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PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
10:00 a.m. - 1:00 p.m.  
FRIDAY, DECEMBER 9, 1983

The House met at 10:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Russell): Order, please!

STATEMENTS BY MINISTERS

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I rise to make a statement concerning the fishery, the contents of which disturb me personally very much and the Minister of Fisheries (Mr. Morgan) and all members of the government. And the latest-course of events, which have unfolded in the last couple of weeks, are deeply disturbing to this government. Yesterday, therefore, I communicated a Telex to the Prime Minister. The statement I am giving this morning is the following, therefore.

The following is the content of a telegram that I sent to the Prime Minister yesterday concerning the 1984 groundfish management plan. "Now that I have received a full briefing from my Minister of Fisheries, who just returned from meetings with your Minister of Fisheries (Mr. De Bane), I am very much concerned over the short- and long-term implications of some facets of your government's proposed 1984 groundfish harvesting plan. The issuance of enterprise allocations from our Northern cod to the independent trawler owners located in other Eastern provinces is of major concern.

"As you are fully aware, my government has formalized its position on the all-important Northern cod resource, and all parties involved in the fishery are familiar with it. We are also very much concerned about the fish needs of the new Newfoundland offshore company and the strong possibility that under your proposed harvesting plan there will not be enough fish in the offshore quota to keep the

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PREMIER PECKFORD:

" various plants operating on a full-time basis and to make the new company viable. Northern cod is the key factor in the raw material supply of this new company and also is the mainstay of our inshore fishery. In this respect I find it difficult to understand, and impossible to accept, that offshore trawlers from other provinces, who have practically

PREMIER PECKFORD:

no history or past performance in this fishery and are not adjacent to the resource, would now be provided with a substantial quota of Northern cod as proposed in the 1984 plan. I understand it is further proposed that these independent trawler companies will automatically be given 12 per cent of the Northern cod offshore quota over the next five years as their share under your proposed enterprise allocations principle.

"While this government accepts the principle of enterprise allocations, we are in no way prepared to accept a Northern cod quota for independent trawler operators located outside of this Province. We are even more opposed to your proposed plan of entrenching a percentage for these independent trawler companies in a long-term (five year) plan. I would strongly suggest that you review the 1984 and long-term groundfish plans based on the presentations made by my Minister of Fisheries (Mr. Morgan), and present to us in the immediate future a more reasonable approach on this very important matter."

Now, Mr. Speaker, I have learned further from the Minister of Fisheries that contrary to popular notion, and not only a popular notion but a few years ago it was sort of an expert notion, that the Northern cod stock is not growing as fast as many people had predicted it would a few years ago. I guess that makes me refer to the study that was done by NORDCO where they had indicated, when they talked about the Northern cod stock, that a lot more study was needed on that very important resource. It is growing somewhere around 6 per cent, which means that for 1984 the increase in the total allowable catch on the Northern cod stock is only going to be 6,000 tons for a total allowable catch of 260,000 metric tons. In other words, the Northern cod stock is only increasing

PREMIER PECKFORD: next year enough to allow 6,000 more tons to be taken next year over this year.

Mr. Speaker, of that 6,000 tons, we have just learned that half of it - 3,000 tons - is to go to these independent trawler companies in the other Eastern provinces. These independent trawler companies in the other Eastern Provinces, there are fifteen of them, fifteen companies, have thirty-one trawlers and only one of those trawlers is in Newfoundland, that is the one operating for Ocean Harvesters, of course, Ocean Harvesters has been

PREMIER PECKFORD:

having the devil's own time in the last two or three years to get any fish from the Northern cod stock even when it was available. So there are 30 trawlers and 15 independent companies in Quebec - a new name in the Northern cod saga - Quebec, PEI, New Brunswick and Nova Scotia who are now going to get 50 per cent of the increase in the allocation of Northern cod in 1984 over '83; 50 per cent of the increase is going to other provinces rather than Newfoundland.

Now also, as I mentioned in my statement, they want to entrench 12.5 per cent of the deep-sea quota to these independent trawler companies, 12.5 per cent of the deep-sea quota to go and be entrenched in an agreement to go there, to go to these companies.

MR. MORGAN:

For the next five years.

PREMIER PECKFORD:

For the next five years.

Of course, once it gets entrenched in the first five year plan, I mean the 12.5 per cent, God only knows what it is going to be in the next five years.

Furthermore, Mr. Speaker, if that is not enough, to add insult to injury we found out that two of the trawlers last year that these independents have - listen to this! - two of the trawlers from these independent companies and the Maritimes and Quebec last year caught fish - and they are owned by a company called Mersey Seafoods Limited - were freezer-trawlers catching the Northern cod and they semi-processed last year - they caught, out off our shores last year, 6,000 tons, exactly the amount that the Northern cod stock is going to increase by next year over this year. Those two trawlers caught 6,000 tons of Northern cod, semi-processed it aboard, brought it into

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PREMIER PECKFORD: a port in Nova Scotia, and transferred it, semi-processed, to foreign ships and those foreign ships bought it, these independent companies got the cash for it and then those foreign boats took that semi-processed fish back to Europe and fully processed it in Europe last year.

MR. MORGAN: Not a job onshore.

PREMIER PECKFORD: Not a job onshore in Canada let alone in Newfoundland, not even in Nova Scotia. Furthermore, Mr. Speaker, we find out that the cod stock on the St. Pierre Bank, the 3PS Bank, is in trouble, the cod stock on the St. Pierre Bank is in trouble, the 3PS. And because it is in trouble, the trawlers from Newfoundland in 1984 will have to take 4000 tons less next year than they took this year in 3PS. So there is 4000 tons less going to be available now to the plants on the South Coast next year than there were this year. And at the same time that that is happening, they are going to give the independent trawler companies in Eastern Canada more of the Northern cod stock where we would normally pick up that 4000 tons from 3PS. Now, Mr. Speaker, how is this going to relate, this 4000 tons less down where the plants are and the trawlers are, more attack on the Northern cod, it is not growing near as fast, entrenching 12.5 per cent for trawlers in Quebec as well as the other Maritime provinces, what is that going to say for the new company that we are trying to form and to make viable? And if this kind of plan goes ahead, then one can see, Mr. Speaker, that what is going to happen is that plants in Quebec and the Maritime provinces will stay open, because they will have a supply of fish, and the plants on the South Coast of this Province will close down. That is what is going to happen, Mr. Speaker, if this is allowed to go ahead. So we must protest in the strongest possible terms that the course of action and the direction that the federal government is now on is injurious to the lifeblood of the Province of Newfoundland and Labrador.

SOME HON. MEMBERS:

Hear, hear!



MR.SPEAKER (Russell):

The hon. Leader of the  
Opposition.

MR. NEARY:

Mr. Speaker, the first question, of course, I would have to ask, which is the obvious one, is why is the Premier making these statements in the House and not his Minister of Fisheries (Mr. Morgan)? Obviously he does not have very much confidence in the Minister of Fisheries who is sitting over there in his place in this hon. House today. It seems to be the Premier's special area of concern. I hope, Mr. Speaker, that this is not an indication that we are going to have another row, that another row is brewing with Ottawa, and they are just looking for another federal election issue, Mr. Speaker. I hope that is not the case.

MR. NEARY: Now, we only received the statement a few moments ago. It is a very complicated matter, the matter of allowing quotas. It is a Canadian resource.

MR. MORGAN: Wait until our fishermen hear that!

MR. NEARY: It is a Canadian resource, Mr. Speaker.

MR. MORGAN: You are giving away our resources.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Yes, it is a Canadian resource. And, Mr. Speaker, a Canadian resource we should use -

MR. MORGAN: You will not get two seats in the next election.

SOME HON. MEMBERS: Oh, oh!

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

MR. NEARY: Mr. Speaker, we should use Canadian bottoms to catch Canadian Fish.

PREMIER PECKFORD: It has nothing to do with that. It is not Canadian bottoms we are talking about.

MR. NEARY: Well, Mr. Speaker, it is far better to have Canadian bottoms catch the fish than to bring foreigners in.

PREMIER PECKFORD: The statement was not about Canadian bottoms. Read the statement.

MR. NEARY: Mr. Speaker, the hon. gentleman's policy is to bring foreigners in to catch the fish.

MR. MORGAN: You want to close the plants in Newfoundland, do you? Say it if you want to! Say it!

MR. NEARY: Mr. Speaker, as I said, it is a complicated affair.

PREMIER PECKFORD: It is not complicated.

MR. NEARY: It is complicated.

PREMIER PECKFORD: What is complicated about more fish being taken from our Northern cod stock and brought somewhere

PREMIER PECKFORD: else while people in Newfoundland are unemployed and our plants have to close down?

MR. NEARY: What I am about to say to the hon. gentleman -

PREMIER PECKFORD: If we call by-elections in the seven that are left we would wipe you out altogether!

MR. NEARY: Well, call a few over there!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (RUSSELL): Order, please!

MR. NEARY: If the hon. gentleman would just restrain himself for a few moments, Mr. Speaker! I was about to say that my colleagues and I will take a look at the statement, because we do not have the facts and figures in front of us like the minister and the Premier, we are not privy to the information, but we will get the information.

MR. MARSHALL: Yes, what Ottawa thinks about it.

MR. NEARY: No, we will get the other side of the story. We will get the information.

MR. MORGAN: The document was mailed to all Opposition members in the region by Ottawa.

MR. CALLAN: When?

MR. NEARY: Mr. Speaker, this statement has just landed on my desk.

MR. MORGAN: The harvesting plan was in your hands two days ago.

MR. WARREN: Call him a liar, 'Steve'. Call him a liar!

MR. NEARY: No, I cannot call the hon. gentleman a liar, that would not be unparliamentary.

MR. WARREN: He is a liar.

MR. MORGAN: The harvesting plan was in your hands two days ago.

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, we in the Opposition

MR. NEARY: will take a look at the situation.

MR. WARREN: Is that true?

MR. MORGAN: Yes! The harvesting plan was in his hands two days ago.

MR. NEARY: What is wrong with the hon. gentlemen, they are so jumpy and jittery over there? Why are they so arrogant and cocky and swelled-headed?

MR. MORGAN: You had the document from Ottawa two days ago.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Well, we are concerned about the supply of fish to the plants, Mr. Speaker, we are very concerned about it.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (RUSSELL): Order, please!

MR. NEARY: Mr. Speaker, they are getting awfully swelled-headed. The whole trouble is they are getting too big for their britches over there.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Russell): Order, please!

MR. NEARY: Mr. Speaker, what is wrong?

This is Friday, it is the end of the week, the House will closed until Monday, hon. members will be able to rest.

MR. MORGAN: Support your Province, not your party.

MR. NEARY: They are all like they are on the brink of a nervous breakdown or something over there.

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

MR. NEARY: What I am about to say is that we will take a look at the statement, we will get the figures and we will examine them and, in due course, Mr. Speaker, we will make our position known.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: Are they all off their heads over there, Mr. Speaker?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

#### ORAL QUESTIONS

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I would like to direct a question I think to the hon. gentleman there opposite, The Government House Leader (Mr. Marshall) is also the Minister of Intergovernmental Affairs, is he not?

MR. CALLAN: No, the Premier.

MR. NEARY: The Premier, Oh!

Well, I will come back to the Premier later but I want to deal with the Government House Leader at the moment, the gentleman who is responsible for offshore resources. Could the hon. gentleman tell the House

MR. NEARY: what his reaction is to the federal government's announcement that offshore drilling -

PREMIER PECKFORD: Unilateral.

MR. NEARY: I will ask the question.

PREMIER PECKFORD: Then ask it.

MR. NEARY: I am directing it to the Minister responsible. If the Premier wants one-man rule, if he does not want his ministers to answer, if he does not have any confidence in them.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Well, just keep quiet and let me ask the question.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (RUSSELL): Order, please!

MR. MORGAN: You would not ask the Premier a question yesterday.

MR. NEARY: Mr. Speaker, we will get around to the Premier in due course, but I want to ask the hon. gentleman what is his reaction to the -

MR. BAIRD: (Inaudible) around Terra Nova the other day.

MR. NEARY: Could I finish the question, Mr. Speaker?

I would like to ask the hon. gentleman what his reaction is to the federal government's announcement that they are going -

MR. BAIRD: Tell us the religious jokes you told down in Terra Nova.

MR. MORGAN: What is that about?

SOME HON. MEMBERS: Oh, oh!

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

MR. NEARY: You know, I am beginning to wonder who won the by-election.

MR. MORGAN: Oh, no! He did not tell religious jokes in Terra Nova.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Russell):

Order, please!

MR. NEARY:

Could the hon. gentleman tell us his reaction to the government announcement that Winter drilling is going to go ahead?

MR. SPEAKER:

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, first of all I want to say that that announcement was another unilateral act by the Government of Canada with respect to the resources that are owned by this Province.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

We had been talking with the federal government. Our position on the offshore is very well known, Mr. Speaker. We have guidelines. Guidelines were formulated, twenty of them, after the Ocean Ranger disaster. As a result of the experience last year, when we saw rigs fleeing from oncoming icebergs, as a result of that incident and the weather conditions last year, we have for the past six months been refining these regulations. And within the next few days, Mr. Speaker, we will let it be known what our position is with respect to the refinement and the application of those guidelines to this year's Winter drilling.

In the meantime, I have to express once again extreme disappointment at the manner and way in which the federal government choose to do this. And I can tell the Leader of the Opposition (Mr. Neary) what happened. As he knows, since they have asked questions in this House about Winter drilling, the same way the press has for the past two months, each time I said discussions were ongoing. Those discussions were with the federal government and they were with the industry, Mr. Speaker, in the hopes that we could come up with

MR. MARSHALL: a concerted position with respect to drilling offshore.

There was a meeting yesterday- and that was one of the reasons why last week I was saying we would let the position be known soon-because there was a meeting here in St. John's yesterday with the federal government representatives of COGLA. And, while the meeting was in progress, we were advised, as the press was advised, that a very hasty press conference was going to be called and the federal government decided to announce, for the first time, I might say, Mr. Speaker, a set to guidelines. They had no guidelines before; it was this provincial government which had guidelines.

Now the guidelines that they announced yesterday were general, and I will be dealing with those when we announce the application of our guidelines to Winter drilling. But I have to once again underscore the great disappointment of this government of the way in which the federal government is attempting to apply its muscle to the offshore. We saw it last year when the legitimate order we gave with respect to cessation of Winter drilling was countermanded and we subsequently were treated to the spectacle



MR. MARSHALL:

of rigs having to flee oncoming iceberg as a result of that countermanded order. We saw it earlier this year in the case of South Hibernia, when a legitimate offer made to Petro-Canada, which the Chairman of Petro-Canada wished to accept, was not able to be accepted by him, it was countermanded by the federal government and they went it alone. And we saw it again yesterday, Mr. Speaker, after a sincere attempt to co-operate to come up with a concerted set of guidelines that would be acceptable to industry, that would be acceptable to both orders of government but, most importantly, Mr. Speaker, would have assured the optimum safety and integrity to offshore regulations. We saw it yesterday when, in the midst of a meeting, obviously under the direction of the federal minister, a representative of COGLA went off and held a hasty press conference. The haste of that press conference is well known by members of the press because it was noted yesterday that they even refused to respond as to why the press conference was called so hastily. Well, I can tell the hon. gentlemen there opposite -

MR. NEARY:

Brief questions, brief answers, remember

MR. MARSHALL:

- and the members of the press,

when I give my statement it will become crystal clear as to why they went off and did what they did, unilaterally again, yesterday on the offshore regulations.

MR. NEARY:

Supplementary, Mr. Speaker.

MR. SPEAKER (Russell):

Supplementary, the hon. Leader of the Opposition.

MR. NEARY:

Mr. Speaker, first of all let me say that the hon. gentleman said in his opening remarks in reply to my question that Newfoundland owns the resource. I thought that the Premier put that matter before the Newfoundland Appeals Court and I believe three Newfoundland judges of the Appeals Court said something to the contrary. Now the hon.

MR. NEARY: gentleman chooses to ignore that, Well, that is his right, I suppose, to ignore the ruling of the court if he wants to -

MR. BAIRD: When will you brown-nose your way to the Senate?

MR. NEARY: - after the Premier threw away the resource, took the case and passed it over to the Newfoundland Appeals Court, of course, then we lost control of it. So the hon. gentleman gave it away.

Now let me ask the hon. gentleman a point-blank question. The hon. gentleman is waffling on this matter, as the administration is waffling on all matters. Could the hon. gentleman tell us whether or not the administration is for or against Winter drilling?

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

MR. MARSHALL: Listen to him, Mr. Speaker! Listen to him positively exulting over a decision that was made by the Newfoundland Court of Appeal! Would you not think, Mr. Speaker, the hon. gentleman would have learned something from the Terra Nova by-election the other day?

SOME HON. MEMBERS: Hear, hear.

MR. MARSHALL: Would you not think he would have learned by the number of young people who are unemployed in this Province, in Terra Nova and elsewhere, who are supporting this Province, supporting this government, because they know that the resource policies including that on the offshore, is the way in which they can get reasonable jobs in their own native Province? And listen to him, Mr. Speaker, with his little insinuations. Look, I am so sick of listening to the hon. gentleman talking! He sits there and if he is not delivering messages from Justice down in Panama, he is delivering messages from Ottawa which would deny us our rights in justice to the offshore.

SOME HON. MEMBERS: Hear, hear.

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

MR. SPEAKER: A point of order, the hon. Leader of the Opposition.

MR. NEARY: Mr. Speaker, we have learned to accept low, slimey, sleezy statements from the hon. gentleman, but I believe that one is out of order, Mr. Speaker. I am not representing the Bank of Montreal in this House and neither do I represent anybody else. Mr. Speaker, I would ask the Chair to direct the hon. gentleman to withdraw these remarks which attribute motives to my asking questions in this House. That is about the lowest, slimiest, rotten, sleeziest thing that the hon. gentleman ever said in his life, and he said some pretty low things. He said something low enough in this House one time about some member's mother that he got a belt in the gob for it, Mr. Speaker. And if the hon. gentleman keeps up making these wild, irresponsible, untrue, incorrect remarks, Mr. Speaker, he might just get a belt on the other side of the gob.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! Order, please!  
To that point of order. Some comments were made, but the Chair certainly does not think that the hon. the President of the Council (Mr. Marshall) was imputing any motives to the questions asked by the hon. Leader of the Opposition (Mr. Neary).

MR. NEARY: Well, Mr. Speaker, I see we are having a job to get protection in this hon. House.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! Order, please!  
The Chair is not going to sit here and have aspersions cast upon any remarks made and I am going to ask the hon. Leader of the Opposition to withdraw that remark immediately.

MR. NEARY: I withdraw, Mr. Speaker.

MR. NEARY: Now, Mr. Speaker, let me ask the hon. gentleman again if the administration is for or against Winter drilling? Now could the hon. gentleman give us a straight answer? Never mind the slime poison that he squirts across the House, give us a straight answer on it.

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

MR. MARSHALL: Mr. Speaker, this government is for the provision of the optimum safety for personnel on the offshore and the maintenance of safety and the integrity and security of the operations, and we have, Mr. Speaker, formulated a position on that. Our position with respect to the offshore, if the hon. gentlemen there opposite wished to look at it, they would know what our situation is. We have guidelines. As I say, we have had guidelines in place for some period of time. We had a process of reviewing them, we have the review completed,

MR. MARSHALL:

be announcing very, very shortly our position with respect to any necessary refinements in those guidelines and their application to the Winter drilling next year. We will be doing that very shortly, after we have had an opportunity to review the statements that were made at the inexcusable, unilateral and regrettable action taken by the federal government yesterday. So that is my response to the hon. gentleman's question.

MR. NEARY:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the Leader of the Opposition.

MR. NEARY:

Mr. Speaker, I can only assume from what the hon. gentleman said that the administration will agree to allow Winter drilling to go ahead under certain conditions, so we will just let it go at that for the moment. But I have to say they are waffling and the answer should have been given a long time ago. They should have supported our amendment to the resolution.

MR. MARSHALL:

A point of order, Mr. Speaker.

MR. SPEAKER:

Order, please!

The hon. the President of the Council on a point of order.

MR. MARSHALL:

It is the Question Period and the hon. gentleman is asking supplementary questions and should not be giving a speech.

MR. NEARY:

Sit down.

MR. BAIRD:

Tell your House Leader (Mr. Hodder) the election is over and to get back into the House.

MR. SPEAKER:

Order, please!

To that point of order, it is very clear that the hon. the Leader of the Opposition (Mr. Neary), or other hon. members posing a supplementary

MR. SPEAKER (Russell): question, should have no need for any preamble whatsoever, Certainly it is not a place to get into any debate, and I would request the hon. the Leader of the Opposition (Mr. Neary) to pose a direct question.

MR. NEARY: Mr. Speaker, one thing I would like, I would like for Your Honour to impose on the other side of the House the same rules that apply to this side.

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

MR. NEARY: Hold on now.

MR. SPEAKER: Order, please!  
The hon. the President of the Council on a point of order.

MR. MARSHALL: Look, Your Honour has already had to draw the Leader of the Opposition to order this morning and ask him for a retraction. Now the hon. the Leader of the Opposition is doing exactly the same thing. He is making exactly the same type of comment as he had to withdraw a few moments ago. This is inexcusable, Mr. Speaker, it is an affront to Your Honour's position in this House, it calls for immediate withdrawal, and if there are repetitions, Mr. Speaker, there is an obvious course of action that has to be implemented.

MR. NEARY: Mr. Speaker.

MR. SPEAKER (Russell): The Leader of the Opposition,  
to that point of order.

MR. NEARY: The point that I was  
raising, the hon. gentleman did not give me a chance  
to finish. Now he is trying to outguess me, he  
is trying to get up now and tell the Chair what I am  
thinking on a point of order.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: What I was about to say,  
Mr. Speaker, was I was about to ask Your Honour to enforce  
the rules of keeping the hon. gentlemen silent while I  
asked my questions. Now that rule applies to this side  
of the House and we see no reason why it should not apply  
to that side. That is all I am asking the Chair to do,  
to give us the protection of the Chair so that we can  
ask the questions.

MR. SPEAKER: Order, please! To that  
point of order, the Chair will be cautious as to what  
comments are made by any hon. members casting  
aspersions on any rulings made by the Chair and caution  
any hon. members that they should perhaps state their  
questions or phrases a little more carefully. The hon.  
Leader of the Opposition (Mr. Neary) is correct in saying  
that when he is speaking, or any other hon. member is  
speaking, he does have the right to be heard in silence,  
and I would ask all hon. members to abide by that rule.

MR. NEARY: Thank you, Mr. Speaker.  
Now a new question for the Government House Leader. It  
has to do with an agreement signed between Canada and  
West Germany and Great Britain involving low-level flying

MR. NEARY: of West German aircraft  
and British aircraft , in the skys of Labrador.

Could the hon. minister tell the House if there was any  
prior consultation with the Province, if the Province had  
any input into the terms and conditions under which low-  
level flying would be permitted in Labrador around the  
Happy Valley-Goose Bay area, and, if so, would the hon.  
gentleman tell the House what the results of the provincial  
government's input was?

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

MR. MARSHALL: Mr. Speaker, I realize the hon. gentleman is probably shaken up today when he started the Question Period indicating he did not know who the Minister of Intergovernmental Affairs (Premier Peckford) is. We indicated to him that it was the Premier, so I assume it is the Premier to whom he is addressing his question.

MR. WARREN: Sure! Sure! Let him answer it.

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

MR. NEARY: Well, Mr. Speaker, whoever can provide the answer.

MR. SIMMS: Well, you cannot direct a question to 'whomever.' You must address it to a specific minister.

MR. NEARY: Is that so? The former Speaker (Mr. Simms) is now going to tell us how we should ask questions.

MR. SIMMS: You must direct your questions to a minister.

MR. NEARY: And I might add, Mr. Speaker, if the press notices anybody shaken up today it is on that side of the House and not on this side.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: Let me put the question to the Premier, then. I thought the hon. gentleman would have the answer because he seems to have the answer for everything. Did the Province have any input or was there any prior consultation with the External Affairs Department, with the Government of Canada before this agreement was negotiated and signed?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I find it absolutely incredible. I mean, it is absolutely astounding. I mean, talk about introducing Grade XII! We will have to introduce about Grade XIII or Grade XIV for the hon. Leader of the Opposition (Mr. Neary). He comes in this House this morning and addresses a question to the Minister responsible for Energy (Mr. Marshall), having to do with the area of the Minister of Intergovernmental Affairs, but he did not know who it was. Then he turns around and directs a question dealing with Canada/West German treaties to the House Leader (Mr. Marshall). I think the Leader of the Opposition said, 'I want to address a new question now to the Government House Leader.' Now, how the Leader of the Opposition could expect the Government House Leader to have a response on a treaty between West Germany and Canada on low-flying aircraft over Labrador absolutely escapes me. I mean the Leader of the Opposition -

MR. RIDEOUT: He is out to lunch.

PREMIER PECKFORD: He is out to lunch? There must be a 'Dump Neary' campaign underway, Mr. Speaker.

Over the last number of years, Mr. Speaker, to direct comments to the question asked by the Leader of the Opposition, over the last number of years there have been agreements signed between Canada and West Germany- I do not know if other NATO partners have been involved in it or not- for exercises to be held in Labrador for some of these countries' planes. And we have been informed of these talks and of these negotiations and, generally speaking, have been supportive of it as long as we were assured that no negative affects could be felt. Now I would have to get the details on the new agreement, and get the latest information on the agreement that the Leader of the Opposition is talking about, but we have been

PREMIER PECKFORD consulted and involved in the talks between Canada and West Germany on the whole business of low flying in Labrador. I will undertake to get the latest information for the Leader of the Opposition (Mr. Neary) on it before replying further on the new treaty.

MR. NEARY: Supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I am concerned about the conditions of the new treaty, but my main reason for raising this question now is - and I am amazed that the hon. gentlemen admitted that they were informed, because I did not hear any comments from any hon. gentlemen there opposite about provincial government intervention, as far as the West Germans and the British are concerned, who are banning our seal pelts, are banning our seal products from being sold in these countries. - why did the hon. gentleman not intervene and use the negotiations as a lever to put some pressure on the West Germans and the British, to say, 'No, you are not going to use the skies over Labrador unless you allow our seal products to be sold in your countries'? Why did not the hon. gentleman intervene? That was a golden opportunity, Would the hon. gentleman not agree that this was a golden opportunity to apply a little pressure on the West Germans and on the British, who have given Canada a black eye as far as the seal industry is concerned, and say, 'No, you are not going to come in here and use our skies, use our facilities and our resources unless you backtrack on the sale of seal products in your country'?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I find it incredible that a few minutes ago he knew nothing about this treaty. Earlier we talked about the Northern cod stocks within our own country and the Leader of the Opposition (Mr. Neary) had to take a hve

PREMIER PECKFORD: on that one, he did not know anything about it. But suddenly, now, he knows everything about the treaty between West Germany and Canada - two countries - and how we should have tried to help stop that from going ahead to protect our seals, when he had to take a bye on the whole question of whether other provinces in Canada should have access to our Northern cod stock before we have it. I find it totally incredible, how inconsistent the Leader of the Opposition (Mr. Neary) is being. On one part of the whole fishery scene he has to take a bye - he does not know anything the Northern cod stock; he has not been a Newfoundlander or has not been a member of the House of Assembly long enough to know about the 1984 management plan and know how it has gone over the years, he had to take a bye on that - but suddenly, as it relates to talks between two countries, over which we have very little say, suddenly now we are supposed to have more say over a treaty between West Germany and Canada than we do over the 1984 cod management plan between provinces within the same country. And I find that a very inconsistent way for the Leader of the Opposition to act. We have told the federal government over and over and over again, on every occasion, when it comes to the seal fishery that they should have no negotiations and talks with these people unless the seal fishery becomes a part of it. And now we find, talking about responding to

PREMIER PECKFORD:

the statement this morning on Northern cod, the federal government is now going to provide 20,000 metric tons to Europe and to Germany, which is one of the countries involved.

MR. MORGAN:

EEC countries.

PREMIER PECKFORD:

To the EEC countries. So

let us deal with fish for fish. If the hon. the Leader of the Opposition (Mr. Neary) was really concerned about the seal fishery, when I gave my statement this morning on the Northern cod the Leader of the Opposition would have stood and said, 'What is this business of 20,000 metric tons going to Europe when they will not buy our seal pelts? If you want some of our Northern cod stock, you better ensure that you continue to procure and purchase seal pelts from Newfoundland.' That is where the Leader of the Opposition should have come in on the scene, not use low-flying aircraft in a military exercise as an excuse to get at the seal fishery. Why did he not do it directly by saying, 'No cod to West Germany until you buy seal pelts'?

MR. NEARY:

Mr. Speaker, a supplementary.

MR. SPEAKER (Russell):

The hon. the Leader of the Opposition.

MR. NEARY:

No wonder the hon. gentleman's name is mud in this Province.

MR. MORGAN:

Terra Nova showed his name was mud, did it not?

MR. NEARY:

Yes, it certainly did. And his name will stink like rotten fish in the history books of this Province.

Mr. Speaker, let me ask the hon. the gentleman another question, because obviously the hon. gentleman now is caught out in left field. He had an opportunity to do something about the seal fishery when these

MR. NEARY: negotiations were going on and he missed the chance. I say shame on him for that, Mr. Speaker.

Let me ask the hon. gentleman if he conveyed a message to the people who were doing the negotiations from this Province, that last year, as my hon. friend is probably aware, they almost had a tragedy down there, as it was one of those military aircrafts crashed, but thirty seconds more and it would have crashed into a school. Now that brings into focus the safety of the people who live in Happy Valley - Goose Bay. Did the hon. gentleman have any input into that matter, the matter of safety of these aircrafts, to keep them away from the community?

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

PREMIER PECKFORD: Mr. Speaker, first of all I do not know if I should respond to the Leader of the Opposition (Mr. Neary) at all or not. If he is going to preamble his question that the Premier's name is mud in this Province -

MR. NEARY: That is right. It is.

PREMIER PECKFORD: - that his name will be rotten fish in the history books, I do not think as a person that I should respond to the Leader of the Opposition, because he is only dragging me down to his level. And I do not intend, Mr. Speaker, ever, ever to stoop down to the level of the Leader of the Opposition.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: You could not get down there if you tried.

MR. NEARY: Mr. Speaker.

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

MR. NEARY:

Mr. Speaker, the hon. gentleman talks about getting down to levels. We should move the hon. gentleman to his right a few seats away because that is about the lowest level that you can get to.

The hon. gentleman, Mr. Speaker, obviously is not interested in the seal fishery or safety of the people who live in Happy Valley - Goose Bay. Why did the hon. gentleman not take advantage

MR. NEARY: of these negotiations - if indeed he knew about them, and he admitted that he did, that they were advised; and he is supportive of low level flying to train pilots in nuclear bombing, and so forth, to kill people - why did the hon. gentleman not take advantage of these to try to put the screws to Great Britain and Germany, who are the biggest culprits in the European Common Market's banning Newfoundland seal products from going into these countries? Now, give us a straight answer. The hon. gentleman should get up and admit man-fashion that he missed a golden opportunity.

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

PREMIER PECKFORD: Mr. Speaker, I am not going to respond to the Leader of the Opposition (Mr. Neary) anymore in this House if he is going to preamble his questions with innuendo about killing people, about my name being mud, about my name in the history books as rotten fish, until we can elevate the discourse across this House to a higher level; then I will start responding to the Leader of the Opposition, not before.

MR. NEARY: Mr. Speaker, a supplementary.

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

MR. NEARY: Mr. Speaker, it is alright for the hon. gentleman to pound on his desk and clap and cheer when poison and slime is being squirted across this House. That is alright for the hon. gentleman.

PREMIER PECKFORD: Mr. Speaker, on a point of order.

MR. SPEAKER: The hon. the Premier on a point of order.

PREMIER PECKFORD: The Leader of the Opposition is supposed to ask a question, he is not supposed to make a speech.



MR. SPEAKER (Russell): Order, please!

Once again, I must repeat that the purpose of the Question Period is not to get into debate or make speeches. The obvious purpose of the Question Period is to direct very specific questions to ministers, and I would ask the hon. the Leader of the Opposition (Mr. Neary) to do that.

MR. NEARY: Well, Mr. Speaker, the hon. gentleman can sulk and pout all he wants. But let me ask the hon. gentleman if indeed his administration did recommend to the people who were negotiating the agreement with the West Germans and with the British, and maybe other countries in NATO who have banned our seal products, why did the hon. gentleman not take advantage of the situation to talk about safety, to talk about the caribou herds in Labrador and to talk about allowing our seal products to go into these countries in exchange for allowing them to train their pilots here in Newfoundland and Labrador?

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

PREMIER PECKFORD: The most effective way to deal with the Europeans, as it relates to trying to ensure that there is a continued supply of seal pelts from this Province into the European Economic Community, is through negotiations on fish, and that is where I would ask the Leader of the Opposition (Mr. Neary) to put his support. Right today there is a tentative agreement, or a tentative understanding, that the Canadian Government is going to allow EEC countries, including West Germany, to take 20,000 metric tons of raw fish off our shores and bring it and have it processed and provide jobs for Germans and the Europeans. That is the effective way for us to get at trying to ensure that our seal fishery stays alive and has a market in Europe. It is not through low-flying aircraft, over which our influence is a lot less than it is over negotiations on fish. So I would ask the Leader of the Opposition that if he is really concerned about the seal fishery of Newfoundland that the most effective way that we can, as Newfoundlanders, influence Canadian policy, is through the foreign allocations of Northern cod.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: You got caught on that one. It was a source of embarrassment.

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

MR. WARREN: Mr. Speaker, I have a question for the Minister of Fisheries, a supplementary to the questions that the hon. leader was asking. -

MR. SIMMS: Hon. leader?

MR. WARREN: On CBC this morning, in an interview the hon. Minister of Fisheries (Mr. Morgan) had with a CBC reporter, I think the minister said the hon. Ed Lumley, the hon. Allan MacEachen, and the hon. Donald Johnston were against the seal fishery. Could the minister tell the hon. House has he been personally advised by those three gentlemen that they are against the seal fishery off the Coast of Newfoundland and Labrador?

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

MR. MORGAN: Mr. Speaker, indeed the interview this morning and the CBC newscast was indeed accurate. What I said, and it is still my opinion, is that the Federal Minister of Fisheries (Mr. De Bane) in Ottawa is quite supportive of the seal fishery, very supportive over the past number of months since he came in as new minister, and he is doing all he can to ensure that by working with this Province there is going to be a seal fishery in the future. Unfortunately, he is meeting obstacles, and the obstacles are coming from some of his colleagues and their departments concerned. I am of the opinion, I say it in this House and outside this House, that at least three ministers are involved. Lumley is not supporting any subsidies or prices support for the sealers, and, if he is not supporting any prices support for the sealers under the Prices Support Programme, he is not supporting the seal fishery. Because I just cannot see how there can be a viable seal fishery, or a seal fishery for the year coming up, unless the federal government approves the

MR. MORGAN:

application, supported by this government as I mentioned yesterday, by the Fishermen's Union and supported by the Fish Price's Support Board itself. It is supported by the Board, the Board made the recommendation for price support to come into play, but for some reason the Treasury Board and the federal cabinet have been procrastinating and delaying making a decision. Despite the pleading of the federal minister, the power of persuasion of the federal minister is just not sufficient to overcome the other ministers who are there not supporting it. Now Mr. MacEachen - I want to mention his name as Minister of External Affairs - is not supporting Mr. De Bane's efforts to get some assistance for the sealers. Now if he is not supporting it as an Atlantic region minister, Mr. Speaker, in my view he is opposed to it. He cannot be in the middle of the road. It is an important Atlantic regions issue.

MR. NEARY:

We have heard it all now.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Russell):

Order, please! A short while ago the hon. Leader of the Opposition (Mr. Neary) asked for the protection of the Chair and said when a member was speaking he had the right to be heard in silence. The hon. Minister of Fisheries (Mr. Morgan) is attempting to answer a question and he is being constantly interrupted. I would ask all hon. members to give him the right to be heard in silence.

MR. MORGAN:

Mr. Speaker, I thank you for the protection of the Chair.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. MORGAN:

The hon. gentleman who asked the question asked it in a very sincere way because

MR.MORGAN: he is concerned about the seal fishery; his riding , in fact, depends substantially on the seal fishery each and every Spring. The hon. Leader of the Opposition (Mr.Neary) may not be too concerned because nobody on his part of the coast takes part in the seal fishery, but the hon. gentleman should listen to what I have to say to his colleague. The obvious question is why is it taking so long for a federal cabinet, which can dish out in the Throne Speech hundreds of millions of dollars, billions of dollars, for make-work projects - well, there is a confusion as to how many millions of dollars; one minister says so much and another minister so much more -but why is it it takes so long for the federal cabinet to make a decision on an amount that will come to approximately

MR. MORGAN: \$500,000 which is so important to thousands of sealers and fishermen in this Province? Now that is the question that has to be asked, Why is it taking so long? Does it take ten months to get a decision? Does it take ten months for Treasury Board to make a decision on \$500,000? Does it take the Cabinet ten months for the same kind of a decision? No, it is because of a policy issue. The policy issue is being addressed, and the policy issue is should the Government of Canada support the seal fishery financially or not? And that is the question. And the question is not being answered because of the obstacles and the objections coming from certain portfolios and certain ministers in Ottawa who are not supporting the seal fishery, who want to see the seal fishery come to an end to remove the ongoing controversy involving Canada.

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

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

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

MR. GOUDIE: Mr. Speaker, I have the answer to a question posed by the hon. member representing Torngat Mountains (Mr. Warren), requesting a list of all farmers assisted in all projects carried out under the Canada/Newfoundland Agricultural Development Subsidiary Agreement for the fiscal year 1982-1983 and this year to date and give the cost of each project.

MR. WINDSOR: Mr. Speaker.

MR. SPEAKER: The hon. Minister of Development.

MR. WINDSOR: Mr. Speaker, may I have leave to revert to 'Reports' so I can table an annual report?

MR. SPEAKER (Russell): Is it agreed that the hon. minister has leave to table this report?

SOME HON. MEMBERS: Agreed!

MR. SPEAKER: Agreed!

PRESENTING REPORTS

MR. WINDSOR: Mr. Speaker, I am pleased to present to the House the annual report of The Newfoundland and Labrador Development Corporation for the fiscal year ending March 31, 1982. Some of the major highlights of the corporation activities during the 1981-1982 fiscal year include the approval of \$4.4 million in loans and equity investments for projects in the resource based and manufacturing sectors of the provincial economy.

This financial activity of the corporation assisted in the creation of 482 full-time and 57 part-time jobs. The corporation assisted the Provincial Department of Fisheries in administering the secondary fish processing loans programme throughout the Province. The corporation entered into an agreement with the National Research Council whereby the business community can be provided a wider range of technical support services by additional professional staff and sharing of office facilities.

At the end of the fiscal year, a joint governmental evaluation report was completed. This report found that during the past five years the corporation has successfully and effectively carried out its mandate. It is this government's hope and intention that a long-term federal/provincial funding agreement will soon be executed to continue the federal/provincial effort to assist the business community expand and modernize and to give the corporation a measure of stability for the future.

ORDERS OF THE DAY

MR. MARSHALL: Order 33, Bill No. 79.  
Motion, second reading of a bill,  
"An Act To Amend The Newfoundland Human Rights Code".

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

MR. OTTENHEIMER: Mr. Speaker, this is an amendment to the Newfoundland Human Rights Code. As hon. members are aware, there is a Human Rights Commission in the Province. Approximately a year and a half or so ago, a five person commission was appointed. Up to that time it had been a one person commission of Mrs. Keough, who was there by herself for a number of years, the first Commissioner that the Province had, certainly a very sincere and dedicated and interested and humane and kind person, well liked and respected, I am sure, by all who had opportunity to know her.

Upon her retirement it was decided to appoint a five person commission. They are, of course, part-time, they all serve part-time, but it was thought that it would be advisable to have a broadly based commission representing different areas of the Province geographically, and different occupations, different interests, different experience, different insights, different contributions. That five person commission is under the chairmanship of Mr. Abe Schwartz who practices law in Grand Falls. The other commissioners are: Dr. Cyril Poole of Corner Brook; Mrs. Irene McGinn who lives in Glovertown; Mrs. Beatrice Watts who lives in Happy Valley Goose Bay -

MR. WARREN: Northwest River.

MR. OTTENHEIMER: - Northwest River; and Mr. Herb Buckingham who is a solicitor for the Department of Justice. Of course, there is a full-time Executive Director in the person of Mr. Fred Coates. Now this legislation will be a proscribed act



MR. OTTENHEIMER: under the Human Rights Code.  
There has been some talk and discussion, of course, with respect to sexual harassment and this, obviously, will prescribe sexual harassment and harassment in general; not only sexual harassment, but harassment of a person because of their race or religion, ethnic origins, etc. So the general areas, for example, race, religion, religious creed, marital status, physical disability, political opinions, colour or ethnic, national or social origin whereby all of those areas were prescribed with respect to discrimination the area of sex is added. So the harassment of a person with respect to sex, marital status, religion -

MR. ROBERTS: Martial or marital?

MR. OTTENHEIMER: Either presumably.

MR. ROBERTS: Hopefully not. We could not be so finicky.

MR. OTTENHEIMER: - and race, religion, etc.  
will come under the ambit of the act. Harassment, obviously, is a term that could well be argued as very difficult of precise definition. What we have done here, we have taken the definition which is used in Ontario, not necessarily because what come from Ontario is better than what comes from anywhere else, but there is a certain amount of jurisprudence built up. It is a term which has been used and found to be, you know, a benefit there and a certain amount of experience and interpretation has grown up with respect to it. And it is defined, 'to engage in a course of vexacious comment or conduct that is known or ought reasonably to be known to be unwelcome'. The reason for using it rather than coming up with - I suppose, you could get ten or fifteen people together and they could all come up with ten or fifteen definitions and if there is a definition which apparently has been successful and does have experience and does have comment and some jurisprudence behind it, then that is what has been employed here.

MR. OTTENHEIMER: So. as I say, harassment in general, which includes sexual harassment but not only sexual harassment, because obviously harassment of a person because of his religion or his race, etc. is equally apprehensible. So the whole area of harassment has been added.

There is one specific reference in terms of what could be regarded as a form of sexual discrimination, and that is that no person who is in a position to confer, grant or deny a benefit or advancement to another person shall engage in sexual solicitation or make a sexual advance to that person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome. But, as I say, in harassment in general, obviously, since harassment has now been added, sexual harassment is an offence under the Human Rights Code, but so would be harassment for other reasons.

The other thing that these amendments will do is give a reference in the Human Rights Code for affirmative action. Of course, affirmative action is a programme which is intended to assist people who have been victims, for historical or social or whatever reasons, of what is sometimes called systemic discrimination. There are a number of historic examples in the United States. After the civil rights legislation then a very conscious effort was made to involve more and more American black people in jobs with government and industry and that kind of thing.

So actually, Newfoundland, except for one other province, was the only one that did not have in its Human Rights Code a specific reference permitting affirmative action.

MR. OTTENHEIMER: For example, let us say there is a specific programme to a) people on social assistance; you know, unless there is a specific reference in the Human Rights Code to affirmative action being permitted, one could conceive of somebody who was not a recipient of social services saying that it was discriminatory against them. So there really should be a reference to permitting affirmative action examples. Could these programmes specifically aid, let us say, unemployed women or women in general, or the aboriginal people, or whatever it is? One could conceive without an affirmative rights reference that a person who was not in that target group, so to speak, as saying, 'Well, you know, it is discrimination against me because I am not a woman or I am not unemployed or not a social service recipient or I am not one of the aboriginal people.

I should say, as well, that the Human Rights Commission has been holding a number of meetings across the Province and reviewing the entire area of Human Rights, and one would anticipate that at some reasonable time in the future, there will be further developments within the Human Rights Code. But this one is specifically with reference to harassment, and I would think the area of major importance there is in terms of sexual harassment, but harassment for other reasons is also prescribed and also, it gives a statutory reference to Affirmative Action, which is found to be a worthwhile social and economic device to help people and groups of people who have not benefited as much as the vast majority in various social and economic programmes of society.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, we are going to support the

MR. NEARY:

amendments but before we do we would like to ask the hon. gentleman a few simple questions about these amendments. But first of all, let me say that I was rather interested in what the hon. gentleman had to say about the Human Rights law of this Province generally. I say that, Mr. Speaker, because here lately, since the offshore drilling started, I have sent former employees, people who have been disciplined and laid off to the hon. gentleman's department, to the gentleman behind the Minister of Justice (Mr. Ottenheimer) there. I have had any number of men, Newfoundlanders and Labradorians who were employed offshore who felt that they were discriminated against for some reason or other; who went to the Human Rights Commission to have their grievances processed and were told that there was nothing they could do. I had one gentleman yesterday who was dismissed from his job on the grounds that he was too nervous to work offshore. There was no justification for it. He has his certificates to prove that he is as well equipped as anybody to work in these positions. When he came back he was told there was no job for him.

The drilling companies seem to be taking a very heavy hand. They are using very heavy-handed methods in dealing with these matters. There was another gentleman who came to see me only two months ago who had a rash, he broke out in a rash and he was being treated; he was given some things onboard the rig to deal with the rash, and then he came ashore and saw his doctor. It was cleared up and he went back aboard the rig again, and when he went back aboard again he broke out in a rash again, He received the

MR. NEARY:                    same medication, they sent him ashore again, and when he saw his own doctor they finally discovered that the fellow was either given the wrong kind of medication or too much of that medication and it was just having a reverse effect, it was causing him to break out in a rash rather than cure it. So, Mr. Speaker, when it was cleared up he reported back to work and lo and behold he was told by his employer that he had a contagious disease and he lost his job. I also sent him to see the Human Rights people.

The Ombudsman, as members know, cannot deal with these situations and they seem to be getting more prevalent because these men do not have protection of a union. As hon. members know, the oil companies and the drilling companies are fighting tooth and nail to stop the workers on the rig from getting unionized. If they had a union they would have recourse to processing their grievances. But at the moment they are at the mercy of the oil companies and the drilling companies. And that is unfortunate. Because in the cases that I have talked to the men face to face, in other instances I have had letters from people who seem to be unjustifiably dismissed from their jobs, when they report back to work they are given some flimsy excuse that they are not wanted. And, Mr. Speaker, this, in my opinion, is not the right way to treat Newfoundlanders and Labradorians. I would like to hear the minister's comments on that kind of a situation. Is there any provision in the Human Rights laws in this Province so that people can get a fair shake, a fair deal, that they can process their grievances. Because I have

MR. NEARY: sent them to the Minister of Labour and Manpower (Mr. Dinn) and they have come back to me and said they were told by the Human Rights Commissioner that they could not handle their case. And I do not understand why. Mr. Speaker, what

MR. NEARY:

are they are set up for? The Ombudsman cannot do it, they do not have a union. We have labour standards in this Province and we have a human rights code: No discrimination the minister is telling us here on the grounds of religion, religious creeds, sex, marital status, physical disability. This one case, I could hardly believe it, where the gentleman broke out in a rash and went through all the process, got professional advice, given his clearance by the doctor, reported back to work and was passed his pink slip when he came back. Mr. Speaker, that is not good enough and surely there must be some way that these grievances can be processed by the Department of Labour and Manpower.

Now, Mr. Speaker, having disposed of that item, and I hope I will get a response from one hon. gentleman over there, either the Minister of Labour or Manpower (Mr. Dinn) or the Minister of Justice (Mr. Ottenheimer) on these matters because, as I say, they seem to be getting more plentiful. I am getting people coming to see me and my colleagues with grievances about how they were ill-treated by the employers offshore. They are using heavy-handed tactics, Mr. Speaker. You cannot get sick on a rig now any more without standing a chance of losing your job. They might let you get away the first time, but the second or third time you get sick, you get ill, bang your job is gone, and we should not allow that pattern to develop.

Now, Mr. Speaker, the hon. gentleman told us in his introductory remarks that these amendments were aimed mainly - not totally - but mainly at sexual harassment on the job. And after reading the amendments I think the hon. gentleman is basically correct. That seems to be about 75 or 80 per cent of the reason why these amendments are being brought in. Sexual harassment

MR. NEARY: is something that only arose, I suppose, in recent years, since the women's liberation movement started, and the Minister of Education (Ms. Verge) knows all about that, even though she is in disfavour right now with her cronies, Mr. Speaker. But the permissive society, the roaring 1950s, the permissive society of the 1960s, there are all kinds of things emerged from that period that we went through and one of the items that seems to be emphasized in recent years is sexual harassment. It is becoming a very popular item now. I do not know if it is exciting and glamorous and romantic enough to win an election on, but there are an awful lot of people talking about sexual harassment, especially from their employers. I have had a number of conversations recently with groups both in the labour movement and outside of the labour movement, on this matter. They came to see me when they knew this bill was going to be introduced into the House. They filled me in on some of their concerns and some of the questions they would like for us to ask the minister. Mr. Speaker, no later than yesterday I had a letter from a gentleman who was employed part-time with the Department of Social Services.



MR. NEARY: I believe the hon. member for Naskaupi (Mr. Goudie) is familiar with the gentleman who was employed part-time with the Department of Social Services who lost his job, he was employed for twenty weeks I believe. He has been dismissed from his job and he has submitted a complaint to the Ombudsman on the grounds that he claims he was dismissed as a result of sexual harassment, that he was dismissed because he did not go along with his superior in his attitude towards sex. Mr. Speaker, the gentleman came to see me a couple of days ago and I read his complaint that he had submitted to the Ombudsman. That is how I knew the hon. minister was aware of the situation; because his name was mentioned in the report, not in any damaging way, just that he had also told the hon. gentleman the same as he told me. I read the two page report and I talked to the gentleman and I quizzed and questioned and cross-examined him as much as I could, and I said to him, take this report you have made to the Ombudsman, sit on it for a couple of days, make sure you want to go ahead with it, because once you put it in my hands, because of the serious nature of the charges and allegations that are made, I have no choice but to bring it to the attention of the minister responsible for that department. So he went away and he came back two days later and he left a copy of his complaint to the Ombudsman with me, and yesterday I dispatched it to the Minister of Social Services (Mr. Hickey). Mr. Speaker, I have to say this, in all my experience in public life, and I have gotten some pretty strange and weird and peculiar letters and copies of letters, and copies of reports, but this one is horrifying, I was



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MR. NEARY:                               into this matter to  
determine to the satisfaction of all concerned if it  
is true or untrue, if it is true or false. Mr. Speaker,  
I hope the report will come back negative, there is no  
truth in it. And I

MR. NEARY:

guarantee you if there is even an ounce of truth in it, an ounce of truth, it will be a scandal of the worst kind. So I encourage the Minister of Social Services (Mr. Hickey) to get to the bottom of that case quickly to find out who is telling the truth and who is not telling the truth, if the complainant is sane and sensible and sober or not, or just trying to create mischief. But I guarantee you it is a well documented case involving sexual harassment by people of the same sex, Mr. Speaker. And it is on that basis that the gentleman says he lost his job, because of his supervisor, who supervises retarded children. So I will wait until I hear from the hon. gentleman on that one before I push it any further.

I think, Mr. Speaker, now that I have come in possession of this document, and I would not bring it into the House because we may be talking about innocent people, it may be some crackpot that is making these charges, we never know, but I have followed the proper channels. I have laid the matter right on the doorstep of the Minister of Social Services and I would expect him once he reads it to move quickly and not delay, move this very day to deal with this matter. That is enough said about that at the moment, Mr. Speaker.

Mr. Speaker, one of the items that concerns the trade union movement, the representatives of the trade union movement who came to see me about these amendments is political opinion. There is nothing in this bill to say, to indicate that those who express political opinion on the job, whether it is in a government department -

MR. OTTENHEIMER:

Yes, there is.

MR. NEARY:

There is? What clause?

MR. OTTENHEIMER:

permit me?

If the hon. gentleman would

MR. NEARY:

Sure.

MR. OTTENHEIMER:

Among the areas prescribed where there may be no discrimination or harassment the entire list includes race, religion, religious creeds, sex, marital status, physical disability, political opinion, colour or ethnic, national or social origin. One cannot discriminate against a person because of their political opinion in areas of employment or occupation. One cannot harass a person for various reasons, sex, race, religion, also political opinion, and that is not new. That was in it before. But the political opinion goes along with the other matters now in terms of harassment.

MR. SPEAKER (Aylward):

The hon. Leader of the Opposition.

MR. NEARY:

I thank the minister for that little bit of information, Mr. Speaker. But I believe the concern was, how do you define political opinion? For instance, if somebody working down at Newfoundland Farm Products, or somebody down in the Department of Justice, or the Department of Social Services or one of the other government departments came in in the morning in a bad mood and said, Did you see the Premier on television last night? Did you see that crackpot, that nut on television last night? Did you see him frothing at the mouth and waving his arms and ranting and raving and roaring like an idiot? Mr. Speaker, if some employee said that and it was reported to the Premier or to the minister in that department, could they then be dismissed on the grounds of political bias and not have recourse? What recourse would they have under the act, Mr. Speaker? What recourse would they have? What protection would they have? Or if somebody in the Liquor Corporation said, Well, the Premier and his House Leader (Mr. Marshall) have upped the price of booze again. They are really out to shaft us this time. The next thing we will not be able to enjoy the

MR. NEARY: poor man's champagne,  
a bottle of beer. The Premier is getting worse than his  
House Leader (Mr. Marshall), and that is saying something—

MR. NEARY: if we could get the hon. gentleman on television more often, Mr. Speaker, we would have no trouble with a general election in this Province. The most hated man, I suppose, in Newfoundland - and let us say they said, 'Look, I cannot stand the Government House Leader (Mr. Marshall) - over at the Liquor Corporation - I cannot stand him! I see him on television and I feel like putting my boot in through the television when I look at him! I cannot stand him!' Now, Mr. Speaker, would he get away with that if it were reported to the hon. gentleman?

AN HON. MEMBER: No way!

MR. NEARY: No way! Disciplinary action could be taken and he would not have the protection of the Human Rights law of this Province, Mr. Speaker. Because, you know, you have to be realistic, the Human Rights Commission is appointed by the administration. They are there at the pleasure of the administration. And if somebody makes a rude or snide remark about the Minister of Education (Ms Verge), as we have heard recently, as I have heard from students who tell me that the minister has no credibility, that the minister was talking through her hat when she said there were no problems with Student Aid, Mr. Speaker, if that got back to the minister's ears and then some of the officials down there said, 'Well, since that minister took over the department is in shambles,' if that got back to the minister's ears that she does not know what she is doing, could the minister retaliate by having that individual fired or dismissed or suspended?

Mr. Speaker, the reason I raise these matters is we have seen the arrogance of this administration, we know how swelled-headed they are. They are too big for their boots and too big for their

MR. NEARY: breeches. And we know what they do in the way of political appointments and how they get around the Public Service Act and so forth, we are aware of that. We know how dictatorial they are, Mr. Speaker. We know it is a one-man show. And what is to stop the Premier or any of his ministers if they felt that somebody did not like them or somebody made a cute little remark about them or somebody told a joke about them - what is there to stop the iron boot of the Premier or a minister from coming down on the head of that person and having him suspended or transferred or demoted? And, you know, Mr. Speaker, these things are hard to prove. We do not know how many people the Minister of Education (Ms Verge) or the Government House Leader (Mr. Marshall) or the Premier have on their hit list. We do not know. I would say that if the Premier knew all the remarks that were made about him by public servants and others that he would have quite a large hit list.

I am only asking a simple question, Mr. Speaker: What will happen if it is made known to the Boss upstairs on the eighth floor that somebody walked into Confederation Building or into the Liquor Corporation or the Hydro and happened to make a remark in front of cousin, Vic, 'Boy, did you see that fool on television again last night? He is getting worse! He is really gone this time! The man is cracked! The man is crazy, has not got a clue' - as they say in Newfoundland, 'has not got a click or a clue, cannot get along with anybody, arguing and fighting again! You saw him there last night frothing at the mouth, wild-eyed!'

AN HON. MEMBER: Who?

MR. NEARY: The Premier.



MR. NEARY: And if somebody said, 'Oh, I hear he is on tranquilizers, is that correct? I have heard that', or 'I have heard this about him', and it got to him, Mr. Speaker, what would happen to that person?

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

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

MR. MARSHALL: This is not relevant to this bill, this is the Human Rights Code, I mean, it is not even sensible, it is nonsensical, and it is certainly not relevant.

MR. SPEAKER: To that point of order I have to rule that the hon. the Leader of the Opposition (Mr. Neary) is relating his remarks to the political intentions of this bill, if a person can be fired for a political statement, so I rule that there is no point of order.

MR. NEARY: Thank you, Mr. Speaker.

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

MR. NEARY: Political opinion is one of the things we are talking about. What I am trying to do is to merely get a definition, I am merely using these examples. They may not please the Minister of Health (Mr. House) who just got a part \$19 million from Ottawa. Now he has no excuse to bring in user pay fees. They have no excuse now for saying it was Ottawa that threw out their budget, Mr. Speaker. They will not have that excuse any more. I merely raise these matters - I am not saying they are true or they are not true, but I have heard remarks like the ones I just mentioned made, they are made every day, especially about the Premier. Because after all he is a high profile, he does have high visibility, he cannot resist calling news conferences and appearing on television and radio and so forth. And, you know, it is like the time he made

MR. NEARY: the announcement on the day of mourning, when Newfoundland lost \$80 million in wages and revenue. I mean, you know, if the Premier ever heard the cracks and the remarks that were made about him after that little episode in his life and he could trace them down, Mr. Speaker, how would he deal with them? Now human nature being what it is I am afraid he would be violent, he would be up-strapless, he would have a job to contain himself, he would go berserk and he would become - well, he does not have to become ruthless because he is ruthless now - but I would say God help the person if he could trace it down. So I am asking the Minister of Justice (Mr. Ottenheimer) if it is possible to give us some kind of a definition of public opinion. That is pretty broad and pretty wide open and it would be a very difficult thing for anybody to make a grievance out of because one party could say, 'This is why I was suspended or dismissed', and the Premier or the ministers could say, 'No, that was not it at all, you are incompetent.' And they could argue that and the thing could drag out for years and years. In the meantime, somebody is out of a job. That is another question I would like to ask.

In this enlightened society that we live in, Mr. Speaker, what about homosexuals and lesbians? Is it possible to broaden these amendments to spell that out a little more? Because as hon. members know, with the permissive society, with the enlightened society that we live in, this practice is more acceptable than it ever has been in our whole history, and so I believe that that type of sex should be spelled out in more detail, if is it possible, I do not know if it is possible or not, but these are some of the concerns that we were told about

MR. NEARY: and we were told to ask questions about them. I know it is a very delicate matter. I do not want to pin the minister down, but the question of spelling it out in a little more detail, I believe, is what people would like to see. When we are talking about sex, I suppose, perhaps the minister could argue, no, we are not talking about the conventional way, the hon. gentleman might argue that it covers every type of sex. Well, I am not so sure whether that is understood or not.

And, Mr. Speaker, we are not sure if the act binds Crown corporations and agencies and all government departments. Perhaps the hon. gentleman can tell us when he stands to close the debate on this matter, if the act and the amendments we have before us bind all Crown corporations, if they fall under the Human Rights Law of this Province. And also, Mr. Speaker, when I had my meeting the other day this matter came up about a definition. The people I talked to explained to me that the amendments were not specific enough as far as dirty jokes and remarks with sexual overtones are concerned. Now, I know the hon. gentleman is shaking his head and saying, 'Well, we cannot put everything into a bill', but, Mr. Speaker, this is a very, very delicate area that we are in here, a very sensitive area that we are in and certainly if we are going to make amendments and if the act is going to be effective, then we have to spell out every kind of situation. It would not take very much to add a few words here and there, Mr. Speaker. So in that regard we are told by these people that the act is not specific enough, that there should be a definition of dirty jokes, remarks with sexual overtones. Because, I suppose, if that was not defined an awful lot of us might run afoul of the law, Mr. Speaker, because I am sure we are all guilty once in a while of making the odd cute remark.

MR. NEARY: Now, Mr. Speaker, I have here in front of me a page from the Ontario Law, and the hon. gentleman told us that our act was patterned after the Ontario act.

MR. OTTENHEIMER: The definition of harassment.

MR. NEARY: Well, the definition I have here in front of me is 'in the work places'. I believe it is the general feeling from the people I talked to that they would like to see 'in work places', that particular part of the Ontario act, put into the Newfoundland act. And I will just read it and perhaps the hon. gentleman can, somewhere down the line, take a look at it. 'Every person who is an employee has a right to freedom from harassment in the work place because of sex by his or her employer or agent of the employer or by another employee. Sexual solicitation by a person in position to confer benefits, etc. And three, every person has the right to be free from (a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.' And I believe that is the important part. You will have no complaints, I do not think, Mr. Speaker, to the Human Rights people about advances that are welcome. It is only the unwelcome ones that you get the complaints about.

DR. COLLINS: (Inaudible)

MR. NEARY: Well, I do not know. I cannot speak from experience. Perhaps the hon. gentleman could participate in the debate and tell us from his experience. The hon. gentleman never has any problem. He is a great story teller, Mr. Speaker, and I am sure he would not tell any jokes that have the kind of overtones that we see stated there in Clause 2.

MR. BAIRD: Tell us about the little joke you told down in Terra Nova?

MR. NEARY: 'A reprisal or a threat of reprisal from the rejection of a sexual solicitation or advance whether reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person'. That is the Ontario act.

MR. OTTENHEIMER: And ours is the same.

MR. NEARY: Exactly the same.

And then under reprisals, reprisals, Section 7 of the Ontario act says, 'every person has a right to claim and enforce his or her rights under this act, to institute and participate in proceedings under this act and refuse to infringe a

MR. NEARY:

right of another person under this act without reprisal or threat of reprisal for so doing'. That part is not in our act I do not think.

MR. OTTENHEIMER:

I think it is.

MR. NEARY:

Could the hon.

gentleman check, because that is the important part 'in work places'. This is the most important part of all, Mr. Speaker, the most important part of all. And I will read it again: 'Reprisals: Every person has a right to claim and enforce his or her rights under this act, to institute and participate in proceedings under this act and to refuse to infringe a right of another person under this act this act with reprisal, or threat of reprisal for so doing'. That is the most important part of the act. And I am not sure if it is that specific in our own act or not. The hon. gentleman is looking for it there.

MR. OTTENHEIMER:

It would not be in this.

But I think it is in. This is just an amendment to the overall act.

MR. NEARY:

Well, it was brought to my

attention. I underlined it because I am told that in our own act it is not stated as strongly as in the Ontario act.

MR. BAIRD:

Our people are not

as bad here.

MR. NEARY:

The hon. gentleman would

not understand what we are talking about. We are talking about legislation now, and the hon. gentleman does not understand that.

MR. BAIRD:

(Inaudible).

MR. NEARY:

Well, Mr. Speaker, perhaps

the teacher would take the hon. gentleman down in the auditorium and give him a fifteen minute lecture.

Mr. Speaker, when people feel that they have a grievance the first thing they have to ask themselves is if I proceed and this case, if I take this

MR. NEARY: matter to the Human Rights Commission, if I go and say a minister has made advances towards me or a deputy minister or an associate or one of my supervisors, directors or officials have made advances towards me that are unwelcome, if I take this to the Human Rights Commission will there be any reprisals? That is the first question.

We saw a case the other day in the court in Ontario where a lady was afraid to go into court and give testimony and evidence in a rape trial. That was pretty serious, Mr. Speaker. That was pretty serious. It caused quite a controversy in the Province of Ontario. It triggered a special debate, We cannot get special debates here on jobs, the state of the economy, the Province being bankrupt. In Ontario the Opposition managed to get a special debate on this trial, this decision of the judge to put this woman in jail for contempt of court because she refused to testify in a rape case. And even though we are told by the Attorney General and the Minister of Justice in Ontario that the woman was offered five or six ways that the court would protect her from reprisal, from retaliation, apparently the protection they offered was not satisfactory to the lady, she felt that her life would be in jeopardy, and her family, if she testified. Now, Mr. Speaker, that is the question that people who feel that they have a grievance under the Human Rights Law of this Province have to ask themselves first, is it worth it? Is that not right? Would my hon. friend not agree with that? Is it worth it? Will I be punished down the line? Will they get back at me?

If I lay this charge or this complaint against my boss or against my fellow employee who is a friend of the boss, or against this person who happens to be friendly with this person, in-laws, fork relations,

MR. NEARY: if I do this what are the reprisals? Now perhaps the minister cannot answer that. Perhaps the minister will get up and say, "Well, we can only provide a law and the individuals concerned will have to pay their money and take their chances." You pays your money and you takes your chances.

So I think that the section dealing with reprisals is most important. The minister is gone out to check to see if it is in the original act. I have not checked it myself. I hope it is, but I am told by these people who came to see me the other day that it is not but it should be, that the grievances and the complaints should be made without reprisal or threat of reprisal. The hon. gentleman has had time to check it now, is that in the act as strongly as it is in the Ontario act?

MR. OTTENHEIMER: Well, I will reply to it more fully when I close the debate.

MR. NEARY: Well, I would appreciate that.

MR. OTTENHEIMER: We have taken the Ontario act in terms of solicitation and that definition there.

MR. NEARY: And work places and so forth?

MR. OTTENHEIMER: Yes. We do not have the specific phrase about the right to take an action because the whole philosophy is, of course, our Human Rights Act establishes a legal right and nobody can be penalized for exercising their legal right.

MR. NEARY: The point I am making, and this is the most important point of all, they cannot be penalized for asserting their right under the act there can be reprisals.



MR. OTTENHEIMER: No, I mean, it is illegal to take reprisals against anybody for exercising a legal right. If you have a legal right you have a right to do something.

MR. NEARY: This could happen for instance, that the Minister of Education (Ms. Verge) could say to somebody in her department, "Look, if you take this to the Human Rights Commission" - in the confines of her office, in the privacy of her office - "you take this matter to the Human Rights Commission and I guarantee you I will get you somewhere down the line."

MR. OTTENHEIMER: A person would be acting illegally by doing that.

MR. NEARY: The Minister of Education would be acting illegally, but who is to argue? Who is to say? It is the minister's word then against whoever is in the office. So that person proceeds with the grievance and the next thing he or she knows, early retirement, transferred, not promoted.

MR. OTTENHEIMER: Yes, but that could happen under the Ontario wording as well, because many of these things come down to whom does one believe. It can be one word against another. You know, a person can argue it is not a reprisal.

MR. NEARY: I believe the minister was outside when I said earlier that it may not be possible to legislate everything, but at least we should make it as strong as we can. Mr. Speaker, the people who came to see me the other day told me that there were a number of examples that they know about involving sexual harassment and political opinion where the people feel that they have a grievance but they were afraid to proceed with the grievance, afraid there would be reprisals from the minister or the deputy minister or some director of a department. And that

MR. NEARY: renders the act, to a large degree, absolutely useless if people are in fear, if they are afraid. I have had people come to my office who have told me stories. For instance, I have a letter here in my desk involving the Minister of Manpower and Labour (Mr. Dinn) who intervened with the Chairman of the Workers' Compensation Board.

MR. DINN: On what?

MR. NEARY: Intervened on behalf of one of his friends, to find a job for one of his friends.

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

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

MR. DINN: The hon. the Leader of the Opposition (Mr. Neary) obviously was not here the other day when I went through the Workers' Compensation Bill and he is leaving the impression in the public mind that I did something wrong, that I did something that was not allowed to be done.

I wrote a letter to the Chairman of the Workers' Compensation Board which said basically this: "As per our telephone conversation of Thursday, March 11, 1982, I am enclosing a resumé of John Jones', or whomever, 'with respect to employment.' A guy asked me to see if there was anywhere in the government service that I could get him a job and I, as an MHA, wrote a letter on the gentleman's behalf. And the hon. the Leader of the Opposition is leaving a clear impression in the minds of the public of this Province that I did something wrong. If he has a charge to make, I would appreciate it very much if he could make it. I mean, this kind of thing cannot go on indefinitely.

MR. NEARY: There is no point of order, Mr. Speaker, the hon. gentleman is just smarting over there.

MR. SPEAKER: There is no point of order. The minister took the opportunity of explaining the letter he had written.

MR. NEARY: The point is, Mr. Speaker, I do not know whether the hon. gentleman did anything wrong. I can only tell the hon. gentleman about the feelings of

MR. NEARY: the people employed at the Workers' Compensation Board. I do not know what the hon. gentleman said in his phone call. He followed it up with a letter to the Chairman of the Board and sent a resumé of this particular individual, and this individual received an appointment from the Workers' Compensation Board on a contractual basis, not through the regular hiring practices of the Workers' Compensation Board, Mr. Speaker. And therein lies the problem. Because the other people employed at that board felt they were being discriminated against. Whether it was right or wrong, because the minister put his friend in a position on a contractual basis, every employee in that board felt he was discriminated against, that he was entitled to the job, that he should have had a crack at it. But in order to get around the hiring practices of the board, they put this individual on a -

MR. DINN: I mean, anybody who would have a report like the Mifflin report read about him and then get up in the House and make statements like that is a complete disgrace! It diminishes your power as a member of this House.

MR. NEARY: - they put the person on a contractual basis, by-passed all the other employees. Now, these employees felt that they had a grievance.

MR. DINN: Why did they not make one?

MR. NEARY: Because they were afraid.

MR. DINN: Afraid of what?

MR. NEARY: They were afraid of the high-handed tactics of the minister.

MR. DINN: Oh, I see! Name them. Why do you not name them? I mean, it is another Andy Davidson issue.

MR. NEARY: The hon. gentleman just asked a question that gave me an opportunity -

MR. NEARY: Mr. Speaker, the Premier and the Government House Leader (Mr. Marshall), I believe, earlier asked for the protection of the Chair for the Minister of Fisheries (Mr. Morgan). I asked for it earlier this morning. The hon. gentleman is shouting and yelling over there and I believe, Mr. Speaker, he should be asked to restrain himself. If he cannot stand the heat let him get out of the kitchen.

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

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

MR. CARTER: We are so used to these wild accusations in this House from the Leader of the Opposition (Mr. Neary) that it really rolls off us like water off a duck's back. You know, it is hardly enough to keep us awake. But I assure you, Mr. Speaker, that the general public take a very, very strong view of these kinds of accusations and some of them may, by accident, happen to be believed. I think that the course the hon. gentleman is set on is an extremely dangerous one. He has been doing it for years but that should not make it any the less serious. I think it is high

MR. CARTER: time that this House moved very strongly against the hon. gentleman and took some decisive action. I think it is an absolute disgrace and the hon. gentleman should be disciplined.

MR. NEARY: Mr. Speaker, to that point of order. The hon. Leader of the Opposition.

MR. NEARY: Mr. Speaker, there is another example of the arrogance and cockiness. Take the Opposition out and hang them up out in the square, that is what the hon. gentleman would like to do. Mr. Speaker, the general public do take these matters serious and that is why they are being raised in this House, because the general public feel they are being shafted by this administration, So, Mr. Speaker, we raise these matters in good faith. The hon. gentleman has no right to question my motives for raising these things. I have correspondence here in front of me, representations from people who feel they have been shafted. Mr. Speaker, where else do you raise these matters but in the people's House? Now, if the hon. gentleman wants to take the Opposition out and shoot them or hang them, you know, I can understand the hon. gentleman's thinking, because he was so victorian in his thinking that Frank Moores had to fling him out of the Cabinet. So there is no point or order, Mr. Speaker.

MR. SPEAKER (Dr. McNicholas): To that point of order, Mr. Speaker.

MR. BAIRD: (Inaudible)

MR. SPEAKER: Order, please!

To that point of order.

I do not think there was a point of order, I think the hon. member was being relevant to the bill at the time.

MR.SPEAKER (Dr.McNicholas): He has also asked to be heard in silence and he has the right to that.

MR.NEARY: Thank you, Mr. Speaker, So I am not going to belabour the point except to say that the hon. gentleman asked me why did they not make a grievance. Well , Mr.Speaker, they did not make a grievance for the obvious reasons, that the minister had used his heavy-handed tactics and who is to say that if they made a grievance that he would not retaliate against -

MR.DINN: But there are grievances made every day.

MR.NEARY: In this particular case there was not.

MR.DINN: I mean, there is a legal procedure in place for all these people.

MR.NEARY: So, Mr. Speaker, the hon. gentleman has given good argument for having this clause about reprisals put into the Human Rights laws in this Province.

And I know the Minister of Justice (Mr.Ottenheimer) who is taking these matters seriously, listening to argument, is convinced that what I am saying is correct. The hon. gentleman may get up and argue that it is virtually impossible to legislate every little point into law, that you cannot tell what people might think or might do in the privacy of their offices and so forth, but what we should do is take reasonable measures and reasonable precautions to make sure that people who want to make grievances can do so in an atmosphere of good will and good faith, and that there will be no reprisals against these people. That is all I am asking. I am asking for the Ontario Act in this particular case to be adopted, and I refer hon. members to 743, 12, 1982, "Every person has a right to claim and

MR. NEARY: enforce his or her rights under this act, to institute and participate in proceedings under this act and refuse to infringe a right of another person under this act without reprisal or threat of reprisal for so doing. That is a very, very important point and a very important clause. And so, Mr. Speaker, we are not going to delay the passage of this bill, we are going to support it.

MR. SIMMS: (inaudible) you stand alone, boy.

MR. NEARY: Mr. Speaker, I believe, Your Honour asked for silence. I know they would like to take the House on their backs. The Speaker had to issue new rules the other day as a result of a public servant coming in on the floor of the House, walking in as if they owned the place. The Speaker had to issue new rules to members about admitting strangers in the corridors on both sides of this House. They think they own the House, Mr. Speaker, and now it is starting to rub off on the public servants. They think they can do what they like and come up and walk into the House without getting elected and so forth and so on. Mr. Speaker, the hon. gentleman will be sitting over there until Christmas Eve. I know why they are so testy today, they are thinking, well



MR. NEARY: why is the House not closing today? Why are we not going home today?

MR. HOUSE: Who said we wanted the House closed?

MR. MARSHALL: We wanted to leave it open for the new member.

MR. NEARY: The Government House Leader (Mr. Marshall) should hear the comments that I hear.

MR. YOUNG: Twelve days with two members.

MR. NEARY: The hon. Government House Leader should listen to the comments of his members going down in the elevator, going down to the fifth floor, what time are you going to close that so-and-so place? Mr. Speaker, every day the House is open they are losing ground.

MR. BAIRD: Yes, because we are fed up with the likes of you.

MR. NEARY: No wonder they are so testy over there. We saw an example of it this morning when the Premier was climbing the wall over there for some unknown reason. Some days there are only three or four of us over here and they react like there were twenty-five of us over here, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh.

MR. NEARY: There they go again. Mr. Speaker, the hon. gentleman talks about a fool. If the hon. gentleman only knew the esteem that he is held in in this Province, Mr. Speaker.

PREMIER PECKFORD: Yes. I know a hell of a lot better than you do.

MR. NEARY: The description would be unparliamentary, so therefore I cannot use it.

So I look forward, Mr. Speaker.

MR. YOUNG: Tell us about your (inaudible).

MR. NEARY: Ignorance is something that should not be tolerated in this House, Mr. Speaker - to hearing

MR. NEARY: what the hon. minister has to say on these matters, because the hon. minister has been making his notes and he has been going out and checking with his officials on the act and so forth to make sure that he is going to give the House factual information as a result of the comments and the questions that I raised. And perhaps the hon. gentleman while he is on his feet, I do not know if he had had time to get the information, will tell us how many cases were handled by the Human Rights Commission in the last year? How many cases were handled, how many grievances were successful, how many were rejected or turned down? And would the hon. gentleman also have a figure to indicate how many cases there were where people were told by the commission that this did not come under the jurisdiction, that this did not come under the act and therefore it could not be handled by the Human Rights Commission?

MR. YOUNG: (Inaudible).

MR. NEARY: Your Honour, could we stop the ignorance that is emanating from the other side.

Can the hon. gentleman tell us how many cases, put them in various categories, how many were in actual fact handled by the commission, processed; how many were awarded in favour of the applicant and how many were rejected, were not awarded in the favour of the applicant; and how many were rejected that did not even get a hearing before the board? I would be interested in having these statistics and I would be interested in hearing what the hon. gentleman has to say.

AN HON. MEMBER: Good speech.

MR. SPEAKER (McNicholas): The hon. Minister of Education.

MS. VERGE: Thank you, Mr. Speaker.

My intention is to speak briefly only to voice my enthusiastic support for this bill. I am glad to have the opportunity as a legislator to vote strengthening

December 9, 1983

Tape No. 3871

SD - 3

MS. VERGE: measures for our Human Rights Code. I think this bill incorporates two important provisions to improve the protection of human rights of the people of our Province: Number one, the prohibition of

MS. VERGE:

personal harassment and sexual harassment in certain types of relationships, primarily work place relationships, and number two, the official blessings, the official sanctioning of affirmative action programmes or catch-up programmes. I think that these are necessary measures for individuals and groups in our society who are dependent economically and/or emotionally. I think these are necessary steps for people who are inferior to others, for example subordinates in hierarchical employment structures, and I believe these are essential measures for all people who are vulnerable.

Now, Mr. Speaker, when we look at the people in our society who are dependent, who are inferior in status, who are as a consequence vulnerable, more often than not it will be found that these people are women. And I know that the many advocates for women, women themselves, Status of Women Organizations, feminist organizations in our Province wholeheartedly support these measures which are now before our House of Assembly. Mr. Speaker, women comprise a group in our society who have been systematically discriminated against. There are other such groups of course. If we localize our examination of injustice and confine it to the Dominion of Canada, we can see that Newfoundlanders and Labradorians are a group within Canada who are disadvantaged relative to residents of the other provinces and, Mr. Speaker, I think it is absolutely essential that there be affirmative action or catch-up programmes so that the imbalances may be corrected. Certain measures have already been instituted. For example, Premier Peckford and this administration have enacted regulations giving preference to residents of Newfoundland and Labrador in competing for jobs related to offshore oil and gas. Mr. Speaker, these types of affirmative action or catch-up programmes really do not have the effect of giving

MS. VERGE: advantages to the disadvantaged groups, to the minority groups, but rather, I believe, they have the effect of taking away some of the advantages the superior groups now enjoy. For example, in the case of the local preference policy in offshore hiring the government regulations have the effect of taking away some of the superior edge now enjoyed by residents of mainland Canada or other nations in competing for Newfoundland and Labrador offshore jobs. And I believe that we are going to have to bring in all kinds of special programmes, affirmative action or catch-up programmes, for Newfoundland and Labrador women so that some of the advantages and edges now held by Newfoundland and Labrador men are neutralized, and so that for the first time women will have a fighting chance, women will have a chance to catch up.

In summation, Mr. Speaker, I enthusiastically support these measures, I think it is another example of action by a progressive Premier and a progressive government. I would trust that these measures will enjoy the support of all members of this House of Assembly.

SOME HON. MEMBERS: Hear, hear!

MR. BAIRD: Mr. Speaker.

MR. SPEAKER (Aylward): The hon. the member for Humber West.

MR. BAIRD: Mr. Speaker, I have no hesitation at all in supporting this bill. I think it has been a long time coming about. We all realize that there have been injustices over the years, but I do not necessarily support the status of women per se and I say that with full conviction. I think we are all people, there is no status of men, status of this, status of that. But in getting back to the bill I

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MR. BAIRD: think that there have been  
injustices done and it is happening today in our own  
Province and all across the world, that some people as  
individuals

MR. BAIRD: are being taken advantage of by employers because of their sex. I have no hesitation in supporting that particular aspect of it, and I think that the bill should be brought in. I would like to say further to that, that a lot of the victims, if you will, they also have recourse to our court system, which I think is the best in the world, and they can bring charges against the would-be-attackers or the so-called attackers. A lot of that system should look after itself. So again I support the bill, but I do feel that some of the individuals that have been harassed, as you will call it, I am a little leery of one particular aspect of it, because I think we have some people who, because of their age, sex, or environment, if you will, sometimes are what we call a little bit frustrated, and I would be very leery of those people because all of a sudden you might find out that if you tip your hat the wrong way you could be in trouble.

But it is time that we had some legislation here, because there have been injustices done to our fellow people, and I am very glad that we are about to make it in a point of law so that they can be protected.

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

The hon. the Minister of Justice.

MR. OTTENHEIMER: Thank you, Mr. Speaker, and I thank hon. members on both sides of the House for their participation. Let me say in concluding what I pointed out, obviously, at the beginning and that is that we have requested the Human Rights Commission to make an entire review of the human rights legislation for recommendations of a comprehensive nature which would in time, I think, suggest rather than humorous amendments a consolidated act. That is much easier for people

MR. OTTENHEIMER: to deal with. We did decide, however, that in three specific instances the government should move immediately, and in those three specific instances that this amendment deals with, one, it proscribes unwelcome sexual solicitation, and it defines that quite clearly.

Number two, it adds harassment for sex or other reasons, racial, religious beliefs, political opinion. Political opinion was always there, but it adds sex there as well as a proscribed action. So, number one, it proscribes unwelcome sexual solicitation, number two, it proscribes harassment, and number three it permits affirmative action. Those are the three things.

The remarks of the hon. Leader of the Opposition with respect to other matters and that with respect to there being no reprisals against a person taking an action under this act, certainly we will look at that in the overall review of the act. It would certainly be my opinion that, you know, there is protection now. But obviously we are looking over the entire act and certainly we will look at that as well.

Now, with respect to how specific one can get, for example, dirty jokes which are frequently thought of as being of a sexual nature, which can be, I suppose, of a religious or racial nature as well, it is very, very difficult, as all hon. members know, for a legislature and for legislation to include just about every instance. And it is the intention and the belief that the word 'harass' and its definition, 'to engage in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome,' is intended to cover a broad area.

Certainly the act is binding on all employers and has reference as well to commercial and residential premises, so it is binding on all of those.



MR. OTTENHEIMER: The matter referred to with respect to the position of homosexuals and lesbians, that is generally referred to under the general title of sexual preference, is different from sexual discrimination under the heading of sexual preference. That is an important area of public policy which certainly will be considered in the

MR. OTTENHEIMER:

overall review of the act but the government is not now in a position to state a public policy for an employer, that an employer would be contravening the Human Rights of people if sexual preference were to be a consideration. Certainly, at the present time it would not be a contravention of a person's human rights on the question of sexual preference.

MR. WARREN: How about if (inaudible).

MR. OTTENHEIMER: What I am talking about and what the hon. gentleman was talking about was with respect to the employment of homosexuals or lesbians which is generally under the title of sexual preference as distinguished from sexual harrasment. And obviously that is a very important public policy, but certainly the government is not in a position right now to say that an employer should not have the right to exercise judgement and discretion with respect to employment in terms of people's sexual preference, in that context.

So in conclusion there are three matters which this bill will add to the Human Rights Legislation. Number one, a statutory reference for affirmative action so that groups which have been, for whatever reasons, historic, social, victims of systemic discrimination may be benefitted and given the opportunity to benefit from affirmative action programmes geared to them. That could be women, that could be unemployed people, that could be aboriginal people, and obviously others might come to mind as well. So there is the affirmative action reference, there is the proscription of harrasment in general, including sexual harrasment but not limited to it, also proscribing harrasment on the

MR. OTTENHEIMER: other grounds, essentially racial, ethnic, religious, political opinion and then; number three, the proscription of unwelcome sexual solicitation. I move second reading.

On motion, a bill, "An Act To Amend The Newfoundland Human Rights Code," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 79)

Motion, second reading of a bill, "An Act Respecting Defamation." (Bill No. 70)

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

MR. OTTENHEIMER: Thank you, Mr. Speaker.

Mr. Speaker, we have before us here Bill No. 70, "An Act Respecting Defamation," which will essentially accomplish three things; It will codify the common law in a statute with respect to defamation; it will alter the common law in one respect, with respect to defamation; and it will repeal certain acts which have bits and pieces in them regarding defamation and they are listed in one of the clauses of the bill, the ones which will be repealed.

The bill covers defamation in its totality and not broken down as it sometimes was in some of the older statutes referred to, you know, libel

MR. OTTENHEIMER: being written, defamation and slander spoken, but treats it generically. And hon. members will be aware that, of course, it covers a broad array in terms of its definitions, broadcasting and publication, you know, be it radio, television, closed circuit, microchip technology and these kinds of things. The purpose of that, obviously, is to make it all inclusive.

So it will do three things:  
It will repeal statutes which will no longer be necessary when this comprehensive bill is enacted, it will codify the common law, and it will reform the common law, alter the common law in a beneficial way, which I would regard as a reforming of the common law in a specific instance and related to a specific court judgment.

Just by way of background, in 1978, I believe it was, in a case Armdale versus Cherneskey, or vice versa, the Supreme Court of Canada denied a classic defence in a defamation case, the defence of fair comment for publication of a letter to an editor if the publisher did not share the views of the writer.

MR. ROBERTS: That is only one part of it.

MR. OTTENHEIMER: Right.

MR. ROBERTS: If the minister would permit me just one sentence.

MR. OTTENHEIMER: The hon. gentleman.

MR. ROBERTS: Just one sentence on it. What distinguished the Cherneskey case is that nobody gave evidence that he or she, as the case may be, believed in it. The minister I know would want to state the facts correctly, Cherneskey was a terrible blow to the freedom of the press and the minister is doing the right thing to ask us to overturn Cherneskey which, of course, this bill will do. But what distinguished Cherneskey was nobody was put on the stand to give any evidence. The editor said that he did not believe it, because it was all the

MR. ROBERTS: same to him, he printed it for freedom of speech. But the letter was signed and the author of the letter was not called. Mr. Speaker, the letter called a member of a council in Saskatoon a racist, that was the defamation. That is a most important point there.

MR. OTTENHEIMER: Mr. Speaker, with the new legislation the publisher will not be denied the defence of fair comment on grounds that the publisher did not hold that opinion published provided that also, of course, a person could honestly hold such an opinion, and the defendant is not required to conduct an inquiry or an examination in order to find out if the person whose opinions are being published did, in fact, hold that opinion or not. Of course, that would be an onus on a publisher which he would almost be incapable of fulfilling and, indeed there would not appear to be any logical reason why he should fulfill it as long as the opinion is of a nature that could honestly be held by somebody and not of such a nature which could not honestly - it must be close to reasonably - honestly be held by a person.

MR. ROBERTS: (Inaudible) reasonableness as long as somebody honestly believed it.

MR. OTTENHEIMER: Yes.

After the decision in the Supreme Court the Canadian Association of Daily Newspapers, I believe is what it is called, were in touch with most of the provinces, I have no doubt with all of the provinces, and Newfoundland, as I am sure other Justice Ministries, had representation from the Canadian Association of Daily Newspapers. We also received requests from

MR. OTTENHEIMER:

local newspapers in Newfoundland with respect to the decision and, indeed, it was the opinion of both the national association and of the local newspapers that the development of the common law, as articulated by the Supreme Court of Canada in the Cherneskey decision was unwarranted, indefensible, improper development of the law and an unnecessary and unfair constraint on freedom of speech or freedom of publication in general.

The matter was discussed, certainly at the level of provincial justice ministers a few years ago and a number of jurisdictions have already passed legislation similar to this. Indeed, this bill is based upon a draft bill emanating from the Uniform Law Conference, and they are a group of lawyers from all provinces' Justice Departments, people in private practice, a fairly broad, fairly comprehensive group who meet regularly once a year - I think they have committees which meet more frequently - and examine specific problems and issues with a view to making their services available in terms of drafting a uniform law. And there are arguments back and forth whether provinces - you know, to what extent uniformity is advisable or not, and certainly we would all recognize that in the kind of federation and nation we are that uniformity for its own sake or uniformity in every legal instance, bearing in mind the different social and economic backgrounds and priorities of different provinces, is not a goal which one would put forward in its general application. But, obviously, there are certain instances as well where uniformity is beneficial, and certainly in this particular instance, uniformity among the various provincial jurisdictions would appear to be beneficial. And, indeed, I am not aware of any solid arguments that

MR. OTTENHEIMER: would be against it, because it is a codification of common law with the reform in the Cherneskey case.

So with the enactment of this, a publisher, as a defendant, will not be denied the defense of fair comment on the grounds that he did not hold the opinion published, provided that the publisher did not know that the person expressing the opinion did not hold the opinion. But that is to a large extent academic. It would not be in every instance academic, it could be an instance where it would not be, because the publisher is not required to make enquiries into the state of mind or of belief of the person who wrote the letter or expressed the opinion. There is the proviso that it has to be an opinion that a person could honestly hold.

The reform or alteration, as expressed in clause 16 of the bill, the rest of the act codifies or puts in statute form the common law. Hon. members will see that the questions of privilege, both qualified and absolute, are covered in the relevant

MR. OTTENHEIMER: are covered in the relevant sections and this is a codification of the law: qualified privilege accruing to fair and accurate reporting or publishing of proceedings in the parliament, the Houses of Parliament, of the Legislature of the Province, committees of those bodies and then meetings of statutory groups such as municipal councils, school boards and hospital boards, and that is privileged unless it is proved that the publication was not made maliciously. So what one would call qualified privilege, there is the proviso that the publication was not made maliciously. And then with respect to in terms of absolute privilege governing court proceedings, that is referred to in Clause 13 which establishes that a fair and accurate report, you know, published in whatever way, will accrue to it absolute privilege, and that, as I say, is with respect to a fair and accurate report of a court proceeding, if the report contains no comment and then is published contemporaneously and it defines the time period there. Of course, the essential difference is that the element of maliciousness is not referred to, is not operative in terms of absolute privilege. There can be arguments as to whether there should be privilege or not, whether there should be privilege with respect to the reporting of legislative proceeding and with respect of court proceedings and I think there are arguments on both sides. The general, certainly the historic, and I think valid argument is that obviously there are occasions when one's personal reputation, if you wish, and a public imperative, where there is tension between them. That comes into play in the area of the reporting of legislative proceedings, whether federal or provincial or municipal council or school boards or hospital boards and, of course, with respect to reports of proceedings of the courts as well.



MR. OTTENHEIMER: So, Mr. Speaker, this is legislation that the government intended to introduce for the past, roughly, three years, which we held off until certain matters with respect to defamation of a high profile were before the courts, not that this would alter the law, obviously you cannot do those things retroactively, but so that it may not even appear to. The legislation is consistent with and based on the draft legislation of the Uniform Law Commission. It is the government's intention that it would come into effect on January 1st, therefore, I think an amendment will be necessary that will come into effect on proclamation because that is not there now. The result of that is that it would come into effect upon Royal assent. January 1st seems to be a reasonable day or a reasonable time to have it come into effect.

MR. ROBERTS: (Inaudible) a course of action which may arise before ....

MR. OTTENHEIMER: I am quite sure that is clear in there, that only course of action arising... I will check while the hon. gentleman is speaking on that. So, Mr. Speaker, that is essentially it. I am sure it is. The essential thrust of the legislation is that it will enlarge the area of freedom of the press, or to put it another way, it will negate the encroachment into the area of freedom of the press created by the Cherneskey decision. It will negate that inclusion and in so doing obviously will broaden the ambit of freedom of the press.

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

MR. ROBERTS: Mr. Speaker, this is a good bill, in my opinion, and we shall support it. Equally, I would like to congratulate the minister on bringing it in. We see a lot of legislation in this House that, in my view, is of far less significance and far less importance than this bill here. The minister has mentioned that it has been on the legislative drawing board for some time. He will recall that I have been urging him privately as a member of the House, if you wish, behind the curtain, I am not revealing any confidences, to bring it in because in this area of law the statute law of this Province, or the law of this Province which was common law in the absence of statute law was seriously deficient.

Let us be clear on what the bill does. The bill applies really only to reports which are published in the newspapers and in broadcasting, radio/television, and in printed circulars. And there is an interesting restriction that I would ask the minister to address in his closing remarks in 2 (c) which gives us a definition of newspaper;

MR. ROBERTS: it has to be published at least twelve times a year. Now I assume that is not an accident, this is a uniform statute, perhaps he could address it. I will come back to that if I might.

But what it does do is provide a statutory code which operates for the protection both of the publishers and others employed in newspapers, others liable in respect of libel, in the case of newspapers and in the case of radio and television media.

It also repeals the slander act which is a very curious piece of legislation, and I have never checked its provenance , p-r-o-v-e-n-a-n-c-e, for the benefit of the ladies who have to transcribe us - I have never checked it provenance. It has been around for a long, long time. It is a very curious piece of legislation because it, by its terms, deals only with the case where there have been imputations of unchastity,

MR. ROBERTS: and I have no idea why that alone has been singled out. Obviously imputations of lack of chastity on the part of a woman are a defamatory matter and quite properly should be, but why the Legislature at some point in history singled out that one particular situation for legislation enactment I know not. It repeals that, it does give us a code for the guidance of newspaper publishers and editors and reporters and what have you, it does not change the common law in respect of libel and slander in other situations. Now, that is how I read the act, the minister could correct me if I am wrong, but it does not deal with a situation which would apply if the minister and I in our private capacities were to fall into a slanging match and in the course of that defamatory material were to be published and one of us had an action against the other. That is not changed by this piece of legislation and that does not bother me. I think in real life the agents, or the methods by which defamations are created or spread in our Province are in all likelihood the media. And it is not a matter of attacking the media or a matter of defending the media, it is a matter of laying down some ground rules so all hands know exactly what the ground rules are.

Now, the minister has explained the bill. And I am not going to simply go over what he said. I cannot add a great deal to the points which he made and so I see little point in taking up the time of the House by repeating it. The Cherneskey case of which he spoke is overturned by the bill, and I think that is a very welcome legislative reform. The Cherneskey case was an

MR. ROBERTS: example of how a court - it happened to be the Supreme Court, It was also heard by the Saskatchewan Court of Appeal and by a trial judge, a Queen's Bench Judge out in Saskatchewan - how a court can go astray. There were quite strong dissents in the Cherneskey case, the Court in Ottawa was split, I recall, it was five/three or five/four. In any event, the majority did hold that the fair comment defence was not available to the publisher or the editor of a newspaper. I think the action was against the publisher. The Saskatchewan Star, a Phoenix company, and Armdale Publishers happened to be the corporate name by which The Saskatchewan Star, Phoenix ownership, was held. And the case was decided eventually and the final result was that where a letter to the editor had been published and neither the editor nor anybody else said that he had an honest belief in the statement which was made in the letter then the fair comment defence was not available. And fair comment is a much misunderstood defence. The minister, I think, was a little astray when he spoke of honestly being close to reasonably, referring to section 11 (1) (b), which is the section which effectively repeals Cherneskey. There is no requirement, Your Honour, if you are relying upon the fair comment defence that your views be reasonable. The law, and I think the minister would agree, quite properly, and certainly in my view quite properly, says that if you hold a belief honestly it does not matter whether it is reasonable or unreasonable. It does not matter a hoot whether it is reasonable or unreasonable as long as you believe it honestly. And the word 'honestly' in that sense refers to the absence of malice, and without going into all the legal

MR. ROBERTS: jargon if you want to plead the fair comment defence, Your Honour, you have to be prepared for the counter-attack on the ground that you were malicious. And if malice can be shown in the matter, then the fair comment defence fails and that situation, again in my view properly, is preserved by Section 11 (1) (b) and it is right, it is so.

But what Cherneskey did do, if it had been followed in all its rigor and it was not, what it did do was restrict severely the freedom of editors and publishers to publish letters to the editor. Because the situation was that either the editor had to say, "Well, I believe the statement made in the letter," and that obviously is absurd, the editor cannot - what is the noise? Does the Minister of Public Works (Mr. Young) know? Is it plumbing?

MR. YOUNG: Bells ringing in your head since the election, that is all that is.

MR. ROBERTS: Well, Mr. Speaker, the minister may be saucy, but obviously

MR. ROBERTS: there is some noise in the House. The President of the Council (Mr. Marshall) has heard it. It is an electronic noise of some sort. It sounded like a Page Boy or a beeper.

MR. NEARY: They bought a new (inaudible) for the Premier, you push a button and -

MR. ROBERTS: No, but do we know what it is? Surely we have the right in the House to carry on our debates without having electronic devices or whatever they are, making noises.

MR. CARTER: You are being recorded.

MR. ROBERTS: Well, I hope I am being recorded. What I am saying is worthwhile. But does Your Honour know what this noise is?

MR. SPEAKER (Aylward): Order, please!

Yes, I heard the noise from outside in the corridor. I think it is being looked after now.

MR. ROBERTS: Alright. I thank Your Honour. I mean, it is annoying and in a sense it is disconcerting.

The point which I was making is that the effect of the Cherneskey decision, if it had been -

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

MR. SPEAKER: On a point of order, the hon. the member for Humber West.

MR. BAIRD: Just some information for my colleague, the member for the Strait of Belle Isle (Mr. Roberts). He was wondering about the noise. At the time I was explaining the new computer-type system to the Leader of the Opposition (Mr. Neary), I certainly did not mean to offend him.

MR. ROBERTS: The new what?

MR. BAIRD: The decision-maker that I was explaining to the Leader of the Opposition at the time.

MR. BAIRD: It was certainly not to interfere with you, Sir.

MR. ROBERTS: To that point of order.

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

MR. ROBERTS: Well, I thank the hon. gentleman from Humber West. I do not know what this decision-maker is. The normal decision-maker the Premier had was a coin which he would flip, heads we win and tails we lose. But in any event, I would say to my hon. friend that if he visits his office, or when next he does, he may find there a large jar of a substance made in Jamaica containing a substantial quantity of alcohol and a number of flavourful additives which, I understand, when applied internally to the hon. gentleman, could produce a state of euphoria even beyond that which he normally experiences.

MR. NEARY: It facilitates decisions.

MR. ROBERTS: It may help to make decisions. I certainly suspect that some of the decisions that have been made from time to time by those opposite have been made in a state of euphoria induced by internal application of the type of material to which I have just referred.

Anyway, Mr. Speaker, I assume Your Honour does not want to make a ruling.

MR. SPEAKER: To that point of order, there was no point of order.

MR. ROBERTS: Thank you. You know, you can really be in the Chair with about three standard rulings, can you not? - and that is one of them. The other two are 'difference of opinion between two hon. gentlemen' and 'it is not a matter of privilege'.

Now, the Cherneskey decision, if it had been followed in all its rigour, would have



MR. ROBERTS:                   crippled, perhaps totally eliminated the ability of newspapers to publish in their Letters to the Editor columns any variety of opinions at all and that is obviously wrong. Letters to the Editor, we would all agree, even the ones that are put in by people who do not have the courage to sign their names, are a valid means of public expression and it ought not to be laid upon any publisher that he has to testify to the honesty of his belief in the subject matter of the letter. In the case of Cherneskey, the letter called an alderman a racist. He may or may not have been a racist, I do not know. Justification was not attempted, as I recall the case, but, in any event, the Editor said he certainly could not say that the man was a racist. The Editor had no opinions on that matter and in the absence of anybody else the fair comment defence fell.

  This section 11 is phrased negatively and it simply says that the defence shall not fail for the simple reason that nobody expresses the opinion, the defendant being the editor and the publisher or what have you, and the defendant is under no duty to make an inquiry. I think that is a reasonable one as long as the basic test of the fair comment defence is retained and the fact that a belief could honestly be held, and that brings into play the malice question and that is fair enough.

  Mr. Speaker, the bill is a uniform

MR. ROBERTS:

bill, and I think that this is the type of legislative situation where uniformity is to be desired. I agree with the minister that in many types of legislation uniformity is not a goal worth worrying about one way or the other. If we achieve a uniform result in tackling a problem, if we achieve a result uniform with that of one or more of the provinces well and good. But if we are legislating on a matter within this Province and we put our mind to it and we come up with a piece of legislation embodying a solution that suits the needs and the wishes of the people of this Province, I could not care less whether the people in Nova Scotia or the people in Quebec or the people in British Columbia have come to the same result in dealing with their version of that problem.

But in a case such as defamation law I do not think there is anything uniquely Newfoundland about defamation or being defamed or wanting to protect your reputation or wanting to be able to exchange free opinion. I think there uniformity has great value, and on top of that it makes available to us the jurisprudence from other jurisdictions. The minister spoke of that earlier in connection with another debate, the debate on the Human Rights Act. It is desirable to be able to look at what courts have done elsewhere, and it also means that the act is one which has stood the test of time. Because, as I recall it, this act has been in force in most of the common law provinces for eight or nine or ten years now. We are somewhat tardy getting around to it but it is here.

A couple of questions which perhaps the minister could address either now or

MR. ROBERTS: in Committee stage,  
as he prefers, and there may be perfectly simple answers.  
I have not checked the Uniformity Commissioner's version.  
They may be in it. If they are I think I would be prepared  
to settle for that, because if it has worked elsewhere I have  
no reason to suspect that it will not work here. In 2 (c),  
I mentioned earlier, the definition of newspaper is restricted  
to those matters which appear twelve times a year. Now,  
I can think of a reason why that should be so and I  
can think of one why it should not be so. As I say,  
the ordinary common law, the common law of defamation,  
is not affected by this act except insofar as newspapers  
are concerned and radio and television stations are concerned,  
because the act is limited to these situations. It addresses  
only the question of the media. I do not know why we have  
come to twelve times a year. I can see a situation whereby  
a person who publishes one broadsheet, say in an election  
campaign, to take an example, ought not to be able to  
shelter behind these rather special provisions but instead  
can shelter only behind the common law, and defamation  
goes back a long way in common law. But, why twelve  
times a year? You know, why not six? Why not two?  
I do not know. I mean, there must be a reason and  
I would be interested in hearing what it is.

Secondly, the limitation  
periods are relatively stringent. If you look at section  
16 - now these sections apply only to newspapers and  
radios, you know, they do not apply in the ordinary  
defamation situations - but 16 (1) says, 'No action  
lies unless the plaintiff has, within three months  
after the publication of the defamatory matter has  
come to his notice or knowledge, given to the defendant, in the  
case of a daily newspaper, seven, and in the case of any other newspaper,  
fourteen days notice in writing of his intention to bring an action.'  
So that in effect puts a limitation period of

MR. ROBERTS: two months and three weeks in one case and two months and a fortnight in another, because you have to serve it within three months and you have to give the notice.

MR. ROBERTS: Perhaps the minister could tell us whether that is a uniform provision. These seem to me to be fairly stringent requirements. The ordinary law of defamation in this Province, of course, proscribes a four year period for defamation. I do not want to make heavy weather of it again, maybe the minister could address it. It is a fairly short time when you consider that a person has to decide whether he wants to take an action and presumably wishes to take legal advice as to whether he should or should not take an action. On the other hand, I can see where there is something to be said for fairly short periods in that you want to give the defendant the opportunity to make explanation or to apologize. In that case, why let it go three months? You know, you could say unless a demand for an apology - I had occasion recently to ask one of the St. John's newspapers to publish an apology and the request was made within two or three days and the apology appeared within the week. That is the normal situation if somebody believes he has been defamed. If he wants to make anything of it, he normally is very quick to request the apology. And in any event, the further sections allow apologies to be made. That is found in Sections 18 and 19, if I read them correctly. That is a new principle in law and I think a right one. Actually, Section 17 is the limitation section. You know, that seems to be a very drastic restriction. We now have a four year period in this Province in respect to which defamatory matters may be made. Perhaps the minister could address that. Finally, Mr. Speaker, I

MR. ROBERTS: mention to the minister again as I did during the course of his remarks - he mentioned, you recall, Your Honour, that we were going to put in a section saying this bill will come into effect on a certain day. He mentioned 1 January; that is as good as any other day. It will then become law and it would apply to any matter, as I read it, and I think that is a good legal opinion. There is not in this a clause which we see from time to time in other legislation which says that this does not apply to any cause which has accrued before the effective date. And I suggest to the minister that unless he wants to legislate retroactively, which in my view is always a very dangerous practice and a very unfair practice, he might consider when we come to Committee stage, he could mention it now, I would hope, but when we come to Committee stage he might consider inserting a provision if only to say for the sake of certainty, 'let it be recorded that this legislation does not apply to anything retroactive'. Now, I will give him very good reason why. If the Daily News defamed the minister six months ago - I do not think it did, I am not aware it did, but for the sake of example it did, he today has not put himself in a position where he is time barred because the Statute of Limitations gives him four years within which to bring his action. But let us assume, again for the example, he has not brought his action for whatever reason, if this bill becomes law on January 1 and no action is taken and he then wants to bring his action, he is probably time barred. He is certainly time barred if he does not bring it before the 1st. of April, the three months having



MR. ROBERTS: And it takes a publication to start all this, because no publication no libel. You can think whatever you want and you can say whatever you want, Your Honour, to another person as long as nobody else hears you. That is not defamatory. The very essence of defamation is publication because that goes to the reputation. It brings the reputation into hatred, ridicule and contempt, the classic definition.

MR. YOUNG: You are boring.

MR. ROBERTS: My friend from Harbour Grace (Mr. Young) said something is shocking?

MR. YOUNG: I said you are boring, yes, you are boring.

MR. ROBERTS: Mr. Speaker, the hon. gentleman may think these things are boring. All that does, Mr. Speaker, is reveal his appalling ignorance as well as his rudeness and his crudeness. Now, I am not going to engage in any sort of slanging match with him, he is an expert at low, underhanded, dirty slanging. I do not want to get into that with him. I will simply say that this is legislation -

MR. ANDREWS: That is not true.

MR. ROBERTS: I am sorry?

MR. ANDREWS: That is not true.

MR. ROBERTS: No? I say to my friend from Burgeo-Bay d'Espoir (Mr. Andrews) the truth is a defence to defamatory material. What I said about the hon. gentleman for Harbour Grace is true.

Now, if I can come back to it.

MR. ANDREWS:

That is not true.

MR. ROBERTS:

Mr. Speaker, I could say things about the hon. gentleman, too, but I do not want to. So let him contain his bile. What I am saying is that this is an important piece of legislation which the Minister of Justice (Mr. Ottenheimer) has brought in and which the House has been asked to debate. I intend to debate it within my rights. Just because there are forty-five of them over there does not mean we do not have the right to debate. We intend to debate. And if my friend from Harbour Grace (Mr. Young) wants to be rude, crude and ignorant, let him go ahead and be rude, crude and ignorant.

MR. NEARY:

He is not quite as bad as the House Leader (Mr. Marshall), though.

MR. ROBERTS:

Mr. Speaker, let me come back to the point I was addressing. I do suggest to the minister that this question of retroactivity ought to be addressed. I do not see a section in the bill. And some other legislation which he is sponsoring before the House today or Monday, whenever we get to it, deals with the situation where it is made clear that it applies only in respect of causes of action which accrue afterwards. I am sure that if the minister wants it to be retroactive that is something with which the House can deal; the minister makes his request and the House can deal with it and dispose of it as the House sees fit. But the minister has told us he does not intend it to be retroactive. I think we should put in a section. He may or may not choose to be governed by my opinion. At the very least perhaps he could raise it with his own law officers or whoever is advising him on the matter, the draftsmen in the Legislative - whatever it is called - the Legislative Counsel's office and take advice.



MR. ROBERTS: Mr. Speaker, generally this bill is one which in my view should be welcomed. I am sure the newspapers and radio stations will welcome it and I am sure that people who have been defamed, or feel they have been defamed, should welcome it. It sets down a fairly straightforward, as straightforward as this can be, and, I think, a time-tested code. It has been in effect in other province for eight or ten years.

Let me make just two other points. First of all, this legislation is important because a man's reputation or a woman's reputation is something which we all quite properly treasure jealously. Was it Shakespeare again who said, 'He who steals my purse steals trash, but he who steals my name' - that is one point, I think, which is something that quite properly we should address and, as I said at the outset, would commend to the minister.

Secondly, it is not strictly relevant to the bill, Your Honour, but I want to make a suggestion on a matter that has troubled me for a long time. Other hon. members may not agree with me. I think the time has come when this House should wave its absolute immunity in that what we say in this House should be subject to the same kinds of sanction as any other person must be subject to. I suppose I have uttered defamatory material in the House from time to time, but, Mr. Speaker, I do not see any reason why the House of Assembly should protect itself, its members should protect themselves against defamation. If a member makes a defamatory statement here in the House about a citizen of this Province, that citizen ought to have the right to bring action, in my opinion. And the member either claims the protection

MR. ROBERTS: of the common law and the laws that will be in this act, which is adequate protection, or he takes the penalties. You know, I have heard many times in this House over the years members say things in here - and I am not speaking of any one member or any one side or any one anything - which they are afraid to repeat outside the House because they know a writ will follow. I would suggest to the Minister of Justice (Mr. Ottenheimer), and I will not belabour the point, but I will suggest to him in all seriousness, as I know he has as tender a regard for this House as do I and I know he is as concerned as am I - I will make the suggestion to the Premier now that he is here - that the time has come when we in this House should wave our immunity from process in defamation matters, that if we say something in the House we should be willing to accept the same responsibilities before the law of this Province as if we said it outside. There is protection, ample protection in the law for statements that are made in the course of one's public duties without malice. Many hon. members might have difficulty, perhaps, proving to the courts that they were made in the course of public duties or without malice, but that, in my view, simply re-affirms the wisdom of ending a privilege which is an old one, has been around for a long time, and may well have had validity a century or two centuries or even twenty years ago, I do not know, I am not arguing that. What I am saying is that in 1983 the people of Newfoundland ought to be able to look to the members of the House of Assembly to conduct themselves in this House as responsibly as we would have to outside, to be tested by the same legal position whether we speak in the House or outside. If I choose to utter defamatory material, Mr. Speaker, if I choose to utter it then I should not be able to shelter behind the fact that for the time being I am one of the fifty-two members of the House of Assembly. I should have to answer

MR. ROBERTS: before the courts of this Province in the same way as does any other citizen, or in the same way as do I if I step outside the boundaries as defined of the House of Assembly. I think that is a reform which is long overdue. I can think of no valid reason why we in this House should be able to claim the right to slander and to defame a citizen of this Province or, for that matter, any other Province, and then say to that person, 'You do not have any rights at law'. And there have been many such occasions. Perhaps I have been guilty of it, I do not know if I have or have not, but I have never been one to wash my hands of anything; I am as guilty as most people in this House of any sins that have been committed and there is no one among us who is without sin, there is nobody here entitled to cast the first stone.

Mr. Speaker, the privilege is long outdated and it should be repealed and I would suggest most earnestly to the minister and to his colleagues -

MR. NEARY: The attacks on Mr. Smallwood by the hon. member for St. John's North (Mr. Carter).

MR. ROBERTS: Yes, all of that. I can name instances but I am deliberately not.

MR. NEARY: I understand.

MR. ROBERTS: But I suggest to the Minister of Justice (Mr. Ottenheimer) and to the Premier and to the President of the Council (Mr. Marshall) and the others, all of whom share the same feeling as I have that this House has a central role in the public life of this Province, and that this House must have certain privileges and must enforce them and must rely upon them to enable us to carry on our duties. But, Mr. Speaker, I do not see why I or any other member of this House should be able to stand here and defame somebody. If I defame, another member of the House may do something

MR. ROBERTS: about it. But there has been case after case where citizens of this Province have been defamed by members of this House, and the people aggrieved have no remedy. And that is wrong, Sir, it is wrong in a democratic society, it is wrong in Newfoundland in 1983. I think we should end it.

MR. ROBERTS: It may be a little beyond an Act Respecting Defamation but not very far, and I would simply suggest to the minister and to his colleagues that they should give this matter most earnest consideration because I believe it is something which should be done. But the bill itself, Mr. Speaker, as I said, is a welcome bill. We have much pleasure in supporting it.

MR. CARTER: Mr. Speaker.

MR. SPEAKER (Aylward): The hon. the member for St. John's North.

MR. CARTER: There are a few words I would like to say and I will try and say them before 1:00 p.m.. For once, the member for the Strait of Belle Isle (Mr. Roberts) has put his hand across this House and plucked the words right out of my mouth because I am about to echo his latest sentiments absolutely. The only thing I would question is where has he been with that opinion all these years?

MR. ROBERTS: (Inaudible).

MR. CARTER: Well, the hon. gentleman should have said it this morning or should have been here this morning when the Leader of the Opposition (Mr. Neary) was busy defaming the Minister of Labour and Manpower (Mr. Dinn) and suggesting that he had acted improperly in his role as minister and MHA.

MR. ROBERTS: That is not defamation.

MR. CARTER: Well, in the first place it was not true, in the second place it was twisted, and in the third place it was, I believe, said with malice, but I cannot prove that so I should not say it, I suppose. Now I am as guilty as the other one.

MR. NEARY: The only thing that is twisted is your little mind, your little brain.

MR. CARTER: Mr. Speaker, it is Section 12 in

MR. CARTER: this bill that I would like to talk about. It suggests that as long as something is fairly reported in the newspaper, any proceeding in this House and in other assemblies, and it lists them but I am mainly concerned with what is said in this House, this bill if passed points out that a persons words in this House, if fairly reported in the newspapers, would not be subject to any action, in other words would be privileged. But I have heard, Mr. Speaker, many times, and I am sure other hon. gentleman have heard many times, the hon. the Leader of the Opposition (Mr. Neary), and certain other members of the Opposition, get up and blacken other members, blacken members of the general public and use all the tactics of Joe McCarthy without any fear of any reprisal. One one occasion he got a real fright when he verbally attacked one of the members here and saw that the member was quite ready to attack him. In fact, his face turned whiter than the shirt he has on was when he put it on five days ago.

SOME HON. MEMBERS: Hear, hear!

MR. CARTER: Mr. Speaker, something should be done, this House does have remedies. As I said in a point of order I rose on earlier this morning, Mr. Speaker, I suggested that this House is so used to the hon. gentleman's carryings on that it rolls off our backs like water off a duck's back. But just because we are so used to it does not mean to say that the general public are used to it. In fact, members have told me, and people who have come into this House for the first time have told me they have been appalled, absolutely appalled at what goes on in here in terms of character assassination. I think it is high time that we all proceed vigorously against all such insinuations in future.

MR. CARTER: I wonder if perhaps the first step might be the one suggested by the member for the Strait of Belle Isle (Mr. Roberts). I do not know if you could take away all of our privileges or our right to speak our mind without any danger of retribution, but I do suggest some diminution of our rights as a means to control this kind of thing.

Now I think it was last year we had a rather lengthy debate about the advisability or otherwise of having television in the House.

MR. WARREN: Hear, hear!

MR. CARTER: I certainly opposed it and I opposed it for this very reason, that at least reports that get into the newspapers and in the radio from this House have at least to be written and rebroadcast, it is not direct. It is edited and sifted and presumably cleaned and sponged. But the television in this House would be practically live, it probably would be live; if it were not live it would be canned and it would get through without being edited, obviously. The danger is that certain unprincipled members, largely those in the Opposition, would blackmail any member of the general public that displeased them and say, Well, if you do this I will bring up your name in the House of Assembly and I will say this and I will say that, and nobody can do anything to me. And it is this fear that will keep me an enemy of any television in this House of Assembly, because I have seen too much unprincipled and irresponsible character assassination in this House.

This is my main point and I would like the minister to address these concerns when he closes the debate. Thank you.

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

MR. NEARY: Mr. Speaker, the tragic part of what we just heard from the hon. gentleman is that he believes it. He believes what he says. He should have looked at his colleague ahead of him there and the look of pain on his colleague's face when the hon. gentleman, who has no sense of humour, by the way, no wit at all, Mr. Speaker, just gets his dirty little class digs in, that is all he does, he is like the Government House Leader (Mr. Marshall). It is a matter of class in this House. I do not know if hon. members realize it or not, you have the upper class and the middle class and the lower class. Now the hon. Government House Leader and the member for St. John's North (Mr. Carter) are the upper class and they look down their noses at everybody else in this House.

Mr. Speaker, just pay attention to what the hon. gentleman just said and just think back about all the vicious character assassinations that have been directed towards one Mr. Smallwood, the former, former Premier of this Province, just think back and just think back who it was in this House who attacked a member's mother in this House.

MR. SIMMS:

Who was that?

MR. NEARY: And infuriated a member so much that he came across the House and gave it to him. Now just think back, Mr. Speaker. Just think back to a few days ago when the Minister of Fisheries (Mr. Morgan) viciously attacked Mr. Rompkey, who is not a member of this House and could not defend himself. Just think back, Mr. Speaker.

MR. MORGAN:

What I said in the House I said outside of the House.

MR. NEARY:

Mr. Speaker, the hon. gentleman did not make the statements outside of the House.

MR. MORGAN:

Oh, yes, I did.



MR. ROBERTS: Well, if he did not maybe he will agree to read the Hansard outside the House.

MR. NEARY: All we ask the Minister of Fisheries (Mr. Morgan) to do is to take the Hansard and go outside of the House and read Hansard outside of the House.

MR. ROBERTS: Then see what happens.

MR. NEARY: Then see what happens, Mr. Speaker.

MR. BAIRD: You can get the Hansard.

MR. NEARY: My hon. colleague raised this matter of immunity in good faith. And the irony of it is, Mr. Speaker, that the suggestion had to come from the Opposition, it did not come from the government side of the House. The recommendation originated from this side of the House. That is the irony of it, Mr. Speaker. And when my hon. colleague raised this matter he did not give any examples, he deliberately avoided mentioning specific cases, and I think that was the proper thing to do. When he raised this matter, my hon. colleague wanted to get the reaction of the minister and the government side of the House and it is unfortunate and tragic indeed that the member for St. John's North (Mr. Carter) then leaped into the debate, and immediately, once he opened his lips, he immediately lowered the standard of the debate with his class remarks, Mr. Speaker, his superiority.

AN HON. MEMBER:                      Classy.

MR. NEARY:                            No, not classy, class remarks.  
Anybody would want to be deaf, dumb and blind in this  
House not to notice that there is a certain class distinction  
in this House. We have the aristocrats and the snobs.

MR. CARTER:                         And the lowlifes.

MR. NEARY:                         That is right, they look  
down on everybody else as being the lowest form of life.  
Mr. Speaker, that was the reason behind the remarks. But  
nobody pays any attention to the hon. gentleman anyway,  
Mr. Speaker. It is amazing to me that that hon. gentleman  
gets re-elected. He does not do anything. He does not  
keep in touch with his constituents.

  The government House Leader  
(Mr. Marshall) is getting jumpy and jittery over there,  
Mr. Speaker. I would like to move the adjournment of the  
debate.

MR. SPEAKER (RUSSELL):            Let it be noted that the  
hon. Leader of the Opposition has adjourned the debate.

  The hon. President of the  
Council.

MR. MARSHALL:                     Mr. Speaker, I move the  
House at its rising do adjourn until tomorrow, Monday,  
at 3:00 p.m. and that this House do now adjourn.

  On motion, the House at  
its rising adjourned until tomorrow, Monday, at  
3:00 P.M.

Index

Answers to Questions

Tabled

9 December 1983

Tabled 9 Dec. '83

17 00 100

Mr. Warren (Torngat Mountains) - to ask the Honourable the Minister of Rural, Agricultural and Northern Development to lay upon the Table of the House the following information:

A list of all farmers assisted and all projects carried out under the Canada-Newfoundland Agricultural Development Subsidiary Agreement for the fiscal year 1982-83 and this year to date.

Give the cost of each project.

Direct Financial Assistance Provided Farmers  
through the Canada/Newfoundland Agriculture  
Development Subsidiary Agreement (1978-1984)  
for fiscal year 1982-83 and fiscal year  
1983-84 (December 1, 1983).

R. David Neilson  
Director,  
Production & Marketing

December 6, 1983

1.1 HUMAN RESOURCE DEVELOPMENT

	1982/1983		1983/1984 (to Dec. 1)	
	# Projects*	Value	# Projects	Value
1.1A On Farm Training	4 (4)	\$11,835	4 (4)	\$11,922
1.1B Travel/Exchange	17 (89)	28,150	11 (25)**	20,000
1.1C Short Courses	18 (216)	14,320	5 (60)	4,820
1.1F Commodity Groups	9	40,400	9	42,652

\* Number of farmers participating in projects is indicated with brackets ( ).

\*\* To September 1, 1983.

CAPITAL ASSISTANCE COMMITMENTS

# OF PROJECTS X TYPE X REGION

1982-83

<u>REGION</u>	<u>BUILDINGS</u>	<u>LIVESTOCK</u>	<u>LAND DEVELOPMENT</u>	<u>MACHINERY</u>	<u>TOTAL</u>
Eastern	57	25	66	58	206
Central	19	-	35	23	77
Western	39	18	80	48	185
TOTAL	115	43	181	129	468

CAPITAL ASSISTANCE COMMITMENTS

# OF PROJECTS X TYPE X REGION

1983-84\*

<u>REGION</u>	<u>BUILDINGS</u>	<u>LIVESTOCK</u>	<u>LAND DEVELOPMENT</u>	<u>MACHINERY</u>	<u>TOTAL</u>
Eastern	38	19	55	24	136
Central	13	1	25	8	47
Western	26	13	65	20	124
TOTAL	77	33	145	52	307

\* to December 1, 1983



CAPITAL ASSISTANCE 1982-83

	BUILDINGS		LIVESTOCK		LAND DEVELOPMENT <sup>1</sup>		MACHINERY		TOTAL	
	Com. <sup>2</sup>	Exp. <sup>3</sup>	Com.	Exp.	Com.	Exp.	Com.	Exp.	Com.	Exp.
Eastern	281,894	160,289	93,314	53,847	215,385	78,683	180,673	81,533	771,266	374,351
Central	75,050	18,639	-	-	115,128	28,788	41,240	16,706	231,418	64,133
Western	210,600	60,056	48,035	20,420	378,800	114,643	131,909	88,825	769,344	283,944
TOTAL	567,544	238,984	141,349	74,267	709,312	222,114	353,822	187,064	1,772,027	722,428

<sup>1</sup> Does not include grants to Community Pastures.

<sup>2</sup> Commitment

<sup>3</sup> Expenditure

CAPITAL ASSISTANCE 1983-84<sup>1</sup>

	BUILDINGS		LIVESTOCK		LAND DEVELOPMENT		MACHINERY		TOTAL	
	Com.	Exp.	Com.	Exp.	Com.	Exp.	Com.	Exp.	Com.	Exp.
Eastern	74,801	22,934	34,298	22,175	117,556	48,127	34,519	9,205	261,174	102,439
Central	34,619	1,730	2,349	-	36,456	7,200	15,575	4,770	88,998	13,700
Western	60,799	4,481	18,803	6,386	157,497	44,750	23,592	9,387	260,691	65,004
TOTAL	170,218	29,145	55,450	28,561	311,510	100,077	73,685	23,362	610,863	181,145

- 1 To December 1, 1983
- 2 Commitments
- 3 Expenditure

DEVELOPMENT OPPORTUNITIES PROGRAM

<u>PROJECT NAME</u>	<u>AMOUNT AUTHORIZED</u>	<u>EXPENDITURE IN 82/83</u>
2.2 Vegetable Production on Peatland	\$180,762.25	\$ 7,247.53
2.3 Swine Breeding	153,115.00	62,563.08
2.5-5 Swine Manure Management	50,000.00	3,408.72
2.6 Special Projects Co-ordinator	96,213.00	31,096.43
2.13 Forage Technology Transfer	3,000.00	104.26
2.14 Refridgerated Vegetable Storage	6,000.00	2,614.50
2.33 Feedlot Facilities	25,000.00	25,000.00
2.34 Intensive Pasture Management	10,528.00	2,575.80
2.35 On-Farm Computer	7,500.00	5,582.34
2.37 Calf Hutches	1,500.00	1,500.00
2.38 Forage Preservative Applicator	1,800.00	1,795.82
2.39 Computerized Data Management System	20,000.00	19,138.56
2.40 Specialty Crop Production on Peatland	25,250.00	12.21
2.43 Apiculture	10,000.00	9,750.27
2.45 On Farm Feed Mill (Poultry)	50,000.00	37,538.54
2.48 Trickle Irrigation	4,000.00	2,220.14
2.51 Forage Moisture Tester	285.48	237.85
Subtotal		\$212,386.05

<u>PROJECT NAME</u>	<u>AMOUNT AUTHORIZED</u>	<u>EXPENDITURE IN 83/84</u>
2.13 Forage Technology Transfer	\$ 3,000.00	1,173.88
2.2 Vegetable Production on Peatland	186,762.25	2,895.77
2.3 Swine Breeding	153,115.00	2,526.14
2.6 Special Projects Co-ordinator	96,213.00	27,043.91
2.35 On-Farm Computer	7,500.00	436.68
2.43 Apiculture	10,000.00	249.73
2.51 Forage Moisture Tester	285.48	52.86
2.50 Plug In Poultry Vaccuum	15,750.00	15,750.00
2.52 Blueberry Development	20,800.00	13,773.38
2.53 Trigon Milking System	30,000.00	30,000.00
Subtotal		93,902.35
TOTAL		\$306,288.40

LAND DEVELOPMENT

LIST OF PROJECTS

EXPENDITURES  
Paid Out\*

1982/83

No. of Farmers

8	Land Clearing - Forage Projects	\$42,000
16	Farm Access Roads	141,000
7	Blueberry Access Roads	83,000
4	Electric Service	6,000

1983/84

(to Dec. 1, 1983)

No. of Farmers

10	Land Clearing - Forage Projects	\$23,000
6	Farm Access Roads	10,000

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\* Does not include access to open up new lands for potential farming expansion.