 or 500 or 600 years after. Once it is done, I do not want to see that another term or another government or another government down the road eight, nine, ten, fifteen, four years from now or whatever, will, basically, feel that this flag is not representative of the people and we will have to change it. I do not want for us to turn around and divide our people on such a basic issue. So, in that regard, I support the motion that we delay the final vote, the third reading, until five months from now from the point of view of getting various pressure groups throughout the Province to make their decision known to the government and to the members. By that way, we will be able to vote from the point of view of knowing how the people of this Province feel.

I, for one, would also like to say that I do not support the idea of a referendum. I do not support the idea of a referendum on this flag. One of the things that our people criticized in this flag is nothing there to remind us of our British heritage, nothing to remind us about our heritage of Newfoundland and what has gone on in the past. I, for one, feel very, very strongly not so much that we have the Union Jack incorporated but that we guard, and I say guard, the principles of our democratic society and our British institution, and that is the question with regard to a referendum. We are duly elected by the people of this Province and, therefore, as a result I do not think we have to go back to the Province, each time we have an issue, on a referendum and say to the people that, okay, now it is your chance to decide in this and vote in the referendum.



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Tape No. 1811

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MR. HISCOCK: We are not an American institution,  
we are not American, we are British, and have British institutions,  
and, as a result, if anybody wants to make the decision known to members  
of this House we accept

MR. E. HISCOCK: collect phone calls. We also basically end up - the way of mailing in this Province, we can get hold to each of the members. We also have our public Open Line programmes. We have Letters to the Editors. We basically have untold ways of having people express their opinions and I think any member in this House that does not listen to the people's feelings and how they speak is remiss in his duty and that, basically, the idea of having a five month hoist is basically, I think, a very sound one. The idea of a referendum, no, I do not support it because, as I said, I do not think that in our British democratic society we cater to referendums. We may cater to referendums in the sense of joining Canada or wanting to leave Canada. But Ottawa or the Government of Canada, did not have a referendum on capital punishment, did not have a referendum on the flag, and I also believe very, very strongly with regard to referendums of having people decide the flag. People have suggested that we should have four or five flags go to the people and then vote on it. That way I see the danger of a small group of people approving one flag out of the five and this is approved then for the whole Province. At least by having one flag sent into the House and presented the people at least can get a clear indication whether they like it or not. And for this reason I support the motion that is put before us that we have a hoist, if you want to call it, or a delay. I much prefer, as the member for LaPoile (Mr. Neary) I do not like the word either. I do not like the idea of saying a hoist or delaying tactic, I much prefer to say we have various issues before this Province and many issues that are presenting themselves on roads, on education, on health, on jobs, high unemployment, These are the issues that I think we should be getting at in this Province now. The flag itself, people have said is a camouflage issue that is distracting our people from the point of view of the realities of high unemployment, the low construction season in this Province. I said that at the beginning when I accepted the position on that Committee as being treasurer that I was not fooling myself or eluding myself, or naïve to think that this was a diversionary tactic

MR. E. HISCOCK: from these issues. But I also said that basically we do need a Provincial flag and we have to make a decision now, or sometime later, so it is just as well to make it now. But I also feel very, very strongly that there is nothing wrong with us putting this aside and letting it cool down and letting our people decide whether they like it or not. And these groups that basically have been silent because they do not want a head on confrontation issue, because they see too much of this coming from the government on various other areas, they do not want to see our people divided or families divided on this issue. Basically, they want a Provincial flag, we all want a Provincial flag but we want it done with courtesy, dignity and integrity and respecting the wishes of our people. So for that reason, Mr. Speaker, I support the motion, and I will reserve my vote on the third reading.

SOME HON. MEMBERS:

Hear, hear.

MR. SPEAKER: (Simms)

The hon. member for Grand Bank.

MR. L. THOMS:

Mr. Speaker, I would just like to have one more kick at the cat on this particular bill that we are putting through the House at the moment and it is the last opportunity, it is the last opportunity for members of this House to have anything to say about a flag that this Province is going to have live with, that my children are going to have to live with and, as I said, a flag that my children dislike, dislike intensely. They disliked it from the moment they say it. And I had an interesting experience two weekends ago. I had four billets from the Province of Quebec who were here for the Annual Quebec-Atlantic Provinces Swim Meet. When we got in the car

MR. THOMS: to drive to the Aquarena on Saturday morning those billets, two of whom could speak the English language and two of whom could not speak, they had no idea of my involvement with this House or politics in this Province or the flag or anything else, my boy picked up a print of this flag off the seat of the car and he passed it over to the young fellow from Quebec, who was eleven years old, and said to him, he said, "Jamie, what do you think of our new flag?" The young fellow from Quebec took the print from Mark and looked at it and looked at it, and then looked at my son and said, "My God, it is ugly". Now, that was his initial reaction, and I think it is certainly apparent, it is certainly apparent that public opinion in this Province thinks exactly the same thing about the flag.

I must say my first reaction to the flag, and members of the Committee can vouch for this, was, and I said it, I said to the members of the Committee, I said, "I do not think we are going to be able to sell this flag". But since I have heard the debate in this House, since I talked to so many people in this Province, you know -

AN HON. MEMBER: (Inaudible).changed your mind.

MR. THOMS: - I guess - yes, they have changed my mind. They have pointed out things about this flag that I really did not see into the flag. With all due respect to the artist, with all due respect to the artist, Mr. Speaker, the flag does lend itself to obscenities. It really does lend itself to obscenities, and the thing that lends itself to the obscenities is -

MR. NEARY: This arrow.

MR. THOMS: - this yellow or golden arrow which is supposed to depict Newfoundland's future, and it does lend itself to obscenities. I have had people stop me on the street and say, "Do you realize what they are saying about the flag? Do you realize what they are doing to it?" And then they proceeded to tell me what people have been doing, and I think one of the best comments about the arrow was made by my friend from Torngat Mountains (Mr. Warren) when he said our athletes

MR. THOMS: would be marching to the games with the arrow going backwards, you know, and over and over, over and over. I think that the people who talked to me - they have changed my mind, even those who say, even the people of this Province who say, "Well, we need a distinctive flag, you know, I do not like it, I do not like it, but if we do not get this we will not get any flag", and, "It will grow on you", comments like this, but that is really this House abdicating its responsibilities. It is our responsibility, as members of this House, to give to the people of Newfoundland a flag that they are going to have to live with for centuries to come, something that they can live with. You know, to say that a flag is going to grow on you is not taking our responsibilities seriously, and everything that I have heard - and I am prepared to admit it - has changed my mind, and as I said before that the only person who does not change his mind, of course, is one who does not have a mind to change. And I think that is basically what is wrong with the government side of this House, that maybe there are not enough minds over there to change. As I say, it appears to me, it appears to me without any evidence to the contrary, that public opinion in this Province is solidly against this design, solidly against this design. That is the evidence that I get.

Now, Mr. Speaker, public opinion is not to be taken lightly. It is not to be taken lightly. Mark Twain, I think, who was referring to public opinion, he said, it is something to be held in reverence. It settles everything, he said, and he went on to say some think it is the voice of God. Well, Mr. Speaker, if public opinion in this Province is to be held in reverence, if it is to settle anything, if it is, by any stretch of the imagination, the voice of God,

MR. L. THOMS: it is something that is being ignored completely by this House. It is completely being ignored by this House. And, Mr. Speaker, it is a sad day, it is a sad day in this Province when something that apparently -I could be wrong, I could be wrong, maybe ninety per cent of the people of this Province want this design for a flag, I really have no way of determining with any surety except what I have heard, the correspondence I have had from the Canadian Legion and from others, that is the only thing that I have to go on. And in rushing, in pushing this legislation through the House in a two or three week period, and then it is only two or three weeks, Mr. Speaker, because the Opposition have refused to permit it to go through in any less time, if it had not been for us the legislation would have gone through in an afternoon and we would have had first, second, third, fourth, fifth whatever reading was necessary by this government to get the particular piece of legislation through. Now, Mr. Speaker, democracy, democracy would dictate that a matter as important as this one should not go through. What is democracy? It has been defined government of the people, for the people and by the people. And what have we got here? Apparently, as I said, we have a Province that is deathly opposed to this particular design. Democracy would dictate to the Premier of this Province, it would dictate to this administration that the people of this Province have some say in the design. Now, they have not had a say in this particular design. The Committee received some 200 designs. None of them remotely close to this particular design, none of them remotely close. So to say that the people of this Province had their chance and had their say is entirely inaccurate. They did not have a say in this design. They came in with ideas, they came in with particular designs. They showed these particular designs to members of the Committee. But the people of this Province have not passed and will not pass, except in this House, a decision on this particular flag. Unless, as has been said by hon. members on the other side of the House, that it is going to grow on people. Maybe that is a sign of acceptance. Maybe it will not grow on them. What do we do then? But if they had some way, in this particular debate,

MR. L. THOMS: in the acceptance of this particular flag, to participate in democracy - and that is what is being denied the people of this Province, their democratic right, It is being denied them. They are not having any opportunity, whatsoever, none, except by writing to their members, Open Line shows, etc. The hon. minister smiles. Maybe the deprivation of democracy for the people of this Province is not a serious matter to the minister. Maybe it is not. Maybe he does not care whether democracy reigns in this Province or not. And that is what is wrong with this whole debate. That is what is wrong with this whole debate, that a government that is supposed to be of the people, for the people and by the people is not being honoured. It just is not being honoured. If we wanted to, if the government of this Province really wanted to find out how the people felt about this particular design they could do it. Give us the five months, Mr. Speaker, that we are asking for. Give us the five months that we are

MR. THOMS:

asking for, and I will be able to come back and report to this House how many people in the district of Grand Bank are prepared to accept and to fly this particular flag. I will be able to report to the House, given the time to do it. But with the indecent rush to get this matter through the House, the people of Grand Bank are being denied their democratic right to express, in a tangible form, whether or not they accept or reject. It might be, Mr. Speaker, that five months from now I will be able to come back and I will be able to say, "I am quite happy, I am quite happy, 60 per cent of the people of Grand Bank approve this design". Mr. Speaker, I would be quite happy, you know, I am not a bit difficult, I would be quite happy if I were able to stand here and feel assured that even 25 per cent of the people in the district of Grand Bank or any other district, 25 per cent of the people of this Province, approved of this particular design. I would be quite happy to let it be the new provincial flag. I do not like the term that was used by my friend from St. John's East (Mr. Marshall) today, and I do not like the term that was used by my friend from the Strait of Belle Isle (Mr. Roberts). I do not consider it a national flag, I do not consider it a national flag. I do not want it to be a nationalistic flag. I want it to be the flag of the Province of Newfoundland, just like I want to see the Province of Newfoundland remain for a good long time as a province of Canada. I do not want a flag that is going to be foisted on the people of this Province in anticipation, Mr. Speaker, of this Province, in anticipation of this Province ceasing to be a member of this country of ours. I suspect that in the minds of some that this design is looked upon as a very nice flag for the country of Newfoundland. What I want is a flag for the Province. I want a provincial flag.

Mr. Speaker, these are matters -

You know, it is not the design that bothers me, as I have pointed out. it is not the design, although after hearing -



MR. THOMS: - not necessarily members of this House, but after hearing members of the public, after listening to some of the open-line shows, after talking to some people in different districts in this Province, it disturbs me that this flag is open to obscene suggestions. It disturbs me that the people of this Province are not going to have a real input into this design. It disturbs me to hear the flag referred to as a nationalistic flag, one that is going to serve this Province in the event of a breakup of this country. That bothers me. It bothers me that the Committee's own condition of the acceptability of the flag to the public has been completely ignored, and it has been completely ignored by a number of the members of the Flag Committee. It bothers me that members on the other side of the House are not prepared to stand and really, with any conviction, defend the flag. I think probably the Minister of Mines and Energy (Mr. Barry) said it all. He said, "I do not like the flag but I am going to vote for it anyway". Now, that, Mr. Speaker, is a fine example of why we should vote for the flag. We do not like it but we are going to vote for it anyway. I mean, if the man ever lives down that statement, if the people ever let him forget that, then it is shame on the people. And I have heard

Mr. L. Thoms; no better arguments coming from the other side of the House than, "We do not like it but we are going to vote for it anyway. We do not like it but if we do not vote for this one we will not get a flag". I do not think that is true. I do not think that is true. Why do we need a Provincial Flag really between now and five months from now? What is the rush? Nobody has answered why the rush.

MR. WARREN: For the Summer Games down on the Burin Peninsula.

MR. L. THOMS: Down on the Burin Peninsula we can live without this flag for the Summer Games. We can fly the present Provincial Flag of this Province for the Summer Games down on the Burin Peninsula.

MR. WARREN: Let them change it.

MR. L. THOMS: There is nobody coming from East Germany to participate Mr. Speaker, in Garnish, in the Soccer Tournament or St. Lawrence or Grand Bank. There is nobody coming from Russia, there is nobody coming from Mexico, there is nobody coming that is going to look up at the Union Jack and call it the flag of Great Britain and be confused between that flag and the flag of Great Britain. There is no one attending the Summer Games on the Burin Peninsula that our athletes are going to have to explain, that our athletes are going to have to explain the Union Jack to. So, there is no rush, there is no rush. We have been on the go now for some 400 or 500 years, 400 or 500 years. There have not been Mr. Speaker, - you know, there have been some bad years, there have been some good years. I was born in this Province prior to Confederation. There were some bad years. They have not been 500 lousy years like the member from Menikuk said when he spoke in the flag debate. He did not want the Union Jack or any other flag that we have flown for the last 500 years because they were 500 lousy years.

MR. WARREN: A terrible statement.

MR. L. THOMS: Now, Mr. Speaker, with the oil and gas off shore and with all the evils, with all the evils that that can bring as well as the advantages, the next 500 years may be the lousy years of

MR. L. THOMS: this Province, the next 500 years not the last 500 years. And even if, Mr. Speaker, even if the last 500 years even if the last 500 years have been 500 lousy years. that, Mr. Speaker, is a purile reason for voting for a flag. That is a purile reason for not waiting for another five or six months so that the people of this Province with their democratic right, can have some input into the kind of flag that this Province will fly for the next 500 lousy years or otherwise. And it is pure arrogance on the part of the administration of this Province that they are not permitted to have that input into this particular design or any other design that the people of this Province really want. I cannot condone, I cannot condone, I am unhappy with the direction that we are taking in connection with this matter. And Mr. Speaker, it is a sad day, it is a sad day for democracy in this Province when the people of this Province, as my friend from LaPoile (Mr. S. Neary) says, the ordinary people of this Province, the ordinary people of this Province do not, and cannot and are refused their democratic right of having any real input. It is a fraud Mr. Speaker, it is a fraud to say that the people of this Province have had an input into this design. You will not find apart from some members of

MR. THOMS:

the Flag Committee, **you** will not find a half a dozen people who will acknowledge having an input into the particular design that we are ramming through this House.

MR. SPEAKER (SIMMS):

Order, please!

I might ask the hon. member to withdraw the word 'fraud'. It is unparliamentary.

MR. THOMS:

Of course, Mr. Speaker, I will only be too happy to. Mr. Speaker, you know, I was trying to find a word, a substitute strong enough for fraud.

MR. F. B. ROWE:

Almost fraud.

MR. THOMS:

Yes, maybe it is almost fraud. Maybe, Mr. Speaker, if I said that the people out there, the ordinary people of this Province would consider it a fraud. They might consider it a fraud that is being perpetrated on them. And, Mr. Speaker, I can only end by reminding the Premier of this Province, by reminding the front benches, the administration of this Province and by reminding the backbenchers of this particular government that the Newfoundland people do have long memories. **They** do have long memories, **and** whether an election is called next year or the year after or the year after that, they will remember and they will have their opportunity to show their displeasure, **not** Mr. Speaker, maybe at the design itself but I believe that the people of this Province will show their displeasure at the ballot box at the arrogance, the absolute arrogance with which this administration has pushed this particular piece of legislation through this **House** at this time and will not permit the people to exercise their democratic and legal right to have some say in the design of a flag that is going to last them for goodness knows how long. Mr. Speaker, I will certainly be supporting this particular amendment.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Is the House ready for the question?

The amendment is to delete all the words after the word 'that' and replace them with the following words, 'the bill be not now read a third time but that it be read again a third time this day five months hence.'

MR. SPEAKER (SIMMS): Those in favour please say "Aye".

Contrary "Nay". I declare the motion lost.

AN HON. MEMBER: Division.

MR. SPEAKER Division. Call in the members.

DIVISION

MR. E. ROBERTS: Shall we agree to call it five minutes?

MR. SPEAKER: It is agreed? Agreed.

MR. SPEAKER: (Simms) The amendment is to delete all the words after the word 'that' and replace them with the following words 'the bill be not now read a third time but that it be read again a third time this day five months hence'. Those in favour of the motion, please rise.

Mr. F. Rowe, Mr. T. Lush, Mr. R. Roberts, Mr. S. Neary, Mr. L. Thoms, Mr. B. Tulk, Mr. L. Stirling, Mr. G. Warren, Mr. E. Hiscock, and Mr. D. Hancock.

MR. SPEAKER: Those against the motion, please rise.

The hon. the Minister of Forest Resources and Lands (Mr. C. Power), the hon. the Minister of Social Services (Mr. T. Hickey), the hon. the Minister of Consumer Affairs and Environment (Mrs. Newhook), the hon. the Minister of Tourism, Recreation and Culture (Mr. R. Dawe), the hon. the Minister of Labour and Manpower (Mr. Dinn), the hon. the Minister of Municipal Affairs and Housing (Mr. Windsor), the hon. the Minister of Finance (Dr. Collins), the hon. the Minister of Justice (Mr. Ottenheimer), the hon. the President of the Council (Mr. Marshall), the hon. the Minister of Transportation and Communications (Mr. Brett), the hon. the Minister of Rural, Agricultural and Northern Development (Mr. Goudie), the hon. the Minister of Education (Ms. Vergel), Mr. H. Andrews, Mr. J. Butt, Mr. J. Carter, Mr. N. Doyle, Mr. W. Patterson, Mr. R. Aylward, Mr. L. Woodrow, Dr. P. McNicholas, and Mr. R. Baird.

MR. SPEAKER: Order, please!

With respect to the amendment, ten for, twenty-two against, I declare the amendment lost.

On motion, a bill, "An Act To Adopt A Flag For the Province", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 44).

MR. ROBERTS: Noted on division.

MR. SPEAKER: Noted on division.

SOME HON. MEMBERS: Hear, hear!

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Tape No. 1818

GH-2

MR. SPEAKER: (Simms)

Order, please! Order, please!

Order, please!

The hon. the President of the Council.

MR. MARSHALL:

Order 22, Bill No. 7.

Motion, second reading of a bill,

"An Act To Amend The District Court Act, 1976".

MR. SPEAKER:

The hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, the principle of this bill,

indeed, the entire effect of it is very straightforward, it is to increase the number of District Court judges by one and to increase the District Court districts by one, whereby Labrador will be a centre for a District Court. That is what it does, and the judicial centre -

MR. E. ROBERTS:

Has Ottawa (inaudible)?

MR. OTTENHEIMER:

No, we will need federal concurrence.

They are aware of our intention to introduce the bill and of our desire to have a District Court in Labrador and they will have to take action after the legislation or if the legislation or after the legislation is, in fact, enacted here.

MR. E. ROBERTS:

Do they intend to proceed with (inaudible)

MR. OTTENHEIMER:

They have not said yes or no.

MR. ROBERTS:

So we are doing it -

MR. OTTENHEIMER:

With the anticipation and the hope

and, also, I think we will strengthen the Province's position once the legislation is enacted. But the purpose of it is to have an additional judicial centre for the District Court located in Labrador, the centre being Happy Valley-Goose Bay, which, I feel, is a worthwhile, progressive move and see no reason why that important area of our Province, large in area, rich in resources, still relatively small in population -

AN HON. MEMBER:

Is that (inaudible)?

MR. OTTENHEIMER:

- should not have a District Court

district of its own, and that would be the effect of this. As my hon. learned friend pointed out there, it is a necessity also for a

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MR. OTTENHEIMER: concurrent federal - not a concurrent -  
a subsequent federal action. We have informed the Federal Government  
and we will have to wait and, certainly, we will press and make representation  
for the appointment because this is a federally appointed judge.

MR. ROBERTS: It is a real judge.



MR. SPEAKER (Simms): The hon. the member for Grand Bank.

MR. L. THOMS: Mr. Speaker, in speaking very briefly to this bill I am sure, now, with a very generous and liberal government in Ottawa that it will not be any problem for the minister to get the necessary concurrent legislation and hopefully, Mr. Speaker, it will not be very long before we will, in fact, have a district court judge for Labrador. This is a, Mr. Speaker -

MR. G. WARREN: A native person, too.

MR. L. THOMS: Mr. Speaker, there is one thing I do not mind, competing with the members opposite but I hate like dickens to have to compete with my own colleagues over here.

MR. SPEAKER: Order, please!  
The hon. member has the right to be heard in silence.

MR. L. THOMS: I do not mind when the thrust and so on of debate is coming directly at me but when it is coming at my back I find it very, very difficult.

MR. SPEAKER: Order, please!  
The hon. member has the right to be heard in silence.

MR. L. THOMS: Mr. Speaker, as I was saying, I am only too happy to support this amendment to the District Court Act. I feel that the presence of a district court, particularly if it is as lovely as the district court that the former Minister of Justice built in Grand Bank, the presence of a district court and the presence of a district court judge in Labrador will again ease the tensions that you find in Labrador in respect to Labradorians feeling that they are not getting everything from St. John's that they should be getting. I hope that the Minister of Justice

MR. L. THOMS: (Mr. Ottenheimer) will take my suggestion quite seriously that another thing that would help the Labrador people of this Province, make them feel more at home within this Province, would be the expansion of the Royal Newfoundland Constabulary to Labrador. I mean it seriously, I am not speaking politically. Whether the Royal Newfoundland Constabulary moves into Labrador and polices the mainland portion of this Province is not going to get me one single, solitary vote down in Grand Beach in the next election. But when you look at the Province, when you go to Labrador and you get the feeling of alienation then I think anything that can help relieve these tensions and the alienation that you do find amongst some of the people then I am all for it. I think a move such as this will help. I think what would be of tremendous advantage, of course, would be having our Royal Newfoundland Constabulary extend into Labrador. I think that would, probably more than anything, Mr. Speaker, help relieve the fears and the tensions and the alienation that seem to be on the increase on the mainland portion of Newfoundland.

And, Mr. Speaker, for these reasons we have no problem at all in supporting this particular amendment.

MR. SPEAKER (Simms): If the hon. minister speaks now he will close the debate.

MR. G. OTTENHEIMER: I will thank the hon. member for his support and I move second reading.

On motion, a bill. "An Act To Amend The District Court Act, 1976", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 7)

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Motion, second reading of bill,  
"An Act To Ratify, Confirm And Adopt An Amending Agreement  
Entered Into Between The Government And Burgeo Fish Indus-  
tries Limited And Others". (Bill No. 30)

MR. SPEAKER (Simms):           The hon. Minister of Industrial  
Development.

MR. L. BARRY:                 Mr. Speaker, approval in princi-  
ple was given some time ago for the acquisition by Burgeo  
Seafoods Limited of all of the shares of Burgeo Fish  
Industries. This draft bill

MR. BARRY:

would ratify, confirm and adopt the agreement entered into between the government and Burgeo Fish Industries Limited. And I think the general policy is obvious from the contents of the bill.

MR. SPEAKER (SIMMS): The hon. member for the Strait of Belle Isle.

MR. ROBERTS: Mr. Speaker, I am literally overwhelmed by the minister's brevity, conciseness, eloquence -

MR. THOMS: But not the minister.

MR. ROBERTS: No, I have long ceased to be overwhelmed by the minister. He and I have been at it for many, many years and we will be at it for many, many more years.

Mr. Speaker, the bill is the essence of simplicity. The agreement appended to the bill is not quite as simple but it seems to be straightforward. As I understand it it is to implement a further facet of the arrangement by means of which the Province has arranged with the National Sea Company or the National Sea interests to operate the fish plant at Burgeo and the ancillary operations. And it seems to be straightforward. I understand from the minister - and perhaps he could assure us on second reading - that this does not increase the liabilities that may fall upon the Province and it does not increase the benefits that may accrue to the National Sea. In other words, it does not change the balance struck by the original agreement. The original agreement was, of course, enacted by legislation in the House as all these agreements are and was debated at some length then as I recall it. So, you know, I gather all we are doing is simply tidying up a further arrangement between the parties. I notice the signatories to the agreement on behalf of the government include Senator Doody and Mr. Walter Carter. I think we should note the passage from public life, at least, of Mr. Carter who seems to have found other pursuits to enjoy. And Senator Doody, of course, is still in public life and is making a notable contribution in another place and I would think if he were here with his well-known sense of wit and fun he would be the very first

MR. ROBERTS:

to say that the really nice thing about the senate is not that it is just not elected - I do not think that would be quite nice - but that he does not have to associate with the colleagues that he associated with on both sides of the House for these many years. Well, that being so, Sir, we are prepared to accept the second reading and expedite the business.

MR. SPEAKER (SIMMS):

The hon. Minister of Industrial Development. If the hon. minister speaks now he closes the debate.

MR. BARRY:

Mr. Speaker, I can say nothing more than to compliment the Opposition House Leader for the clarity of his remarks.

On motion, a bill, "An Act To Ratify, Confirm And Adopt An Amending Agreement Entered Into Between The Government And Burgeo Fish Industries Limited And Others", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 30)

Motion, second reading of a bill, .

"An Act To Amend The Public Service (Pensions) Act". (Bill No. 34)

MR. SPEAKER:

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, the effect of this amendment is to amend section 15 of the Financial Administration Act which is restrictive in terms of what -

MR. ROBERTS:

What number bill are we moving.

DR. COLLINS:

Bill No. 34.

MR. MARSHALL:

Order 32, Bill No. 34.

MR. ROBERTS:

The Public Service (Pensions) Act?

MR. MARSHALL:

Yes.

MR. ROBERTS:

It has nothing to do with section 15 of the Financial Administration Act, does it?

DR. COLLINS:

Yes. We are reading An Act To Amend The Public Service (Pensions) Act.

MR. ROBERTS:

It does not deal with section 5 (4) of the Public Service -

DR. COLLINS:

Yes.

MR. ROBERTS: Not section 15 of the Financial Administration Act.

DR. COLLINS: No, no, the effect of this.

MR. ROBERTS: It talks about section 5 (4).

DR. COLLINS: Yes. Perhaps I could read out the explanatory note.

MR. ROBERTS: Well, I could read the explanatory note. I want to hear the minister speak.

DR. COLLINS: "This amendment will set forth a broader investment base for the investment and securities of the Public Service Pension Fund." Section 5 (4) now reads "The funds shall be held in trust by the minister and may be invested from time to time on such terms and conditions as he considers adviseable in any of the securities and investments referred to in section 15 of the Financial Administration Act, 1973". This amendment will allow a broader range of investments similiar to the range permitted by section 11 of the Pension Benefits Standards Act of Canada. In other words, the act as it presently stands is very restrictive in terms of investments permitted. And one of the pensions that will be brought into the Public Service (Pensions) Act. is the Newfoundland Hospital Association Pensions Act. And the investment already entered into by that pension fund would not be permitted unless this amendment goes through. I move second reading.

MR. SPEAKER (SIMMS): We will see if anybody wishes to speak to it first.

MR. ROBERTS: Mr. Speaker.

MR. SPEAKER: (Simms)

of Belle Isle.

The hon. the member for the Strait

MR. E. ROBERTS:

Mr. Speaker, -

MR. L. STIRLING

I was just going to ask a question.

MR. E. ROBERTS:

Sure.

MR. SPEAKER:

The hon. the member for Bonavista North.

MR. L. STIRLING:

I know this is not committee stage but maybe just to expedite things. The beneficiaries of this Act, the Public Servants, have they been consulted on this? Has there been any consultation with, for example, the Newfoundland Association of Public Employees? And do they agree with the change?

MR. SPEAKER:

The hon. minister.

MR. E. ROBERTS:

Now that is the (inaudible)

DR. COLLINS:

Yes, Mr. Speaker, there has been discussions both with the new Pension Funds brought in, the managers of those funds and also with the Public Service Pension Act, those already involved in the Public Service Pension.

MR. L. STIRLING:

The question of (inaudible)

DR. COLLINS:

Yes.

MR. SPEAKER:

The hon. the member for the Strait of Belle Isle.

MR. E. ROBERTS:

Mr. Speaker, I thank the minister for what he said. I am not sure he really pointed out the most important or what I would submit is the most important feature of this amendment and the reason we are prepared to accept it. The minister I think either did not realize it was there or forgot to point it out or perhaps both. But the amendment would allow the Pension Funds being held by the Province as a trustee, and the Province, of course, acts as the trustee in respect to these Pension Funds, allow them to be invested in a wider range of securities than is presently allowed by the terms of the Financial Administration Act. And while I do not have section 15 of the Financial Administration Act before me, as I recall it, the minister please could correct me if I am wrong, the section 15 of the Financial Administration Act

MR. E. ROBERTS: limits investments to what are known as trustee investments as that concept is embodied in the law of this Province. The minister, I think, is nodding acquiescence. So we are now broadening it. And normally we would be reluctant to allow the minister and his colleagues free reign--not normally, in fact, we would be reluctant to approve a measure which would allow the minister and his colleagues free reign to invest trust funds in anything that comes to their mind and trustee investments are limited. And it is limited now - you know, trustee investments are of very limited range- it is limited to the trustee investments now. The minister is asking for a broader power and if that is all that he were asking for we would not be prepared to support this bill. Despite the minister's introduction, however, we are prepared to support the bill because there is a restrictive clause in it, that even with the broader range that is being allowed, a range broader than that authorized by our Trustees Act, there is still a range within which permissible investments fall and a standard by which investments are judged as to whether or not they are permissible and that is the Pension Benefit Standard Act of Canada, a federal statute. If I understand this correctly what would be allowed when this bill becomes law, and it will be now that we are supporting it, it will obviously be made law and assuming His Honour the Lieutenant-Governor does give assent to it, and I am prepared to accept that his hon. will accept the advice of his ministers and accede to the request of the people's House here, the Minister of Finance or whoever it is actually acts as trustee in respect to these funds, is authorized to invest them in any investments within the range authorized by the Pension Benefit Standard Act of Canada. And my friend from LaPoile (Mr. S. Neary) experienced in the - not the chicanery I am not allowed to use that word - experienced in type of antics that the government get up to, the present government of this Province get up to, said we cannot support this but, I think, given that the Federal Government which, of course, is the right kind of government, is a government of the



MR. E. ROBERTS: the people, by the people and for the people, if they authorize an investment it is okay.

MR. S. NEARY: This crowd could make such a bad investment they could bankrupt (inaudible) if we were not protected under that

MR. E. ROBERTS: Well, that is it. I mean, if we left it - and I say to my friend from Grand Bank that he is showing the paranoia of a leadership candidate already worrying about people behind him.

SOME HON. MEMBERS: Hear, hear !

MR. E. ROBERTS: And I want to know how long he has been at the bar of this Province with this unseemly haste of his and the unseemly haste of the Minister of Justice to approve this ninth district court judge before even Ottawa has agreed to it. I may as well go up to three or four minutes to six anyway. The afternoon is wasted I may as well finish wasting it.

MR. S. NEARY: If you are going to do that I am going home.

MR. E. ROBERTS: That is it - nothing more will happen, nothing more will happen.

MR. S. NEARY: Great team, great team.

MR. E. ROBERTS: Alright, okay. Well, anyway, the point is the Minister of Finance is asking us to authorize him or whoever is the trustee to invest these Pension Funds in any investment that is authorized by the Pension Benefit Standard Act of Canada. That is my understanding of what this bill is all about. If that understanding is correct then I, for one, and my colleagues for others are prepared to vote in favour of second reading of this bill.

SOME HON. MEMBERS: Hear, hear !

MR. SPEAKER: (Simms)

The hon. the Minister of Finance.

When the minister speaks now he will

close the debate.

DR. J. COLLINS:

I had already mentioned that point

when I stood first time around, Mr. Speaker. I move second reading.

On motion, a bill, "An Act To Amend

The Public Service(Pensions)Act" read a second time, ordered referred

to a Committee of the Whole House on tomorrow. (Bill No. 34)

Motion, second reading of a bill, "An

Act To Amend The Mineral Act, 1976". (Bill No. 8).

MR. SPEAKER:

The hon. the Minister of Mines and Energy.

MR. L. BARRY:

Mr. Speaker, this bill has as one of its

purposes the streamlining of the mineral land tenure' administration and improvement of the mechanisms for staking land and so on. But it also has a fairly significant clause which would make mine properties on which production has ceased for five years and which are held under legislation, other than the present Mineral Act, would make that property subject to reversion to the Crown when directed by order of the Lieutenant-Governor in Council.

MR. L. STIRLING:

(inaudible)

MR. L. BARRY:

Mr. Speaker, no, we do not address

legislation to - It is not ad hominem legislation but it does happen to cover certain situations around the Province such as St. Lawrence.

MR. SPEAKER:

The hon. member for the Strait of

Belle Isle.

MR. E. ROBERTS:

Mr. Speaker, I think the minister will

agree it is an important bill and I would think for our part we are prepared to support it but I would ask if perhaps we could call it 6:00 and let it stand until tomorrow. And I would say, if the minister wanted to speak at greater length, I, for one, would be prepared to give consent to go back. I do not know if Your Honour is with me. I am not sure if I am with me at this stage.

MR. SPEAKER: (Simms) I will accept this as just asking the minister if the minister (inaudible) speak.

MR. E. ROBERTS: Yes, okay. Because I think that is a significant step. I am for it, for one, but certainly that clause 13, could quite conceivably cover the St. Lawrence situation. I have not objection to that but the minister may want to speak and there maybe some others in the House. So maybe we should call it 6:00. We have done a good day's work other than the flag.

MR. SPEAKER: Shall we call it 6:00?

The hon. President of the Council.

MR. WM. MARSHALL: Yes, Mr. Speaker.

The only thing is I think though tomorrow that we will obviously come back on this before closing, but I think tomorrow what we would like to get into would be the Concurrence Debates. And the Concurrence Debates we will start with tomorrow will be the Resources Concurrence Debates.

Mr. Speaker, I move that the House at its rising do adjourn until mororrow, Tuesday, at 3:00 P.M. and that this House do now adjourn.

MR. SPEAKER: The motion is that this House do not adjourn, is it the pleasure of the House to adopt the motion, those in favour "Aye", contrary "Nay", carried.

This House stands adjourned until tomorrow, Tuesday, at 3:00 P.M.