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(Hansard)

Speaker: Honourable James Russell

Tuesday

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The House met at 3:00 p.m.

MR. SPEAKER (Russell):
Order, please!

Oral Questions

MR. SPEAKER:
The hon. member for LaPoile.

MR. NEARY:
Mr. Speaker, it will take more than the Premier attending the Status of Women conference in Ottawa to overcome the recent poll that was announced. Now is the time for the election, Mr. Speaker. I do not think the Deputy Premier (Mr. Marshall) has the authority to call an election, but no wonder they are looking so glum and downcast and dejected over these days, and disillusioned. My question is for the Minister of Energy, Mr. Speaker. Back in August the first preliminary report of the Ocean Ranger Commission findings was submitted, I believe it was back on August 14, and it contained sixty-six recommendations. Mr. Speaker, this is a report done by the most expensive, the most costly Royal Commission in Canadian history. Now, I would like to ask the minister if both levels of government are going to allow that report to gather dust? We have not heard too much about it in recent weeks and we are concerned about the silence over this matter. What is being done about these sixty-six recommendations that were made by the Royal Commission on the Ocean Ranger?

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

MR. MARSHALL:

Well, Mr. Speaker, I can tell the hon. gentleman that a great deal of action was taken with respect to them, because many of the recommendations had already been acted upon. Many of the recommendations of the Royal Commission were really in concert with good safety practices that had been implemented and had been put into effect by the government.

MR. NEARY:
Which one?

MR. MARSHALL:
We did it. This government put it into effect. Hon. gentlemen will recall that the way in which the previous government were operating was as if we did not exist, but now we are reviewing the recommendations co-operatively, I am glad to say, COGLA and the Petroleum Directorate, the federal government agency and the provincial government agency. I would indicate to the hon. gentleman that many of them, in fact, have been acted upon. The hon. gentleman is quite correct when he says it is the most expensive report. I think it is the most expensive commission that I can recall of its nature. It certainly came out with full and complete recommendations, but many of these recommendations were already, as I say, put into effect. Many of them were recommendations that had resulted from interdepartmental enquiries that had been made, and, as well, the American enquiry.

MR. SPEAKER (Russell):
The hon. member for LaPoile, a supplementary.

MR. NEARY:
Mr. Speaker, I wonder if the hon. gentleman, off the top of his head, can indicate to the House

precisely what recommendations have been dealt with? Could he give us an example of what he is talking about? The hon. gentleman just gets up and off the cuff makes a statement about co-operative federalism and all this sort of stuff, but what recommendations have been implemented? For instance, could the hon. gentleman tell the House if the commission's recommendation that life rafts on rigs be davit launched has been carried out?

MR. MARSHALL:

Mr. Speaker, I can certainly take notice of a question of that nature and respond to the hon. gentleman specifically. I am not going to respond right now on the floor of the House to each of the sixty-six recommendations, but I would be quite happy to respond to them. With particular reference to that recommendation, if memory serves me correct, that particular recommendation is one that is being assessed fairly carefully and is one of the ones that positions are going to be taken on. I will give the hon. gentleman, of course, any information in the House, but what I am talking about is I prefer to take notice of a question like that because I would want to be completely accurate in my replies and I am sure the hon. gentleman would wish me to be.

MR. NEARY:

A supplementary Mr. Speaker.

MR. SPEAKER (Russell):

A supplementary by the hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, on such a serious matter you would think the hon. gentleman would have the

information at his fingertips. The hon. gentleman is giving me very vague general answers, Mr. Speaker, and that is not satisfactory at all. Let me ask the hon. gentleman this: I will ask him about a subject that is very dear to his heart. The Royal Commission of enquiry recommended that there be required a full-time search and rescue dedicated helicopter, that it be supplied either by government or by government and industry together, and that it be fully equipped to search and rescue standards and that it be based at the airport nearest where the rigs are drilling. Now that subject should be dearer to the hon. gentleman's heart because he has talked so much about it in recent years. Could the hon. gentleman tell the House if that recommendation has yet been implemented?

MR. SPEAKER:

The hon. President of the Council.

MR. MARSHALL:

Well, as the hon. gentleman, I am sure, is quite aware, that recommendation was pretty well partially implemented last year, because there was a dedicated helicopter provided by the industry and it was here in St. John's. But the whole matter of search and rescue, Mr. Speaker, and we will be making a statement on this in the relatively near future, the same way as we did last year, is a subject of direct discussion now between the provincial ministry and the federal ministry, not just the Minister of Energy (Mr. Marshall) but the Minister of Transportation (Mr. Dawe) and the Minister of Transportation (Mr. Mazankowski) federally. As a matter of fact, I had a conversation this morning with respect to it. So we will be

making our entire position clear on that in a very short period of time. In the meantime, that recommendation that the hon. gentleman is talking about, it is a matter of interpretation, really, as to whether or not that particular recommendation was complied with in its entirety last year. But it certainly was partially, to the commission's satisfaction

MR. NEARY:

A final supplementary Mr. Speaker.

MR. SPEAKER:

A final supplementary. The hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, the hon. gentleman is treating this matter very casually, in a cavalier manner. It is a very heavy, very serious matter. Could the hon. gentleman tell us, for instance, if the drilling units are now equipped with sufficient lifeboats for 200 per cent of the crew? That lifeboat men be issued certificates of efficiency, and that the boats be launched twice a year, and that the lifeboat crews be given on the job training, and that the ballast control operators be issued valid certificates about their competence and their training, have any of these things been done or does the hon. gentleman know? Or is he just going to stand there, Mr. Speaker? Here we have Winter approaching again when all these things should be done and I am getting the impression from the hon. gentleman that not much action at all has been taken on these matters. The hon. gentleman seems to be backing away now from the things that he was demanding previously. If the hon. gentleman does not know, let him stand up

and tell the House that he will make a full statement on this in due course. But if he knows, well, let him give the House the information, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, I cannot help the impression that the hon. gentleman is getting. Whatever impression the hon. gentleman is getting is his own interpretation. The fact of the matter is, he recounted a number of items there. With respect to the lifeboats, that complement or that number of lifeboats has already been supplied. And most of the items to which he referred when he gave a multiple description of them from the Ocean Ranger report, were, in fact, put into effect prior to the report itself.

But, as I say, because these matters are so serious and because, indeed, they are taken very seriously by this government, I am not going to reply specifically to each and every recommendation. I can tell you most of them have been implemented, and the others are subject to discussion. But I can take notice of it and give a full and complete report to the hon. gentleman in due course.

MR. SPEAKER (Russell):

The hon. Leader of the Opposition.

MR. BARRY:

Mr. Speaker, the Minister responsible for Energy (Mr. Marshall) last year indicated that to have the federal government pass the job over to industry would be an abrogation of its responsibility. I hope we do not see a change on that position

because of the approach being taken by the new Federal Minister of Defence (Mr. Coates). I would like to, Mr. Speaker, ask the Minister of Finance (Dr. Collins) a question with respect to the approach of the new Federal Conservative Government to the economy. Now, recent analysis have shown that the basis of the approach of the federal government to economic change requires as one of three main factors the factor of keeping wages low, that that is a main objective of the Government of Canada in its new approach to the economy. I wonder if the Newfoundland Minister of Finance agrees that this is an important factor in seeing the rejuvenation of the Canadian economy.

MR. SPEAKER (Russell):

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, I think the hon. Leader of the Opposition (Mr. Barry) is referring to a report of some source with which I am not presently familiar. I cannot recall having read or heard the definitive statement that that was a primary objective. I think wages, certainly amongst the employed part of our workforce, wages in this country are set by collective bargaining and that includes workers in the federal public service, and it includes workers in our provincial public service. It may be that governments will aim to try to keep their own employees within the range of their financial capability, but I think that that is the thrust rather than that they would try, in its own right, to keep down workers incomes.

MR. BARRY:

A supplementary, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. Leader of the Opposition, a supplementary.

MR. BARRY:

Mr. Speaker, this approach comes from a task force report prepared by the Federal Conservative Party on Technology and Unemployment. Now, that report was leaked to the press but it has yet to be publicly released. That report indicates that the Federal Conservative Government sees as one of the main elements in its economic policy the approach of keeping wages low as being very important. And specifically that report refers to changes in the unemployment insurance programme. I am wondering whether the Newfoundland minister has made any enquiries as to whether the proposed cutbacks in the unemployment insurance programme are geared to that, to keeping wages low, and whether the Newfoundland minister would agree that the Employment Department's plan to hire up to 700 more investigators to scale down the unemployment rolls is based on the premise that nothing acts as a drag-on-wage rates better than a large pool of jobless people with no other means of support.

MR. SPEAKER (Russell):

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, again I am not familiar with that report, whether it is leaked or otherwise. I know that the federal government is proposing to supply a position paper related to employment and including unemployment insurance.

To the present time we understand the thrust in unemployment insurance to be to take care of those who are abusing the system

and, also, to encourage those who are on the system to seek out employment. I think many people on the unemployment system tend to get discouraged after a period of time and perhaps are not seeking employment opportunities as vigorously as when they first went on the unemployment insurance plan. And experience has shown that if individuals do keep up their efforts they are more likely to get re-employed than if they do not keep up their efforts.

Now, my understanding is that many of these 700 people who are to be employed will assist unemployment recipients in seeking out every opportunity that is available to them to become re-employed. We all know that in this Province the availability of work is a problem in many areas. We may have some unique problems there. I will certainly be discussing with Mr. Wilson when I meet with him tomorrow - he is visiting our Province tomorrow, and, I believe, other provinces in the Atlantic area tomorrow and the next day - I will certainly be discussing with him and pointing out to him that the unemployed in this Province may have difficulties that are not general throughout Canada and that any reforms or any adjustments that are to be brought in should be sensitive to that fact.

MR. BARRY:

Mr. Speaker, a final supplementary.

MR. SPEAKER (Russell):

The hon. Leader of the Opposition, a final supplementary.

MR. BARRY:

Mr. Speaker, I hope the Minister of Finance (Dr. Collins) is not saying that the reason we have 44,000 unemployed in this Province is because they are not looking

hard enough for work.

Mr. Speaker, at the time that Mr. Wilson brought down his mini budget there was an indication that there would be a \$1 billion programme for job creation. Now, the Employment Minister, Miss Flora MacDonald, has admitted since then that this \$1 billion is largely a reallocation from other government programmes, that it is not a new \$1 billion for job creation. I would like to ask the minister would he would raise with Mr. Wilson when he comes down tomorrow the point that people should not be eliminated from the unemployment insurance programme until they have an alternative of finding jobs, and that the first step that the federal minister should be taking is to create jobs in this Province rather than to cut people off from unemployment insurance. Would the minister undertake to raise that point with Mr. Wilson tomorrow?

MR. SPEAKER (Russell):

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, I have no problem with that whatever. I certainly will raise it. It is not a new suggestion by any means. It has always been our approach that if a scheme or an arrangement or an approach is not effective, is not working, well, then, there should be reforms made. My understanding is that this is exactly what the federal government has in mind.

The fact that this \$1 billion programme does not denote totally new money is, to me, not surprising. The whole thrust is that there are funds now being extended in avenues that are not being effective, they are not doing the job they were intended

to do for any number of reasons. Perhaps the programmes were ill-planned, perhaps circumstances have passed them by, perhaps people do not find that particular programme attractive, it does not suit their needs. And if that is the case, well, those programmes have to be altered, they have to be abandoned, altered, adjusted, revised. And in doing that you do not keep expending that money and find new money for your new programmes, you obviously stop spending the money on the programmes that are ineffective and inefficient and you redirect it into programmes that you think are going to be effective and efficient.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker, just a final supplementary.

MR. SPEAKER (Russell):

The hon. Leader of the Opposition.

MR. BARRY:

I would like for the Minister of Finance (Dr. Collins) to indicate when he first became aware that this \$1 billion was not new funds. Because the Premier of this Province got up in response to questioning on Mr. Wilson's mini budget and talked about this \$1 billion as though it were new funding for job creation. How long has the Minister of Finance and the Premier known that this was not new money? And were they trying to mislead the people of this Province when they indicated that it was new money?

MR. SPEAKER (Russell):

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, the only new money that government acquires is if the economy increases and therefore taxes and so on presently in place give rise to new funds going into the Treasury. That is one way. The other way will be to raise taxes. Now, to my knowledge, the federal government have not raised taxes so there is no new money from that quarter. The economy has improved somewhat so there will be some new money in there, but I do not think it has improved to the degree that there is absolutely a new billion dollar pot of money around; so the talk of my learning unexpectedly this afternoon that there is suddenly a new billion dollar pot of money is ridiculous! Of course, the federal government has the same amount of money, no one said they otherwise, but they are now going to use this money for a new thrust. They are going to get away from old thrusts, ineffective thrusts, useless thrusts, and they are going to put it into new thrusts, effective thrusts and productive thrusts. This new and old is a red herring and it is a good debating point, I suppose, if someone does not know anything about the subject, but if you know anything about the subject, you do not bring up those foolish points.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

Thank you, Mr. Speaker.

My question is for the Minister of Fisheries (Mr. Goudie). I have been requested on behalf of some 400 fishermen who, during the calendar year 1982, were unfortunate enough to borrow money

from the Fisheries Loan Board at a time when the interest rates had skyrocketed to 12 per cent. Now that the interest rates have gone down to 8 per cent for a number of years and, I think, have resettled at 10 per cent, the request I have on behalf of the 400 individuals, some of whom have to pay as much as \$12,000 a year extra on their loans in order to carry themselves through, is will the Fisheries Loan Board, under directions from the Department of Fisheries, consider rolling back their interest rates to at least 10 per cent but preferably to the 8 per cent level?

MR. SPEAKER (Russell):

The hon. the Minister of Fisheries (Acting).

MR. GOUDIE:

Mr. Speaker, that issue has been brought to my attention on several occasions in the last two or three weeks and it is something which we are addressing internally in the Department of Fisheries at the moment. There is a mechanism in place presently where any client of the Fisheries Loan Board, depending on his or her own private financial circumstances, can be given special consideration on any loan account. Other than that, we have not agreed or decided at this point in time to roll back the interest rate for the 12 per cent customers to 10 per cent, but it is an option that is available and the final decision has not been made on that matter yet, but it is being addressed.

MR. WARREN:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Torngat Mountains.

MR. WARREN:

Mr. Speaker, I have a question for the Minister of Finance. It may need a little preamble.

I received a copy of a petition that went to the Newfoundland and Labrador Liquor Licencing Board, same having originated from a teacher in Makkovik, and having been signed by some fifty-three people there. I would like to ask the minister if he would advise the Newfoundland and Labrador Liquor Licencing Board to ignore this petition to make the sale of alcohol in the community wide open, a free-for-all? The petition seeks to force out of her role, the current liquor agent, Mrs. Susie Anderson, who has done a superb job, I might add, in regulating and controlling the sale of alcohol in that community. Would the minister advise if he has received a copy of this petition as of today?

MR. SPEAKER (Russell):

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, I did receive a copy today. The hon. member was kind enough to send me over a copy. I am glad to receive it from him.

SOME HON. MEMBERS:

Hear, hear!

DR. COLLINS:

I did not receive a copy from the Liquor Licencing Board, or the Liquor Corporation, I guess it would be, but I have been away for a day or so, so that may be the reason why they have not been in touch with me about it. I will certainly investigate the matter. I do not think it is quite clear what are the perceived problems. I think the hon. member is suggesting that the teacher is

taking an incorrect view of the activities of this individual mentioned in the thing, whether that is true or not, I do not know. I am sure the hon. member feels it is and I will certainly look into that. But the Liquor Licencing Board or the Liquor Corporation usually are as careful as they possibly can be in monitoring the activities of agents to whom we give licences. There may have been a problem in this particular community. I am sure they do not have many inspectors visiting Makkovik because of its location and the difficulties of travel and so on. But, anyway, I will certainly try to get to the bottom of the alleged complaint and do what seems to be necessary.

MR. WARREN:

A supplementary, Mr. Speaker.

MR. SPEAKER (Russell):

A supplementary, the hon. the member for Torngat Mountains.

MR. WARREN:

Before the Newfoundland and Labrador Liquor Licencing Board makes a move on this petition, would the minister recommend to the board that they consult with the 400 other people in Makkovik who are very, very upset that a teacher, an outsider, would go into the community and disrupt the way of life of one of the better communities along the Labrador Coast? Would the minister do that, please?

MR. SPEAKER (Russell):

The hon. the Minister of Finance.

DR. COLLINS:

Yes, Mr. Speaker, I have no problem there whatever. When a licence is given, be it for a lounge or whether it is an agency

store set up or that type of thing, a number of factors are taken into consideration. One of the factors is to try to get a feeling for the community opinion on the matter. That may come about from leaders in the community such as the church leaders or the RCMP or those types of civic leaders, and in the absence of that, it may be conducting of some sort of a poll or whatever. But I will make sure that the community feeling in this matter is assessed.

MR. WARREN:

A final supplementary, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Torngat Mountains.

MR. WARREN:

I notice the petition also says that those fifty-three names would be kept strictly confidential. Mr. Speaker, I would like to ask the minister would he undertake to examine those fifty-three signatures, because I have a funny feeling that some of those signatures could be written by school children.

MR. SPEAKER (Russell):

The hon. the Minister of Finance.

DR. COLLINS:

I will do my best in that regard. I do not know how difficult it will be. This is not addressed to me, so I am not quite certain what my responsibility would be there. But I will do the best I can.

MR. TULK:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I have a question for the Acting Premier, the Government House Leader (Mr. Marshall). It concerns the agreement that was signed last year, called the Restructuring agreement, the greatest signing since Confederation, the Premier told us. And, in that agreement there is reference to what the Premier - I think it was his wording - chose to call 'a social compact', whereby there was supposed to be peace between the labour unions involved in the fishery, and the government and the industry itself. And there was supposed to be a union representative on the board of FPI. The union held, I believe, 3 per cent of the common shares, and there was supposed to be a representative on the board of FPI.

I would like to ask the Acting Premier, has that event taken place? In other words, is there now a representative of the union on that board?

MR. SPEAKER (Russell):

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, I have to say, to my knowledge, unless this happened relatively recently, the event has not taken place. It was provided in the agreement that there could be a director, a nominee of the union and, obviously, I understand that that alternative is still open. I am subject to correction on this, but it is my impression that the union has not exercised the right as yet.

MR. TULK:

Mr. Speaker, a supplementary.

MR. SPEAKER (Russell):

The hon. the member for Fogo, a

supplementary.

MR. TULK:

Mr. Speaker, it is my understanding as well that there is not a representative but I am not exactly sure, and that is the reason I wanted to ask the minister.

Let me ask him another question. If there is no representative of the union on that board, would the minister now inform the House as to why there is not, in his opinion, or does the government know why there is not a representative on the board?

MR. SPEAKER (Russell):

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, it is my understanding, and I stress it is my understanding that the union has not exercised its right to put somebody on the board. I want to re-emphasize again that the right was put there. It would appear to us to have been a beneficial step to take, one that we would hope would be taken, and that we would see a representative of the union on the board.

MR. TULK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo, a supplementary.

MR. TULK:

Mr. Speaker, I would like to ask the minister, has the government given up on this idea of the social compact? Is this now a dead issue in FPI and, indeed, in many of the other relationships between unions and business in the Province? And I would like to ask

him if the union has informed him as to why they have not put a representative on the board? Is it in any way connected to the present negotiations that are now going on between FPI and the Fishermen's Union?

MR. MARSHALL:

Mr. Speaker, I do not like to conjecture on matters that I do not have direct knowledge of, but once again I can say that it is my understanding that the union has not elected to put anyone on the board as yet. It may be, and I think you could direct that question more properly to the union, really, but it may be because of the labour problems experienced by FPI. Certainly it is our hope, with the appointment of the new Chief Executive Officer, and with the new appointments to the board, that with these events occurring these labour problems would be resolved in the not too distant future. And I would certainly hope, as well, that the union would exercise its right. Because I think it was a very good right to give them, very beneficial for the company, and beneficial for the union, to have a member of the union on the board of directors.

MR. SPEAKER:

A final supplementary, the hon. member for Fogo.

MR. TULK:

Mr. Speaker, I would probably point out to the minister that perhaps one of the reasons why the union is not putting a representative on that board is that it recognizes that perhaps - I do not know a better phrase to use - government is trying to suck in the union anyway, just get them on the board and then, perhaps, blame some of the

problems that are being experienced by FPI on the union itself. But let me ask the minister - he seems not to know - whether the union has informed the government as to whether they are going to put anybody on the board of directors, and on what conditions? Would he attempt to get that information for the House and probably table it or answer it at a later stage, and try to find out if, indeed, it is connected in any way to the kind of turmoil that is still going on between the trawlermen and FPI?

MR. SPEAKER:

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, I cannot speak for the union. It is interesting to see that the hon. gentleman purports to speak for the union but, certainly, I shall not attempt to. The fact of the matter is, that is a question that can be best directed to the union itself. I would not feel that the union would have advised the government as to the reasons why it did not put a representative on the board of directors, because FPI is a company that operates itself, it has its shareholders, and I think it would probably better relate to the company rather than to the government in that particular matter. So I would suggest that the hon. gentleman might best direct his question to the union. I mean, all I can do is conjecture, and it is fruitless and it is dangerous for the government to conjecture as to the reasons why the union has not acted at times when there are management/labour problems.

MR. SPEAKER:

Order, please! The time for Question Period has expired.

I would like to take this opportunity to welcome to the gallery 50 students from Arnold's Cove with their teachers Mr. Framp and Mr. Drodge from the district of Bellevue.

SOME HON. MEMBERS:

Hear, hear!

Presenting Reports by Special
and Standing Committees

MR. SPEAKER:

The hon. Minister of Rural, Agricultural and Northern Development.

MR. GOUDIE:

Thank you, Mr. Speaker. I want to table the report of the Newfoundland Crop Insurance Agency, the Annual Report of the Livestock Owners Compensation Board, and the financial statements of the Newfoundland Farm Products Corporation.

Notices of Motion

MR. SPEAKER:

The hon. Minister of Education.

MS. VERGE:

Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The School Attendance Act, 1978."

MR. SPEAKER:

Before we proceed to Orders of the Day, a few days ago a matter was raised by the hon. member for LaPoile (Mr. Neary) pertaining to some excerpts or transcripts that did not appear in a copy of Hansard. I undertook at that time to look into the matter and look

at some other jurisdictions. It is obviously still not very clear. For example, Ottawa has no provision for recording any comments that are made on a division; in Ontario when the bells commence to ring the Speaker leaves the Chair so nothing takes place; and in other jurisdictions if the Speaker happens to make some comments during the interim only those comments are recorded. So there is a whole range of things that happen or do not happen. My only suggestion, perhaps, is that I leave it up to the House itself to decide whether they would like to have those comments put into Hansard, and you can deal with it now or the House Leaders can get together at some other time and decide, or whatever the case might be. But there is nothing very clear on it in other jurisdictions.

The hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, I move that the pages be put back in Hansard and that in future the members be given a verbatim report of the House as the business takes place. I move it, seconded by the Leader of the Opposition (Mr. Barry), Mr. Speaker.

MR. MARSHALL:

Mr. Speaker, that is contrary to Your Honour's ruling. What the hon. gentleman is proposing is a change in the Standing Orders of the House. There is a Standing Orders Committee that that question, I would suggest, could well be referred to if the hon. gentleman wants to express his opinion. But I would say, with some of the exchanges that have occurred during divisions of the House, I do not think even the hon. gentleman would want to have

his remarks recorded.

MR. SPEAKER:

The hon. member for LaPoile made a motion. I am not sure if his motion is out of order or not.

MR. BARRY:

I think, Mr. Speaker, that not only is it in order, but it is a debatable motion. Maybe Your Honour could reserve ruling on it and maybe we could have a discussion as to how the thing might be resolved behind the curtain as to how the thing might be resolved.

MR. SPEAKER:

I will reserve ruling on that particular motion.

Orders of the Day

MR. SPEAKER:

The resumption of debate on Bill No. 37. It was adjourned the last day by the hon. member for Fogo.

MR. TULK:

Mr. Speaker, yesterday evening I believe I had gotten into about three or four minutes of speaking on this bill and I had almost reached the point where I was about to congratulate the Leader of the Opposition (Mr. Barry) on his magnificent two hour speech on this bill. It was as magnificent a speech I can tell the hon. gentleman, and I am sure most people in the House will agree, as has ever been heard. What the Leader of the Opposition did yesterday was defend in any way he could, in any way possible, some of the human rights that some of the workers in this Province, and some of the people in this Province fought so hard to get. It was an intellectual and a

compassionate speech and showed again his ability to go right to the meat of the matter and pick out what was good and what was bad in the motion that is now before the House. Mr. Speaker, the Leader of the Opposition pointed out some very important things.

Mr. Speaker, yesterday afternoon we saw another interesting development take place in this House. It is normal when people rise to speak in this House that we rotate from side to side, we go back and forth across the House, but yesterday evening, when the Leader of the Opposition was finished, we gave every opportunity in the world for the government members on the other side to rise and speak to this bill and, as I said, we saw another interesting development, not one of the members on the other side of the House rose to speak to the bill itself. Now that shows us one of a couple of important things: The government must realize that there is tremendous opposition to this bill so what we have seen, I think, is the government, perhaps through its House Leader (Mr. Marshall), perhaps through its Whip, perhaps through the Premier himself, try to keep the members on the other side from standing up and speaking. But I would urge members on the other side not to take that kind of treatment from the Premier or from his House Leader or, indeed, from anybody in this House, because that, too, is an important privilege that members of this House enjoy. I would ask them to stand up in this House and speak for the people of this Province. Indeed, many of them represent many of the working people who are being kept down by this bill.

Now perhaps the Premier is afraid of what government members on the other side might say if indeed they do stand up, perhaps he is scared. The member for Bay of Islands (Mr. Woodrow) is a man who usually speaks his mind in this House and usually says what he wants to say. I do not believe, I cannot believe that the member for Bay of Islands will sit down there in his seat while this debate is on and not express his opinion. And not only that, the member for Bay of Islands is a person who believes in the rights of people, he has shown it many times in this House, and I believe that before this amendment is voted on - they are trying to rush it through by telling their own members to sit down - before this amendment is passed, I have enough faith in the member for Bay of Islands, the member for Placentia (Mr. Patterson), and even the member for Twillingate (Mrs. Reid) to say that they will stand up and say what they really feel about this amendment that the Leader of the Opposition (Mr. Barry) has put to this House. The government, as I said, do not want them to stand because they want to shorten the time that this bill is on the Order Paper. In a sense it is a form of closure, they are telling their own members to be quiet and not say anything.

MR. BARRY:

Internal closure.

MR. TULK:

The Leader of the Opposition, again, with his sharpness, has given us a definition of what is happening in this House, it is a form of internal closure. They want to get it passed. We have seen a trend develop in this Province in the last little while, in the last three, four or five

months that is disheartening to the Premier, it is hurting him. We fully expected, and I believe the Leader of the Opposition (Mr. Barry) will confirm this - we fully expected the Premier to call an election in October. As a matter of fact, I think some political analysts will tell you the Premier was a fool for not calling an election in October. That was fair enough. We believed that he would but we have found out now, and I think some of us might have seen this, why the Premier did not call an election, it is because the Premier has received so much bad publicity in the last year that his performance rating by the people of this Province has gone down from 69 per cent to less than 50 per cent. Today we have had our suspicions confirmed again that indeed the Premier and his government are in a losing position in the Province. So to cut back on the kind of bad publicity that the Premier has been getting lately, I think he has told his people, the members on the other side, to stay in their seats, not to say anything, to get this bill off the Order Paper as fast as they can because of the bad publicity that is going to be around as long as it is on the Order Paper. Another indication of the Premier wanting to get this bill off the Order Paper can be very easily seen by looking at the Order Paper itself and what has gone on in this House since November 8. Since November 8, 1984 we have debated all kinds of trivial bills. I suppose one of the most important pieces of legislation to ever come before this House, certainly the most important in its principle since I have been here, to be quite frank with you, the retroactive principle of this bill is one of the most important pieces of

legislation to come before this House and we have seen this Fall - now the Premier is saying we got to have it otherwise Kruger may pull out of Corner Brook - but we have seen this Fall where we have debated all kinds of trivial pieces of legislation - nonsense half of it, it could have been rushed through in a day if the important matters of debate were put before us - we have seen the Premier now bring on the bill in the hope that with the Christmas season upon us that we are going to give him the bill as fast as possible and therefore he will not have to put up with the publicity he is going to get. Well, Mr. Speaker, I have got some news for the Premier. As long as it is possible for the Opposition in this House to keep this bill on the Order Paper, and as long as we can keep debate going on it it continues. If that means that Christmas Day we have to carve up turkey on the Table of this House, then buy the turkey because we are here as long as we can stay.

Now, Mr. Speaker, we saw another example of the Premier on Friday hoping to con the people of this Province again by his cute little tactic of coming in here on Friday morning and breaking the rules. He was breaking the rules. He was trying to be cute and get his debating points out and to inform the people of this Province about a bill that was on the Order Paper before the bill was called. I believe it was the Federation of Labour through a press conference that they were about to have that he tried to beat by getting a first crack at them. Now, Mr. Speaker, that just illustrates the big-brother attitude that the Premier of this Province has towards the people of this Province, he did not get away with

it and there are many other things that the Premier may as well make up his mind that he is not going to get away with in this Province and in this House.

The Premier carries out a very subtle form of intimidation trying to keep people in their place. As a matter of fact, Mr. Speaker, I believe the Premier regards the whole of Newfoundland as his family and somebody that he can control with a big stick. First of all you will see the Premier stick it to a certain group, try to do it as nicely as possible, as he is now trying to do to the labour movement in this Province - stick it to them - and then try, through press conferences and through using cute little tricks in this House, try to rationalize and point out the reasons for the pain that people are having to suffer and at the same time he will stand up - and that is part of his new image - he will stand up and pretend to be a great, democratic, mild-mannered leader and say to the people in our Province, 'Do not worry even though perhaps I am cutting off a right leg or a right arm, I am looking after you.' Well, the people of this Province as we have seen by some of the polls that are around are about to say, 'No thanks, we have had enough', and so they should. The worst form of intimidation that the Premier and his government are carrying out with this particular bill is he is trying to offer the Newfoundland people a choice. Now what choice is he offering to Newfoundlanders? What choice is he offering to people who represent Newfoundlanders in this House? The choice is simple, you can either take what the Premier calls economics or you can take your rights. That is the choice

that he is offering. Perhaps what is more repugnant than this bill itself is the fact that the Premier is playing upon the misery of the people of this Province.

MR. PATTERSON:

Wait until he is here to answer you.

MR. TULK:

I cannot help it if the Premier is not in his seat, I wish he were, but I am sure the member for Placentia (Mr. Patterson) - if the Premier is still not mad with him after giving him that tongue-lashing yesterday - I suppose the member for Placentia will take what we say in this House back to the Premier. The member for Placentia is one of the members that I expect to see standing in this House - and I am not going to go back and forth across the floor, Mr. Speaker, I do not mind doing that but I am not going to - I expect to see the member for Placentia when I take my seat stand in his place and defend this bill but I do not believe he will. I do not believe that if he stood he would defend the bill.

MR. PATTERSON:

Why do you not come over, boy?

MR. TULK:

You should come over here.

I do not believe, Mr. Speaker, if the member for Placentia stood in his place that he would defend this bill because the member for Placentia is not a person who likes to play upon the misery of unemployment, the misery of trying to tell people that there are going to be more people unemployed if you do not give up some of your rights. The member for Placentia is not that type of member.

Now, Mr. Speaker, I am not going to go on arguing back and forth across the House with the member for Placentia, I am going to ask him, I am going to invite him, I am going to extend a very courteous invitation to him to stand up and say what the courage of his convictions are because I know that he would not stand up and defend this bill. If he does I will be the most surprised man in this House. I have to say that because, as I have said, the misery that the Premier is playing upon is unemployment of telling our people that they have to make a choice - the Minister of Labour (Mr. Dinn) outlined it very well the other day - that you have to take a choice between unemployment and a right that you have enjoyed since 1978. Either you give us that right back or you are going to be unemployed. Now, that has not been proven to be true. The Minister of Labour has not proven to be true that that is the case, but indeed that is exactly what he is offering to the Newfoundland people. There are all kinds of vague generalizations contained in the minister's statements and in the Premier's statements. They are couched in fear, trying to play upon the fears of Newfoundlanders about their ability to be employed, their ability to earn a living and their ability to raise families and so on. Against that is played off the destruction of companies and the destruction of their rights. Well, I welcome the member for Grand Falls (Mr. Simms) to stand up and say a few words when I sit down because the member for Grand Falls has to give an explanation to this House as to why he allowed a federal minister to take away a project that his Tory Prime Minister had guaranteed in August was coming to Corner Brook and why

he allowed a federal minister to take that away without even trying to put the federal minister in a situation where he was going to be embarrassed because he did not want to embarrass the federal minister.

Now, Mr. Speaker, the Minister of Labour (Mr. Dinn) and the Premier have played upon, as I said, the economic fears of Newfoundlanders but they have not really answered all the question that need to be asked. The minister and the Premier say that it is going to cost some \$25 million to \$27 million if this piece of legislation that is now in place is allowed to stand from 1978 to the present time. Mr. Speaker, where has the minister provided this House or the people of Newfoundland with any details as to where that \$25 million to \$27 million is going to be spent? It is going to cost Baie Verte \$500,000, he says. It is going to cost FPI \$3 million to \$4 million, it is going to cost Wabush Mines \$750,000, but yet he does not provide any of the details that are required to backup those statements that he is making. And the question has to be asked is if this legislation is allowed to stand from 1977 to 1984, how much would those companies have to pay? Where are the figures, the breakdowns that we are looking at? How much would Transpacific Asbestos have to pay in Baie Verte? How much would Bowater have to pay? He has not told us why it is that he is saying that Kruger is now responsible for a debt that surely was a debt for Bowater. And here we have a company, Bowater, and I do not believe there is any doubt in most people's minds that Bowater, in a sense, has ripped off this Province in years gone by. They

have taken profits out of this Province. There is all kind of evidence to suggest that they have taken profits out of this Province through their holding companies and have not put back the funds that they have taken out. So really, is it a problem with Kruger or is it a problem with Bowater? If it is a problem with Bowater, should we, at this point, be concerned about it?

The minister also points out to us that if this legislation is allowed to stand that FPI is likely to go under. He says that they owe \$3 million to \$4 million, I believe. Let me ask him a question. When he stands up to close this debate, or some member on the other side can probably say it for him if he is allowed to stand somebody can get up and answer this question: Is that \$3 million to \$4 million that he is talking about a factor in the present financial situation of FPI or is it not? He probably does not know.

MR. DINN:

Did I say that?

MR. TULK:

No, but I am asking you the question. You are the minister who stood in this House and said that it would cost them \$3 million to \$4 million. When will that take place? Has it now taken place? What will happen to FPI if it does? Did the minister or the government - they have had some cosy deals with Ottawa lately - ensure Sinclair Stevens and Michael Wilson, two vampires of the working people in Ottawa, that Bill No. 37 would be passed - it is apparent they did so with Kruger - did they ensure those people that Bill No. 37 would be passed if only they could get some

funds for FPI? Are there any written submissions? The Minister of Labour (Mr. Dinn) points out that a number of people have told him that it is going to cost him this much money and a number of companies have told him so. Are there any written submissions to the minister that he can table in this House pointing out where it is going to cause those companies some problems or are they now having problems? The minister has not answered any of those question.

Mr. Speaker, regardless of who is affected we have to ask ourselves another very basic question: Besides the fact that our rights are being taken away, who made the mistake in this particular case? Was it the working class people in this Province?

MR. DINN:

The House of Assembly.

MR. TULK:

The House of Assembly made the mistake. In order words, the government of this Province made the mistake. The government brought in a piece of legislation in 1978 under a former Tory Premier of whose Cabinet the present Tory Premier was a member and a lot of them on the other side were members - except the member for St. John's North (Mr. Carter) - who got flicked out - but a lot of them were members of that Cabinet, a lot of them were a part of that government that proposed this piece of legislation that has now proven to be costly to some of the companies, perhaps some of their buddies. They forced it through this House with a majority and now they are asking the people of this Province to pay with their legislative rights. The rights that they gave them, they are saying now they want to

take those rights back and want the people of the Province to pay.

Mr. Speaker, regardless of who is responsible for what in this House, regardless of who made the mistake, regardless of what it is going to cost, we have to ask ourselves another very basic question and that is can it cost us enough that we will attempt to buy back human rights? Can we make the whole law making process, this Legislature, such a farce? Because surely, Mr. Speaker, it is a farce to come into this House and pass a piece of legislation that gives people some rights or gives them some privileges and then walk back in this House five years afterwards and say, 'Now you have to pay for that. We gave you that but we are taking it away again and we are taking it away retroactively.' The question has to be asked: Will it be a person's property next that we will walk into this House and say that he has no right to have?

MR. BARRY:

They will try to alter the Terms of Union next retroactively.

MR. TULK:

Yes. The member for St. John's North (Mr. Carter) and the Government House Leader (Mr. Marshall) -

MR. BARRY:

And the member for Placentia.

MR. TULK:

No, I think the member for Placentia (Mr. Patterson) has gotten over his anti-Confederate bias.

MR. PATTERSON:

Sit down boy. He is just itching to be Premier.

MR. TULK:

I want to tell the member for Placentia that the Opposition Leader (Mr. Barry) is certainly going to get back in this debate again. Before we are finished he will have another few words to say. There will be another opportunity provided. I think that would be correct. The Leader of the Opposition has posed a very important question. Would the member for St. John's North (Mr. Carter), the Government House Leader (Mr. Marshall), the Finance Minister (Dr. Collins) - I do not believe the member for Placentia (Mr. Patterson) would - but would the government follow their advice, perhaps, and retroactively go back and take away Confederation? Surely the member for St. John's North, now that I have given him the idea, would enjoy that, as I am sure the Government House Leader would and the Minister of Finance would being the anti-Confederates that they are.

Mr. Speaker, I know the member for Naskaupi, the Acting Minister of Fisheries (Mr. Goudie), along with several other titles, will get up and make his views known on this, but I believe that this piece of legislation is threatening the very basics of freedom, the very basics of the freedom that we have. What we are doing today is saying to the people of this Province that you have no right to the money that we gave you in 1978 and we are now going to take back. Tomorrow it could be a person's land or a pension fund or even their right to criticize. It would not surprise me if the Premier, in a tantrum one of these days, jumps up and says, you do not even have the right to criticize me, I want to bring in a piece of legislation that you have

to be very, very quite and say nothing. He has already done it to the members on the other side without bringing in any legislation at all. All he has to do is just tell them to be quite. I do not believe that the member for Naskaupi (Mr. Goudie) is going to be quite. I think he will stand up and say what he believes because the member comes from an area of this Province where people have fought very hard to gain rights, as I am sure he will agree, and he would not want anybody coming into this House and taking away those rights in a retroactive fashion.

MR. BARRY:

That case is from Labrador, too, the Wabush Mines case, you know.

MR. TULK:

Yes, they are still fighting it. And I think the Leader of the Opposition (Mr. Barry), in a press conference the other day, made a very good point that the hon. member for Naskaupi will agree with, when he said if the Premier is so eager to come in and take away the rights of workers in this Province and the rights of the people in this Province through retroactive legislation, why would he not be eager to come in and give them some retroactively? God knows there are people in this Province who need to have rights that they do not now have. Mr. Speaker, another example of what could happen, if members on the other side need any more concrete examples, is contained in an editorial in the Evening Telegram. I do not believe I have it in front of me, and it is not very often that I am going to agree with the Evening Telegram, I suspect, in this House, but on this particular point I have to, where they point out to us as

people in this Province and as legislators in this Province that -

MR. CARTER:

It is time you sat down, is it not?

MR. TULK:

If the member for St. John's North (Mr. Carter) is willing to make a speech, I do not know but I am willing to sit down as long as it is not a two minute speech as he usually gives. The Evening Telegram points out that we should not allow this piece of retroactive legislation go through the House and the example that they use is the death penalty. That newspaper is more Tory than anything else and has been over the past number of years. I suspect that it is quite possible that with the way we see this government going these days you may indeed see a change of heart on the part of the Evening Telegram.

MR. NEARY:

I am optimistic but not quite that optimistic.

MR. TULK:

You are not that optimistic yet? Well, we have seen less expected things happen in the last little while, in the last seven, eight, nine or ten months. But in any case I want to point out the example that the Evening Telegram gave, the death penalty, now a subject of considerable debate in Newfoundland and in Canada. And we could indeed see a situation where people in Canada, if we were to apply this principle to legislatures and to governing bodies across the country, we could indeed see a situation where some government with a large majority, such as the Mulroney government, such as the government here in this Province, could make

the death penalty retroactive.

MR. CARTER:

A good idea.

MR. PATTERSON

Yes, and get you.

MR. TULK:

The member for Placentia (Mr. Patterson) certainly does not mean that. You would not want to see me hang, now would you?

MR. NEARY:

We were proud of you the other day. Do not let us down now.

MR. TULK:

He was down in Argentina putting the gears to Mulroney the other day and 'boy' we were proud of you. Now he says he wants to see me hang. That is terrible.

MR. BARRY:

It is a love/hate relationship he has going.

MR. TULK:

But in any case, the death penalty could be retroactive. That would mean that all of the people who have been convicted and probably serving life sentences and so on could tomorrow morning wake up and find themselves at the end of a rope. What words can you use? We have used repugnant and all that. How frightening a situation is that, but how it illustrates what can happen with retroactive legislation. In our opinion, Mr. Speaker, the government of this Province has made a mistake and it should pay for that mistake. We can go on and on and give this government examples of the kind of intimidation that they have carried on against the workers in this Province. I remember quite clearly as a new member of this House, representing a fishing

constituency, the fishery strike in 1980.

MR. NEARY:

The IWA.

MR. TULK:

Yes, the IWA. And that is another frightening situation, probably the same type of situation. This could very well be the administration's IWA.

MR. NEARY:

The member for St. John's North (Mr. Carter) loves this kind of legislation. It is right up his alley, he is so right-wing.

MR. TULK:

I can remember a fishery strike in 1980 where the Premier of this Province did everything possible to intimidate the fishermen of this Province to break their union and to get them back to work. Finally he ended up giving them a commission to look into the fishing industry whose report still sits on the shelf gathering dust, but if many recommendations that it made had been put into place in 1980-81 we would not have the kind of situation that we have today. We saw our Premier this Summer not go after FPI or the federal government or anybody else for poor management of the fishery, or private enterprise for poor management of the fishery, no, not at all, he gets on television - I believe it was probably a statement that he paid for or something - anyway he was on television telling the fishermen and the plant workers of this Province that even though you have not had a raise in pay in the last five years, the last six years now, you have to take the burden of the problems that you have with FPI.

MR. SPEAKER (Aylward):

Order, please! The hon. member's time has elapsed.

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

MR. CARTER:

Mr. Speaker, first of all I would like to congratulate the member for Fogo (Mr. Tulk). The member for Fogo comes from probably the most interesting district in all of Newfoundland because when you get out your pencil and paper and do some calculations you find that the entire population of the world could stand on Fogo Island. This is a surprising statistic and it is not until you do a little arithmetic that you find this out. And, Mr. Speaker, if you do a little bit of arithmetic you will find out that the bill that is now under discussion, if passed, will save the various industries in this Province something like \$27 million, perhaps even \$37 million. Now there is a difference between temporary and permanent.

MR. NEARY:

Whatever you have in your mouth, will you swallow it or take it out?

MR. CARTER:

It is a bit of salt because I need a lot of salt to take the stuff I hear from over there. There is a difference between temporary and permanent, there is a difference between right and wrong. Hon. gentleman on the other side are not expected to know the difference between right and wrong, but there is a difference. And the legislation that was put through some years ago tried to address the difference between a temporary layoff and a permanent layoff. Now I do not know, and perhaps the lawyers in this

assembly may be able to enlighten me, why, when a bit of legislation is being looked at or tried in a court or tested in a court, I think is the term, why the judges or the officials do not go back to the debates in the House of Assembly or in the legislature that passed it. Surely these debates are germane, or certainly the ministers comments are germane.

MR. WARREN:

Are you supporting the bill?

MR. CARTER:

Mr. Speaker, I have the right to speak without this foolishness coming from the other side.

MR. SPEAKER (Aylward):

Order, please!

MR. WARREN:

Are you supporting the bill?

MR. CARTER:

Of course I am supporting the bill. What else do you think I am doing, you foolish cuff?

I do not understand why the minister's comments when the bill is being introduced are not taken into consideration when the law is being tested. I just do not understand it. I suppose the law is supposed to rest on its own wording but apparently this is the way laws are looked at. And, of course, if you look at the wording of the law that we are trying to change and change retroactively, then you would see that it does need to be tightened up. So a loophole was discovered, and an expensive loophole, \$27 million, perhaps.

For instance, legislation is hard, Mr. Speaker. Because if you, for instance, brought in legislation intending to, say, licence dogs,

\$10 licence on all dogs, the Leader of the Opposition (Mr. Barry) might try and escape this fee by saying he is not a dog, he is a hound. The member for Menihek (Mr. Fenwick) might decide he is not a dog, he is only a crack, and try and escape it on that basis. The member for LaPoile (Mr. Neary) might decide well, I am not a dog, I am a skunk, so he would try and escape it on those grounds. So then we would have to go back to the Legislature and look for a new definition of dog, one that would encompass not only hounds and cracies, but also skunks.

Anyway, who is ultimately responsible, Mr. Speaker?

MR. NEARY:

You are.

MR. CARTER:

No, this Legislature is responsible for that loophole. Let us face facts. Every individual member is jointly and severally responsible for that loophole and it is up to us either to change it or to cough up the money. Now it would be no trouble for the member for LaPoile (Mr. Neary) to find half a million. I think \$27 million, that is about half a million each. His friend, John Doyle, I am sure, would cough up half a million. At least he would promise to cough it up. Did he not promise to cough up half a million for Doyle House and never paid? So perhaps his promises are not worth much. You could certainly get a promise from him perhaps for a half million dollars. And the Leader of the Opposition (Mr. Barry) could perhaps tack another 10 per cent on his legal fees and that should bring him in a half million in very short order. And there are various expedients, doubtful

expedient open to the members opposite, and, perhaps, to the members here. But half a million dollars each from all of us is more than we should be fairly expected to pay.

So what is the next alternative? The alternative, of course, is to readdress this bill. This is what we are doing.

So it was the fault of the person who drafted the bill, I suppose, and what should have been done, I suppose, is the person who drafted the bill should have quietly said to the government or to the minister, look, you have a loophole here, fix it up. I often wonder what a visitor from another planet would say. I am sure there is intelligent life on other planets, because there is certainly very little here and none across the way.

MR. NEARY:
If they came down here they would think you escaped from the zoo.

MR. CARTER:
So ordinarily intelligent people would say, look, a mistake has been made. Let us fix it up. And there would be very little said about it.

MR. TULK:
Go to your savoury farm.

MR. CARTER:
I do not see what else we can do. Everyone is allowed one mistake, surely. The delegates at the Liberal Leadership Convention were allowed one mistake and I am sure they will correct it the next time they meet. And I am sure the voters, the electors of LaPoile made a mistake they will correct the next time.

MR. NEARY:
Tell us about the polls.

MR. TULK:
He does not read anything unless it is written on stone.

MR. CARTER:
So I do not see what choice we have. I certainly support this legislation because the original bill as passed was considered to be a very reasonable, forward looking bit of legislation. The people who are permanently dislocated will get a generous settlement.

SOME HON. MEMBERS:
Oh, oh.

MR. SPEAKER (Aylward):
Order, please!

MR. CARTER:
Mr. Speaker, I am being harassed.

MR. SPEAKER (Aylward):
Order, please!

MR. CARTER:
So there it is, Mr. Speaker. I support this legislation. I think it is reasonable and sensible and I think the Opposition are just trying to play politics with it. I would suggest that if one were to discuss this in private with them they would say we have no other choice.

MR. TULK:
The hon. gentleman should donate his body to science.

MR. CARTER:
I will donate my body to science, if you will donate your brain to science.

So there it is, Mr. Speaker, I would like to stand up and be counted.

MR. BARRY:

Talk about retroactivity.

MR. CARTER:

I do not see what choice you have. And I do not understand the Leader of the Opposition's (Mr. Barry) objections to retroactivity. If you find that a law has been foolishly and badly worded, you have no choice but to tight it up.

MR. NEARY:

Blame it on the staff.

MR. TULK:

Blame it on Frank Moores.

MR. CARTER:

Well, blame it on anyone. A mistake was made. By the way I did not hear any of the Opposition worry about the bill until it was brought to their notice and suddenly they find a crusade. Most intelligent people figure that there is a difference between temporary and permanent. There is a difference between right and wrong, but I do not expect hon. gentlemen to notice it. And ordinarily you would not expect the two words 'permanent' and 'temporary' would cause such a problem. But obviously they have and it is up to us to address them. I support the legislation.

MR. SPEAKER (Aylward):

The hon. member for Menihek.

MR. FENWICK:

There seems to be about a hundred different ways of attacking this bill. We have listened to the Leader of the Opposition (Mr. Barry) basically advance the argument that it is not a proper thing to enforce retroactive legislation or to pass retroactive legislation and so on. I can see his point of view. I think that

is a good argument to take against it.

There are other arguments that I hope to develop later on, not on this particular piece of argument about whether it is particularly fair to do this in terms of entering a dispute between the employers and the employees of a particular operation and so on, but I know this time I am going to do something reasonably revolutionary in that I am going to talk about the bill, the actual bill itself and what I think it intended to do. I must say I am at a disadvantage somewhat because I was not in the House of Assembly in 1977 or in 1976 or whenever it was debated.

But there is one point that has been made again and again by the Minister of Labour (Mr. Dinn), by the Premier and it has been repeated by the member for St. John's North (Mr. Carter), and that is that an error was made. Somehow a mistake was made and this legislation itself was not meant to do what it is actually doing, and The Labour Standards Tribunal is not meant to rule in a way in which it has ruled.

I have even got the minister's words written down. He said, 'We wanted to reinstate the definitions that were inadvertently omitted from the bill.' And I would like to suggest and argue in this particular time period that the definitions were not omitted from the bill. It was a deliberate omission and the bill was drafted to mean exactly what it said, and it is meant to be interpreted exactly the way it is written. I have the original piece legislation here, and I would like to look at a few parts of it to support my contention.

The part we are arguing about is part (8), if anybody actually has a copy of it. Judging, by the way, by the comment from the member for St. John's North (Mr. Carter) and the Minister of Labour (Mr. Dinn), I do not really think they actually read the bill. I find that appalling for the Minister of Labour who is allegedly enforcing the provisions of it. Otherwise, I do not think they would put forward the kinds of arguments they have had.

If you look at the legislation, we are really arguing about part (8). Part (8) talks about notice of termination. It goes from Section (47) as far as Section (54). And what is being proposed in this amendment, what this amendment will eventually get to, is that they add a definition just before the beginning of part (8) that would define a temporary layoff, and that this would therefore exclude people in that particular category from the provisions of this legislation.

Well, one of the things that you learn, if you have been tangled up with labour arbitration, and I think some of the people in this House certainly have had experience with it, is that you have to read the whole piece of legislation or the whole agreement in order to get a sense of what was meant. And I argue without having been here that what was written down here was exactly what was meant. And these are the parts that I would like you to look at.

The part we are arguing about is Section (53). Section (53), without reading it unduly into the record, has a first, a second, a subsection, then it comes to the third section. And the third

section is the germane part that we are worried about. It says, 'The period of notice of intention to terminate the contracts of service required by Subsection (1) is as follows: Eight week notice when there are fifty employees or up to 200. Twelve weeks notice when there are 200 but less than 500. And sixteen weeks notice when the employer intends to terminate the contract of service of 500 or more employees.' Now what is being argued by the Minister of Labour (Mr. Dinn) and the member for St. John's North (Mr. Carter) and the Premier and other members on that side was this was only meant to include permanent termination, not temporary ones, and that was the omission. I hate to spring to the defence of the draftsmen of this legislation, but if you continue to read the bill, and you look down at the bottom you will see Section (54) cropping up. And Section (54) says, 'Regulations. The Lieutenant Governor-Council may make regulations for the purpose of this part and, in particular, but without limiting the generality, may make regulations.'

Now I am going to read out the sections because I think this is germane to the argument. (A) Enabling employers and employees or representatives of employers and employees to contract periods of notice of termination that differ from the periods provided for in this part in such undertakings as may be prescribed and for payment to employers and employees where no notices are given.'

Now reading that on the surface, I see that it says we may have problems. And it is up to the government through its regulations

to allow for those problems. That is only one of them.

But the (b) section is the one I think is perhaps the most important and I will read that very carefully.

"Exempting from section (53) such undertakings or contracts of service, or classes of undertakings, or contracts of service as may be prescribed including seasonal undertakings of the nature prescribed' - in other words we are allowing for seasonal employment here - 'which would be exempted from Section 53 due to regulations, and prescribing circumstances including impossibility or unforeseeability, that is our case of the strike in India, for example, which could be adequately covered under this section,' in which the obligation to perform the notices of intention to terminate required by that section are not required to be given." And there is section (c), "Providing for releasing employers and employees engaged in prescribed undertakings or occupations from the obligation to give notice of termination required by this part."

Now what I argue that this section says is that the people who drafted this piece of legislation knew there would be circumstances that would come up and they provided for it. Now the question is, was the government lazy enough, or indifferent enough, or did not read the legislation enough, that they decided not to pass the regulations themselves? Well, actually if you look at it they did pass regulations.

MR. SIMMS:

What is the date on the bill?

MR. FENWICK:

June 7, 1977. I would like to refer to Newfoundland regulation 303/82, Labour Standards regulation; among other things it raises the minimum wage to \$3.75 an hour, but more importantly on the fourth page, under Section (14) it says, "Section (53) of the act does not apply to a contract of service." Now what this says to me is that here the government has not only recognized that they have taken into account temporary layoffs, they are now going to set out some regulations that cover them. Now there is a whole list here but I will read the ones I think provide for some sort of redress or some sort of escape hatches here. "(e) Of a person who is laid off or terminated during or as a result of a strike or a lockout at his place of employment." Obviously that is provided for. "(f) Of a person who is employed in the construction industry," an entire industry has been now taken out of the ambit of Section (53).

MR. DINN:

Can they not agree with that?

MR. FENWICK:

I am not arguing whether they agree with it or not. All I am saying is they obviously had the concept of a part-time layoff in their minds or they would not have put this in there, because that is obviously consistent with the regulations and the ability to enforce regulations. The next section, "Of a person who is employed in logging or fishing," two more industries gone.

By the way, when I hear the Premier talking about \$27 million owed by small fish companies, I would ask him to look at that particular part, that at least

excludes one part of it. And "(h) of a person employed for seasonal production work in a fish plant to supplement the regular work force in peak production periods" I would argue to you that a huge chunk of the fishing industry, which we have been told in this Legislature has been directly under threat by this bill, or this particular Labour Standards Act, is now exempted from it. And what I argue is that if you look at the entire bill, if you look at the regulations, if you look at the way it was implemented, that the people who drafted this legislation knew damn well that it was supposed to cover these seasonal layoffs, temporary layoffs, and this was the way in which they did it, and that what we are getting is a minister who does not read his legislation or look at his regulations and is telling us all kinds of other things, and other members who obviously have not done the same as well. All the provisions are in here to provide for all those exceptional circumstances that we want, which is, quite frankly, sort of peripheral to the argument I wanted to make on it but I thought it was important to at least stress the entire idea of whether or not these were deliberately put in here and my impression now is that they certainly were deliberately put in.

What does that mean then? Because I have been listening to the the former minister of something or other but now the member for St. John's North (Mr. Carter), I have been listening to the Premier, I have been listening to a whole bunch of other people argue that if we do not pass this piece of legislation that the collective industries of this Province will be liable for \$27 million, and

that the implication somehow is in there that Kruger will not take over the properties of Bowater and will not operate the Corner Brook mill, that Baie Verte will go down the tubes, and that half our fishing industry will be wiped out as well. I have listened to that and yet, and I reiterate the comments made by the member for Fogo (Mr. Tulk), I have seen virtually nothing in the way of a breakdown that would prove any of that. And after having read in, I would suggest, the act itself and the regulations which provide loopholes for any of the rats that wish to escape, that we are not anywhere close to this. As a matter of fact, we are talking about a handful of cases that may screen through all this regulatory baffleflab, and all of the things that are going on, and I argue with you not only should this bill not be retroactive but when we get to the main bill itself that the bill is sufficiently well structured that we can accommodate our industries without destroying them and at the same time provide a degree of protection that our people need if they are going to stop being played around with by the corporations that they work for.

Because what is left? Well, let us think about it. Being the member for Menihek but from Port au Port, it is obvious that there are a couple of cases up there and those are the ones that I am most familiar with so let us have a look at exactly what we are talking about here. Wabush Mines was the first of the corporations to be brought up for violations of this particular section of the legislation, probably because they had one of the more militant Steelworker locals representing the members in their mine. I have

asked the people there, because that one has gone the farthest, what are we talking about in terms of money? The exact amount is still in dispute but we are talking about somewhere between \$750,000 and \$900,000, and I am not sure of the exact amount. And that, by the way, is the only single case that has gone through the Labour Standards Tribunal, through the regulations and all the loopholes that are there, and has managed to make it to the point where an actual judgement has been made. That is not to say there are not other cases pending, there are, but the fact of the matter is that is the single case that has gone through. What is it going to mean? It means that approximately 500 miners, many of whom, by the way, have had long periods of unemployment over the last couple of years, many of whom were laid off and left Labrador West and had to move back to the Island part of the Province, incurring enormous debts as a result of it, it means that they will be getting a cash settlement if this legislation does not go through, from Wabush Mines, which will give them, according to our estimates, something like \$1,750. This is the effect of the case that they brought there and what they are actually going to get. Of course, if the legislation goes through, and the retroactivity nature of it is kept, they will obviously lose that money. The fact is that is what we are talking about, that one case.

In addition, the miners working for the Iron Ore Company of Canada have a number of cases that they want to put through, too. If those succeed, and as the Leader of the Opposition (Mr. Barry) has pointed out, even the Wabush case by no means is guaranteed to pass

through the judicial review process that it is being appealed under, but if all of these cases are successful and they get through, there are approximately 443 people in Labrador City who will benefit by it and we are talking about maybe \$2,000 or \$3,000 in benefits to each one of them as well. And those are the cases I can tell you about absolutely for sure because those are the ones I have reasonable information on.

What are we talking about for the rest of it? Well, for the seasonal fishing industry I would argue that that regulation will probably destroy most of the cases, though there may be the odd one that starts before that regulation was put into effect, but then again we are not talking about in this case an oversight of the Legislature, I can sort of absolve everybody here, we are talking about an oversight of the Cabinet, because they are the people who were obligated to bring in the regulations and they are the ones who were perhaps so negligent as to not bring in any significant regulations until January 1, 1983. So it is really the government and its minions that we are really attacking here at this point.

What about the other industries? Well, we do not really know. They are up in the air too. But I would suggest with all that logging exemptions that we are talking about a lot of people who work for Bowater, or have worked for Bowater in the past, and worked for Abitibi-Price are not going to see anything under those regulations, at least for the time that they are in effect. And what about Kruger? Well, Kruger and Bowater are a particular pet peeve

of mine. I look at Bowater and I see it as a symbol of most of the things that have been wrong with economic development in Newfoundland for the last 100 years. Bowater, which was a reasonably decent corporation when it came to the Province, in the late 1930s was given massive concessions in terms of power, in terms of its woodlot allocations - it has something like 50 or 60 per cent, if I recall correctly, of the good commercial pulp stands in the Province - and what has it done? Well, anybody going to the mill would see that we have machines in that mill in Corner Brook which are perhaps thirty or forty years old, very many of them pre-date Bowater buying the mill in the late 1930s and, of course, it is obvious that you cannot produce high quality paper at an efficient productive price if you are using machinery that is thirty or forty years behind your other competitors. Who do we blame, then, for this state of affairs, for what is wrong in the Corner Brook mill? I do not really get a heck of a lot of argument from the other side when I mention this. Well, I blame Bowater, but it is almost like blaming a shark for eating smaller fish. Because really Bowater is a corporation whose primary responsibility was to its shareholders and it has upheld its obligation to its shareholders by making sure that they continue to get a profit and by reinvesting its profits where it felt it could make its maximum profit in the future.

MR. SIMMS:

What corporation does not do that?

MR. FENWICK:

Well, all corporations are out to make money. I am not saying that they are bad, I am saying that

that is what they are out to do. I think it is something we should recognize. I think the government over there should recognize that that was Bowater's highest priority and that is the way it behaved. Yet, some of these members have been the members of the government since 1971 or 1972, if I recall, and in that twelve year period they did absolutely nothing to ensure that Bowater reinvested money in their own mill, in the expensive kinds of capital operations that would make that mill viable today. I have listened to the Premier saying we do not need to own the operation - because he feels that I want to own the mill in Corner Brook and that may or may not be true - he says we do not need to own it because we can pass regulations for the safety of the workers, we can pass regulations for making sure that they harvest the wood correctly etc., etc. The one thing he cannot do without significant representation at the board level is make sure that an investment is done in that mill to make it competitive for a long period of time and that is obviously what was not done. In this case the machinery is old. The productivity level of the men in the plant, because they are working with old machinery, is about half of that of the Abitibi-Price mills, and there is no way that mill is going to be able to compete. The solution has been for this particular government to put together a package that takes the mill workers in Corner Brook and the loggers in Corner Brook and puts them up against the wall and has Kruger out there with a bunch of cannons ready to batter them down. They are told, and they have been told several times, 'You have a choice. You can negotiate

a collective agreement suitable to this employer who has really very little invested in your operation right now, or you can have no jobs whatsoever.' We are not quite amazed when they actually said, as they did, 'Well, I am afraid we are going to have to take the jobs because we really would like to work in the future,' and so on. But it is a result, in my opinion, of the lack of control exercised by this government over Bowater over the years that put us into this fix to start with, and then lined up the workers against the wall and allowed them to carry the cost of their negligence. Really, in a sense, that is what we are talking about. So when we get to the point where we talk about Kruger, whether they will take over the mill or not, we, by the way, continue to perpetuate the kinds of mistakes we have made before, because in the case of Kruger we will have no real representation at the board level anyway, that was not one of the conditions for the massive amount of government money that is going to be pumped into that mill to make it work. Of course, they may or they may not decide to keep up the quality of the machinery in there, they may or may not decide to reinvest their money in South America or somewhere else and we have absolutely nothing to say about it. So when we come to the point where we want to wreck what is actually a very good progressive piece of legislation, well thought out, and we want to do that on behalf of a corporation that is going to come in here and may or may not do something reasonable in Corner Brook, then I am really not impressed at all, and I see absolutely no reason whatsoever why they should be let off the hook. If there is a liability to the workers in the

Corner Brook mill, it should remain and they should find some way out of it; or it should be such that the regulations will mean that they do not have a case, we will see what happens, although in the case of Bowater I doubt it.

I want to sort of shift ground a bit here because there are a couple of other examples I could through with Fishery Products and the Lake Group, who I believe may have some cases against them, although I do not know, but I want to get to what I consider the most interesting piece of this. The Leader of the Opposition (Mr. Barry) when he spoke yesterday said that the only thing that has not happened here is that the government benefits by Bill 37. I would like to tell the Leader of the Opposition something, he did not know about it, but I have in front of me an arbitration award which has just been won by the Newfoundland Association of Public Employees, based on the Labour Standards Act and the section we are proposing to amend, would give the people at St. Clare's Hospital, who were laid off over the last couple of years, benefits to the tune of - and we are not sure of the amount - perhaps somewhere in the range of \$250,000. This amendment that the government is bringing in will exempt St. Clare's, and through St. Clare's the provincial government of having to pay this amount. So there actually is at this time a savings for the Minister of Finance (Dr. Collins) because he will not have to pay out this extra money to help get St. Clare's off the hook.

I would like to read a few parts of this arbitration award just to give you an idea how even the government, in its usual way,

which usually is not to obey any of its own laws, has actually been tripped up in a collective agreement. This is an arbitration award where some 100-odd employees of St. Clare's were laid off with only ten days notice. This is, by the way, a judgement that was dated November 15 and the arbitrator was Wayne Thistle, who was the Chairman. I am sure the government can get a copy of it from St. Clare's if they really want it, and if you want me to table it I will but I only have one copy right now. 'In respect of those employees in the group which exceeded fifty and received only ten working days notice, the question is whether the board can make any order as to compensation. It is our conclusion that by virtue of the article of the collective agreement these employees were entitled to the notice period provided in the Labour Standards Act and specifically the eight weeks required in Section 53.' This is St. Clare's Hospital, obviously an agency of the provincial government. I will read a few other sections, 'It is therefore concluded by this board that where the notice required under Section 53 has not been given, the contract of service is deemed not to have been interrupted and the employees affected are not entitled to the wages they would ordinarily receive under the contract. The employer is obligated to pay those wages which ordinarily would be paid under the contract. Of course, appropriate adjustments would have to be made to reflect the actual length of time the employees were laid off. Under an article of the collective agreement, the board has the power to dispose of a grievance by any arrangement which it deems just

and equitable. This naturally includes the authority to order employees to be entitled to such compensation as they would have received had there not been a violation of the collective agreement.'

By the way, the one thing I have to report to you today is, having checked back with the individuals involved in the arbitration case, I have been informed that approximately an hour and a half ago they were informed by the employer, St. Clare's Hospital, that it is going to appeal the arbitration award and the only reason they are appealing it is because they know they can drag it past the time that the government feels it will take to pass this legislation which will knock the underpinnings out from under this particular arbitration.

So, what I am saying to the House today is that it is a crying shame that the government is willing to use its legislative power to wiggle out of an assumption of liability that it has to the employees at St. Clare's Hospital whom it laid off and has used that power in order to make sure that they will not get what is actually their entitlement.

I am going to try to get now to a more general topic on it because what I wanted to say in this was even more general than what I have said. I actually went back and had a look at the legislation. I know it is a result of not having been in the House very long that when you are debating a piece of legislation you go and read it, I know most members do not do that, but in my ignorance I actually went and read the legislation and it just appeared to me that this amendment to it, and the excuse

for it, is just totally spurious. Maybe I should apologize for having read the legislation, maybe that is not the way we should be debating in this House, I do not know. What I really wanted to say is that when I look at the legislation, I am not into a legalistic frame of mind like the Leader of the Opposition (Mr. Barry) is, I really am not as caught up with the whole concept that we may be doing something that is a horrible precedent and so on because I am really not a lawyer and I am not that familiar with it. What I am familiar with, what I have had in terms of my background as an instructor in a community college having some role to play in trying to get my students interested in public affairs, is I have spent a considerable amount of time as a member of my union, which is the Newfoundland Association of Public Employees, of which I am quite proud, and in that time period I have found that there is a tendency for employers to act like employers, not because they are vicious, mean and nasty, as has been implied, but because they are employers. And they do things because they are employers, because their first priority is their shareholders or the corporation that runs them and so on, and when they do that they very often trample on the rights of workers. The reason that we have legislation like the Labour Standards Act is because we recognize that there is a possibility that employers can do things with the best intentions possible which are extremely detrimental to employees. That is why the Labour Standards Act is there, that is why the Labour Relations Act is there, that is why there is labour legislation and there has been for over 100

years since the labour legislation has been considered to be a legitimate area.

In my opinion, what is really wrong with the retroactivity of this whole thing is that we have a situation where the government of this Province has looked at a number of employee groups that have been able to get a small amount of redress under this legislation - and it is a small amount when you are talking \$1,000 or \$2,000 - and have spent enormous amounts of money in legal costs and so on in order to achieve it, and this government has used scare tactics like the idea that there are tens of millions of dollars involved in it, has used exaggeration, has used half-truths and all sorts of things that are really reminiscent, in my opinion, of the 1982 election when I was called a traitor in my own school by the Premier who said that if you were not a Tory you were a traitor. It reminds me of that and that I why I mention it.

MR. TULK:

He did that to us, too.

MR. FENWICK:

I was not too sure about you guys.

The thing that I detest about the retroactivity of it and about the legislation, too, because unlike the Leader of the Opposition (Mr. Barry) I intend to oppose the actual imposition of it - I think this is a piece of legislation that was properly drafted, it has the appropriate regulations, it should not be changed - so I intend to oppose that part of it, too, unlike the Liberal Opposition which seems to be interested in opposing the retroactivity but is not interested in going to bat for

the workers of this Province when they have a benefit that is being taken away from them. That is their problem and I hope they can change their minds before we go too much further. But to me the problem I see with it is that the government has made a conscious choice: It will side with the corporations - and it is really only that Kruger bunch in Corner Brook - against all the workers of the Province who have benefits under this particular piece of legislation, who will tell us that the poor draftsman left off these definitions when it is very clear in reading it that part-time employees are never referred to again in the legislation. The definition was not left out, it was not necessary, it was drafted with that in mind. And the for minister to go and hide behind the draftspeople of this particular piece of legislation is reprehensible. Talking about man-fashion, he should be more of a man and take the culpability for the fact that it is his department that never brought down the regulations that would have properly defined the whole thing, all of which he had the power to do since 1977. That is really what I wanted to say.

It seems to me that our problem is that this government had a choice. It could be on the side of the workers and endorse their fight to get some redress for what were some extremely painful layoffs - and I can tell you in Labrador West they were extremely painful - or they could knuckle under to the large corporations - and a small number of them because most of them did not even ask for redress or any help - and acquiesced to them. In my opinion, it is a shameful when this government purely picks the

side of the employer, of these multi-national corporations, against the workers of this Province.

Thank you very much.

MR. SPEAKER (McNicholas):

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, just a very few words on this. I was not here yesterday when the debate was going on, so I only learned today that there was an amendment put in and I just wanted to say something in regard to the amendment because I think the amendment should be defeated. But before doing that I will say that the last member who spoke seems to me to reflect an attitude in the labour movement which is not very widespread but which is very irresponsible. It is the worst type of attitude you find in the labour movement, it is not a widespread attitude, and it is one that says, 'I do not care what happens as long as I can get my piece of the cake. I do not care if this bring the house down around my ears. I do not care if this causes the employer, shall we say, to go bankrupt and we lose our jobs and the effect in the community is very poor and all that sort of thing. I do not care. As long as I can make my point I am going to make my point.' It is totally irresponsible that sort of approach.

Now as I say, we do not find that very widespread. You know, Mr. Speaker, situation faced us as a government, that we had increasing labour costs in the public service which, if they went on, would cause widespread hardships throughout the Province, would ultimately cause cutbacks in very

vital programmes, would cause absolutely necessary service to be diminished to the harm of our people. So we said then obviously no matter what you would like to see in terms of increasing wage levels, we cannot let that happen. We have to go to the labour movement, in this particular case the public service employees in our Province, and say we have to bring in guidelines, strict, strict guidelines, stricter guidelines than every brought in before in order to maintain a budgetary situation so what I just described will not happen.

Now, Mr. Speaker, there was a certain element in the labour movement, and this includes those involved in the public service who said, 'I do not care if you get into financial troubles. I do not care if your budget goes out the window. I do not care what harm will come if the present arrangements and present trends continue, I am not going to agree.' A totally irresponsible type of approach to things and one espoused by the hon. member who just sat down. And it came to, finally, a test, and the test was a vote. The vast, vast majority of the people in the public service had the good sense - and this is what one would expect - to say we are not going that way, we do not like restraints, we do not like diminution in the right of wage increases, we do not like it at all but we are sensible, we are rational, we are realistic, we will accept. We do not accept with glee, we do not accept with joy, we hope that it is not for very long, we hope that it will turn around, but we will accept it because it is the only sensible and reasonable thing to do.

So I just point out that there are two trends in the labour movement. There is a small, narrow trend which is totally unreasonable, and this is the trend that is being espoused by the hon. member who just sat down and it is the trend that is being espoused by the Leader of the Opposition (Mr. Barry) and the other members opposite. But then there is the broader trend in the labour movement and, of course, this was typical, say, in the Chrysler problem down in the United States when the same issue came up there that the company was either going to go down the drain and no one would benefit and the workers down there got together and said we do not like this but we know where our bread is buttered, we know what is the sensible, rational thing to do, so we will co-operate and we will save our jobs, save the company and ultimately we will have a brighter day. And as you all know, Chrysler is doing extremely well now. The workers who took that approach are as happy as clams they took it. They are now way ahead of where they would have been if they had taken any other approach. Now that is the broader trend in the labour movement. That is the sensible, reasonable, rational, trend in the labour movement and it is a joy to see. It is the reason why this government is very supportive of the labour movement in this Province. It is the reason why this government supports and is supported by the vast majority of people in the labour movement in this Province. We do not, of course, support, nor do we have any intention of supporting the narrower, unrealistic, narrow-minded, irrational trend in the labour movement which says that we do not care for the

long-term, we can only see as far as our nose will extend and we are going to get that, we are blind to anything else.

Now we do not think that that is a very good trend. I must say, you know, every human activity has good and bad in it. The vast majority is good, there is only a small amount of bad. I am not saying the labour movement itself is the only human activity that has a bad trend in it, but it is a human activity so there is bound to be some bad in it. We must try to resist the bad, we must try to rise above the bad, we must try to go for the good. And that is what we are doing in bringing in this legislation. We are not following the totally negative route that the hon. member for Menihek (Mr. Fenwick) is advocating. We are not out to cut our throats. We do not want to cut the throats of industry in this Province. We want to bring in rational, sensible adjustments to the laws in this Province as are required as time goes along to make it sensible and intelligent for people to invest in this Province, not only people living in the Province but people outside which they will never do if we take the attitude espoused by the member for Menihek who says, 'The heck with the future. Just give me what I want now, I do not care about the consequences, I just want to grab on to what I have now no matter how unreasonable it is, I want to grab on to that and devil take the hindmost.'

Now, Mr. Speaker, just getting back to the amendment itself, the amendment says 'that this House declare that retroactive legislation if repugnant to the principles of parliamentary democracy.'

MR. WARREN:
A quorum call.

MR. SPEAKER (Aylward):
Call in the members

o o o

There is a quorum present.

Is it agreed to continue?

SOME HON. MEMBERS
Agreed.

MR. SPEAKER:
The hon. Minister of Finance.

DR. COLLINS:
Mr. Speaker, I just have a few further words to say. The amendment states, 'That this House declare that retroactive legislation is repugnant to the principles of parliamentary democracy.' Mr. Speaker, I think that it can be generally stated that parliamentarians like to avoid retroactivity, but I quarrel very seriously with the word repugnant because repugnant would seem to suggest that we never do it, that there is never any case where it is necessary to so do. I think that that is a wrong thing for us to agree with in this House because it is just untrue. There are examples where retroactivity is necessary and where it has been accepted generally and it likely will be accepted in the future. I need only point out the hon. member read out some regulations there. Regulations are minor legislation. Practically all regulations are retroactive, or very many of them. The taxation laws: When the budget comes down if there are tax changes those tax changes are effective as of midnight that same day in most

instances. But the House does not pass legislation sometimes until months later, it just depends on the legislative schedule, so the legislation is made retroactive to the time of the budget. Last year the House passed an amendment to the retail sales tax which was retroactive, I think, back to 1978. The reason why it was made retroactive to 1978 was because it was the sensible and logical to do so. It is interesting to note that that retroactive amendment was made to provide clarification to the original wording of the act. I was interested to hear on the radio this morning the hon. Leader of the Opposition (Mr. Barry) quoted as saying that he understands that the amendments government have brought in or to clarify the act. In other words, he recognizes that the act has needed clarification and that is what we are doing here, we are clarifying the original intent of the act. There has been an interpretation put on the act which was never intended, which was never anticipated, which was never contemplated, and we are now, because of that misinterpretation in our view, we are now clarifying the original intent of the act and we are doing it in a retroactive fashion. And that is exactly what this House did last year when it amended the Retail Sales Tax Act. There was an element that needed clarification in the act and this amendment was brought in and remedied that situation. So that retroactivity was not something which is desirable, it is not something that normally one wants to get into, but sometimes it is necessary and it is quite well recognized in parliamentary practice to allow retroactivity.

MR. BARRY:

Would the minister permit a question?

DR. COLLINS:
Surely.

MR. SPEAKER (Aylward):
A question by leave. The hon. Leader of the Opposition.

MR. BARRY:
I wonder would the minister agree that the retroactivity which is often present in finance measures and tax measures, retail sales tax, income tax, is never before the time when government came in and said that, it will be effective as of the date that I speak although the legislation cannot be brought in several months hence? And was it not correct that the minister spoke at a particular date and said. I intend to bring in amendments to the retail sales tax effective as of this day and that it was only because the House was not in session to put the bill through that it had to be retroactive at that point in time. But people were warned and put on notice that the law would be changed as of that point in time.

MR. SPEAKER:
The hon. Minister of Finance.

DR. COLLINS:
Mr. Speaker, I agree with what the hon. Leader of the Opposition (Mr. Barry) says and that is exactly what is in this bill, that when the legislation was brought in there was an intended interpretation put on that piece of legislation. Since that time that interpretation has been unexpectedly altered, it has unexpectedly gone in another direction. And what government is doing now is bringing in an amendment which is retroactive to

the date in order to clarify things, and that is exactly what this House did last year when it made an amendment for exactly the same purpose in regard to the Retail Sales Tax Act. There was a piece of legislation brought in in 1978 which could be interpreted a certain way and it was generally interpreted that way. Quite a bit later, as a matter of fact as far as I remember because of a case in New Brunswick, there was doubt cast upon that interpretation that had a very good chance of altering the generally accepted meaning of our act. So government brought in an amendment which clarified the 1978 inactment and did it in a retroactive fashion purely for clarification purposes and that is exactly what is being done with the original bill here. So the point I make, Mr. Speaker, is that for the House to agree that retroactive legislation is repugnant, is going much, much to far. Retroactive legislation is sometimes sensible, desirable and indeed necessary. So for that reason I will vote against this amendment.

MR. BARRY:

Would you amend it to that effect?

MR. SPEAKER (Aylward):

The hon. member for Menihek.

I am sorry: The hon. the member for Torngat Mountains.

MR. OTTENHEIMER:

They look alike.

MR. WARREN:

Well, we may look alike, Mr. Speaker, but I am sure we do not act alike.

MR. SIMMS:

No, Sir, you do not look alike either.

MR. WARREN:

Anyway, Mr. Speaker, I think I will say a few words on this bill. And as you know, Mr. Speaker, the trend that has been established on this side is we are not going to vote for this bill in the context it is in now. I am speaking on the amendment now. The hon. Minister of Forest Resources and Lands (Mr. Simms) knows that we are all for the amendment. And, Mr. Speaker, the amendment is the nuts and bolts of this administration because this administration has continuously tried to run roughshod over the people of Newfoundland and Labrador. Now, I believe the latest poll that was announced in the media yesterday and in the Evening Telegram today, the latest poll has given some indication that this government is on the path to disaster. And, Mr. Speaker, unless this government can change its tactics, in particular against the working force in this Province, I can assure that when the Premier calls an election, I believe he will have a big setback at the polls. Mr. Speaker, I could outline some of the districts of hon. members opposite who are in trouble, but I will not do that because I know it would be out of order.

Mr. Speaker, I believe that the Coalition for Equality established in this Province some several weeks ago led by some very prominent Newfoundlanders and Labradorians will be the straw that breaks the camel's back. All of a sudden the Premier is real easygoing. A couple of days ago he was saying how proud he is of the civil servants, how proud he is of the work force. The Premier is not proud of the work force? He is trying to put on a false face to convince them that this

bill is the correct procedure to follow.

Now, Mr. Speaker, I know two members over there now who are so upset about this particular piece of legislation that any time at all we are going to have to make room for two more seats on this side. I know two in particular who are so upset, and they are not allowed to speak.

MR. BARRY:

Give us their names.

AN HON. MEMBER:

No, I am sorry, in caucus tomorrow, maybe, but not today.

MR. BARRY:

Are they on the Island?

MR. WARREN:

Well, maybe one of them could be. That is all I can say at the present time. Mr. Speaker, it is evident that those members are not allowed to speak on this bill. They have been told to sit back and say nothing.

MR. NEARY:

You would think the members for Corner Brook would have something to say.

MR. WARREN:

Mr. Speaker, I believe deep down the hon. member for Humber West (Mr. Baird) is too much of a Tory to come over here. He is one guy who would never cross the floor, Mr. Speaker. However, the hon. Minister of Education (Ms Verge), we will call her our kindergarten minister, we would not mind having a member of the opposite sex on this side of the House once in a while.

MR. ROBERTS:

That is the invitation to 'Ray'.

How about the one to 'Lynn'?

MR. WARREN:

Mr. Speaker, we already have a lot of credibility over here, but I believe the minister would bring some more over here and help us to grow in stature.

Anyhow, Mr. Speaker, I am wandering off the bill now. I was talking about the Coalition for Equality. I think it was Father Desmond McGrath who made a statement yesterday or today in the paper that it is the most serious thing this government could ever do is bring in a piece of retroactive legislation.

Mr. Speaker, I have a matter I would like the Minister of Justice (Mr. Ottenheimer) to look into, since he is a learned gentleman.

MR. ROBERTS:

How come he did not get to go to Hong Kong?

MR. WARREN:

I do not know. I believe the hon. Minister of Justice should have went to Hong Kong.

MR. ROBERTS:

I agree. At least he should come home, unlike his colleague.

MR. WARREN:

Mr. Speaker, I would like to throw this open to the Minister of Justice. There was a particular employee of the Department of Rural, Agricultural and Northern Development and salary negotiations, were ongoing about reclassification and during the proceedings of these salary negotiations reclassification this particular employee was suspended, or resigned, or fired - whatever term you want to use - so naturally he left the employment

of Rural Development. Shortly thereafter the reclassification was approved retroactive six months earlier. That meant this employee should have been entitled to the extra pay for the six months that he was working with the department, although he was not working with the department at the time the retroactive clause was okayed, was passed by the Legislature. And now they will not pay him for the duties he performed. And they are saying, "We cannot do it." And I think the Minister of Justice can probably look into that matter because this guy has money kept from him unduly by this government because the guy did work during a period of the time because the salary was retroactive to a certain number of months. So it just goes slap in the face of what this government is doing now with this bill.

Now, Mr. Speaker, I think the biggest danger in this bill is how this government will manipulate, will take the work force in this Province and they can do what they bloody well like with them.

MR. CARTER:
Is this parliamentary?

MR. WARREN:
Mr. Speaker, I do not know if it is parliamentary or not but this government can do it. And, Mr. Speaker, they are trying to do it. And they want to do it. They want to do it, Mr. Speaker. But as long as this hon. member and my colleagues on this side of the Legislature are here this bill will not go through this Assembly unless it is changed or closure is invoked. Those are the only two means whereby this is going to get through this Legislature. Because we are determined to fight this

right to Christmas Eve, just before Santa Claus comes down the chimney -

MR. NEARY:
Put the turkey on the Table here in the House.

MR. WARREN:
- and when he comes down the chimney we will ask probably for a recess for a little while but that is all.

MR. TULK:
We will fill the Premier's stocking.

MR. WARREN:
I believe, Mr. Speaker, the Premier will have his stocking filled on Christmas Day, but will be with letters and telegrams of protest from the work force in this Province.

MR. CARTER:
Will you hang up your stocking.

MR. WARREN:
I am hoping that my hon. colleague from St. John's North (Mr. Carter) will be as good to me this Christmas as he was last Christmas and make sure that I have some savoury for my turkey. Because the hon. member for the past number of years made sure that I received some savoury so I hope I will get some more again this year.

Mr. Speaker, the hon. Minister of Labour (Mr. Dinn) who introduced this bill is a complete - I do not think I can use the word because it is unparliamentary, but he is anti-labour and he dare not poke his nose in Labrador West any more. If there is one cause of the present hon. member for Menihek (Mr. Fenwick) winning the by-election in Labrador West it was because of the presence of the

Minister of Labour in there and because of the threat by the Minister of Labour.

Mr. Speaker, just before the Kruger deal was finalized, the Premier went on television and radio warning the workers to accept that deal. Mr. Speaker, it was the good will of the labour negotiators, the negotiators on the labour side who said to the employees, "Look, do not listen to the Premier," who made it possible. I think we all remember when the media televised interviews in front of the union hall when the workers were coming out and I think some of their famous words are still ringing in the ears of the Premier, "Who in the heck does the Premier think he is telling us we should vote yes or no." I believe, Mr. Speaker, the people of Newfoundland and Labrador have finally awoken to what a big bluff the Premier of this Province is and no more can our Brian fool them." Mr. Speaker, wherever you go they are saying now, "We have two Brians, one Up-Along, and one Down-Along, but neither one of the Brians will make a good Leo." That is what they are saying now, Mr. Speaker. We have a new Leader in this party now and the polls yesterday showed that we are on our way to victory.

Mr. Speaker, the member for Placentia (Mr. Patterson) tried six times before he got to the House of Assembly and the next time the election is called the hon. member is gone. I will not tell who the other thirteen are, but he is on the way out. The member for Bonavista South (Mr. Morgan), since 1979, as long as I can remember, every day the member was up on his feet saying something in this House. But the

hon. member for Bonavista South has not spoken once since the House started this time.

MR. MORGAN:

I will blow like a volcano one of these days.

MR. WARREN:

I have a feeling, Mr. Speaker, as he said, he is going to erupt like a volcano. Now watch it up there, because there is only one way a volcano goes and that is up. Mr. Speaker, this is what might happen to the member for Bonavista South (Mr. Morgan).

Mr. Speaker, this bill is not the proper legislation to be brought in. The amendment that my hon. colleague brought in, I believe that the Premier now, after being up in Ottawa today meeting with the Status of Women Councils, trying to mend fences, he has a lot of fences to mend, but I have a feeling that the Premier is going to realize when he comes back that this Opposition will be here. The Opposition to the Government of Newfoundland and Labrador are not going to budge because we got the call from the people. That is why we are not budging, because the people have told us to stand up for them, and we will stand up.

I would like to hear the member for Placentia (Mr. Patterson) speak up if he is supporting the retroactive aspect of that bill.

MR. PATTERSON:

We got the message 2,000 years ago.

MR. ROBERTS:

It has taken 'Peckford' so long to get here?

MR. WARREN:

Mr. Speaker, when I am

interrupted, I am sure that my colleague for the Strait of Belle Isle (Mr. Roberts) always has an answer for any kind of a sarcastic remark made by the other side.

MR. ROBERTS:

The only trouble is 'Patterson' believes it. That is the problem.

MR. WARREN:

Mr. Speaker, the hon. Minister of Finance (Dr. Collins) said just now in his few remarks about the retail sales tax being retroactive.

MR. ROBERTS:

Old predictability over there.

MR. WARREN:

That is right.

MR. BARRY:

100 per cent.

MR. WARREN:

He sure can add up. He said, 100 plus 100 is 1 per cent increase. That is the kind of Finance Minister we have in this Province.

DR. COLLINS:

I am going to get up and answer that if you do not (inaudible)

MR. WARREN:

Mr. Speaker, I am sure the hon. Minister of Finance (Dr. Collins) will have many opportunities to debate different amendments on this bill. Because, as I said earlier, there are more amendments to follow. If this one is defeated there are more to follow.

Now when I was disrupted just now I was talking about the hon. Minister of Labour and Manpower (Mr. Dinn). Mr. Speaker, I try every evening that I have the opportunity to sit down and, I must say, in all due respect to the Premier not liking the CBC

Here and Now that I think CBC Here and Now programme is one of the most informative hour-long programme on television. I think it is very, very informative for the whole Province.

I saw the Minister of Labour (Mr. Dinn) come on, in response to a question from a reporter, and say 'We probably will have to use foreclosure, if necessary.'

MR. DINN:

Closure.

MR. WARREN:

Yes, closure, if necessary. Maybe I am thinking about real estate too much.

I believe, Mr. Speaker, that the minister by making that statement, by saying they may enforce closure on this bill, has made a very, very serious mistake. By going on the public media and saying that, now the people are expecting it, the work force of Newfoundland are expecting it. And, Mr. Speaker, we as the Opposition members are determined to fight for rights of Newfoundlanders and Labradorians.

In the last federal election we saw seats being turned over as high as 40,000 and 50,000 vote majority being changed. We saw some 50 new Conservatives being elected in Quebec because they were sick and tired of Mr. Trudeau and his lieutenants, shall we call them.

MR. PATTERSON:

We cannot blame them for that.

MR. WARREN:

No, and I do not blame them for that, Mr. Speaker, and the same thing with the work force in the Province. There are hon. gentlemen on that side of the

Legislature who have whopping majorities.

MR. SIMMS:

Not as big as your's, though.

MR. WARREN:

No, Mr. Speaker, not as big as mine. I assure the hon. member that my chances of getting re-elected are just as good as his.

SOME HON. MEMBERS:

Greater! Greater!

MR. WARREN:

Furthemore, Mr. Speaker, I think the members on that side, for example, the member for Burin-Placentia West (Mr. Tobin)-

MR. CALLAN:

He is gone. He should resign now.

MR. WARREN:

- before the last federal election, before September 4, the hon. member for Burin-Placentia West never stopped gabbing, gabbing about Ottawa, every speech he got up on he was he was talking about Ottawa. He has not said a word about Ottawa since he came into the House this time. In fact, Mr. Speaker, he never even presented a petition that was given to him. So, Mr. Speaker, what is the member doing there? I have a bit of advice for the hon. member that our latest polls show that unless you can speak up for the people for Burin-Placentia West you are gone, man. Our advice is the reason he is going to be gone is he is not speaking up on legislation that will affect his district. This piece of legislation will affect Burin-Placentia West. The hon. member knows it will affect Burin-Placentia West. So when I am finished why does not the hon. member get up and say he is not

going to support the bill either? The hon. member has been told by the Premier or his first lieutenant that you support this bill or you do not stick at all.

Now the hon. member for St. John's North (Mr. Carter), as my hon.colleague for LaPoile (Mr. Neary) says, the big galoot, that hon. member does not mind standing up saying he is for it, because the hon. member is for anything that will hurt Newfoundlanders and Labradorians.

Mr. Speaker, my time is quickly drawing to a close.

SOME HON. MEMBERS:

By leave!

MR. WARREN:

Mr. Speaker, I may not have been relating directly to the bill this evening, but I hope I have enticed some of the members over there to get up and say what their conscience are saying. Not what the Premier and his first lieutenant are saying, but what the conscience say and what their consitituents think. And if the hon. member for St. Mary's-The Capes (Mr. Hearn) or the hon. member for Concpetion Bay South (Mr. Butt) would get up and say what their consciences dictate, they will get up and say we will support the bill if the retroactive clause is deleted.

Mr. Speaker, I can look into the eyes of the hon. gentlemen, I can look into the eyes of the hon. ladies and see that their conscience is bothering them. I know, Mr. Speaker, their consciences have got the better of them, or got the worse of them, I suppose.

Now, Mr. Speaker, it is very

disgusting to know that a member can come into this House and will not get up and speak and, when they do get up and speak, will not speak for the best interests of the constituents or their consciences. Because, Mr. Speaker, I assure this hon. House the time is coming - whenever the Premier decides to call that faithful day - the time is coming when we will be on that side. When I am over there on the government side of the House, and whenever our government then brings in a legislation that I do not like, I will definitely be up and voice my objection because, Mr. Speaker, we are elected by the people not by the Premier. The Premier may control you but he did not elect you, it was the people who elected you and it will be the people who will get rid of you too.

Mr. Speaker, even the hon. the member for St. John's Center (Dr. McNicholas), a very respectable gentleman, has not spoken. I am sure the hon. gentleman has a conscience and will speak as his conscience dictates. Mr. Speaker, I am sure that the hon. the member for St. John's Center does agree with the amendment that we have brought in and does not agree with the legislation as is presently here with the retroactive clause.

Now, Mr. Speaker, all that has to be done now is the hon. the House Leader (Mr. Marshall) has to get up in a few minutes time - he has already spoken maybe - but he can get up again and say, 'We are going to delete the retroactive clause', and with that it will be a victory for all of Newfoundland and Labrador, for this side, for that side, for the working class, for everybody. Mr. Speaker, if government made a mistake in 1977, when I believe the hon. the member

for St. John's North (Mr. Carter) was in the Cabinet - I believe he was the Education Minister at one time; I cannot credit it but believe it to be so - Mr. Speaker, if the hon. members on that side who were in this House in 1977, like the hon. the member for St. John's East (Mr. Marshall); and I do not know if the hon. the member for St. John's South (Dr. Collins) was there or not, but those members who were in the House, surely goodness, if there was bad legislation then this government should be responsible, Mr. Speaker. Mr. Speaker, I believe the hon. the member for St. John's North should be held responsible for this bad piece of legislation because he was in the Cabinet at the time. Maybe the reason he got kicked out, Mr. Speaker, is because he is not a responsible man. I see my hon. friend the Minister of Health (Dr. Twomey) looking at me and I am sure the Minister of Health, a real respectable gentleman, who has been taken into the Cabinet, will realize that this bill is repugnant, this bill is definitely against the wishes of democracy in all of Newfoundland and Labrador. Furthermore, Mr. Speaker, I believe the amendment should carry. Why should it not carry? Is this what we want in this Province, a government led by an Ayatollah, led by a Napoleon, a dictatorship? I think, Mr. Speaker, that the former, former, former Premier, J.R. Smallwood, was often called a dictator but, Mr. Speaker, he was an angel, a saint compared to the dictator we have now, Mr. Speaker. So, why do we not just take this bill and remove it completely from the Order Paper? Mr. Speaker, by removing it you will give the working people in this Province a reasonable assurance that they are

not being sold out to the companies, because it was the companies - it was Kruger, the Iron Ore Company and Transpacific - it was the companies that got the Premier to bring in this bill. If this bill was so important, why was it not brought in on the first day? No, because the government thinks that we will give in because we are getting closer to Christmas. But we will not give in for the sake of this government, we will give in for the sake of the people of this Province.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER (Aylward):

The hon. the President of the Council.

MR. MARSHALL:

I am driven to my feet, Mr. Speaker, because I want to say a few words on this bill and on the amendment.

Now, first of all, Mr. Speaker, much has been made of the situation with respect to the original bill itself. What occurred I think is set forth very fully in the Premier's statement that he had a problem giving in the House last Friday and he later gave publicly and all members have it. What we have here if the 1977 Labour Standards Act came into place is that anomalies, really, would have occurred. It would mean that people or employers would have to give persons they were going to give one or two week layoffs an inordinate time for notice. Now, that was not intended and much has been made of the intention of that original

bill itself. What occurred occurred because of three possible situations: Number one, it could have occurred - and I am not saying which one it was - but it could have occurred because of instructions that were given to the draftsmen on the one hand; the error or omission could have occurred because of the drafting itself; or the error or omission could have occurred because of the way it was interpreted and the way it was applied. I do not really want to get into a legalistic discussion of the reasons for it and the interpretations that the hon. the Leader of the Opposition (Mr. Barry) got into, but I would just say that I rather feel in a large measure it is probably because of the interpretation that was placed upon it. The fact of the matter is now that interpretation is being tested before the court, the Leader of the Opposition and perhaps others have urged us to wait until the court had determined the situation. Mr. Speaker, we cannot wait for that period of time because of the adverse affect it would have on employment in this Province. The fact of the matter is, as everyone knows, that the application of this bill as in 1977, which would mean that the employment notice that had to be given in temporary layoffs would be inordinate, and that has been detailed, would have an adverse affect upon the industries in this Province and particularly the fishing industry. The Leader of the Opposition and others have brought up and have tried to center around Kruger because of Kruger's coming in, that Kruger is responsible for this in some way. I think really, Mr. Speaker, that would be a pity because Kruger is coming into this Province on the West Coast and is establishing an

industry here, protecting an industry here, is going to modernize the Corner Brook mill to protect jobs, and I think it would be rather unfortunate indeed if its advent into this Province was accompanied by the type of acrimony that has been attempted by the Opposition to bring up around Kruger itself. Certainly it is a fact that this Labour Standards Act has to be changed in order to see the agreement between Bowater and Kruger concluded. But it is also a fact, Mr. Speaker, that it has to be changed in order to safeguard the jobs of many other people in this Province, including the fishing industry, Baie Verte mines and other industries as well.

I want to draw this very much to the attention of the hon. gentlemen there opposite. When this bill was first introduced the Liberal Opposition indicated on Friday that they were going to conduct a filibuster, which is their right to do. There were references made and I have heard references in the debate to closure and what have you. Closure is an implement, Mr. Speaker, of Liberal governments in the past, Liberal governments federally and Liberal governments in the Province. It certainly would not be the desire or the intent of this government at this time to entertain any matter of closure. What we hope to do, Mr. Speaker, is to allow an adequate time for debate for this bill, and what the Liberal Party has done now, it has gotten itself in somewhat of a box, because they came out and they thought they were into a good thing on the weekend, and the Leader of the Opposition talked about a filibuster and now in fact in order to save face they have to

conduct a certain type of filibuster. But he has known, Mr. Speaker, and they know, that this bill has received the support of a lot of people in the labour movement because a lot of people in the labour movement realize that this is necessary, and this step has been taken for the purpose of protecting jobs in Newfoundland. Right now specifically, although I say it should not be centred on Kruger and Corner Brook, it is to protect in the immediate term that particular agreement that is about to be entered into.

Now the situation is that nobody likes retroactive legislation, nobody likes it. This government does not like retroactive legislation and everybody would shrink from it. We are not bringing in, and I do not really believe that this has been billed as retroactive legislation or that in effect it is. What it is is clarifying legislation.

MR. ROBERTS:

Oh, balderdash!

MR. MARSHALL:

The hon. gentleman can say what he likes but the fact of the matter it clarifies what would be an obvious anomaly in the application of the act itself which was not intended and which I think any reasonable person would realize would so impede the industrial development of a province that it just could not have been intended at the particular time. And I feel myself that this is really clarifying legislation and it is legislation to protect the jobs of the employees in Corner Brook.

Now let me get on further with respect to that as well and tell the House that at the present time

there are being concluded the final clauses in the agreements with Kruger with respect to the takeover of Corner Brook. There were people working last night until all hours of the morning, they continue to work all day, and very shortly there will be brought before this House, and it is on the Order Paper right now, the agreement between the government and Kruger to establish and to protect whereby Kruger would be taking over the Corner Brook mill.

Now, Mr. Speaker, there are certain time limits that are involved and these are time limits that are set by forces over which we have no control. I intend when the bill is finally given, I intend to give it immediately. I am sorry that the Opposition has not got it now, just because it is not ready. But just within five or ten minutes of the final clauses being agreed upon it will be given to the Opposition. With that also will be given an indication as to the time within which that bill has to be passed. And I mean this seriously, Mr. Speaker, if the bill, and this is something over which we have no control, if that bill is not passed within the prescribed time limit, which will be indicated when the bill is given and when everything is concluded, the takeover by Kruger in Corner Brook will be jeopardized. And with that, Mr. Speaker, it is going to be necessary as well, and let this be known, that this amendment is not being passed just because of Kruger's entry into this Province. It is being passed and the amendment is being put in and it is being put in retroactively for the purpose of saving many industries in this Province, specifically the fishing industry, the Baie Verte mines, and other

industries as well. And the hon. gentlemen there opposite talk about if the government made a mistake. I question whether a mistake was made. A mistake could have been made in the legislation but I do not really accept it. I think it may well be the interpretation of the board. Because there is a propensity of boards and courts in recent year to interpret statutes, and to interpret regulations in a very, very liberal manner. I mean liberal in the good sense, the small "l" liberal manner.

MR. OTTENHEIMER:

In the acceptable sense.

MR. MARSHALL:

In the acceptable sense as the Minister of Justice (Mr. Ottenheimer) says. And that in itself can be a great danger because what these boards and the judges are doing in large measure is taking upon themselves a legislative function and they are interpreting the acts in accordance with their own -

MR. SIMMS:

Prejudices.

MR. MARSHALL:

No, not prejudices, their own feelings of the way it should be. And the net result of that is going to be I think detrimental because what is going to happen, you are going to see legislation phrased in much more stricter terms than it had been so it does not leave it open for the legitimate application of equitable principles from time to time. A large part of that is because of the people we have on boards, and indeed a large part of that in some respects is the people who reside in places where they make these decisions.

But the fact of the matter, Mr. Speaker, is that this bill, and the Opposition should know it and they should know it now, that this bill and the Bowater bill - I call it the Bowater bill because we have it in our mind still the Corner Brook, we still speak about Bowater - but the Kruger bill, the Kruger takeover of the Bowater mill, that they will both have to be passed and they will have to be passed through all their stages and enacted into law in order to meet the closing date which is going to be set very, very shortly.

MR. ROBERTS:

This bill, is it in effect a condition of the Kruger Bill?

MR. MARSHALL:

This bill is necessary to the Kruger bill, I mean it is a necessary incident.

MR. ROBERTS:

Part of the bill.

MR. MARSHALL:

A part of the deal, I mean it is a necessary incident to it and I think the members there opposite should know and should appreciate that.

Now we have had talk and it has been reasonable. I know that hon. gentlemen there opposite may disagree with the necessity of it and what have you, but I mean the fact of the matter is it is going to be necessary to get the passage of this bill and the other bill in order to bring Kruger into Corner Brook and in order to assure that that particular deal stays together. I think hon. gentlemen are entitled obviously to express their views and what have you but I think that hon. gentlemen in this House should be aware of that fact when they are addressing this

and they are talking about filibusters.

MR. NEARY:

Tell us why.

MR. MARSHALL:

Well, the reason for why, as a fellow I know says, are quite clearly set forth in the Premier's statement because there would be such a substantial liability that that type of liability scares away industry coming into this Province as it will scare away other industry, because it was not intended. Now the fact of the matter is a lot of people on the other side of the House, in relating to the bill, say they agree with the bill but they do not want it retroactively.

MR. SIMMS:

First they were against it.

MR. MARSHALL:

First of all, as the Minister of Forest Resources and Lands (Mr. Simms) points out they were against it, they were dead against it. Now they are for it but they do not want it retroactively. And the only reason why they have changed with respect to it - and I exempt the member for Menihek (Mr. Fenwick) because he has been consistent, I do not agree with what he says but it is his prerogative and he expressed it very well - but the so-called official Opposition, of officious Opposition, whatever one wishes to call it, under their present leader first of all was deadly opposed to this bill. Now he has gotten up in this House and he realizes that the bill itself, the application of this bill in the future, is detrimental to the establishment of business so he is for it. But he does not like the retroactive provisions. Well, the

retroactive provisions, unfortunately, Mr. Speaker, and I say unfortunately because the government does not like retroactive legislation but I qualify it once more, I do not style it as retroactive, I style it as clarifying legislation.

But be that as it may, it has to come in, because what will happen is there will be a liability, a huge liability of some \$27 millions, I believe.

MR. ROBERTS:
Just Kruger?

MR. MARSHALL:
No. generally to industry here in the Province.

So the question is now, if you do accept the position that a mistake was made, which I do not accept, and if you do accept the position that a mistake was made, some say, well why does not the government pay for it? Well, the fact of the matter is, Mr. Speaker, the only way the government is going to be able to pay for it is out of the taxpayers, out of the pockets of the various people who are employed. And this government cannot afford any further acceleration of its deficit.

SOME HON. MEMBERS:
Hear, hear!

MR. MARSHALL:
So the fact of the matter is it just cannot afford to do so.

MR. NEARY:
Who is setting the deadline now?

MR. MARSHALL:
No, there is no deadline. Because I want to make this perfectly clear there has never been the intention of this government to

invoke closure.

SOME HON. MEMBERS:
Hear, hear!

MR. NEARY:
Well, who is setting the deadline?

MR. MARSHALL:
The deadline has been set by normal commercial practices.

MR. SIMMS:
Trying to get the deal signed, boy.

MR. MARSHALL:
Yes, yes. They cannot wait around, and we cannot wait around for the hon. gentlemen's pleasure in June or July of next year. It so happens that there are events that are there that are not completely within the control of government. Government has brought Kruger into the Province. I suggest to the hon. gentlemen there opposite that the way they are attacking Kruger is also not in the best interest of this Province and certainly not in the best interest of the people on the West Coast of the Province. So I want to make that crystal clear. I think that the government should get that out before the Assembly so that the hon. gentlemen their opposite can judge themselves accordingly.

MR. NEARY:
That is a veiled threat.

MR. MARSHALL:
It is not a veiled threat, it is an explanation of the situation. The hon. gentleman can have, there will be plenty of adequate time to debate this bill and make your points and make your points on the other bill within the time limits that will be there. But I just want to point it out to the hon. gentlemen, because if they are engaged in a filibuster, and they

are engaged in an amendment here and an amendment there and all the rest of it, we do not want to amend and excise Corner Brook economically from this Province, which is really what is going to happen if that type of situation prevails.

MR. SIMMS:
Right on! Exactly.

MR. MARSHALL:
One of the points made by the hon. Leader of the Opposition (Mr. Barry) was, I took a note of it, 'It is despicable for government to say if you do not vote for what Kruger wants you will lose your job.' You know, that type of statement.

Now I say, Mr. Speaker, that the government has a duty in this Province to advise the Province, the Opposition and the House of the facts as they exist. And it is perfectly within the prerogative of Kruger and it is perfectly within the prerogative of any fishing company coming in and it is perfectly within the prerogative of any mining company when it comes in to say that in order to come in, you know, this is too expensive for me to come in, and I cannot afford it, and that is in effect what has been said in this particular case.

And what we have here, Mr. Speaker, and what we are asked to do here is really to rectify something which as it applied would apply really unjustly because it is really far, far too much money, and beyond, I think, reasonable expectations. As it presently exists even with this bill we will have the most generous provisions possible or the most generous positions in Canada with request to the

compensation of people who are laid off from temporary jobs. So we are far away, we are far ahead, but if we wish to preserve the jobs that exist now in our resource industry, and it has to be remembered, Mr. Speaker, that this is a pretty fragile economy right now. I mean, it is all very well for people to say that, industry should pay this or the government should pay that and what have you, but we have a very fragile economy at the present time.

We have a great deal of problems, as everybody knows, in the fishing industry. And it is all very well to say to get on the bandwagon and to start talking that the company should do this and the company should do that, the government should do this and the government should do something else, but the fact of the matter is that this fishing industry, the mainstay in this Province, is in a very, very fragile ballast. This government took steps within the past year to secure the fishing industry in many communities such as Gaultois, Grand Bank, Burin and what have you, but it is not easy going, Mr. Speaker, and we have to provide laws that are reasonable, laws that maintain a just balance between employers and employees, laws which certainly give the employees a just reward or a just termination payment in the unfortunate instance that they are terminated, but we cannot at the same time cripple the means whereby workers are paid their salary and we cannot cripple the industries themselves.

In this particular case, as I say, I find it rather difficult to hear the hon. Leader of the Opposition (Mr. Barry) say it is despicable for government to say if you do

not vote for what Kruger wants you will lose your job. Mr. Speaker, that is not what this government is saying. What this government is saying, if you do not vote for what is a really sensible order in labour relations, as reflected in the Labour Standards Act, that if you do not vote for that what will happen is people will lose their jobs. And it is just as simple as that. I mean, it is not what Kruger wants or anything like that, it is a situation, as I say, that was an unfortunate anomaly, one that was not intended. What we are doing here, we are really rectifying an anomaly in the act itself.

Now I do not want to go into the arguments given by the Leader of the Opposition, the legalistic arguments as whether it is contrary to the Charter of Rights, because the Charter of Rights does not cover property rights. It may or may not be included in this case. I do not want to go into the argument that he made of the fact that we should await the outcome of court cases to see what the interpretation is before we act. That is all very well and good, Mr. Speaker, but we do not have the luxury of time. We have a situation where the application of that particular act at the present time would jeopardize the takeover of the Corner Brook mill by Kruger. And as such I think we have to act and we have to act responsibly.

The hon. gentleman made the point in an impassioned speech, and in his early words about all persons being fair if this retroactive legislation goes through. I reiterate once again that this is not retroactive legislation but it is confirmatory.

Now I would also like to point out

as well that since the hon. gentleman made his statement on the weekend, which I thought was very unwise because it obviously got him boxed in, he is obviously making his amendments and he is obviously conducting a filibuster. Since the hon. gentleman thought he had a platform upon which to launch an attack against the government in connection with that bill, the Corner Brook union leaders have come out in support of the bill because they realize what the situation is.

I also believe that these union leaders are very correctly concerned about the fact that the Opposition is using this as a political football. And I would, Mr. Speaker, once again caution the Opposition and say to them that Kruger is coming into Corner Brook to take over the mill. Over one year ago there was complete devastation in government itself, we were appalled at the fact that Bowater was about to move out. But it was even more concerning when we looked around and saw that there did not seem to be then any immediate prospects of anyone taking over the mill at Corner Brook and that the Corner Brook mill would likely close down if this situation occurred. It was an incredible fact, it was a realization that was very, very chilling, to say the least, to the government. At the particular time Bowater was not even worried and this is a fact that should be known, Bowater did not seem to be all that concerned about getting a new operator for the mill. Just shut it down and they would take their tax write-offs and they would proceed. And it was through the efforts of this government that we enticed or encouraged, whatever the words you wish,

Bowater to put out an offering circular which was sent to the industry throughout the world, worldwide, and as a result of this a number of bids were received. Now there was only one bid that was received which was dueable, there was only one bid at all that was feasible. And here again we had great problems when we were trying to bring this in, Mr. Speaker, because other persons and other concerns who made bids were giving an indication that they had made good rational, feasible bids but that was not so. There was one company and only one company that was feasible to come into Corner Brook and that was Kruger. And Kruger not only agreed to come into Corner Brook, Mr. Speaker, but they agreed to come in and modernize the industry. They are about to modernize a plant that was allowed to become obsolete over the years. Part of the agreement is to modernize the plant and to safeguard the jobs of the people in Corner Brook. Now as that is happening and as any change occurs, any change of that nature that we envisage now is unfortunately going to cause a certain amount of pain to a certain number of people. Because some of them very unfortunately, and government feels it is very unfortunate, are going to be laid off and that is a fact that is known, and that is a fact that has been made public and a fact that has gone through the unions and it has been accepted. So the road ahead for Kruger, and we are very grateful that we have managed to get Kruger in, we are very happy that we have been able to get Kruger in to modernize Corner Brook, to give it a future, to put it on a firm foundation, but that type of thing, Mr. Speaker, does not occur like, snap, you know, very, very easily; you just put

Kruger in and all of a sudden everything is going to continue to be rosy in the garden. It is going to take an effort by government, which government is quite prepared to do, happy to do, it is going to take an effort by the industry, it is going to take an effort by the union, it is going to take an effort by the people in Corner Brook and along the West Coast, it is going to take an effort by all of Newfoundland. And that is why I agree with the union leaders in Corner Brook who reportedly have expressed a certain amount of chagrin over the fact that the hon. gentlemen there opposite are using this as a political football because if there is one thing, Mr. Speaker, that we need is to encourage Kruger as it comes into this Province and it commences to put Corner Brook on a solid foundation. I listened to the hon. gentleman, I did not interrupt him. The hon. gentlemen there opposite should realize, first of all, what we are about here is a deadly serious bill that affects the future of the people of Newfoundland, the Westcoast and Corner Brook in particular. And if the hon. gentlemen want to treat this in the semi-light way they have been doing, then the hon. gentlemen should certainly realize -

SOME HON. MEMBERS:

Oh, Oh!

MR. MARSHALL:

Well, they are treating in it a light way when they do take the attitude that they are going to conduct a filibuster. The hon. Leader of the Opposition (Mr. Barry) said last weekend that he was going to conduct -

MR. BARRY:

For one day.

MR. MARSHALL:

Yes, one day. But the hon. gentleman has already indicated to save his face he has brought in, Mr. Speaker, this amendment and it has been two or three days. The hon. gentleman knows that this bill is going to pass, he knows that this bill has got to pass, and if the hon. gentlemen there opposite have certain rights, obviously, and they have the right to debate. They can debate as long as they want and we encourage them to be relevant. But they have a responsibility, Mr. Speaker, most primarily here they have a responsibility to the people of the West Coast and directly to the people of Corner Brook to address these questions in a non-partisan way. This is not a political bill as such because no government wishes to bring in a bill and be accused of retroactive legislation.

MR. BARRY:

Well, take it out.

MR. MARSHALL:

We will not take it out, Mr. Speaker, because we have it in for the protection of all the workers in Newfoundland and most immediately the Corner Brook mill. That is the reason why we have it in. And I would suggest that the hon. gentlemen there opposite not only address it seriously but they not create an atmosphere and climate in this Province that is going to make the entry in Corner Brook and its takeover of the Bowater assets all the more difficult. Because that is really what they are doing, Mr. Speaker, for their own specious political purposes. The fact of the matter is in this particular instance we are not, as I

emphasize, we are not bringing in retroactive legislation. All we are doing is bringing in confirmatory legislation for what it was obviously intended. The instances of the act as unamended would lead to really unfair and oppressive results that would require notice to be given to temporary employees of from thirteen weeks, where you are going to layoff for two weeks you have to give thirteen weeks notice. Everybody knows the application of that act in its strict terms, if you interpret it that way, is wrong, it is oppressive on employers and it will in the long run result in industry being destroyed in this Province. We have a fragile economy and we are trying to protect the jobs of workers in this Province and that is why we are bringing in this bill. So I say to the hon. gentlemen there opposite, this is a bill that could be equally entitled, An Act To Safeguard The Continuance Of The Bowater Mill.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Russell):

The hon. member for Port au Port.

MR. HODDER:

Mr. Speaker, seeing that it is two minutes before six -

MR. SPEAKER:

Order, please!

MR. HODDER:

Mr. Speaker, I listened to the hon. member opposite with some care. I would have preferred, I might say, to start my speech tomorrow or on Thursday and finish it but, Mr. Speaker, I move the adjournment.

MR. SPEAKER (Russell):

It is noted that the member for Port au Port (Mr. Hodder) has adjourned the debate.

On motion, the House at it rising adjourned until tomorrow, Wednesday, 5 December, 1984, at 3:00 p.m.