

VOL. 2

NO. 74

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
3:00 P.M. - 6:00 P.M.  
THURSDAY, DECEMBER 8, 1983.

The House met at 3:00 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER (Russell): Order, please!

Before I begin, it is a pleasure for me to welcome to the Speaker's gallery the member-elect for Terra Nova, Mr. Glenn Greening and Mrs. Greening, accompanied by a group of his constituents.

SOME HON. MEMBERS: Hear, hear!

ORAL QUESTIONS

MR. WARREN: Mr. Speaker.

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

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MR. WARREN: Thank you, Mr. Speaker.

My question is for the Minister of Development.

Some time ago, I believe, the Solicitor General, Robert Kaplan, announced that there would be a minimum security prison in the Donovan's Industrial Park area. Has the minister taken into consideration that this area is in the close proximity of his district of Mount Pearl? Has he made any representation to the Solicitor General to try to convince him to change his mind on having that minimum security prison located so close to his district?

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

MR. WINDSOR: Mr. Speaker, the 'new' Leader of the Opposition should know that justice and the despatchment of justice comes under the aegis of my colleague,

MR. WINDSOR: the Minister of Justice (Mr. Ottenheimer). Nevertheless, as it relates to that particular issue, since it is one of great concern to me and to my constituents, I have discussed this with my colleague.

The Province's priority, of course, is for a full-scale penal institution, which is long overdue in this Province and which my colleague has long been fighting for and hopefully, some day, we will get. As it relates to this institution, the proposal, as I understand it, is for a detention centre and there is no final decision yet as to whether or not it will actually be going there. It will at least require, I understand, a re-zoning in the municipal plan in order to allow it to proceed. These things are under discussion, and my colleague, I have no doubt, is well on top of that situation.

MR. WARREN: Mr. Speaker.

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

MR. WARREN: A supplementary, Mr. Speaker, to the Minister of Development: Is the minister satisfied that if this minimum security prison does go in Donovan's Industrial Park that it will not have any effect on the district of Mount Pearl? In particular, I am thinking about some 1,200 students who attend the Mount Pearl Central High School, which is within half a mile from this proposed location.

MR. SPEAKER (Russell): The hon. the Minister of Development.

MR. WINDSOR: Mr. Speaker, if that proposed institution is within a half a mile of Mount Pearl Central High School then I am standing on top of Cabot Tower, because it is quite a bit further than a half of a mile. I have to say, Mr. Speaker, that I am concerned about it. What impact will it have on the district of Mount Pearl? It will create some employment, to start off with, which is something one must look at. As it relates to impact on the security of the people of Mount Pearl and of the industrial area, that is a matter that will have to be looked at very carefully, and no doubt will be looked at very carefully by my colleague and by myself before any final decision is allowed.

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

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

MR. WARREN: Knowing that his pal, the Mayor of Mount Pearl, and the councillors in there are very ill at ease knowing that there is a possibility of this minimum security going ahead in the district of Mount Pearl, would the minister advise the House if he, through the Minister of Justice (Mr. Ottenheimer), will be trying to, will be attempting to convince the federal officials, the federal department, of changing their minds on the location? Surely goodness, there are other parts of Newfoundland not as highly populated, in particular around the Salmonier Line or in Central Newfoundland, there are all kinds of places that would be much better for a minimum security prison than Mount Pearl.

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

MR. WINDSOR: Mr. Speaker, as I have already

MR. WINDSOR: indicated, once we have all the information on what is being proposed there and we are in possession of all the facts surrounding what security risk if any is involved, then we will make a decision and we will act accordingly.

MR. WARREN: Mr. Speaker.

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

MR. WARREN: Mr. Speaker, a question to the Minister of Social Services (Mr. Hickey). Usually every year around this time the federal department which is responsible for issuing cheques to old age pensioners and so on make sure that the cheques that the federal department is responsible for are out to the recipients before Christmas Day has arrived. Could the minister confirm to the House that his department will assure Newfoundlanders and Labradorians that they will receive their Social Security recipients' cheques before the Christmas festivities start?

MR. SPEAKER (Russell): The hon. Minister of Social Services.

MR. HICKEY: As a very compassionate administration, with a very compassionate minister, I have already indicated that it is my wish for that to happen. I cannot give the hon. gentleman any guarantee because with what is happening in Canada Post right now I could not give a guarantee that they are going to exist tomorrow morning.

MR. WARREN: Why not put 10 cent stamps on them?

MR. HICKEY: But I have done what I could and my compassion is with my recipients, and the hon. gentleman knows that.

SOME HON. MEMBERS: Hear, hear!

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

MR. NEARY: Mr. Speaker -

MR. TOBIN: The member for Terra Nova.

MR. NEARY: - it is black arm bands they should be wearing over there.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Speaker, I would like to direct a question to the -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Could we have silence, Mr. Speaker? The arrogance is starting to come through. There is no harm to say they are getting too big for their britches over there, Mr. Speaker.

MR. TOBIN: We told you not to go out there.

MR. NEARY: The hon. gentleman will not be able to get a hat to fit him in Newfoundland pretty soon, he will be so swell-headed.

Mr. Speaker, my question is for the Minister of Development (Mr. Windsor). Would the hon.

MR. NEARY: gentleman inform the House what the administration's position is on a request from a Concerned Citizens' group in Holyrood to put a stop work order on the dismantling of the oil refinery at Holyrood for one month?

MR. SPEAKER (Russell): The hon. Minister of Development.

MR. WINDSOR: Mr. Speaker, I am amazed at my popularity today. I am not sure if the Leader of the Opposition (Mr. Neary) is afraid to ask the Premier any questions today because he knows -

SOME HON. MEMBERS: Hear, hear!

MR. WINDSOR: I find it amazing that after, I think it is four or five weeks now I have been in this session of the House of Assembly and this is the first time the Opposition have been able to find a question dealing with resource development in this Province, and they have managed to ask two in one day. I am really flattered today, Mr. Speaker. I will wear a Carnation every day if this is going to happen.

Mr. Speaker, as it relates to that issue, which is a very serious one, I did meet with my colleague the Minister of Communications (Mr. Doyle) this morning, with a group of people who had requested that we ask Ultramarra to defer dismantling the refinery for a period of time. Our position to them is quite clear. Some six months ago we asked Ultramarra to defer dismantling that refinery so that government could look at all ways and means of possibly reactivating that refinery. We have done so. We have gone to great lengths to do that, a very thorough and detailed analysis exhausting every possible avenue open to us. We have satisfied, as I announced last Friday in our press conference, that unfortunately it does not seem possible to reactivate the refinery and we feel that there is nothing to be served by deferring it any further.

December 8, 1983

Tape 3802

PK - 3

MR. NEARY:

A supplementary, Mr.

Speaker.

MR. SPEAKER (Russell):

The hon. Leader of the

Opposition.

MR. NEARY:

I notice the Minister of

Municipal Affairs ( Mrs. Newhook) does not have her little boutonniere, Perhaps she is in mourning for what the administration is doing to the people of Gander, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. NEARY:

Mr. Speaker , a supplementary to

the hon. Minister of Development.



MR. NEARY: Mr. Speaker, would the hon. gentleman inform the House if the administration did an independent feasibility study of the refinery to see if it was economically viable? And if the administration did do an independent feasibility study, would they tell us who did the study and the results of such a study?

MR. SPEAKER (Russell): The hon. Minister of Development.

MR. WINDSOR: Mr. Speaker, over the past six months, as I have indicated, we have taken every possible step to consider ways and means of re-activating that refinery. In the first instance, once it was announced that the refinery would be closing, we carried out negotiations with the company that owned and operated the refinery, we looked at all of the information that they put forward as to why they made that decision, we analyzed it very thoroughly as to the basis on which they made their decision. And unfortunately, we concluded at that point in time that from their corporate point of view we could not fault their decision. That is not to say that we like their decision or that it was impossible that anybody else could operate the refinery, but from their corporate position it was a decision that they had taken and we could not find any way to fault that.

We then proceeded to try to attract a new owner/operator for the refinery. We pursued numerous oil companies and groups to try to find some company that might be able to put together a package that would re-activate the refinery. Ultimately we heard through a third party, through my parliamentary secretary, by the way, that this Metro Fuels Limited of Moncton, New Brunswick, might have some interest in the refinery. We approached them

December 8, 1983

Tape No. 3803

SD - 2

MR. WINDSOR: and asked them to come and meet with us and discuss with us what they had on their minds and was there any possibility of putting together some sort of a proposal. They did,

MR. WINDSOR: they came and met with us, We looked at that; we met with Ultramar to discuss a possible takeover of the refinery and a possible sale. Unfortunately, at that point in time, it was obvious that there was just too great a divergence between what Metro were prepared to pay and what Ultramar were prepared to accept. As a result of that we looked at other options available to us. We said, "Let us have a look at some sharing of those facilities. Is it possible for both companies to operate out of that area?" We looked at various ways and means of doing that, of providing new tankage for Ultramar and allowing Metro to operate the refinery and the tankage as it existed. The negotiations in that regard went on for some time and it became obvious to us that, again, there was a great divergence. Government then decided to intervene, and we put forward a compromise proposal to both companies suggesting what government thought was perhaps a reasonable compromise position. We put that forward to both companies; neither company accepted the proposal in its entirety, although in part.

We then said, "Well, what else can we do?" And we looked at other ways and means of reactivating the refinery by way of providing partially new facilities for Metro Fuels and taking over the refining processing units themselves and making those available to Metro. That is what has been referred to as the final proposal, which we have been dealing with over the past few weeks. As a result of that proposal and that detailed analysis of it, and of all the proposals, Mr. Speaker, that were on the table from time to time as we went through this, it is now very clear to us, after very detailed financial analysis carried out by the Department of Development, carried

MR. WINDSOR: out by the Department of Finance, looked at by the economist people in the Executive Council, with advice from the petroleum consultant whom we hired, with all the information that we could gain from Energy, Mines and Resources, Industry, Trade and Commerce, industry personnel, and anybody at all we could find who had anything to offer to us, that we had unfortunately to come to this final conclusion.

MR. NEARY: A supplementary, Mr. Speaker.

MR. SPEAKER (Russell): The hon. the Leader of the Opposition.

MR. NEARY: Mr. Speaker, I would like to ask the hon. gentleman about the Price Waterhouse feasibility study that was done on the refinery, Did the hon. gentleman take that into consideration when they, beyond any shadow of a doubt, indicated in their study that the refinery was feasible, economically viable, and could continue to operate as a viable industry in Holyrood? Did the hon. gentleman take that into account?

MR. SPEAKER (Russell): The hon. Minister of Development.

MR. WINDSOR: Mr. Speaker, the hon. member obviously has not done his homework, he has probably been too busy out looking for Liberals in the district of Terra Nova and I can appreciate that is a difficult problem. We did indeed look at it in great detail. It was a proposal that was based on the initial proposal put forward by Metro Fuels whereby they offered to pay \$5 million for the refinery. Based on that, if Metro Fuels could get the refinery for \$5 million, if all of the factors involved, such as the price of crude, the price they would receive for refined heavy fuel oils and all of the other assumptions that go into the equation came out at their most optimistic level, then it is possible that perhaps the refinery could have been operated on a viable basis, at least in the short term. Now what it would be in the long term when some of these factors change is another matter. What it would be in the long term, Mr. Speaker, if the amount of money that obviously was required to be invested in order to gain access to the units and to the overall operation, if that company had to amortize all of this amount of funding, then obviously it is not a viable operation. That is precisely why we spent those months trying to find ways to put together a financial package other than paying \$5 million for it, which could be a viable operation for that company, Mr. Speaker.

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, the hon. gentleman should not be casting slurs on the people in

MR. NEARY: Terra Nova district; 39 to 40 per cent of the electorate in yesterday's election are Liberals and voted Liberal. Now, Mr. Speaker, let me ask the hon. gentleman about the compromise proposal that was put on the table. I understand from the hon. minister that the compromise proposal was laid on the table as a result of the initiative of the administration. The compromise proposal was put on the table as the result of the initiatives being taken by the administration. Why did the administration lead Metro Fuels up a country lane by putting this proposal on the table, by implying to Metro Fuels that this was the route that the government wanted to take, and have them come back and say, yes, we considered that and we will go along with it and then to have the carpet whipped out from under their feet by the administration, by the Premier especially?

MR. SPEAKER (Russell): The hon. Minister of Development.

MR. WINDSOR: Mr. Speaker, we led nobody up a country lane, we have been very forthright and honest in this whole thing. We have exhausted every possibility to try to find a way to reactivate that refinery. The fact of the matter is that we put a proposal before Ultramar and before Metro which we thought was fair and reasonable to both sides. Unfortunately neither company agreed with us in total. Metro accepted certain portions of it, but again the problem came down to the amount of financing that would be required in order to put the proposal in place. So the thing

MR. WINDSOR: just did not work, Mr. Speaker. Everything possible has been done, every possibility has been looked at.

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

MR. SPEAKER (Russell): The hon. the Leader of the Opposition.

MR. NEARY: Did the administration look at expropriating that property in the interest of providing badly needed jobs in the Head of the bay, especially in the Holyrood area? Did the administration look at expropriation? If so, why did they shy away from the possibility of expropriating that plant?

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

MR. WINDSOR: Mr. Speaker, we have not shied away from that possibility at all. We made it very clear right from the very beginning that if it became obvious to this government that the only way to reactivate that refinery would be expropriation, and if by doing so we could be fair to the company that was there, and if we could put together a package that was viable and economically feasible to proceed with as it related to the new company, then we would proceed to do so. And, in fact, the final proposal did involve the Province expropriating certain assets of the company and making them available to the proposed new company. Unfortunately, the amount of money that would have to be paid for that was far in excess of what is feasible and it resulted in the exposure to the Province being in the order of \$110,000 per job, Mr. Speaker, which is far in excess of what we normally provide to industry, either new industries locating in the Province or to industries which are experiencing financial difficulties.

MR. NEARY: That leads me to another supplementary,  
Mr. Speaker.

MR. SPEAKER (Russell): The hon. the Leader of the  
Opposition.

MR. NEARY: What is it that Mr. Landry was  
asking the administration to do in the way of guarantees or  
to provide financial assistance to carry on with the operation  
of that refinery? Mr. Landry obviously disagrees with the  
minister and says that the company could run a profitable  
operation. Well, why not let him take a chance on it?  
What is it that he wanted that is so objectionable to the  
administration?

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

MR. WINDSOR: Mr. Speaker, if Mr. Landry is so  
convinced that he can operate that refinery profitably, then  
let him put up the \$12.2 million that he was requesting  
government to put up. The fact of the matter is, Mr. Speaker,  
he was requesting \$7.5 million in government guarantees,  
which he does not consider is any problem for government  
because it is not cash. But I can assure you, Mr. Speaker,  
that the day that the refinery ran into problems and had  
to close down that the Minister of Finance (Dr. Collins)  
would have to come up \$7.5 million cash very quickly to  
pay off those guarantees. In addition to that, Mr. Speaker,  
we would have to pay something in the order of \$5.7 million,  
perhaps much more



MR. WINDSOR:

than that, perhaps even double that, based on an arbitration proceeding after expropriation of the assets that we would have to turn over to Metro Fuels. In return for that \$5.7 million or more of assets, Metro were prepared to pay \$1 million in cash. So the total exposure of the Province, Mr. Speaker, was \$12.2 million.

MR. NEARY: Final supplementary, Mr. Speaker.

MR. SPEAKER (Russell): Final supplementary, the hon. Leader of the Opposition.

MR. NEARY: Mr. Speaker, as I understand it the property, the assets, the oil refinery itself, could be used as collateral for this money. Now this is not unusual for this administration to offer guarantees to business and industry in this Province to try to keep them operating and try to keep badly needed jobs that we have so people will not be thrown out of work. They did it in the election the other day, came down and gave \$10,000 to get people working for a day or so and maybe they are laid off today, Mr. Speaker.

MR. SIMMS: You do not agree with that?

MR. NEARY: No, we do not agree with that, we do not agree with bribing people with their own money. We do not agree with that. But in the meantime, Mr. Speaker, the administration would have had a very valuable asset. Why could it not have been done through the Newfoundland Development Loan Corporation, which is 100 per cent federally funded?

MR. WINDSOR: That is not true. Get your facts straight.

MR. NEARY: It is true. It is 100 per cent federal money, Mr. Speaker. Why could they not have guaranteed the money that is necessary to keep this refinery in operation and take a first mortgage, use the refinery as collateral for the guarantee that would be made?

MR. SPEAKER: The hon. Minister of Development.

MR. WINDSOR: Mr. Speaker, obviously the hon. gentleman does not know a great deal about financing. The fact of the matter is that the money that government was being asked to guarantee was a loan to purchase the refinery. So the bank, obviously, had the first mortgage because they were owed that money. We were asked to guarantee that. And if it closed down, sure, we would own it all right but it would cost us \$7.5 million, Mr. Speaker, in order to own it because we would have to pay off that guarantee, plus the \$5.7 million that we would have to pay for the other assets, plus, no doubt, other losses which may well have been incurred in future for capital improvements that would have to be done in order to make that refinery viable in the long term. And in our analysis, Mr. Speaker, \$110,000 per job - as related to \$2,000 per job in the fishery over the past year, as related to \$10,000 per job which my colleague from Baie Verte - White Bay (Mr. Rideout) and I were able to put together to get Baie Verte re-activated, to create some 350 jobs down there, Mr. Speaker - was far in excess of what is normal.

MR. WARREN: Mr. Speaker.

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

MR. WARREN: Mr. Speaker, my question is to the Minister of Fisheries (Mr. Morgan). I understand the minister just came back from having meetings with his colleagues in Ottawa. Could the minister advise if he has been successful in coming up with some kind of an arrangement to assist the seal fishery this year?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, I was wondering if a question would come today on the fishing industry, one of the most important industries, But I am surprised the question did not come on a more important aspect of the fishing industry, like the new harvesting plan being proposed by the federal government, whereby they propose to take fish from our Northern cod and give it to the trawler companies in Quebec, New Brunswick, Nova Scotia and P.E.I -

SOME HON. MEMBERS: Shame! Shame!

MR. MORGAN: - a shameful transaction now proposed by the federal level of government.

MR. NEARY: It is in order, Mr. Speaker.

MR. MORGAN: Mr. Speaker, on the seal issue, which is a very important issue as well, we have been waiting for the last ten months to get a decision from the federal level of government, through Treasury Board and the federal Cabinet, on whether or not they are going to accept the recommendation of The Fishermen's Union of Newfoundland, this government here, and the Fish Prices Support Board on an application for prices support for the sealers on the prices they received last year for the pelts they harvested. We are working on a monthly

MR. MORGAN: basis the last number of months, some of my colleagues and myself, on developing alternate markets for seal pelts for the coming season. We are determined to leave no stone unturned to ensure that outside forces are not going to stop us from having a seal fishery. We are determined.

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: So based on that we are now working on developing markets. But if we develop these markets in the East block countries, for example, which we are now working on, there has to be a responsibility accepted by the federal level of government. And that responsibility is clear cut. Put in place a prices support programme as recommended by the Fish Prices Support Board to augment the prices paid to fishermen by the private sector involved in buying pelts. Like last year Carino Limited, and next year, hopefully, too, Carino will be involved, and, hopefully, more than one company involved in buying.

It seems to me that certain forces, not the federal Minister of Fisheries (Mr. De Bane) who is quite supportive of the application, but he is having an awful difficult time getting certain of his colleagues in Ottawa to approve that application. And I am convinced that are certain ministers in the federal Cabinet who want today to see the seal fishery die.

SOME HON. MEMBERS: Shame!

MR. MORGAN: They want to see it die because they are going around saying it is a black mark in the eyes of the world on Canada because of the way the protesters are getting ahead of things. The reason why the protesters are getting ahead of things in the world with regard to destroying our markets is because the Government of Canada, the national level of government, is being neglectful in dealing with the issue.

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: They have been wishy-washy through External Affairs, going over and saying, 'Oh, well, you know, it means only \$12 million to the economy of Canada, \$12 million in exports. What is \$12 million? Why should we raise a big kerfuffle in the European economic community because of \$12 million?' Now that is the whole issue. And if the federal level of government do not in the next three or four weeks grant the wishes of the fishermen through their union, and through the Government of Newfoundland, and through the Government of Nova Scotia and the Government of Quebec, and the recommendation of the Fish Prices Support Board, it leaves with me the clear-cut impression that the federal government is no longer supportive of the seal fishery, unfortunately.

MR. WARREN: Mr. Speaker.

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

MR. WARREN: Mr. Speaker, a supplementary for the minister. I would say that it is not only some members on the government side in Ottawa who are against the Newfoundland seal fishery but probably members on both sides in Ottawa.

Mr. Speaker, my supplementary to the minister is if the minister does not get any confirmation from the federal government of financial

MR. WARREN: assistance to help the seal fishery in the Province, will the minister assure the sealers - I think the minister mentioned it earlier - but will he assure them they will get as good a price for their seal pelts this year as they did last year?

AN HON. MEMBER: That was a disaster last year.

MR. SPEAKER (Russell): The hon. the Minister of Fisheries.

MR. MORGAN: Mr. Speaker, if I recall correctly, and I am pretty sure I do recall correctly, this Premier and this government last year, out of almost desperation because of the lack of effort on the part of the federal level of government, had to put in place a \$500,000 programme here, a half million dollar programme, to ensure there was going to be a seal fishery last year.

MR. WARREN: Your colleague said it was a disaster last year.

MR. MORGAN: Now, Mr. Speaker, is the hon. gentleman asking the question whether we should accept and take over responsibility when it is abdicated by the federal level of government?

MR. WARREN: Sure, sure!

MR. MORGAN: In other words, take it over irresponsibly? Now, Mr. Speaker, that is a very important statement coming from the Opposition. Because last year and the year before, when we wanted to get jurisdiction over the fishing industry, over the harvesting sector to have some say in granting licences to fishermen, who gets licences to fish and what boats get licences, the official Opposition opposed us. They opposed us, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: And now when there are troubles in certain sectors of it they say,

MR.MORGAN: ' Let the government up in Ottawa pass it over on the little Newfoundland government. Let them take it over and deal with it.' Mr. Speaker, I will say in answer to that question that we will not abdicate our responsibilities, this Premier here and this Cabinet will not abdicate our responsibilities pertaining to the fishing industry and we will leave no stone unturned in the next number of months to ensure that there is going to be a seal fishery in 1984.

SOME HON.MEMBERS: Hear, hear!

MR.NEARY: Mr. Speaker, a supplementary to the hon. gentleman.

MR.SPEAKER (Russell): The hon. Leader of the Opposition.

MR.NEARY: It did not take the administration long to rush in with support for the CN dockyard, a federal Crown corporation, to satisfy the ten St. John's members. But, Mr. Speaker, this is rural Newfoundland and the hon. gentleman does not understand that. Now, Mr. Speaker, let me ask the hon. gentleman, in view of the fact that the Globe and Mail newspaper has now adopted an editorial policy of being anti-seal fishery and that the anti-seal movement has changed its focus from Europe to the United States, could the hon. gentleman tell the House what steps have been taken by this administration - and tell us what they are, be specific - to co-ordinate their efforts with the Government of Canada to try to stave off adverse publicity that is being brought about by the Globe and Mail and other prominent newspapers in Canada and by the movement

MR. NEARY: in the United States against the seal fishery? What has the hon. gentleman or the administration done to co-ordinate their efforts with the Government of Canada to try to offset this?

MR. SPEAKER (Mr. Russell): The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, I will say in commenting on the preamble of the question as pertains to the editorial in the Globe and Mail, I recall a little ago seeing an editorial on the fishing industry in Newfoundland and if they are just as uninformed regarding the seal fishery as they were on the overall Newfoundland deep-sea fishery it is obvious they have failed to understand what is happening in this part of the country. For example, I recall in the editorial on the fishery restructuring that all of these plants were depending on the seasonal fishery that was going to be restructured in Newfoundland. And an editorial a few weeks ago, I recall reading, is leaving the impression that the black mark on Canada is not worth it and the seal fishery is not really worth maintaining and keeping going. I guess it is an example of where people in Central Canada just do not understand what \$3000 or \$4000 a year means to a family living on a coastline where they have no income, at a time of the year when there is no employment, and what it means to these families



MR. MORGAN:

to take part in the seal fishery, and that is unfortunate. Secondly, they fail to understand the fact that if the commercial seal fishery is stopped tomorrow morning, an abrupt end, no more harvesting the seals, what do you think, Mr. Speaker, is going to happen to the seal herds? The seal herds are going to grow and grow. What effect do you think that is going to have on the other aspects of the fishery? One harp seal per year consumes one and a half tons of commercial species of fish, whether it be herring, salmon, or cod or caplin, one and a half tons a year. Now, Mr. Speaker, if the herds of seals are allowed to grow uncontrolled and unmanaged, they will eat and consume more commercial species of fish than is caught by the total fleets in our water. The total deep-sea fleet in our waters would not be able to catch as much fish as would be consumed on an annual basis by the seals and the seal herds.

So these kind of facts are sometimes not understood. And the question is well put, what should be done or what are we doing to offset that kind of misinformed information? Well, Mr. Speaker, we tried a number of years ago, and I think we made a mistake in disclosing full details of what we had planned to do. I am not going to play into the hands of the protestors, those misinformed, professional protestors who are out there to raise funds for their own cause by trying to stop the commercial seal hunt, in giving this House of Assembly, and therefore the public, any information, specific or otherwise, as to what we are doing here in conjunction with

MR. MORGAN: the federal government to ensure two things; to ensure that the information is out to the general populace of the world that the seal fishery is a viable part of the overall fishing industry of Newfoundland, and that all steps are being taken to ensure it is being maintained in the future.

This kind of information will be kept within the confines of the two levels of government until the actual plan is in place.

MR. SPEAKER (Russell): Order, please! The time for the Question Period has expired.

MR. NEARY: We will get at the Premier tomorrow then, Mr. Speaker.

PRESENTING REPORTS OF STANDING AND SPECIAL COMMITTEES:

MR. SPEAKER: The hon. Minister of Rural, Agricultural and Northern Development.

MR. GOUDIE: Mr. Speaker, I wish to present the Financial Statements for the year ending 31 March 1983 of the Livestock Owners Compensation Board, and also financial statements for the year ending 31 March 1983 for the Newfoundland Crop Insurance Agency.

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN:

MR. SPEAKER: The hon. Minister of Transportation.

MR. DAWE: Mr. Speaker, it gives me a great deal of pleasure to table the answer to Question Number 156, asked the hon. Minister of Transportation by the member for Bellevue (Mr. Callan), on the Order Paper of November 15, 1983. Mr. Speaker, it is a list of the roads projects completed to date for 1983-84 as it relates to new road construction and new paving contracts.

MR. MORGAN: Next year it will include Terra Nova.

MR. NEARY: That is if the federal government puts up the funds.

MR. DAWE: Mr. Speaker, I just went through a meeting with the Minister of Transport for Canada (Mr. Pepin). It was very interesting, Mr. Speaker, the fact that the minister's staff did not know what he was going to talk about before he went into the meeting; the fact that he talked about reactivating the national dream and was going to institute passenger rail service from sea to sea. Mr. Speaker, I told the minister at that time that the passenger rail service in this Province went from the national dream to the provincial nightmare.

It gives me great pleasure, Mr. Speaker, to table this report and it is available for all to see, to see the excellent contribution to the economy that the highroad construction industry has made this year.

SOME HON. MEMBERS: Hear, hear!

#### ORDERS OF THE DAY

MR. MARSHALL: Order 12, Bill No. 17.  
Motion, second reading of a bill,  
"An Act To Amend The Regulation Of Mines Act." (Bill No. 17).

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

MR. DINN: Mr. Speaker, hon. members may recall that several years ago we had three industrial accidents in the Labrador mining industry in Western Labrador, and as a result of those accidents a royal commission was set up, called the McCarthy Royal Commission, which Royal Commission reported back to government and today I am very pleased to say that the amendment to the Regulation of Mines Act, and to one that we will be bringing in a little later on with respect to the Occupational Health And Safety Act, covers one of the recommendations made by the McCarthy Royal Commission. Basically what it is centered around is that the act be amended to prevent a

MR. DINN: salary from being interrupted while a stop work order is in force. We will be doing the same thing, basically, to the Occupational Health and Safety Act. Because this comes under the Regulation of Mines Act now, my colleague is looking at the possibility of bringing in a new piece of legislation next Fall. But we need this in place at this point in time. Mr. Speaker, if hon. members opposite have any questions with respect to this amendment, I would be only too pleased to answer the questions.

MR. NEARY: Mr. Speaker.

MR. SPEAKER (Aylward): The hon. the Leader of the Opposition.

MR. NEARY: Mr. Speaker, we do not have any questions, we will support the amendment. As hon. members know from the introductory remarks made by the minister, the amendment is being brought in as one of the recommendations of the McCarthy Royal Commission Report. So we think it is a half-decent measure. If the government does for any reason issue a stop work order, then there is no reason why the employees of that company should be punished, should be penalized because of an action taken by the administration, by the government to issue a stop work order. So, Mr. Speaker, we think it is a good amendment and we on this side of the House will support it.

On motion, a bill, "An Act To Amend The Regulation Of Mines Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 17).

Motion, second reading of a bill, "An Act To Amend The Occupational Health and Safety Act." (Bill No. 16).

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

MR. DINN: Mr. Speaker, this is also an amendment that is consequential upon the one with respect to the McCarthy Royal Commission. Basically, there are two amendments that we are making to our new Occupational Health and Safety Act. Clause 1 of the amendment is recommendation no. 44 of the McCarthy Royal Commission and, of course, it is in the explanatory notes here, 'to prevent a worker's salary from being interrupted'. It is exactly the same as the regulation in the Mines Act amendment we just put through. And Clause 2 would provide 'that a worker who alleges discrimination may seek a resolution of an issue by either applying to the Labour Relations Board or by using the procedure established under a collective agreement'. Basically what has happened here is that in the event that there is a dispute, sometimes the procedure under collective agreements, the grievance procedure, etc., etc., is a long and drawn-out procedure and sometimes it became a problem with the employees in a bargaining unit to have their grievance brought forward as quickly as it should have been. And so it became fairly clear that one of the faster ways of doing it would be to have that particular grievance adjudicated by the Labour Relations Board. It was, as I say, a recommendation of the McCarthy Royal Commission. And it is one that we bring in today, Mr. Speaker, and, as I said before, if hon. members opposite have any questions about these amendments to the Occupational Health and Safety Act I would be, as I say, only too pleased to answer the questions.

MR. NEARY: Mr. Speaker.

MR. SPEAKER (Aylward): The hon. Leader of the Opposition.

MR. NEARY: Mr. Speaker, the hon. gentleman has invited us to ask questions. Perhaps the hon. gentleman could give us an update on what is happening in Western

MR. NEARY: Labrador as far as the dust problem in the mill down in Labrador City is concerned. How many cases of silicosis have been proved? What is being done about the situation? What steps have the company taken to remove the dust problem in the pelletizing plant in Labrador City? What is happening to those workers where it has been proved that they have miner's lung or silicosis, Mr. Speaker, resulting from them being exposed to severe dust hazards in that mill? Mr. Speaker, also the hon. gentleman, I believe before the House rose in May or June, told us that there was a bit of an argument going on between the administration, and the Iron Ore Company of Canada, and the union as to whether or not they would all chip in and pay for the report, the study, that was done into the dust problem in Western Labrador. Perhaps the hon. gentleman can tell us if he has been successful in getting all parties involved to pay their share of the cost.

Mr. Speaker, we have not heard too much about the dust problem recently. I do not know if it is because of the scaling down, the cutback, in the operation down there. I believe the problem is still there, that men, even though all the possible safeguards have been implemented, that men, employees of that company - I am not sure if there are any women working in the pelletizing plant but certainly there are a lot of men there, and it would be interesting to find

MR. NEARY:

out if they are still exposed to a dust hazard. Perhaps we could get a briefing from the minister on what steps the Iron Ore Company of Canada have taken to reduce the severe dust hazard in that plant. Mr. Speaker, we all know, or at least some of us know in this House, the damage that dust, especially iron ore dust, can do to your lungs. Having worked with a mining company for twenty-one years myself over on Bell Island, DOSCO, Mr. Speaker, I sometimes wonder if all the cases of angina, bronchitis, asthma, and other illnesses, Mr. Speaker, that were very prevalent on Bell Island and were diagnosed as angina or as bronchitis or as asthma, if it was not in actual fact miner's lung, or silicosis of the lung, it is something now probably that we will never be able to prove. But there was an awful lot of bronchitis and asthma and angina on Bell Island, Mr. Speaker. And I believe that these illnesses were the direct result of large numbers of men being exposed to the dust in the concentrator and underground.

As hon. members know, the mine on Bell Island was two and-a-half miles out under the Atlantic Ocean. You would go down a slope, a ten or twelve degree slope, you were lowered down by man-cars two and-a-half miles out under the ocean, and then the whole of Conception Bay, East and West, is undermined. You could take the city of St. John's and put it down in one corner of the Bell Island mine and you would hardly see it then, Mr. Speaker. So these men worked underground where they had to rely on compressed air, air pumped by compressors from the surface down into the mine to allow them to breath and to help eliminate the dust.

So my own opinion, Mr. Speaker, is that a lot of these cases were really miner's lung

MR. NEARY: by another name. No doubt the same thing is happening in Labrador City, When you get the wind in a certain direction, as the member for Menihek (Mr. Walsh) is aware, you get the wind in a certain direction it blows right down on the community. There were times I went down there when the wind was blowing in a certain direction that you could hardly see the houses, the dust and the steam or the smoke, whatever was coming from the stacks down there, just spewing it out over the whole community. And I would suggestion that if you did not have to work in the pelletizer to get miner's lung or silicosis in Labrador City, or Bell Island for that matter, where they used to stockpile the ore on the surface and you would get this dust blowing around all over the place.

So it is a very, very serious matter, Mr. Speaker,



MR. NEARY: and it is not being treated lightly, I have to confess, but it is a very serious matter. But there is a tendency once the studies are done and the reports are in, to toss them on the shelf then and everybody feels that he has fulfilled his obligation, that the study was all that was necessary to do to prove that something was right or something was wrong. And too often these studies done in the past, and no doubt those done in the future, will just lie around in some office or some room in Confederation Building and gather dust while the problem still exists. So, Mr. Speaker, we look forward to getting an update on that particular situation.

There is one aspect of these amendments that I am concerned with, that has to do with grievances being handled by the Labour Relations Board. I am not so sure, Mr. Speaker, that the Labour Relations Board has the machinery to deal with grievances. My understanding of the work of the Labour Relations Board in recent years is that they did not have the staff to cope with the heavy number of applications and the additional responsibilities that were being directed the way of the Labour Relations Board, that there seemed to be some long delays in getting decisions. And I believe the trade union movement in this Province would be the first to say that they have complained about this more than once.

As a matter of fact, one classic example, I suppose, of an item that the Labour Relations Board were not able to deal with, was included in a piece of legislation that was passed in this House a couple of years ago, asking the Labour Relations Board to determine a list of essential employees in hospitals

MR. NEARY: and in the public service, and they were unable to do it. I do not know how much time they spent at it, but they were unable to come up with a list, and as a result, we saw the heavy hand of government bring a bill into this House last session, Bill No. 59, that is so unacceptable to the trade union movement in this Province, especially workers in the public service, NAPE employees, so objectionable to them, Mr. Speaker, that they are going on a publicity campaign against it. And the minister made commitments that he would not implement certain parts of that bill without prior consultation, and then double-crossed NAPE and went ahead with the list of essential employees anyway.

But that responsibility in the first instance was thrown over to the Labour Relations Board and they were unable to deal with it. And I do not believe they spent that much time at it, Mr. Speaker. The information that we have was that they did not want to have anything to do with it in the first place.

MR. NEARY: But they did not really spend all that much time at it.

MR. DINN: Ten years.

MR. NEARY: No, they did not spend ten years. They spent very little time at it, according to the information that we have, Mr. Speaker. So that is a clear indication to me that the Labour Relations Board that meets infrequently - I do not know how often they meet now, they used to meet infrequently. How often do they meet?

MR. DINN: All the time.

MR. NEARY: They are not full-time members of the board. They are full-time members in the sense that they are appointed for three or four or five years, but they have other professions. Besides being a member of the Labour Relations Board, I believe one gentleman is either a lawyer or an accountant, and the trade union movement have their representatives on it, organizers who have full-time jobs, the employers representatives, they have full-time businesses outside of the Labour Relations Board to conduct.

MR. DINN: There are two each of these and alternates.

MR. NEARY: There are two each and alternates, but even at that I hear complaints continuously about the delays of applications and other matters that are put before the Labour Relations Board.

MR. DINN: We have some amendments on the Order Paper dealing with labour relations that will cure a lot of this.

MR. NEARY: Well, I hope so. We look forward to these amendments.

So, Mr. Speaker, the question that I am putting to the hon. gentleman is this; is there a better mechanism to process these grievances that are included here in the amendment to section (49), I think it is, of the Occupational Health and Safety Act? Is there a better way to do it? Is there a faster, more speedy way?

MR. DINN: Not according to the labour movement. They requested it.

MR. NEARY: The Labour Movement requested it?

MR. DINN: Unanimously.

MR. NEARY: And they have approved of this bill. We are not objecting to the bill, by the way, we are supporting it. But I am just merely asking the hon. gentleman to state whether or not there is a better mechanism for processing these grievances. Does the Labour Relations Board have the mechanism to deal speedily with these matters? That is all we want to know. I have grave concerns about that myself, because in conversations with the labour people, the trade unions and so forth, Mr. Speaker, they are always complaining, always complaining about the delays in processing their applications and other matters that come before the Labour Relations Board.

So I will be interested in hearing the minister's answers to these questions.

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

The hon. Minister of Labour and Manpower.

MR. DINN: Mr. Speaker, I will attempt to deal with many of the items brought up by the hon. gentlemen



MR. DINN: finish of the dust study to about the last of August or the 1st September, in getting people from the unions and the companies to sit in - we wanted representatives from both - to sit with this group of experts to hold meetings to find out how to proceed with implementing the twenty recommendations.

MR. NEARY:. Why were they not anxious to do that?

MR. DINN: Well, there was some problem with the unions appointing people, the gentleman - I forget the gentleman's name, but I would not mention it in the House anyway, but the International Steel Workers' representative involved in Occupational Health and Safety was busy during the Spring and could not participate, and the unions wanted him to participate because he is their resident expert, we will call him, or the international rep. expert, and so we had some problems setting that up. That is now set up. Basically what the study said was with respect to -

MR. NEARY: It used to be Bill Warren. There is somebody else down there now, I think.

MR. DINN: Pardon me?

MR. NEARY: The international representative is that Bill Warren?

MR. DINN: Oh, yes, he sits in on the meetings. But there are two union and two company people who sit in on the Committee and he sits there. He wants to attend the meetings, so sometimes it cannot be accommodated.

MR. NEARY: He is from Toronto, if I remember correctly.

MR. DINN: Yes, that is right. He is from Toronto.

So the implementation of the twenty recommendations with respect to the dust study are being carried out as expeditiously as possible. As a matter of fact, the primary recommendation in the report with respect to curing the dust problem was to see to it that the company implemented the plans that it already had had in place. And that is what they are about to do now.

MR. WALSH:

Some of them are already done.

MR. DINN:

Oh, yes, many of the recommendations have been carried out already.

Now, with respect to the pay for the study; who paid for the study and were we successful in negotiations? Well, the hon. the Leader of the Opposition (Mr. Neary) would know that when we started this study, or when we were attempting to get the study started, we had a lot of problems with respect to the unions who were arguing for different people to become involved, and the companies wanted certain people to be involved in the study and it went on for about six months. Eventually, in September of 1979, I ordered with the concurrence of my colleagues, ordered that the study commence. When I did that it more or less brought the parties together and we got them to agree on who should carry out the study. At that point in time, we also discussed the financing of the study. We got agreement from the companies that they would pay half the cost, and we would pay the other half of the cost, and the unions would pay a nominal amount of \$5,000 per local as their share to be able to participate in the tripartite process.

MR. NEARY:

They agreed to that, did they?

MR. DINN:

They agreed at that point in time. It was a verbal agreement, they said, 'Well, we agree with that, it is only \$5,000, but we will go back to the international and find out.' So they basically agreed and on went the study. We contacted a very august group of experts to do the study, and we have not had a complaint from either side with respect to the outcome of the report.

So, then, as the study went along people started to question which parts of the study they should have paid for; the companies questioned which part should be paid for by them and so on. When it came down we arrived at

MR. DINN: a formula whereby the community health study, that which just involved the community, which the hon. Leader of the Opposition (Mr. Neary) brought up - he said, 'You do not have to work in the mines to contract disease' - well, the study's report indicated that there was absolutely no recorded case of disease in the community of Labrador City or Wabush



MR. DINN:

as a result of the dust emanating from the mining operation. That was the conclusion. And to get that conclusion, I guess it cost the government the community health study and the community dust study, \$646,000. And that cost was paid for by the Government of Newfoundland, because it was not attributable to either of the companies and the unions, of course, agreed with that process. The total study cost about \$2.4 million. So \$640,000 for the community study was paid for by the government and the rest of the cost was split between the government and the companies. The companies paid, I believe, a total amount of - I do not have the exact figures here right now - something like \$846,000. Of course, we collected on the basis of the numbers of people working and so on, and the formula was agreed to by both companies and they have since sent their cheques into the Workers' Compensation Board who handled the financing of that - and the hon. Leader of the Opposition asked some questions about that some time ago - until we got the monies in. So we did get the monies back from the companies for the dust study. We were not successful in getting the \$5,000 from each of the union locals down there. Basically, they got in contact with their international president and they said, no, it was not their policy to pay for a dust studies. But they did participate in the whole process all the way through. So that is with respect to the financing of the study. There are some problems with the Labour Relations Board with respect to handling all the applications, etc., that go before them. Many of the things basically

MR. DINN: come out of the law as it exists today, so we have some amendments coming up. I do not think we need get into that now, because we have amendments on the Order Paper and we will get into that a little bit later. With respect to the Labour Relations Board being the adjudicator for complaints with respect to occupational health and safety, in this amendment as recommended by the McCarthy Royal Commission, basically what happens there is that in some instances where there are problems relating to occupational health and safety - and as the hon. Leader of the Opposition (Mr. Neary) knows, an employee has the right not to work if he considers the situation dangerous - the grievance procedure that is in place, say at Wabush or Labrador City, the grievance procedure that is in place is fairly long and drawn out. As an example, a union representing workers at Wabush, I believe it is Local 8235 of the Steelworkers - sorry -

MR. NEARY: You better take your time, we are here until -

MR. DINN: I know that - ninety-two arbitrations on the table now, and if we had a complaint under Occupational Health and Safety, that would probably go to the bottom, it would take years for it to surface and as a result would not be adjudicated very fast. So, as a result of that the McCarthy Royal Commission recommended that we give the option to the employee to either take the grievance procedure there or use the same process as used by non-union employees, or by unionized employees, where it is not covered in their collective agreement. And, of course, that is what we are doing here, we are basically giving the employee

December 8, 1983

Tape No. 3818

ah-3

MR. DINN: the two options, one to go through the collective agreement or the other, to go to the Labour Relations Board. So I thank the hon. member for raising these questions and I hope I have satisfied most of his enquiries.

I move second reading.

On motion, a bill, "An Act To Amend The Occupational Health And Safety Act", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No.16).

Motion, second reading of a bill, "An Act To Amend The Labour Relations Act, 1977". (Bill No. 15).

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

MR. DINN: Mr. Speaker, these are some amendments that have built up over the past couple of years with respect to the Labour Relations Act. Basically what we are trying to do here is implement some changes so that the Labour Relations Board can more effectively carry out their mandate. Some of these changes here, for example, Clause 2 of the said act is amended by striking out the word 'binding' in 'binding arbitration.' Arbitration, as hon. members will know, basically means binding arbitration so the word is not required and, as a result of that, we are striking that word out of the act.

There are some other amendments that are in here. For example, the hon. Leader of the Opposition (Mr. Neary) might have remember several years ago there was a problem with respect to applications for certification, etc., where the Labour Relations Board, in its wisdom or otherwise, decided that there was no need for a hearing and basically made a decision on the evidence that was presented to them in writing. And there was some problem with that in the courts in that the employers, or in one case, I believe, a union appealed the decision of the Labour Relations Board to the courts and, of course, the courts ruled that it was contrary to natural justice that the parties did not at least

MR. DINN: receive a hearing. It was then at one point in time appealed to the Supreme Court of Canada and, of course, the Supreme Court of Canada upheld the Lower Court's ruling in that it said people should get a hearing.

Now in a lot of instances hearings of the Labour Relations Board are not required. I mean, in the case of a certification where 100 per cent of the employees have indicated that they want to be certified and want to join a particular union, you know, to have a hearing on that and to listen to evidence day in and day out is what is really slowing down the process of the Labour Relations Board being able to carry out this mandate and that is one of the changes that hon. members will find in this piece of legislation.

There are two other sections in here, Section (12) and Section (13). One was put in here which gives the authority of the Labour Relations Board to a final settlement. This provision was put in here basically in error, in that it was never discussed with the union or the employers, and it was to

MR. DINN:

force the collective agreement on both parties. I have, since the bill was tabled in the House, gotten representation from both sides, from employers' associations and from some unions, saying that they do not want that as part of the Labour Relations Act. And, of course, I then talked to my officials and asked them did they indeed get a request to have this provision put in there, and my officials said, no, it was one of the things they thought would be a good idea because it is in some other legislation. And, of course, I have no intention of bringing in legislation without at least talking to the parties involved and so, as a result, the House Leader (Mr. Marshall) will move an amendment when we get into committee. Section 13 is another one, with respect to automatic deduction, which was supposed to have been a quid pro quo for a previous amendment whereby I could order a secret ballot vote, of course, the quid pro quo did not come about, the secret ballot was requested to be taken out, and this was therefore requested to be taken out and it got in there inadvertently. So that will be done in committee.

I also say to hon. members that I think with these amendments in here that the Labour Relations Board will indeed be able to carry out its function much more efficiently. And, as I said to the hon. members on the other two previous pieces of legislation, if they have any questions with respect to Bill No. 15, I would only be too pleased to, of course, answer them.

MR. SPEAKER (McNicholas): Before I recognize the hon. member, I would like to welcome to this hon. House two councillors from Musgravetown in the district of Terra Nova, Mr. Hall and Mr. Young.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (McNicholas): The hon. Leader of the Opposition.

MR. NEARY: I too would like to welcome these two hon. gentlemen, Mr. Speaker. I had the honour and the privilege to see at least one of them a number of times in the last several days. And I am glad to see that they have taken an interest in the people's business and have come to the people's House to see what we talk about and what we do in this hon. House. We are not always campaigning, as these two gentlemen will be able to see, Mr. Speaker, although there are people throughout the Province who would doubt that, who think we are always on the campaign trail.

Mr. Speaker, the hon. gentleman gave us a brief description of this bill. I am glad my colleague has arrived because Bill No. 15, "An Act To Amend The Labour Relations Act", although it merely received a brief introduction from the minister, contains some very sweeping and wide-ranging changes to the Labour Relations Act, Mr. Speaker. They are sweeping and wide ranging, and I thought that the minister should have spent a little more time giving us some of the background and some of the reasons behind these recommendations. I am glad my colleague is taking a look with his legal mind and his legal training, Mr. Speaker. The hon. gentleman can get to the root of some of these changes more quickly than I can. And I have been away for a few days, as hon. members know, and the bill has been distributed since I left the House and I have only had a chance -

MR. DINN: No, no, Bill No. 15 has been there a month.

MR. NEARY: It has been there a month?

SOME HON. MEMBERS: Yes.

MR. NEARY: Well, maybe that is the reason I have not seen it. It was probably laid on my desk and disappeared.

But, Mr. Speaker, there are some sweeping changes recommended in these amendments and they will have far-reaching implications. And I believe, in closing second reading of this bill, that the hon. gentleman should spend a little more time giving us some of the background and the reasons for bringing about these changes. As I understand it, not all of



MR. NEARY:

these amendments have received the blessing or the sanction of the trade union movement.

Now, the hon. gentleman already admitted that the officials in his department tried to slide a couple of sleepers into that bill, one of which now will be removed. The Government House Leader (Mr. Marshall) shortly will move an amendment to take out the parts that were objectionable to the trade union movement. 'The officials thought it a good idea.' Now, Mr. Speaker, this is rather frightening to us on this side of the House: The officials thought something was a good idea, went to the legislative draftsmen, had their ideas put into a bill, the bill is brought before this House - not even detected, it was not even caught by the minister - the bill is brought into this House and in second reading the minister has to get up and admit that he did not mean for these things to go into the amendments. And they would not have been caught by the minister except that representatives of the Federation of Labour came to the minister and said, 'Look, hold it! What are you doing here? You are trying to shaft us!' And only then did the minister realize what was in that bill and agree to take it out. If the people in the trade union movement had not been alert, on their toes, watching what was going on, these amendments would have gone through this House, the minister would have got up and defended his bill, we on this side of the House would probably have raised objections to it, but with forty-four, now forty-five against seven, we would have very little chance of getting these objectionable amendments removed from that bill. We all know how arrogant and cocky and stuck-up the administration have become. The leader of the administration is too big for his shoes and too big for

MR. NEARY: his britches and now, as a result of yesterday, you will not get a hat in Newfoundland big enough to fit on his head, he has become so swell-headed, Mr. Speaker.

MR. TOBIN: You are a sore loser.

MR. NEARY: Thank God, we maintained our political honesty and integrity, Mr. Speaker, during that whole campaign.

MR. CALLAN: They won a moral victory in Bellevue, they said.

MR. NEARY: Yes, that is what they said, they won a moral victory in Bellevue. Now, what did they win in Terra Nova, an immoral victory?

MR. CALLAN: An immoral victory.

MR. MARSHALL: A big victory.

MR. NEARY: A big victory, but it is not immoral. It was obscene! What they did was obscene!

Mr. Speaker, we are glad that that part will come out. In case my hon. friend has not spotted what I am referring to, I am referring to Clause 12 and Clause 13. We were told by the minister when he introduced the bill that the officials put it in there unbeknownst to the minister. The legislative draftsmen, acting on instructions from the minister's department, put the wording there.

MR. ROBERTS: The board has the power to order a collective agreement.

MR. NEARY: Well, now he is going to take it out.

MR. ROBERTS: But that is fascist.

MR. NEARY: It is fascist, of course it is fascist. But it got past the minister.

MR. ROBERTS: The minister did not read it.

MR. NEARY: He did not read it.

MR. NEARY: Obviously, the hon. gentleman did not read the bill, because it was circulated in this House as a part of the policy of the administration, the fascist policy of the administration. It it had not been for the astuteness of the Newfoundland Federation of Labour, it would have stayed in. Can you imagine! It is coming out now, we are told by the minister. We will just have to see the amendment they are going to bring in to get rid of Clause 12 and Clause 13. 'These amendments,' they said, 'would provide that where parties have negotiated and failed to reach an agreement, the board may, on request being made to the Minister by one of the parties, settle the terms and conditions of the agreement and those terms and conditions shall be binding on the parties.'

Now, I presume Clause 12 and Clause 13 will be removed from this bill and never see the light of day in this Province again. The legislative draftsmen must have had to close their eyes, Mr. Speaker.

MR. DINN: Mr. Speaker.

MR. SPEAKER (McNicholas): The hon. the Minister of Labour and Manpower on a point of order.

MR. DINN: A point of clarification more than anything else.

All of these items were put forward and officials discussed some of them with both sides, the labour unions and so on. There was in the case of Clause 13 a quid pro quo; the unions wanted something and the employers wanted something. The quid pro quo was never reached. I was not aware that it was not, I had assumed that it was. I had asked and they said, 'Yes, there is a quid pro quo here and they can put it in.' I found out, subsequent to that, that it was not. So it got in there in error, that is with respect to Clause 13. With respect to Clause 12 it was a matter of since 12 was put in there -

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

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

MR. ROBERTS: The hon. gentleman is not making a point of anything.

MR. DINN: This is a point of order.

MR. ROBERTS: Mr. Speaker, he said a point of clarification, he did not say a point of order, Sir.

MR. DINN: I did say a point of order.

MR. ROBERTS: Mr. Speaker, well, let him state his point of order and, Your Honour, no doubt will draw him to do that instead of recarrying on the debate. The minister has the right to close the debate, Sir, not to intervene in the middle of the debate.

MR. DINN: My point of order is that the hon. the Leader of the Opposition (Mr. Neary) was attempting to put words in my mouth, words that I did not say when I opened the debate on the legislation. The hon. the Leader of the Opposition should know better than that, he has twenty-three or twenty-four years of experience in the House.

MR. SPEAKER (McNicholas): To that point of order?

MR. NEARY: There is no point of order, Mr. Speaker.

MR. SPEAKER: there is no point of order, the hon. the minister took the opportunity to explain the position.

MR. NEARY: You would swear I wrote the rules of the House, Mr. Speaker, Your Honour, just parroted my words almost exactly. I said, 'There is no point of order.'

But, Mr. Speaker, the stomachs of the legislative draftspeople must have rolled over when they were asked by the officials of the Department of Labour and Manpower to draft Clauses 12 and 13. Fascist, fascist legislation! No doubt they would have put it into law if they had gotten away with it. It would have become the law of this land if the trade union movement had not pounced on the minister and pointed out to him the ramifications of these amendments. Without even reading the bill - and this is the frightening part of it - they bring bills into this House, circulate them right, left and center and have not even taken the trouble to read the legislation. I think that is shameful, Mr. Speaker, the legislative draftsmen, burning the midnight oil no doubt, put together the words in legal jargon - sometimes we understand it sometimes we do not, if we do not understand it in this House it is very difficult sometimes for the people to understand it, but that is the way it is, that is the way this system works, I guess. Mr. Speaker, the hon. ministers do not even bother

MR. NEARY: to read their legislation and we could have ended up -if it had not been for the trade union movement - we could have ended up with another fascist law in this Province.

Now, Mr. Speaker, the trade union movement for years in this Province have been arguing that every other democratic institution on the face of this earth will accept a decision of 50 per cent plus 1 as a majority, except when it comes to a union voting on whether or not the employees should become part of a bargaining unit of any company, any employer in this Province. Even in this House we have members who have less than 50 per cent of the vote.

MR. NEARY: We have them in the House of Commons. It is an accepted practice that the majority carries.

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

MR. SPEAKER (McNicholas): On a point of order, the hon. member for St. John's North.

MR. CARTER: The hon. gentleman is trying to persuade us that everything must carry by simple majority and unwittingly, I think, is probably misleading this House. Because it is a well known fact that there are certain important changes which can only be made in this House by a two-thirds majority.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker, they should learn the rules. That is not a point of order, Mr. Speaker. It is not a point of order, Mr. Speaker, it is just a point of ignorance on the part of the hon. gentleman.

MR. SPEAKER: To that point of order. I rule that there is no point of order.

MR. NEARY: Thank you, Mr. Speaker.

So, Mr. Speaker, the trade union movement for some reason or other can never convince or persuade an administration that when a vote is taken to determine a unit of employees that a simple majority should carry.

MR. CARTER: Not necessarily.

MR. NEARY: Not necessarily, Mr. Speaker.

The trade union movement have been fighting for that for years. Now I know the hon. gentleman is anti-labour, we saw that in his report the other day on the Election Act, Mr. Speaker. We saw that coming through the other day when

MR. NEARY: he sneaked clauses into his report that were not approved by members of this side of the House.

SOME HON. MEMBERS: Oh, oh!

MR. CARTER: Now, Mr. Speaker, I insist that that be withdrawn.

MR. SPEAKER (McNicholas): To a point of order, the hon. member for St. John's North.

MR. CARTER: In fact, it it is not allowed I will make it a point of privilege. That statement must be withdrawn, That is a false, inaccurate, malicious statement and I insist that it be withdrawn.

MR. NEARY: Mr. Speaker, just to save time.

MR. SPEAKER: To that point of order.

MR. NEARY: Mr. Speaker, I will save my remarks on that regard for the debate that we will be having next Spring on that particular matter, whenever the government brings in The Election Act. So if it will make the hon. gentleman feel happier, I withdraw, Mr. Speaker, and wait for another time to deal with that matter.

MR. CARTER: Mr. Speaker, on that point of order. I want an unequivocal withdrawal. Otherwise I will raise it as a point of privilege and we will have a proper vote on it in the House.

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

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

MR. ROBERTS: First that is not a point of order. Secondly, there is a procedure for dealing with a point of privilege which, of course, not unsurprisingly, is not



MR. ROBERTS: the procedure adopted by the hon. gentleman for St. John's North (Mr. Carter). He of all people should be tender of people's reputation given his conduct in the House. Mr. Speaker, my friend for LaPoile (Mr. Neary) has withdrawn the statement. He has not waited for Your Honour. He said, 'I withdraw the statement.' He used those words quite clearly, and that is unequivocal. He did not make it conditional or anything else. So, Mr. Speaker, I assume Your Honour will rule there was a point of order, but in any event the ruling is a work of supererogation now because my friend for LaPoile has withdrawn the words that so gave offence. He said he will bring them back another time. Fine. We will deal with them then.

MR. CARTER: Mr. Speaker, that was not an unequivocal withdrawal and I insist upon an absolute withdrawal.

MR. ROBERTS: You have no right to insist on anything. The Speaker insists.

MR. NEARY: Are you trying to bully the Chair now or what?

MR. SPEAKER (McNicholas): Order, please!

MR. BAIRD: You need your House Leader or someone to tell you what to do over there.

MR. SPEAKER: Order, please!  
I understand the hon. member, the Leader of the Opposition (Mr. Neary), has withdrawn his accusation.

The hon. Leader of the Opposition.

MR. NEARY: Thank you, Mr. Speaker, they are getting awfully arrogant. I suspected today they would be swell-headed on that side of the House. I thought the Premier would have had sense enough to warn them about their arrogance and their cockiness, Mr. Speaker. But I will deal with the Election Act in due course, and my colleagues who served on that Committee

MR. NEARY: will say what they have to say when the time comes. This is a different act we are debating here, Mr. Speaker.

Now, Mr. Speaker, the point that I was making, the argument that I was presenting, and these amendments will not cure that, was the fact that the trade union movement, unions, are discriminated against, that a simple majority does not carry. It will carry as far as electing a member to the Legislature is concerned or to the House of Commons in Ottawa,

MR. NEARY:

but a union taking a vote to determine a unit of employees for a given company in this Province have to get - what is the percentage they have to get, 65 per cent?

MR. ROBERTS: No, they have to get 50 per cent of the union.

MR. NEARY: Oh, yes, they have to get 50 per cent of those eligible to vote -

MR. ROBERTS: Not of those voting.

MR. NEARY: - and not of those voting.

MR. ROBERTS: By those standards there are members who would not be able to take a seat in this House.

MR. NEARY: They have to get 50 per cent plus 1 of the eligible number of employees who could have voted for that bargaining unit.

MR. ROBERTS: In other words, if you do not vote, for whatever reason, it is counted as a no vote.

MR. NEARY: That is right. My hon. colleague points out, and rightly so, that if you do not vote for or against joining that union, then it is counted as a no vote. And how often, Mr. Speaker, how often have employers abused that part of the Labour Relations Act? More often, I would suspect, than you could shake a stick at. And as I indicated earlier, because of delays in processing applications before the Labour Relations Board, it gives the employer the advantage also of carrying on an anti-union campaign, of threatening his employees even though the hon. minister will get up and say, "Well, there is such a thing as unfair labour practices," which are very difficult to prove, Mr. Speaker. Employers

MR. NEARY: hire professional people who go about their business very subtly of discouraging members from voting for the union because they know that they have to get 50 per cent of the total number of employees eligible for the bargaining unit and not a simple majority of those who turn out at the polls to vote. If we followed that rule in this House, half the members here would not be able to take their seat, or in the House of Commons.

It is unfair, it is undemocratic, and it should be rectified, Mr. Speaker. It should be rectified as soon as possible. I know the administration are not going to do it, they are not very pro labour over there. We saw that from Bill No. 59, the most controversial piece of labour legislation ever passed by this House that has the whole trade union movement upset in this Province, Mr. Speaker. So it is about time that this discriminatory measure was dealt with in this Province.

Now, Mr. Speaker, there is also Section 84 (5) regarding arbitration boards. And perhaps my hon. colleague could have more to say about this, because this has far-reaching implications. 'An arbitration board appointed under this section has all the powers that are or may be conferred on commissioners under The Public Enquiries Act.' I do not know if that amendment came about as a result of discussions with the unions or not. I do not know. I would like to know. As a

MR. NEARY: matter of fact, I would like for the minister to tell us whether all these amendments were sanctioned by the trade movement union. Were they brought into the House with the blessing of the Newfoundland Federation of Labour, the official body that represents labour in this Province? It is one thing to talk to the trade union movement but it is another thing to listen to them, Mr. Speaker. The hon. gentleman said, 'Yes, his officials talked to the trade union movement', but what I want to know is, apart from Clause 12 and Clause 13, if the trade union movement objected to any other amendments in this bill. Or is the minister now bringing before this House for a second reading of a bill that has the blessing of the trade union movement? I am inclined to think that he is not. And the hon. gentleman also told us in his introductory remarks that never again will he allow a situation to develop such as developed with the Newfoundland Telephone Company, and that is that when they went and kicked up their heels to the minister, kicked up a fuss with the minister, and he ordered a hearing.

MR. DINN: No, he did not.

MR. NEARY: He did not order a hearing?  
What did he do?

MR. DINN: The courts ordered a hearing.

MR. NEARY: The courts ordered a hearing.  
The hon. gentleman intervened into something he had no right to intervene in, Mr. Speaker. The next thing we knew the decision of the Labour Relations Board was overturned by the court which rendered, by the way, the Labour Relations Board ineffective, as a direct result of the minister's intervening on behalf of his former employer into the workings of the Labour Relations Board, intervening into the matter before the Labour Relations Board.

MR. DINN: It was Newfoundland Light and Power. Get it straight.

MR. NEARY: And so now we are going to have an amendment that will cure that. 'Any employee in a bargaining unit who claims to be aggrieved because his bargaining agent has failed to act in good faith in the handling of a grievance that he has filed', so forth and so on. 'The Board shall investigate any complaint made to it pursuant to subsection (1) and determine whether there was a failure by the bargaining agent to act in good faith. If, on investigation of a complaint in accordance with subsection (2), the Board finds that there was a failure to act in good faith by the bargaining agent concerned, the Board shall direct that that bargaining agent shall take such steps as the Board directs it to take.'

'The Board may, upon the application of trade union, or a group of dependent contractors, vary a certification of a trade union as a bargaining agent to include dependent contractors, if the Board is satisfied that (a) a majority of the dependent contractors consent to representation by the trade union.'

MR. DINN: Is that a good idea?

MR. NEARY: Yes, Mr. Speaker. It is probably a good idea as a point of clarification, there is no question about that. The matter should never have arisen in the first place if the minister had not intervened and stuck his nose into the affairs of the Labour Relations Board when he had no business to do it. That is the only one that we know for sure that the minister intervened in. There may have been others, we are not sure, Mr. Speaker.

MR. NEARY: So while we on this side of the House agree with some of these amendments in principle - certainly not twelve and thirteen, we are waiting for the amendments on that - we would like to know if the trade union movement have endorsed and given their blessing to this legislation, because they are the ones that have to live with it? We would like to know if there was prior consultation, or did the minister just send his officials out to discuss these matters and then say, that is it, boys, we have done our duty, you have talked it over with them, now let us ram her through the House. And I would like to hear the minister's comments on eliminating a very discriminatory procedure that has discriminated against unions for a good many years in this Province, and that is to allow in the case of a vote to determine a unit of employees, to allow a simple majority to carry. Mr. Speaker, the employers in this Province have abused that privilege to no end and they have managed to bar unions, successfully bar unions from their plants, from their operations. So I think it is high time to change that, Mr. Speaker. I hope that my colleague has had an opportunity to study the bill in greater detail than I have and that he will be able to analyse the amendments, rip them apart, give us the benefit of his legal mind, his legal brain on these bills.

MR. TOBIN: Yes, something like you did in Terra Nova.

MR. NEARY: Mr. Speaker, the people of Terra Nova yesterday had to close their eyes and bite the bullet in an attempt to get government to recognize their needs. When they went into the polling booths they had to back in. And the hon. gentleman knows full well that if the life of the administration was six months

MR. NEARY: or one year that it would have been a different matter. But because they have years to go, because they have three years ahead, the people down there decided to squeeze everything they can out of the Tories, Mr. Speaker. They went down and made all kinds of promises they know they cannot deliver.

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

MR. SPEAKER (Dr. McNicholas): The hon. Minister of Fisheries on a point of order.

MR. MORGAN: Mr. Speaker, I want to take exception to that. I campaigned extensively in Terra Nova, as did others of my colleagues including the Premier, and there was not one promise made in the by-election in Terra Nova, not one promise made by this government; not one promise to pave roads, not one promise to put in water and sewer services, not one promise made regarding any infrastructure required in Terra Nova district except one promise, that we are going to work hard in the next three years.

MR. NEARY: To that point of order.

MR. SPEAKER: The hon. Leader of the Opposition to that point of order.

MR. NEARY: Mr. Speaker, that is not a point of order. Now they are starting to backtrack already, in less than twenty-four hours. The hon. gentlemen promised assistance to the fish plant, shipyards -

MR. SPEAKER: Order, please!

MR. NEARY: -there would be road pavement going everywhere down there -

MR. SPEAKER: Order, please!

MR. NEARY: -water and sewerage, jobs, Mr. Speaker.

AN HON. MEMBER: Lies! Lies!



MR. SPEAKER (MCNICHOLAS): Order, please!

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

MR. NEARY: You heard that remark,  
Mr. Speaker, that has to be taken back.

MR. MORGAN: Mr. Speaker, on a point of  
privilege.

MR. SPEAKER: Order, please!

MR. MORGAN: Now, Mr. Speaker, if the  
hon. gentleman is going to cast these innuendoes and  
make accusations of that nature he just cannot be allowed  
to carry on to do that kind of thing. The fact is that  
this gentleman here, whom he is speaking about, made no promises  
of assistance to fish plants, made no promises of  
assistance to shipyards, he made no promises to pave  
roads, to get roads paved or water and sewer services  
put in. There were no such promises made. Now the hon.  
gentleman is merely being a sore loser. He is being a  
sore loser! He is now going to insult the people of  
Terra Nova who through the democratic system that we have,  
democratic society that we have showed who they wanted  
to have represent them in this House of Assembly. Do  
not, Mr. Speaker, let this kind of arrogance on the part -  
arrogance? Accusing us of being arrogant? - this kind of arrogance  
on the part of the Opposition continue. Because they are  
sore losers they are now going to insult the people of Terra  
Nova. Now, Mr. Speaker, in my view, it is indeed a definite breach of  
privilege when someone makes an accusation of that nature  
which, indeed, is totally untrue, without any foundation  
whatsoever. So the hon. gentleman

MR. MORGAN: must be asked to retract that kind of a statement, an accusation made about one of his peers in the House of Assembly.

MR. NEARY: Mr. Speaker.

MR. SPEAKER (Dr. McNicholas): The hon. the Leader of the Opposition.

MR. NEARY: First of all, let me say that that is not a point of privilege, Mr. Speaker. All it did was give the hon. gentleman an opportunity to forecast how the people of Terra Nova were going to be treated by this administration now that they have been conned into voting the way they did. They were sick and tired of driving over gravel roads and they wanted to squeeze everything they could out of the Tory administration, Mr. Speaker. And I believe Mr. Fenwick of the NDP, who at least maintained his honesty and integrity during that campaign, accused the administration of being obscene and immoral when it came to making promises and trying to buy people with their own votes.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: The hon. gentleman has just forecast what is going to happen. In actual fact, now they are admitting that it was a big lie, that, Mr. Speaker, they could not deliver on the promises they were making. That is the point the hon. gentleman is making. And, Mr. Speaker, I would submit if they cannot deliver on road pavement, and their grants to the shipyards and the fishing industry, and create the jobs they were talking about in that by-election, Mr. Speaker, that as soon as they get to the polls in the next election, that hon. gentleman will be flung out on his ear.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (McNicholas): Order, please!

I must rule there was no point of privilege, and there was no point of order to the previous one that I did not rule on. It was a difference of opinion between two hon. members.

MR. NEARY: Well, Mr. Speaker, not only that, but my opinion is the one that the people in Terra Nova had also. They were given assurance by this administration -

MR. MORGAN: What a sore loser.

MR. NEARY: And the hon. gentleman was one of the ones who went around -

MR. SIMMS: That is right, I went around.

MR. NEARY: - passing out the goodies!

MR. SIMMS: No, Sir.

MR. NEARY: Now they are trying to say they made no promises, Mr. Speaker! How cowardly can you get? They were down there in droves trying to buy people's votes with their own money.

Now, Mr. Speaker, I am going to get off that subject and let my hon. colleague -

MR. MORGAN: I can see the headlines tomorrow, if this is carried the way it should be: 'Neary attacks the voters of Terra Nova for voting P.C.'.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker, the hon. gentleman just made a statement in this House that there is nothing for the people of Terra Nova.

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

MR. SPEAKER (Aylward): Order, please! Order, please!  
The hon. Minister of Fisheries  
on a point of order.

MR. MORGAN: I have to take exception again.  
The fact is, I did not say there was nothing for the people

MR. MORGAN: of Terra Nova. In fact, in the next three years, with Mr. Glenn Greening as their member, I would expect to see lots of action in Terra Nova, and there will be lots of action in Terra Nova.

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: What I did say was, we made no promises during the election campaign and people in the area know that. Not one promise was made during the campaign.

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

MR. SPEAKER (Aylward): Order, please!

To that point of order, the hon. the Leader of the Opposition.

MR. NEARY: Mr. Speaker, I happened to be there when these promises were made. There were wide, irresponsible promises made that they know they cannot deliver on.

MR. BAIRD: Sit down and do not be so foolish.

MR. SPEAKER (Aylward): Order, please!

MR. NEARY: - because the Minister of Finance made a statement a couple of weeks ago that there would be no new programmes, and now the hon. gentleman is trying to squirm his way out of it. There is no point of order, Mr. Speaker.

MR. SPEAKER: Order, please!

To that point of order I have to rule that there is merely difference of opinion between two hon. members. However, I wish to remind the Leader of the Opposition (Mr. Neary) that we are discussing An Act To Amend The Labour Relations Act, Bill No. 15, and I remind him of our rule of relevancy.

The hon. the Leader of the Opposition.

MR. NEARY: Mr. Speaker, we would like to hear the answers to the questions.

MR. BAIRD: If you were man enough you would congratulate the winner.

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, could you ask the hon. gentleman to restrain himself? They have themselves boxed into a corner now so -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MORGAN: (Inaudible) the House.

MR. NEARY: So what! So what!

MR. TOBIN: We gave your leadership the boot.

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, we will just have to

MR. NEARY: see how the hon. gentleman answers the questions, and I look forward to hearing what my colleague says on this bill.

MR. ROBERTS: Mr. Speaker.

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

MR. ROBERTS: Mr. Speaker, there are a few words I would like to say about this bill. My hon. friend from LaPoile (Mr. Neary) has made some extremely relevant points, maybe a little like casting pearls before swine, in the words of the bible, Your Honour, but he has made some very relevant points.

Now, I could be very hard on Sections 12 and 13 but do I understand correctly that the minister has said that both of these will be withdrawn--

MR. DINN: Yes.

MR. ROBERTS: - they will be struck when we come to the Committee stage? That is so, is it?

I want it placed on Hansard.

A nod is not recorded in Hansard as the minister will appreciate.

MR. DINN: Yes.

MR. ROBERTS: Okay, then I do not need to say anything about them, I think it is wise that they are being dropped because they are, in my view, entirely inappropriate in a system of free collective bargaining and I will leave it at that.

There is, however, another section that I would most earnestly draw to the minister's attention, and I confess that I did not hear all of his remarks in introducing second reading. If he has dealt with this, then perhaps he could tell me so and save us some time - that is if he is going to withdraw it - if not, then I would

MR. ROBERTS: want to make my points. It is Section 6. I am sorry I was not here, but I had some business to attend to at the bank, and not simply raising enough by way of loan to pay the election debt which I owe the gentleman from Humber West (Mr. Baird), one bottle of Tia Maria. At the very least the Province will profit from it. I had my secretary, the first thing this morning, telephone the hon. gentleman to ask him how he would like tribute paid to him, realizing his need for the Tia Maria and the milk to go with it was greater than mine, and realizing as well that he was entitled to it and obviously anxious to honour my obligation. The word I got back was a 26 ounce together with 26 ounces of milk. The hon. gentleman from Humber West is an expert at milking, the public purse or otherwise. I do not know if I can get him the milk, but I will certainly get him the Tia Maria and I will have it for him, if all goes well, in the morning and then he can have all of his friends in for a drink, and if he has all of them in it should last a long time.

Mr. Speaker, let me come back to Section 6, because I suggest to the - and I do want to try to get the minister's attention and the Minister of Justice (Mr. Ottenheimer), because my remarks will be addressed to both of them. But if they want to say something to each other well, I am quite willing to ask for an adjournment.

MR. SIMMS: They can hear you, they said.

MR. ROBERTS: I hope they can, if not, as the member for Grand Falls (Mr. Simms) knows, I can speak considerably more loudly than I am speaking now. I can also speak more rapidly. I gather the other day I was apparently hitting 250 words per minute which just shows how riled up I was by the incessant attacks of the hon. gentlemen opposite.

MR. BAIRD: I am glad you were not down campaigning in Terra Nova or I might not have won the bottle.

MR. ROBERTS: I say two things to my hon. friend from Humber West (Mr. Baird): Number one -

MR. SPEAKER (Aylward): Order, please!

I wish to remind the hon. member of our rule of relevancy, and I remind hon. members to my left that the hon. member for the Strait of Belle of Isle (Mr. Roberts) has the right to be heard in silence.

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

MR. ROBERTS: Thank you, Mr. Speaker, and I certainly respect Your Honour's ruling, I do tend to get led astray being obviously a weak-minded character and I am grateful to Your Honour for protecting me. If they do not put temptation in my path then I will not have to say anything to them. It is so tempting, they serve up these nice big soft ones - the hon. the gentleman from St. John's North (Mr. Carter) is the obvious great big soft one over there - and it is tempting not just to hit them right out of the court. But let me come back to Section 6 because I do have a very real concern with it. Section 6 replaces subsection 1 of the present Section 18. Section 18 is a privative clause, or a privative clause it is sometimes called, and briefly put the purpose of those clauses is to make a board's decision final.



MR. ROBERTS: I accept that. It is a principle well established in law and in public policy, Mr. Speaker, that a board, such as the Labour Relations Board, which has had discretion conferred upon it, is not subject to a review. You cannot appeal from it. We have done much the same thing with the Workers' Compensation Board and, I venture to say, there is not a workers compensation board or a labour relations board, including the CLRB in Canada, that does not have the benefit of a similar provision. I have no quarrel with that at all.

Before I go any further, I meant to do this at the opening, Mr. Speaker, I do not think I have said anything that takes away from it, may I declare an interest under the Conflict of Interest Act, I will not be voting on this bill but would the Clerk note an interest? My firm, not me personally, has acted for the Newfoundland Light and Power Company. In fact, we have done it for thirty or forty years to my knowledge, I have not been with the firm that long. I believe one of the sections - I do not think Section 6 deals with that, does it? No, there is a section in this which deals with the matter, I believe it is section 9, deals with a matter which was the subject of litigation. Mr. David Hurley, who was then associated with our firm, a very fine lawyer indeed, now associated with another firm here in St. John's, I believe acted in behalf of Newfoundland Light and Power and there was litigation. Section 9 of the bill, I think the minister will concur, was designed to try to get around the ruling of the Trial Division and the Court of Appeal in the Newfoundland Light

MR. ROBERTS: and Power matter. I believe that is the case. But, anyway, whatever it is, my firm does act for the Newfoundland Light and Power, Sir, and delighted we are to have the opportunity to do so.

But let me come back to section 6 which intends to amend a privative clause. In my view, Mr. Speaker, this amendment goes well beyond anything that can be justified. The present clause - now, as I say, I do not know what reason the minister gave at second reading, he may or may not have touched upon this, but the present clause as far as I know is adequate, it is a more or less standard clause, It says, "subject to subsection (2), a decision or order of the board is final and conclusive and not open to question or review." And I agree with the principle that there ought to be no appeal on matters of fact, or matters within the board's discretion. No problem with that at all. But I do have a very real problem, and I say this to the minister in all seriousness, with the proposed wording which, when I say he will agree, I mean I am not attempting to ask him for legal advice but I am sure if he speaks with his colleague, the Justice Minister (Mr. Ottenheimer), or any of the other learned gentlemen opposite I do feel that a clause which goes so far as to attempt, because I do not think the attempt will succeed - there have been 300 years of history behind these clauses, going back to My Lord Coke, C-o-k-e, the Chief Justice at one stage of England, and he struck down one of these and in effect said, "The courts are here to do the Queen or the King's justice. We do not care what the legislature does, the legislature cannot do certain things and one of the things they cannot do is deny access to the courts."

MR. ROBERTS: But section 6 as it is drafted attempts to prevent going into court on what are called the prerogative writs, and the prerogative writs which go back in history to Coke's time and before are a means of ensuring that a board has acted within its jurisdiction. The obvious and the oldest, the best known of the prerogative writs is the habeas corpus writ which does not apply here, that has to do with the freedom of an individual. Habeas corpus is a very old principle in English law and it is part of our law now, the Charter of Rights makes it part of our law. The writs that are spoken of here are the certiorari, the mandamus, the prohibition, the quo warranto. I mean, they are the sort of things you have to pay your lawyers. Lawyers like to use these big words because then we can charge people for explaining what is perfectly explicable if only proper words were used. But what these are are various methods of bringing before a judge of the Trial Division of the Supreme Court, one of Her Majesty's judges, a matter not for review on its facts but for review on questions of jurisdiction and procedure. For example,

MR. ROBERTS: take prohibition: I will speak of a prohibition matter in which I was involved, involving as well a former member of the House, Mr. John Lundrigan. Mr. John Lundrigan was charged by a man named Mr. Patrick Moore of Greenpeace with having killed seals on a Sunday unlawfully, contrary to the provisions of the Seal Fishery Act which was and still is a statute of this Province. And Mr. Lundrigan came to me to seek legal advice and the procedure which we adopted was to go before one of Her Majesty's judges, it happened in the event to be Mr. Justice Mahoney who was assigned by the then Chief Justice to hear the matter, with a prohibition writ. And the point of the prohibition writ which was upheld by Mr. Justice Mahoney, by three judges in the Court of Appeal of this Province and by nine judges in the Supreme Court of Canada, heard by thirteen judges, all of whom were of one mind on it, was that the charge was not properly part of the law of Newfoundland because this House under the Canadian scheme has no authority to legislate on matters of that sort. And the reason why it is on the books is the obvious one, Mr. Speaker, that the statute was adopted well before Confederation. As I recall, it was about 1886 but it goes way back well before we became a part of Canada. Now, if a clause similar to this one had been in the law it is at least arguable that the courts could not have done that. And in the end result John Lundrigan never stood trial on the charge because what came out of it was that in the law of Canada there was no such charge. And that section - I forget the number, it does not matter - was struck down. Even though it may be in the printed statutes to this date, it is no longer part of the law of Canada, the Supreme Court has ruled that, it is out, anymore

MR. ROBERTS: than if this House were to adopt its own definition of murder. We cannot do that. It would have no validity because under the Constitution matters of criminal law are reserved to the Parliament of Canada. Or equally, if the Parliament of Canada attempted to enact labour legislation dealing with matters that are within our labour jurisdiction it would be ultra vires - that is another one of those legal terms - it would be outside its powers, it would be of no validity.

So I say to the minister that while I do not know why these words were here, I would say to him that they go a very, very long way and, in my view, they go completely beyond anything which can be justified in a free democratic society. I suspect they are impeachable under the Charter of Rights. I would be perfectly prepared to argue before any judge in this country that these go well beyond what can reasonably be justified under the law and that is the test, of course, that the Charter - the Charter, quite properly, in my view, others may differ, has restricted our powers as a legislature, it has restricted the powers of every legislature in Canada, including the Parliament of Canada. It has restricted this one. Now, I do not know why it is in there. There may well be a valid reason why it is in there and I am prepared, as always, to hear it. But I would say that unless there is an extremely compelling reason, the minister ought to ask one of his colleagues to delete that section when we come to committee. I am not aware that the present privative clause has proven to be unworkable or unenforceable, maybe it has been. I do not pretend to know a great deal about the minutia of the day to day work of labour law, it is not an area in which I have a great deal of expertise, but I do know a bad legal principle when I see one and what is embodied in Section 6,

MR. ROBERTS: Mr. Speaker, is, I suggest with the greatest of respect, very offensive. There is no justification that I can conceive for denying a person access to the courts on the grounds that are proper grounds for the writ. Now the minister is nodding

MR. ROBERTS:

Now, the minister is nodding his head, I know he has been consulting with his colleagues, if he is prepared to withdraw the clause then I will not say anything more. If not, then there are a few other points I would like to make.

MR. DINN:

I would like to comment on that.

MR. ROBERTS:

I will grant the minister leave to say whatever he wants, obviously, Mr. Speaker.

MR. SPEAKER (Aylward):

By leave, the hon. Minister of Labour and Manpower.

MR. DINN:

Basically the purpose of this clause protects the rights and freedoms of the Board. I mean, we have no intention of removing the courts from every decision of the Board, but to expedite the operation of the Board. But, obviously, I cannot give legal advice, I am not a lawyer.

MR. OTTENHEIMER:

Mr. Speaker, with leave of the hon. gentleman.

MR. ROBERTS:

If the Minister of Justice (Mr. Ottenheimer) wishes. I am perfectly content, Sir, if it is acceptable to Your Honour. I mean, the minister's answer does not really answer the point, but I have no doubt it is what he has been told. Maybe the Justice Minister wants to say something.

MR. SPEAKER:

By leave?

MR. OTTENHEIMER:

Yes.

MR. SPEAKER:

The hon. Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, the privative clause which is being referred to there obviously was brought in, I understand, at the request of the Newfoundland Labour Relations Board and that is understandable. And, of course, they are of the opinion that their work was hindered in many ways.

MR. ROBERTS: We do not exist.

MR. OTTENHEIMER: I realize that. Would the hon. gentleman allow me to finish? Certainly when it comes to an argument that a board is acting ultra vires, as the hon. gentleman said, very seldom if ever are the courts willing, irrespective of what the wording is, to cede their jurisdiction into whether a board is acting beyond its jurisdiction. So it is arguable - I am not arguing, it is not a course, I am not arguing that particular matter, but it is certainly arguable that even with this clause a court would continue to exercise a jurisdiction as to whether a board was acting beyond its jurisdiction or not.

But what I was going to say was that in Committee this is a matter which obviously needs to be studied. The work of the board has to proceed in an orderly fashion. And obviously nobody wishes to preclude the court from certainly reviewing whether a board is acting within its jurisdiction or not. And we could put in a clause saying that this act and every section thereof, or however that would be worded, I am not wording the amendment right now, would come into effect on proclamation and that would then - obviously, the other parts of the act could be proclaimed without this Section 6 until that matter had been thoroughly reviewed.

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

MR. ROBERTS: Well, Mr. Speaker, I much appreciate the point taken by the minister. What he suggests is better than what is here now. But, Mr. Speaker, what I would say to the minister is he might considering deleting the clause and if it should turn out upon review that it is necessary,



MR. ROBERTS: then the Legislature meets next year. You know, I know these amendments have been, and the minister will confirm that - if he asks me not how I know I will not tell him, but the minister can confirm these amendments have been up before the Cabinet for three or four years past now and each year they have been put aside in the legislative timetable, the rush to get out of this House. So there is nothing urgent about this.

I would say to the Minister of Labour and Manpower (Mr. Dinn), and his colleague the Minister of Justice (Mr. Ottenheimer), that this clause goes so far beyond, because what it does do by its very words is attempt to prohibit any effort to go to the courts. And the Minister of Justice, I know, would agree with me, as a matter of law, that certiorari and the other prerogative writs are the only means which you can bring before a court. And if you had to go in and convince the court, first of all in the plain face of those words to consider jurisdiction - you know, the fact that the board requests it, with all respect, is of no weight, a law with me. I mean, the board might feel happier if nobody ever even attended their hearings, I do not know. But the fact that the board wants to expedite their business by cutting out the courts of this land, and 200 or 300 years of legal and jurisprudential principle to me is an argument without any merit whatsoever,

MR. ROBERTS: and I would not accept that as an argument in favour of what I consider to be a very far-reaching section. So I would say to the Minister of Justice (Mr. Ottenheimer) that, you know, the government will have their way, I accept that, but I would say to him that he ought to give this matter prayerful consideration. I do not think he wants to be known as the Minister of Justice who brought in a legal doctrine - at least, not bring it in by accident. I suggest this matter was never given any real attention in Cabinet. It is like 999 out of every 1,000 sections we deal with in this House, Mr. Speaker, nobody ever looks at them. You could put anything into the statute books of this Province the odds are, and other than the legislative draftsmen who really have no role in policy, their job is to embody into legal form the instructions which they are given, usually by officials, often not even by deputy ministers even though deputies may sign the instructing letter. But you could put anything into the statute books. And here we are putting in a matter which on its plain face attempts to deny any aggrieved party a right that has grown up over three or four hundred years of the common law. And it turns out the reason we are being asked to do it is because the board does not want anybody interfering with its work. Well, Mr. Speaker, I cannot think of a more compelling reason to allow the courts to review the work of the Labour Relations Board than the fact that the LRB does not want anybody to interfere. Who the dickens do they think they are? They do not exist, and I cannot really - if they thought about it seriously - see them saying that they should exist as absolute lords and masters. They are simply a group of men and women who hold office on certain

MR. ROBERTS: terms to do certain things, and like any one of us in this world, they are subject to review. I can bring a certiorari against the Minister of Justice if he attempts to do something outside that which the law empowers him to do if he is acting in an administrative function - or judicial, I am sorry, as opposed to an administrative function. If he is mandated by statute law to do something, I can bring an application before a court and ask for a mandamus order, but if this section becomes law, all these 'shalls' in the Labour Relations Act will no longer mean 'shall', what they will mean - because you cannot bring a mandamus order - what they will mean is if the board so wants, 'shall' shall mean 'shall'.

MR. CARTER: Let us hear that mandamus stuff again.

MR. ROBERTS: Mr. Speaker, the hon. gentleman from St. John's North should know about mandamus, in fact, he should be the very first to talk of habeas corpus because his habeas and his corpus is the kind of reason why we should be tender of the right - the law is very tender, I say to my friend, of the rights of those who cannot look out for themselves. It exists to protect people like him. The mental incompetence legislation has him precisely in mind. The whole point of going before a court and asking for an order to appoint a guardian - the hon. gentleman has a legion of guardians. He needs forty-three and now there are forty-four over there to guard him and still it is a struggle. Still they cannot guide him and restrain him. If ever there was a labouring relation, Mr. Speaker, it is the hon. gentleman from St. John's North.

Let me come back to the Minister of Justice (Mr. Ottenheimer) because I think he

MR. ROBERTS: will have to concede that there is a great deal of merit in this. The simple answer that the board want to speed up their work is no answer. If the board are wrong they should not be allowed to speed up their work and if they are not wrong then the courts will say so. How many of these certiorari have there been? Not very many. I have no idea - have there been a half-dozen in the last five years? I do not know. But I do not think the board can say that their work is being stultified or nulified by parties rushing into the courts to seek prerogative writs.

MR. HOUSE: (Inaudible).

MR. ROBERTS: Yes, Shakespeare said, I say to my friend from Humber Valley, that the first thing we do is we kill all the lawyers. Shakespeare also said,

MR. ROBERTS: 'My horse, my horse, a kingdom for a horse', to which the answer is, I say to the minister, saddle yon braying ass. Now, Mr. Speaker, let me though come back to the minister. The point, Mr. Speaker, is a very important one. We are here making laws. We are not just hear trading quips of one sort or another. If we adopt this measure it will go into the Statute books of the Province and the Labour Relations Board and people appearing before that board will be governed by it. The courts will have to pay attention to it, we are the Legislature. At times it is hard to believe that this is the supreme legislative power within this Province but, I mean, it is so.

So, I say to the minister that to me the only really acceptable thing would be to withdraw the clause in Committee, and then if it should turn out upon mature consideration and suitable consultation that this clause is necessary, then let us bring it in and let us deal with it properly.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (AYLWARD):

Order, please!

MR. ROBERTS:

There is obviously some sort of conference going on.

There is obviously some

MR. SPEAKER:

Could I interrupt the hon. member?

Could I interrupt the

MR. ROBERTS:

Yes, of course.

MR. SPEAKER:

This being Thursday and somewhat after five o'clock, I have to inform the House that we do not have any questions for the Late Show at five-thirty.

This being Thursday and

The hon. member for the Strait of Belle Isle.

MR. ROBERTS: I say, Mr. Speaker, it is the only way we, on this side, can get out at five-thirty around here, get a half an hour off.

I am sort of hoping, Mr. Speaker, that the ministry may be at the point where they will say, 'Well, let the clause stand', in which case I can pass on to one or two other remarks. Are they at that point or are we going to stand with this?

MR. OTTENHEIMER: I am sorry?

MR. ROBERTS: I do not know whether the Minister of Justice (Mr. Ottenheimer) and the Minister of Labour (Mr. Dinn) had - they have obviously been putting their heads together, a wise practice. I mean, could we knock this clause out in Committee, and then if we need it bring it back another year? You are going to be here another year.

MR. OTTENHEIMER: The government has agreed to the position as I stated on the government's behalf -

MR. ROBERTS: Well, the trouble with a group of stubborn men is you cannot move them.

MR. OTTENHEIMER: - which I will speak to briefly later on.

MR. ROBERTS: In any event, Mr. Speaker, half a loaf is better than none. I thank the minister for going half way. But I do say to him he ought to give it prayerful consideration. I would think that this section, based on the explanations that I have heard, would be a blot upon the escutcheon of any government and a blot upon the escutcheon of any lawyer who sponsors them. I am not talking a matter of politics now. There is nobody requested this section except the LRB and they are down there, they simply want administrative efficiency. The minister is shaking his head.

MR. SPEAKER (AYLWARD): The hon. Minister  
of Labour and Manpower, by leave.

MR. DINN: The board right now with  
the existing clause in there just about has to - you know,  
everything that goes to the board now automatically  
goes to the courts. I understand that other jurisdictions  
have just about exactly this clause. I believe Ontario,  
as an example, has just about exactly this clause. And  
it does not prevent, for example, going to the courts  
with respect to a denial of natural justice or  
that sort of thing, because, I mean, the courts obviously  
have jurisdiction in that area. So, from what I can  
determine, from what I have been able to learn, this  
clause exists in Ontario and several other  
jurisdictions throughout Canada. As the Minister of  
Justice (Mr. Ottenheimer) has said, you know, we can  
put in the amendment he recommended if we have to prior to  
proclamation.

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

MR. ROBERTS: I appreciate what the  
minister says and I am not going to carry on. You know,  
there is no point in arguing law with him and  
I do not say that in any unpleasant way.  
If he were to argue technological or telecommunications  
matters with me, it would be equally fruitless, only one  
of us has any knowledge in either field.

I have said what I  
wanted to say about this. I have no doubt a court  
would find a way to take jurisdiction. But I will  
say it is still a shameful clause because it attempts  
to oust jurisdiction. When the minister talks of natural  
justice and so forth, that is what these writs are for. That  
is how they have grown up. They are the prerogative writs.

MR. ROBERTS:

They grow out of the Crown's prerogative and they are the way in which the courts over the centuries have found a method of striking down the Legislature and keeping it within bounds. But, in any event, you know, we have come part way. At least it will be reviewed. We will see what comes of that. I do not pretend to know whether it is in any other legislative enactment. I shall have it checked and we will find out. But, Mr. Speaker, even if it is in every other legislative enactment in Canada it is still bad law.

Mr. Speaker, there are a couple of other sections in this one that cause some comment. In addition to what my friend from LaPoile (Mr. Neary) said,



MR. ROBERTS: and he made some extremely valid points and he made them as always in a very effective and forceful way. Section 5 - I am not sure why the minister should have the power to refer a matter to the board. The board is not some royal commission or some advisory body, the board is a body to hear and to determine applications made before it much like the Board of Commissioners of Public Utilities or the Motor Carrier Board, which, I guess, is the PU board by another name, or any number of these quasi-judicial boards. I am not at all certain the minister should have the power to be able to require the board to look into and report upon matters. If the minister wants to look into something he has ample means at his disposal; he has a very large and a very efficient department, and one with a great deal of expertise which is available to him. I also want to say a word about Clause 15 which is another of these which added to the new 89 is another attempt to try to get around reality. I suspect it will not work, although I want to say that I have no problem at all in principle with it. You ought not to be able to escape - this is a successor right's clause - you ought not to be able to escape the obligations of a collective agreement by going through some business reorganization or some series of manoeuvres that a clever solicitor has dreamed up. I would say though the words, 'or any part of either', as these appear on the fifth line of the proposed 89 (1) are probably going to be very difficult and I will wager that this clause will not be successful; in fact, it will cause a great deal of litigation and a great deal of trouble. I have no problem with

MR. ROBERTS: 13, we are enacting the Rand formula into law. I suspect that is pretty general across Canada now. It always seems to me if you get the benefits from a union you should be prepared to pay your share of the freight. But I do want, and I will close on this - I may be nearly out of time, Your Honour, but given that there were a couple of interruptions, with leave and by consent and all that sort of thing, perhaps I can have a minute or two - I do want to agree with what my friend from LaPoile says about the representation votes. I may say I have indirectly been involved in representation votes in businesses with which members of my family are connected and I have not always welcomed the results but, of course, abided by them. That is the way the game is played. Our legislation is wrong, it is entirely wrong in principle when it says you must have 50 per cent plus 1 of the designated voting unit. As long as every man and woman who belongs to that unit has an opportunity to vote freely and properly. There is no valid argument in my view why a majority of those who cast their votes should not be sufficient to carry the day. That is the way in which all elections work. Your Honour could be elected to this House of Assembly by one vote. If the only vote to be cast in the district of Lewisporte in the next general election is one vote, then Your Honour will be declared elected, assuming Your Honour has been properly nominated. We do not require it in a parliamentary election of any sort or in a municipal election or anything else. It is not even 50 per cent, it is simply a plurality, the person getting the greatest number of votes. But in a labour relations certification vote where the option is either yes or no, union or no union, it will have to be a majority obviously, but

MR. ROBERTS: I do not see why we stick by this standard of 50 per cent of the bargaining unit plus 1 as opposed to 50 per cent of those who vote plus 1. It is an idea which comes from another era of labour relations. Let me give you another example. When you come to elect directors of a company there is no law that says 50 per cent plus 1 of the shareholders must vote to elect a director. If you hold a directors meeting, and most company articles provide that only 10 per cent of the shares need be represented - or shareholders, that is not even 10 per cent of the shares - if a meeting is properly called and only 10 per cent show up or whatever the articles provide, they can elect the directors of the company and those directors can then bind the shareholders of the company. I do not know why we impose this standard on the labour movement. As I say, it is from another era. It is a clear example of trying to impose an outdated and a reactionary view upon it. We do not impose that requirement on

MR. ROBERTS: anybody, to my knowledge, except labour unions and it is wrong. It is wrong in principle, it is wrong in practice and it should be changed.

Mr. Speaker, the final remark I want to make is that labour relations in this Province are bad. The government's relations with its own employees are bad and in the private sector, I am afraid, there is much too much bad labour relations. I am not saying bad unions or bad employers, I am simply saying that the climate is bad. If the minister really wants to do something worthwhile, and I am sure he does, I think he is one of the members over there who wants to accomplish something besides drawing his salary - there are those who are content to draw their salary and attempt to cling onto the perks of office, but the minister I believe wants to do more than that - then I would say to him that the greatest contribution to be made in this Province today in the field for which he is responsible, the labour field, is to try to find some ways to create a climate - and I think that is what it is going to have to be - to create a climate whereby collective bargaining can once again return. Now, we are in an era of restraint and I venture to say that we are all going to be a lot older, Your Honour, before we again see the kind of bargaining we saw in the 1970s, with 10, 15, 20 per cent per annum raises. Those days are over. There may be catch-up situations, there may be groups who are out of line and who need to be brought up to par, but the era of 2 and 3 and 4 per cent raises is going to be with us for a long time in governments and in private sectors. And it does not matter about legislative sanctions, what it is, Mr. Speaker, is simply a reflection of economic reality. I believe that free collective bargaining is by far and away the best method to settle these things, and I believe the strike is part of free collective bargaining; it is simply

MR. ROBERTS: another method of doing it. It is a grievous method for both sides. A strike costs an employee just as it costs an employer and I have never known a union, or a union man or woman to go on strike lightly. I have known many who have gone on strike and they would do it again, but I have never known anyone who have gone on strike lightly; they know what is involved and they know what it will mean and they say, 'I want to fight it out and I will fight it out within the means of law.' Every attempt, all of the rest of the effort made in labour relations will come to nothing unless we allow free collective bargaining to operate, and unless we can allow it to operate in a climate which I believe government can do a great deal to create, a climate of reasonable respect for the other side and a realization, in the words that we use so often in Newfoundland, 'You cannot get blood from a turnip. If it is not there you cannot get it.' The unions have to realize that just as management have got to realize it.

Mr. Speaker, I am not sure this act does very much to promote that climate, I do not argue against the act on that ground. If there are some changes in it that will make things go a little more smoothly well and good. But, Mr. Speaker, clause (18) and clause (6), the new section (18) I believe it is, is extremely offensive. I am glad the ministry have agreed, at least, to have a second look at it. I appreciate that and I hope the results are to consign it to the legislative junk heap. And I think the minister is doing the right thing to withdraw (12) and (13), they represent a fascist mentality, and I am not trying to be pejorative, though simply that is the state laying down its heavy heel. And

MR. ROBERTS: I am sure that the minister is also doing himself and his successors a favour and the board a favour. I would not want to be on the board that had to try to negotiate a collective agreement, I mean, that is a clear case - I would not want to be the minister who tried to impose a collective agreement. That just destroys the whole free collective bargaining system.

So I congratulate the minister on withdrawing a couple of clauses that he ought never to have brought in in the first place. Thank you, Sir.

MR. SPEAKER (RUSSELL): If the hon. minister speaks now he closes the debate.

The hon. Minister of Justice.

MR. OTTENHEIMER: Very briefly,

MR. OTTENHEIMER: Mr. Speaker, the new clause (6) - and let it be recalled that the government has undertaken to make an amendment whereby the bill and various sections or sections of it will come into effect on proclamation, so it is the intention, therefore, to proceed with it but with the subject of proclamation proviso - but the new section (6) actually replaces the wording which is the present 18 (1) in the act which says 'a decision or order of the board is final and conclusive and not open to question or review'. I would imagine whoever came up with that first, and it was not in this Statute, obviously it was not in this Statute, but at whatever period of time that formulation came up the person probably thought he was effecting a total privation or very close to a total privation. But the courts have jealously and quite properly maintained their jurisdiction in every conceivable way, and that is obviously part of their duty. All I am saying is that with the section that is in the proposed bill here, I think the hon. gentleman would agree and indeed said so, it is highly unlikely that the court would not regard that it had a right in certain areas and certainly in terms of their jurisdiction. And it does bring up the matter, as well, which is - and there are arguments on both sides - and I certainly realize, a necessary and important, essential role of the courts, however one is to define it, certainly in cases of if a board is acting in excess of its jurisdiction, which is fundamental.

Of course there are the arguments as well, and I am not putting them forward, I am just saying of the whole complex issue, and there are many in between arguments as well, those who maintain that courts have at times perhaps abrogated to themselves

MR. OTTENHEIMER: rights which others will argue the Legislature should have.

MR. ROBERTS: That is why we have courts of appeal.

MR. OTTENHEIMER: Yes. There is also that question, as well, as to the rights of the Legislature which are real and valid and necessary and have to be protected, and the rights of the court which are necessary and valuable and have to be protected as well. I am just pointing out that obviously one is not exclusive of the other, and there is a question of balance. I think all would agree that both are necessary and vital and have to be protected, and it is a question of where the balance is struck. But just so that it will be clear, we do intend to put forward amendments which will bring the sections in subject to proclamation and which will then give an opportunity to look in detail and the two wordings and the effect that, say, the proposed wording has had in other jurisdictions.

MR. SPEAKER (RUSSELL): If the hon. minister speaks now he closes the debate.

MR. DINN: Well, Mr. Speaker, I think we have covered clause (6) fairly well, so I will not get into that. I will get into a couple of points made by the hon. Leader of the Opposition (Mr. Neary) and the member for the Strait of Belle Isle (Mr. Roberts). One is with respect to collective bargaining and creating a climate in the Province for better collective bargaining. It is almost amazing to me that every year when we start out we set some goals in collective bargaining and try to maintain some order in collective bargaining, but it is almost impossible. Whatever laws you bring in you are going to have strikes and you are going to have lockouts and you are going



December 8, 1983

Tape No. 3836

IB-3

MR. DINN: to have these sorts  
of things. In Newfoundland the hon. member will know  
that, number one, we are the only Province right now  
that has a Labour Management Co-operation Committee  
and that is where labour and management sit down

MR. DINN:

and they go through the different problems that they do have in the Province and attempt to iron them out and make recommendations to the Minister of Labour with respect to changes in law and so on. And even though we have that and they meet four or five times a year, we still seem to have the same problems. We have attempted over the past couple of years to set up labour management committees in the work place so that between collective agreements there is the possibility that labour and management through this committee structure and sometimes with the assistance of our conciliation officers, can sit down and iron out some of the things that annoy one or the other in the interim period between collective agreements. So we have many of those committees set up in the work place. They do not seem to help out. I mean, to this point in time this year we have had something like 280,000 man days lost due to strikes or lockouts. Many of them, you know, one would think should have been able to have been solved before they got to the eleventh hour in negotiations. And we continue to have these meetings, we continue to set up these labour management committees in the work place but we do not seem to be able to improve the result, and the result is that we reach collective agreements, employers and employees, in a more amicable way. Sometimes I guess, as the member for the Strait of Belle Isle (Mr. Roberts) has said, you have to have the strike or the lockout to clear the air. And I guess we will always have them unless we institute some other form of collective bargaining. To my way of thinking what we have is about the best system in the world but, you know, sometimes I wish there was a better system.

The Leader

of the Opposition (Mr. Neary) in talking about this piece of legislation referred to Bill No. 59, the bill we passed

MR. DINN: in early Summer. On Bill No. 59 I made certain promises at that time with respect to sitting down with the labour movement and having them in, and I said that we would listen to their arguments between the time the bill was passed and September and if they had any problems with it to state the problems, and if they had a better resolution to the situation that I would be willing to do something in this Fall sitting. Well, Mr. Speaker, we had two meetings; there were no recommendations that came into me, and I do not see how anybody can do anything to change a piece of legislation if you do not have recommendations that make a piece of legislation better, or allow for what was required, and that is the provision of essential employees in the health services.

So whilst the Leader of the Opposition (Mr. Neary) says there was a breach of faith, there was no breach of faith. Every union was notified, they were asked into the office, we discussed the legislation with them, we asked them for their recommendations, we got none and as a result of that - as I said, when I brought in Bill No. 59, if we did not get better recommendations from the union movement - we asked them all to come in, every one of them, and only one showed up. As a matter of fact, only one union representing hospital employees, for example, showed up in my office and we had a discussion for about an hour and-a-half, but there were absolutely no recommendations with respect to essential employees, none. And so I promised at that time in the House, when I talked about Bill No. 59, that I would do that, I would have the unions in, I would discuss it with them, if they had recommendations I would attempt to implement them in the Fall. We had no recommendations. September 1 came and went and it was only at that point in time that we proclaimed the legislation. They made it clear that they were not going to come in, that they obviously did

December 8, 1983

Tape No. 3837

SD - 3

MR. DINN: not want essential employees  
and I believe that -

MR. NEARY: I thought you made a deal  
with them.

MR. DINN: That I would discuss it.  
Exactly. The deal was that I would bring in a provision in  
the legislation whereby certain sections

MR. DINN:

would not be proclaimed, that I would discuss it with them over the Summer, and if they had better recommendations I would then hold off on implementing those until the Fall, when I could bring in different legislation. There were absolutely no recommendations made. As I say, I asked them all in, only one union came in, and that was the Newfoundland Association of Public Employees and they had absolutely no recommendations to make. So as a result of that we proclaimed the legislation, all of them.

So, Mr. Speaker, I thank hon. members for their discussion on the bill and with that I move second reading.

On motion, a bill, "An Act To Amend The Labour Relations Act, 1977", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 15).

Motion, second reading of a bill, "An Act To Repeal Certain Obsolete And Spent Statutes". (Bill No. 27).

MR. SPEAKER (Russell): The hon. Minister of Development.

MR. WINDSOR: Mr. Speaker, this bill is quite straightforward. These are various pieces of legislation that remain on the statutes which are no longer necessary. Many of these are companies that have been defunct now for a number of years through bankruptcy, some of the great industrial efforts of the Opposition when they were in government; Superior Rubber Company; Harding Electrical Limited; International Fisheries and Fish Meal; Atlantic Gloves Limited, and others. As well, there are other companies which, in accordance with the policy of this government, we have divested ourselves of: North Star Cement Limited, United Cotton Mills, Newfoundland Fibreply,

MR. WINDSOR: and Burgeo Fish Plant,

As well, of course, all the assets were disposed of Canadian Machinery and Industry Construction Limited.

So these are a number of pieces of legislation, Mr. Speaker, which are no longer necessary and, therefore, we just simply repeal those and take them from the books.

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

MR. ROBERTS: Mr. Speaker, we will obviously finish by 5:30, as long as Your Honour is selective in looking at the clock. Let me say that if you had to have one sentence to describe the development programme of this administration it is 'Spent and Obsolete' and this bill is entirely appropriate. We are convinced by the minister, we will support it.

MR. WINDSOR: This is what your administration did.

MR. ROBERTS: Yes, Mr. Speaker, these include - not one of these was adopted during my time in the House in government. They were adopted before my time. Now, I am probably responsible for the failures of Smallwood, Squires, Bond, Whiteway, Thorburn, Coaker, I am part of all of those. I could plead right back to the railway and the Grand Falls mill and the Humber mill, the Golden Eagle Refinery. You know, for all the faults of the Smallwood Administration they opened more in a week than the government opposite have closed in a year, and that is saying something.

Mr. Speaker, the legislation also includes, it should be noted, the cleaning up, or repealing the Burgeo Fish Plant legislation. That of course, is one of the great giveaways of our time as well. This government have given away millions of dollars worth of assets.

MR. YOUNG: No, it has not.

MR. ROBERTS: Yes, it has.

MR. YOUNG: To create a few jobs you gave everything away.

MR. ROBERTS: No, Mr. Speaker, the Burgeo Fish Plant is not a case of a giveaway to create jobs. Giveaways to create jobs may be justifiable, but the Burgeo Fish Plant, Mr. Speaker, is a clear example - not the Burgeo Fish Plant, but Burgeo Fish Plant deal is a clear example of a giveaway if ever there was one, in that the government assumed subsidy responsibilities forever and ever.

Mr. Speaker, we are all anxious to get out before 5:30. As I said, if there is one simple sentence to sum up the development policy it is that the minister's act is an Act To Repeal Certain Obsolete and Spent Statutes. If he would only repeal certain obsolete and spent ministers, namely his colleagues, we would all be further ahead, Sir.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act To Repeal Certain Obsolete And Spent Statutes", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 27).

MR. SPEAKER (Russell): It now being five-thirty it is deemed that a motion to adjourn has been made and I do now leave the Chair until tomorrow, Friday, at ten of the clock.

I N D E X

ANSWERS TO QUESTIONS

TABLED

DECEMBER, 8, 1983



1. filed 8 Dec  
1983

ANSWER TO QUESTION NO. 156 ASKED THE HONOURABLE THE  
MINISTER OF TRANSPORTATION BY THE MEMBER FOR BELLEVUE  
ON ORDER PAPER OF NOVEMBER 15, 1983

New road construction and new paving contracts  
issued to date for the 1983-84 fiscal year is shown  
on the attached list.

CONTRACT NO.	PROJECT NAME	FUNDING		LOW TENDER BID	SUCCESSFUL CONTRACTOR
		FEDERAL	PROVINCIAL		
-83 PHD	Supply of flake calcium chloride and the supply and application of liquid calcium chloride to gravel surface highways as a dust control agent throughout the Province of Newfoundland.		100%	\$ Part A. 657,363.90  Part B. 168,406.85 15,965.55	ALLIED CHEMICAL  ALLIED CHEMICAL DOW CHEMICAL
-83 PHS	Removal of 10,000 m <sup>3</sup> of Rock on Route #235-20 at Keels, Bonavista Bay, Nfld.		100%	69,000.00	VIKING CORPORATION LTD.
-83 PSC	Supply and installation of a Long Span Multiplate Arch Structure at Valley Road, Carbonear, including strengthening of watermains and sanitary sewer in vicinity of the arch structure.		100%	282,065.00	LEVEL CONST.
-83 PMG	Supply and application of Maintenance Grade #3 Granular Material and Calcium Chloride on Route #270 km 53 to km 66 from Lawn to Lords Cove approximately 13 km.		100%	360,150.00	PENNEY BLACKTOP
-83 PHG	Grading 1.1 km of Route 340-37 through Herring Neck.		100%	354,860.00	PENNEY ROADBUILDERS
-83 TSR	Repairs to Junction Brook Bridge near Deer Lake, Deer Lake Underpass, and the Bridge across Deer Lake Spillway.	75%	25%	172,925.00	CLAYCO CONST.
-83 PHR	Reconstruction and paving of approximately 2.2 km of Route 60 in the Marysvale-Georgetown area, replacement of a bridge near Marysvale with three multiplate pipe arches and recapping of approximately 2 km of Route 70 from km 9.5 to 11.5.		100%	547,835.00	PENNEY BLACKTOP LTD.

TRACT NO.	PROJECT NAME	FUNDING		CONTRACT VALUE	CONTRACTOR
		FEDERAL	PROVINCIAL		
83 PHR	Upgrading of Route No. 93 from Mount Carmel Towards Colinet, km 0.4 to km 4.4, approximately 4.0 km		100%	\$ 197,745.00	SOUTHERN CONST.(1981) Ltd
83 THP	Recapping of T.C.H. South Brook Bridge at Pasadena towards Humbermouth Overpass from km 661 to km 676, approximately 15 km.	75%	25%	1,099,527.00	LUNDRIGAN GROUP LTD.
83 PHR	Upgrading Route #73 - New Harbour towards Tilton, km 2 to km 3.		100%	146,983.97	BABB CONST. LTD.
83PHR	Reconstruction of Witless Bay Line Route No. 13 from km 17.3 to km 18.8, approximately 1.5 km.		100%	238,520.00	GREENSLADES CONST. LTD.
83PHR	Reconstruction and paving in Trouty Route 239 and 239-13, 5.45 km.		100%	444,638.00	VIKING CORPORATION LTD.
83PHR	Upgrading of Route 235 from Knights Cove towards Amherst Cove, km 24.4 to km 27.4, 3 km approximately.		100%	294,635.00	EASTERN ROAD BUILDERS
83PHR	Upgrading of Route 10 from Trepassey towards Peters River for an approximate distance of 4 km.		100%	323,245.00	SOUTHERN CONST. 1981 LTD.
83PHN	Construction and paving of the approaches to Grand Bank Brook Bridge.		100%	351,300.00	PENNEY BLACKTOP LTD.

CONTRACT NO.	PROJECT NAME	FUNDING		LOW TENDER BID	SUCCESSFUL CONTRACTOR
		FEDERAL	PROVINCIAL		
1-83PHP	Recapping and paving of approximately 5.6 km of highway in the Holyrood-Harbour Main area.		100%	\$ 357,491.80	BEOTHUCK CRUSHING&PAVING
2-83PHP	Recapping a section of Lance Cove Road - Bell Island, approximately 2.5 km.		100%	198,750.00	MODERN PAVING LTD.
3-83PSB	Construction of Greenspond Tickle Causeway Bridge		100%	592,340.00	WESTERN CONSTRUCTION CO. LTD.
4-83PMC	Supply and application of Chip Seal Surface Treatment to three sections of Route 210-Burin Peninsula Highway.		100%	493,130.00	CROWN PAVING LTD.
5-83 PMC	Supply and application of Chip Seal Surface Treatment to 10 km of Route 80 and 15 km of Route 90.		100%	493,130.00	CROWN PAVING LTD.
6-83 PHP	Reconstruction and Paving of Route No. 220-10 from Marystown towards Little Bay, approximately 2.0 km.		100%	643,970.00	PENNEY BLACKTOP LTD.
7-83-PHR	Upgrading of Cottlesville Road, Route 344 km 5.5 to km 7.1 and Mortons Harbour Road Route 345 km, 1.7 to km 4.3, approximately 4.2 km.		100%	444,750.00	PENNEY ROADBUILDERS
8-83PHP	Reconstruction and paving of Main Street - Bishop's Falls, approximate length 610 m.		100%	387,740.00	ADAMS CONST. 1975LTD.

TRACT 0.	PROJECT NAME	FUNDING		CONTRACT VALUE	CONTRACTOR
		FEDERAL	PROVINCIAL		
-83PHR	Recapping and paving of roads in the Carbonear-Trinity Bay, Bay de Verde Area.		100%	\$ 725,886.00	PENNEY BLACKTOP LTD.
-83TSG	Construction of an overpass at Mile 14.56 C.N.R. on the Manuels to T.C.H. Highway	75%	25%	664,975.00	ECO ZONE ENGINEERING LTD
-83PHR	Repairs and paving of the Section of Route #90 at St. Vincents from km 88.0 to km 89.1 approximate distance 1.1 km.		100%	116,810.00	BEOHUCK CRUSHING&PAVING
-83PHR	Reconstruction of a section of Commonwealth Avenue at Mount Pearl from Smallwood Drive Intersection to Whitley Drive for a distance of 0.6 km.		100%	328,200.00	CONSTRUCTION MANAGEMENT
-83PSB	Construction of Prestressed Concrete Bridge and Associated Works at West Arm Brook Bridge, Route 350 near Point Leamington.		100%	431,861.00	TRIDENT CONSTRUCTION LTD.
-83PSB	Construction of Cold Brook Bridge and Associated Works near Stephenville, Route 460-11.		100%	177,080.00	PINSENT CONSTRUCTION LTD.
1-83PHR	Reconstruction of Jacksons Cove Road, Route 391, approximate 5.0 km.		100%	393,660.00	WESTERN CONSTRUCTION LTD.
2-83PHR	Reconstruction and paving of a section of Lewisporte Road, Route 340, approximate 2.7 km.		100%	429,278.21	B & M PAVING(1983)LTD.
3-83PHR	Reconstruction of Route 335 through the Community of Stoneville, length 2.2 km approx.		100%	337,501.00	D. A. CONSTRUCTION

CONTRACT NO.	PROJECT NAME	FUNDING		LOW TENDER BID	SUCCESSFUL CONTRACTOR
		FEDERAL	PROVINCIAL		
4-83PSW	New loading ramp Man-O'-War Cove Ferry Terminal Wharf and Alterations to ramp at Farewell Ferry Terminal Wharf.	100%		\$ 79,825.00	ROWES TRUCKING LTD.
5-83PHR	Upgrading and repaving Route 100 in Dunville from the intersection with Fox Harbour Road to the Municipal Building - 0.84 km approx.	100%		435,261.30	HYNES CONSTRUCTION LTD.
6-83PMG	Supply and stockpiling of granular base material maintenance grade #3 at four locations in the Department's District 1.	100%	1(a)	45,000.00	JAMES G. REID & SONS
			1(b)	59,600.00	ADAMS AGGREGATES LTD.
			1(c)	19,000.00	HUSSEY MASONERY LTD.
			1(d)	28,500.00	HUSSEY MASONERY LTD.
7-83PMG	Supply and stockpiling of granular base course material maintenance grade #3 at three locations in the Department's District 2.	100%	1(a)	36,000.00	JAMES G. REID&SONS
			1(b)	48,000.00	JAMES G. REID&SONS
			1(c)	24,000.00	JAMES G. REID & SONS

CONTRACT NO.	PROJECT NAME	FUNDING		LOW TENDER BID	SUCCESSFUL CONTRACTOR
		FEDERAL	PROVINCIAL		
8-83PMG	Supply and stockpiling of granular base course material maintenance grade #3 at Fogo Island in the Department's District 3.	100%		\$ 74,000.00	MCCURDY CONST.&EQUIP. RENTALS LTD.
9-83PMG	Supply and stockpiling of granular base course material maintenance grade #3 at four locations in the Department's District 4.	100%	1(a)	41,875.00	ADAMS AGGREGATES LTD.
			1(b)	79,500.00	ADAMS AGGREGATES LTD.
			1(c)	75,000.00	WOODROW CHAULK & SONS LTD
			1(d)	37,500.00	WOODROW CHAULK & SONS LTD
10-83PMC	Supply and application of Chip Seal Surface Treatment Buchans Road from end of 1981 contract, km 15 to km 27, approx. 12 km.	100%		244,502.40	PENNEY CONSTRUCTION LTD.
11-83PSB	Extensions to Rocky Brook Bridge and Hampden River Road, Route #421.	100%		249,219.80	BONNE BAY CONTRACTORS LTD

CONTRACT NO.	PROJECT NAME	FUNDING		LOW TENDER BID	SUCCESSFUL CONTRACTOR
		FEDERAL	PROVINCIAL		
2-83 PHP	Recapping of 3.3 km of Route 450 and 4.5 km of Route 440.	75%	100%	\$ 374,480.00	The Lundrigan Group Ltd
3-83 THP	Paving of Route 480 from T.C.H. towards Burgeo, approx. 20 km.	75%	25%	1,378,088.00	Western Const. Co. Ltd.
4-83 PHP	Recapping of Route #350-13 Peterview Road from Peters River Bridge towards Peterview, approx. 1.0 km.		100%	82,250.00	The Lundrigan Group Ltd
5-83 PHP	Recapping T.C.H. from Long Harbour Intersection towards Clarenville approximately 1.5 km and application of leveling course to 3.2 km of Route 210.		100%	319,400.00	Penney Construction Ltd
6-83 PHR	Upgrading of Route No. 211-10 Terrenceville Road from km. 7.0 to km 9.5, approximately 2.5 km.		100%	226,896.00	Aylwards Ltd.
7-83 PHR	Upgrading of Route 352 Cottrell's Cove Road, km 22.4 to km 23.0, approximately 0.6 km		100%	98,215.00	D.A. Construction Ltd.
8-83 PHP	Repaving of Route No. 430-28 through Port au Choix for an approximate distance of 1.4 km and recapping of various sections of the local road in Port Saunders.		100%	206,950.00	Woodrow Chaulk & Sons Ltd.



CONTRACT NO.	PROJECT NAME	FUNDING		LOW TENDER BID	SUCCESSFUL CONTRACTOR
		FEDERAL	PROVINCIAL		
9-83 PSC	Construction of Multi-Plate Arches together with road construction at Seal Cove River, Conception Bay, including associated works.		100%	\$ 200,470.00	Weir's Construction Ltd.
0-83 PHR	Improvement of a curve at Big Seldom on Fogo Island, approximately 400 m.		100%	61,813.50	Rowe's Trucking Ltd.
1-83 THR	Reconstruction of Route no. 436 from the Intersection with Route no. 430 towards St. Lunaire approximately 13 km.	75%	25%	2,132,558.00	The Lundrigan Group Ltd.
2-83 PHR	Placement of Fill Material for Lomond River Bridge and Three Ton Brook Bridge approaches on Route # 431.		100%	69,260.00	The Lundrigan Group Ltd.
3-83 THN	Grading of Route No. 2 Fowlers Road Crossing to Manuels River Bridge 2.69 km.	75%	25%	1,660,808.00	Eco Zone Engineering Ltd
4-83 PMG	Supply and application of Maintenance Grade No. 3 and Calcium Chloride to Route No. 203 Road through Fairhaven. Approximately 4.2 km.		100%	90,061.50	Adams Aggregates Ltd.
5-83 PHP	Repairing and Repaving of sections of road at Grenfell Heights and intersection of T.C.H. Loop with Lincoln Road.		100%	438,635.00	Penney Paving

		FEDERAL	PROVINCIAL		
56-83PHR	Upgrading of Route No. 363 Coombs Cove Road, from km 1.7 to km 3.4, approximately 1.7 km.		100%	\$ 359,945.00	JALCON LIMITED
57-83TOM	Construction of Three Maintenance Equipment Shelters located in Labrador at Davis Inlet, Postville and Rigolet.	100%		960,268.00	L.D. FAHEY CONST.
58-83DHR	Reconstruction of Route 420 from km 9.0 to km 12.8 approximately 3.8 km including installation of a bin wall, gabions and rip rap at Gales Brook Culvert.		100%	475,531.80	WESTERN CONST.
59-83PHR	Completion of approximately 8 km of Route No. 382 from Pilley's Island to Ferry Terminal including installation of Armour Stone and scaling of rock face in Pilley's Island.		100%	743,360.00	PENNEY CONST.
60-83 PHR	Reconstruction of Main Road through Northwest River, Labrador, approximately 2.2 km.		100%	175,630.00	HICKEY CONST. LTD.
61-83PMM	Patching, repair, application of tack coat and resurfacing of pavement on sections of highway located within the Department's District 3.		100%	273,501.00	B. & M PAVING LTD.
				450,621.50	PENNEY BLACKTOP LTD.
62-83TSB	Construction of a Bridge Across Pinus River, Route #500 Labrador & approach highway.	85%	15%	1,647,180.00	L.D. FAHEY CONST.
63-83PHR	Subgrade Construction R 320-37 from Greenspond Causeway to the Fish Plant 0.97 km.		100%	151,965.00	WEIR'S CONST. LTD.

CONTRACT NO.	PROJECT NAME	FUNDING		LOW TENDER BID	SUCCESSFUL CONTRACTOR
		FEDERAL	PROVINCIAL		
64-83 PHP	Upgrading and paving of road in Stephenville Crossing Area for a total distance of 10.5 km.		100%	\$ 561,965.00	Western Const. Co. Ltd.
65-83 PHP	Repairing and recapping of approximately 5.5 km of Foxtrap Access Road, approx. 0.6 km of Topsail Road and paving of approx. 0.45 km of Angels Road.		100%	515,893.75	Modern Paving Ltd.
66-83 PHRI	Construction of approximately 3.1 km of Route 411 Westport Road from km 7.7 to km 10.8 and reconstruction of approximately 3 km of R 413 Burlington Road km 20.5 to km 23.5.		100%	925,030.00	Wells & Park Const. Ltd.
67-83 PHP	Recapping of Route 404.14 from T.C.H. to Route 404 near Robinsons, approx. 5.0 km.		100%	205,000.00	Western Const. Co. Ltd.
68-83 PHP	Recapping of Thorburn Road from the Old City Limits towards St. Phillip's, approximately 3.0 km.		100%	278,496.00	Beothuck Crushing & Paving
69-83 PHR	Upgrading of Javelin Road, Labrador, approximately 4 km.		100%	135,096.00	H.J. O'Connell Constr. Ltd.
70-83THN	Construction of 2.5 km of Gander Arterial Route 330 and the intersection with T.C.H	75%	25%	1,075,380.00	Western Constructio
71-83 DHR	Reconstruction of a section of Route No. 510 between Pinware and Red Bay in Labrador from km 60.3 to km 62.3 and Community Stage Road, West St. Modeste.	90%	10%	433,070.00	Viking Corporation Ltd.
72-83THN	Grading of a section of Route #2 from TCH to Fowlers Rd approx 5 km	75%	25%	3,243,915.50	McNamara Const Ltd

CONTRACT NO.	PROJECT NAME	FUNDING		LOW TENDER BID	SUCCESSFUL CONTRACTOR
		FEDERAL	PROVINCIAL		
73-83PSC	Supply and install multiplate pipe arch system including removal and disposal of the existing bridge structure at Hare Bay, R 320.		100%	\$ 59,599.00	Sun Construction Ltd.
74-83PSR	Expansion Joint Repairs and Associated Work, CN Viaduct, St. John's		100%	61,300.00	Cadillac Const. Ltd.
75-83THR	Installation and Extension of Culverts at various places on the Burgeo Road, Route #480 together with widening of the road at these sites.	75%	25%	234,565.20	Parsons Garage & Truckin.
76-83PSH	Protection of Existing Embankment with Armour Stone and placing of fill at Fortune on Route no. 220.		100%	141,264.00	Babb Construction Ltd.
77-83PHP	Recapping of Quigley's Line, Bell Island, approx. 500 m and two sections of Logy Bay Road and two sections of Middle Cove Road, approx. 1.0 km.		100%	126,368.10	City Paving Ltd.
78-83THN	Construction of a 14 km section of Route 500 km 6 km 20 Trans Labrador Highway from Wabush towards Ross Bay.	85%	15%	1,368,970.00	H.J.O'Connell
79-83PHR	Paving and Repairs to the Northwest River Road near Goose Bay, Labrador		100%	47,925.00	Labrador Const.
80-83PMG	Supply and Application of Maintenance Grade #3 to section of road from Route #430 towards New Ferolle, approx 10 km.		100%	119,100.00	Viking Corp Ltd.
81-83TAM	Restoration of Airstrips at Nain and Makkovik in Labrador.	100%		289,000.00	Aylwards Ltd.
82-83PSW	Completion of Project No 17-82 Ferry Terminal Wharf at Long Island Tickle		100%	63,600.00	Hewlett Group Ltd
83-83 PHR	Installation of Three Culverts and Repair to flood Damage sections of the Bay D'Espoir Highway - Route #360 and #361.		100%	535,142.50	Penney Paving
84-84 PSR	Deck Repairs and Related Work Maher's Bridge Holyrood.		100%	66,900.00	Clayco Const. Ltd.

CONTRACT NO.	PROJECT NAME	FUNDING		LOW TENDER BID	SUCCESSFUL CONTRACTOR
		FEDERAL	PROVINCIAL		
85-83 PSR	Repairs to Salmon Cove Pond Bridge.		100%	65,600.00	Trident Const. Limited
86-83 PSW	Construction of a Ferry Terminal Wharf at Woody Point, Bonne Bay.		100%	226,990.00	Pinsent Const. Limited
87-83 PSB	Installation of a Bailey Bridge in English Harbour East, Fortune Bay.		100%	140,166.00	Trident Const. Limited
88-83 POB	Construction of Breakwater - Man O'War Cove.		100%	679,152.00	Modern Paving Limited
89-83 PHP	Paving of Corner Brook Industrial Park Access Road Extension approx. 4 km.	90%	10%	1,285,736.50	Western Const. Limited
90-83 THP	Paving of T.C.H. from the Chalet Lodge towards Foxtrap Access Road km 15 to km 23.8.	75%	25%		
91-83 THP	Paving 9.5 km section of Route #480 from km 139 to km 148.5, Burgeo Road.	75%	25%	842,760.00	Adams Aggregates Ltd.
92-83 POA	Placement of Rip Rap for Sir Robert Bond Bridge (Exploits River).		100%	65,403.44	CCM Construction (Nfld.) Ltd.
93-83 PHR	Upgrading of 1.6 km of Route 418 Ming's Bight Road from km 1.95 to km 3.55.		100%	233,750.00	Penney Road-builders Ltd.
94-83 PHN	Construction of Carbonear By-Pass from Valley Road towards Victoria 1.3 km approx.		100%	337,215.00	Modern Paving Limited
95-83 PHP	Recapping of a Section of Petty Harbour Road, Route #10-20 approximately 2.9 km.		100%	150,000.00	Beothuck Crushing and Paving
96-83 PSR	Repairs to Indian Brook Bridge near Springdale.		100%	63,640.00	F.J. Construction Limited
97-83 THN	Trans Labrador Highway from Wabush towards Ross Bay km 20 to km 40.	85%	15%	2,686,880.00	H.J.O'Connell Const. Ltd.

CONTRACT NO.	PROJECT NAME	FUNDING		LOW TENDER BID	SUCCESSFUL CONTRACTOR
		FEDERAL	PROVINCIAL		
92-83 POD	Dredging at Bell Island Ferry Terminal Wharf, Conception Bay.		100%	34,900.00	Avalon Const. & Eng. Ltd.
99					
100-83 THG	Supply and Installation of Guide Rail and Guide Posts on the Burgeo Road km 0 to km 20.	75%	25%	123,200.00	Blue Bird Investments Ltd
101-83 PSI	Diving Inspections of seven bridges located throughout the Province.		100%	8,489.00	Professional Diving Contractors Ltd.