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(Hansard)

Speaker: Honourable James Russell

Friday

30 November 1984

The House met at 10:00 a.m.

37.

MR. SPEAKER (Russell):
Order, please!

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

STATEMENTS BY MINISTERS

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Mr. Speaker, I wish to provide a full statement of the position of government with regard to bill 37, "An Act To Amend The Labour Standards Act", which is now before this hon. House. Bill 37 will define -

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

MR. SPEAKER:
Order, please!

The hon. the Leader of the Opposition.

MR. BARRY:
The Bill is on the Order Paper and is coming up for debate and the Premier is entitled to participate in that debate, and, in fact, can introduce the bill if he so wishes. It seems to me that the Premier is now abusing the rules of the House. Presumably they are becoming concerned now about their ability to sustain the provisions of the bill. There has already been a ruling that a matter cannot be raised in Question Period and, I believe, should not be debated in the House, and I would submit, Mr. Speaker, the same thing would apply with respect to a Ministerial Statement, and that the Premier will have his opportunity in the course of debate, like everybody else in the House, to make his point on bill

MR. OTTENHEIMER:
Mr. Speaker, the rule the hon. gentleman is referring to, or the practice the hon. gentleman is referring to is the one with respect to anticipation and I think that deals with a determination that a matter is before the House for a determination anticipated in another manner, such as in another resolution. The only authority on Ministerial Statements apart from practice that I am aware of is in the British authority, Erskine May, a quite brief reference which says to the effect that a statement by a minister is an elucidation or an explanation of government policy -

MR. BARRY:
Did you say hallucination?

MR. OTTENHEIMER:
An explanation, elucidation.

MR. BARRY:
Oh, I thought you said hallucination.

MR. OTTENHEIMER:
No, no, we leave the hallucinations to the replies to the Ministerial Statements. The statements are the elucidations, too frequently the replies, perhaps, are the hallucinations. But be that as it may, I do not wish to get into that - and it quite clearly states that the Chair does not interfere in Ministerial Statements which are statements of government policy. I would think the only thing that would rule a Ministerial Statement out of order would be if it were unparliamentary language, or a

breach of people's privileges, or that kind of thing. But the practice, certainly the practice of the House has been that when a minister rises to make a statement on government policy, whether there is a bill or not in that area on the Order Paper is not a factor. You can have bills on the Order Paper on education, on health, on all kinds of things and that has never precluded the minister responsible from making a statement on health policy or any other policy. And the fact that there is now a bill on the Order Paper with respect to an amendment to the Labour Standards Act does not interfere at all with the government's right to make a Ministerial Statement with respect to labour policy. So I would submit that -

MR. BARRY:

As long as it does not refer to the bill and the provisions of the bill.

MR. OTTENHEIMER:

Even if it refers to the bill, this is a statement of government policy with respect to that area and with respect to any legislation the government might introduce, or with respect to any other actions the government might have. I think if Your Honour wishes to check in the Erskine May he will find that there is no precedent for interference within the ministerial prerogative of making statement on government policy irrespective of what legislation is on the Order Paper.

MR. NEARY:

To that point of order, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for LaPoile.

MR. NEARY:

Mr. Speaker, I think we should take a few minutes on this important point of order that was raised by my colleague, because it is the first time to my knowledge that the Premier or any of the ministers have come into this House, stood to make a Ministerial Statement and referred to a bill, as the hon. gentleman just did; he said, 'I wish to state the government's position on a bill.' Now, Mr. Speaker, any parliamentarian knows that the Premier will have his opportunity to debate the principle of that bill today, this very day. Ministerial Statements are meant to convey information. They are not meant to be debatable, they are meant to convey factual information. What the Premier is doing is using the privilege of a Ministerial Statement to enter into the realm of debate. And he did not even have the courtesy to deliver a copy of his statement to the Opposition before he stood to make it. I believe this is a very, very serious violation of the rules and the privileges of this House, Mr. Speaker. And because we are breaking new ground here again today, I do not think it should be just sloughed off and a decision made on it quickly, I think it is something that has to be researched very carefully. It is not what you would call, Mr. Speaker, to be in the realm of a Ministerial Statement, it is a debate.

AN HON. MEMBER:

How do you know what it is?

MR. NEARY:

Well, the fact that the hon. gentleman in his opening remarks said, 'I wish to make the Government's position abundantly clear on bill No. 37.'

MR. BARRY:
What is the bill doing?

MR. NEARY:
Mr. Speaker, the principle of that bill will be debated immediately Your Honour calls Orders of the Day and, therefore, I think the Premier is completely out of order, abusing the privileges -

MR. BARRY:
Unequal time.

MR. NEARY:
That is right. And we do not even get equal time, we only get half time to reply to it, Mr. speaker. There is no justification for it, all it is meant to do is try to prop up the image of the administration, which is faltering and sagging badly on this particular matter, because they have been under fire. The hon. gentleman cannot come into this House and try to debate that bill in the form of a Ministerial Statement.

MR. SPEAKER (Russell):
The Chair is not sure it has heard quite enough of the hon. Premier's statement to know if it is a Ministerial Statement or if it is dealing with the principle of a bill or exactly what it is, because the hon. the Premier only had the opportunity to say very little about it. It is an unusual kind of situation, and rather than make a ruling that may or may not be correct, I would like to adjourn for five minutes to take a look at it.

RECESS

MR. SPEAKER:
Call in the members.

On the matter raised by the Hon. the Leader of the Opposition (Mr. Barry) a little while ago pertaining to the Premier's Ministerial Statement, I had some consultation with the people at the Table and it appears as if it has been in order before in the Legislature. I would like to quote from Erskine May, page 336, on Ministerial Statements which says, "Explanations are made in the House by Ministers on behalf of the Government regarding their domestic and foreign policy; stating the advice they have tendered to the sovereign regarding their retention of office or the dissolution of Parliament; announcing the legislative proposals they intend to submit to Parliament; or the course they intend to adopt in the transaction and arrangement of public business."

The point of order may have been a little premature. The Chair certainly feels that it would be out of order for the Premier or any other minister to debate the principle of the bill. If it is a policy statement, then that, of course, is a different matter. In reality the Chair has not heard enough of the Premier's statement to rule whether it is a policy statement or if it is the principle of the bill, so the Chair's ruling is that the Premier may continue.

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

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

MR. BARRY:
It has been brought to our attention that while the Premier has not seen fit, has not shown

the courtesy of supplying the Opposition with a copy of his statement, a copy has been supplied to the Press Gallery. Now, Mr. Speaker, I think that that is a breach of the privileges of this House. I think, Mr. Speaker, it shows an arrogance, an arrogance arising not from pride but from fear, a fear of debate, and, Mr. Speaker, I submit that it shows a contempt, a contempt for this House of Assembly, for the members of this House of Assembly, for the institution and for the people of this Province, that the Premier has reached the stage where he is so concerned by the effect that his policies are having upon this Province that he has decided to commence playing little games, and, Mr. Speaker, he has decided to attempt to stifle debate, to take advantage of technicalities to give him the advantage of having twice the time the Opposition will have in dealing with the matter of his Ministerial Statement and, Mr. Speaker, for the very reason that Your Honour pointed out, that he is not entitled to engage in debate on the policy of the bill, he has decided not to give us a copy so that we can determine at what point in time he is getting into the area of policy. I submit, Mr. Speaker, it is a matter of breach of the privileges of this House, it is a matter showing contempt not only for this House but for the ordinary man and woman of this Province.

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

MR. OTTENHEIMER:
Mr. Speaker, on the - well, not the factual issue, because I do not think there are any facts there - allegations of fact the point is that the statement in

question was to be simultaneously distributed to the press and to members of the House of Assembly. The members of the House took great objection to the statement so they have not got it yet. But quite apart from that, the Premier is at liberty to give his statement to whomever he wishes; he can give it to the press, he can give it to whomever he wishes, he does not need the permission of the Leader of the Opposition to distribute any statement, there is no doubt about that.

Secondly, I would suggest, Your Honour, that when points of privilege come up they are supposed to deal specifically with a particular grievance, and the Leader of the Opposition (Mr. Barry) abuses, abuses the point of privilege procedure by using it to make allegations of arrogance and contempt, and by so doing he abuses the point of privilege which, when it is raised, immediately suspends everything else and gives an immediate entry to the person, therefore, that whole use has to be based on a concept of good faith that it will not be abused to heap abuse on another hon. member.

MR. SPEAKER:
The hon. the member for LaPoile.

MR. NEARY:
Mr. Speaker, I just want to be very brief. I want to say this: Not only, Mr. Speaker, did the hon. gentleman show contempt for the House, but he also showed contempt for Your Honour, because in Your honour's ruling that Your Honour just gave Your Honour indicated that Your Honour had not heard enough of the statement to determine whether or not the Premier was debating the principle of the bill. If the Premier had

had the decency and the courtesy to deliver the statement to members of the House and to Your Honour, Your Honour would have been able to determine in the confines of his office, when he was having consultation, whether or not the statement was debating the principle of the bill. The press know it. Some members on this side have read the statement in the Press Gallery and, Mr. Speaker, my colleagues on this side of the House who have read the statement know that it is debating the principle of the bill. Your Honour should have that statement in front of him, now that it has been made public. Mr. Speaker, it is part of the ruling. I think it is very important that Your Honour now get the statement, now that it has been made public, and look at it. The Premier should not be allowed to carry on to debate the principle of the bill. So not only did the hon. gentleman show contempt for the House but, also, contempt for the Chair.

PREMIER PECKFORD:

To that point of privilege, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the Premier.

PREMIER PECKFORD:

Just one point to reinforce what the Minister of Justice (Mr. Ottenheimer), the Acting Government House Leader, has just said. The procedure was that when I got up to give the statement, and I think I got through three lines or whatever, there was a gentleman who works for me who was up to deliver the statement to the Press Gallery. At the same time, I had just given another sheet of paper to my Parliamentary Secretary who was about to get up

to give a copy of the statement to the Leader of the Opposition and to the member for Menihek. Before he an opportunity to do that a point of order -

SOME HON. MEMBERS:

Oh, oh!

PREMIER PECKFORD:

Yes, he was going to provide it as I got up to speak. That is what was going to happen, Mr. Speaker, but, unfortunately, we did not get a chance to do it.

MR. SPEAKER (Russell):

Order, please!

To the point of privilege raised by the hon. the Leader of the Opposition (Mr. Barry) certainly there is no prima facie case established. It is the decision, I guess, of the Premier, or any minister, to distribute copies of press releases to whomever he chooses. Certainly he is not obligated to give the Speaker any statement that he is going to make. If any member chooses to consult with the table or with the Speaker's office on matters, then that is entirely the decision of any member, any premier, or any minister. But it is certainly not the duty of the Speaker to go looking for statements to see if they are in order or not. As I have said, I have not heard enough of the Premier's statement to make a ruling as to whether or not it is on the principle of the bill or whether it is a policy statement, and the Premier does have the right to continue.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

Mr. Speaker, I wish to give a statement concerning the policy of

this government as it relates to labour standards and the introduction later today of that Labour Standards amendment and other amendments that have not been made to the bill at this point in time.

The policy will define what is meant by the terms temporary layoff and termination of employment. This new bill and this new policy is necessary in order to determine the periods of notice which employers must give to their employees when a layoff is to occur. The existing Labour Standards Act, 1977, does not include such a definition, and as a result the Labour Standards Tribunal has ruled that any break in service of more than one week constitutes termination of employment.

MR. BARRY:

A point of order, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the Leader of the Opposition on a point of order.

MR. BARRY

Mr. Speaker, I think by now we have seen the Premier is debating the bill, is debating the policy of the bill and the principle of the bill and that has come up in the very first paragraph of his statement. I would submit to Your Honour that the ruling Your Honour has made would apply to the statement that has been read so far by the Premier. I submit that the proper time for this is during the bill. And, Mr. Speaker, I think the point should be noted that Beauchesne refers to a question being out of order because 'it anticipates a debate scheduled for that day'. On page 132 of Beauchesne, the objection to a question is because the

question anticipates a debate scheduled for that day.

Mr. Speaker, the Government House Leader yesterday indicated that the Labour Standards Bill would be called for debate today.

MR. NEARY:

The first item today.

MR. BARRY:

The first item today. The rules for Ministerial Statements are that the Opposition only have half as much time, Mr. Speaker, on a Ministerial Statement, only half as much time to respond as does the government member making the statement, unlike the debate on the bill when we have an equal amount of time. Now, that is a basic element of unfairness in permitting the Premier to get up and attempt to debate the bill, the bill that is scheduled for today, in the course of a Ministerial Statement and I submit that by Your Honour's previous ruling the Premier is out of order.

MR. SPEAKER (Russell):

The hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, I would like to, from a number of perspectives, comment on this. First of all, the hon. the Leader of the Opposition's reference to the rules with respect to questions is obviously not applicable to Statements by Ministers, they are quite two different proceedings. I would also like to point out, and although this is a point of order which has been raised and not a point of privilege, I think that Your Honour might find interesting, on page 87 of Beauchesne, paragraph 264, the quotation, "The option of a Minister to make a statement

either in the House or outside it may be the subject of comment, but is not the subject of a question of privilege."

Now, obviously, it was not a question of privilege raised, but that means that there is nothing infringing upon the privileges of the House in a Ministerial Statement. Therefore, for it to be out of order we have to know some specific reason: is there unparliamentary language? Is it this or is it that? Now, what the hon. the Leader of the Opposition (Mr. Barry) hangs his hat on is by saying that the principle of the bill is being debated or anticipated in the Ministerial Statement. Now, we will recall that when Your Honour read from the English authority, Erskine May, he cited the very relevant section that Ministerial statements are made with respect to the legislative proposals of the government. The legislative proposals of the government are the pieces of legislation that a House will be asked to look at. What else are the legislative proposals of the government if they are not pieces of legislation to be introduced into the House?

Now on the point of the principle of the bill, when the bill is introduced the principle of the bill, the matter for determination by the House will be whether the principle of that bill will be read a second time or whether the House will adopt those principles. That is the specific point which will be determined, that is the specific point which cannot be anticipated because it is up for determination of the House by a vote on second reading. What the Premier is doing now is not precluding that by bringing in a resolution which

would ask for a determination in an anticipatory manner, by bringing in a resolution which would anticipate the principle of the bill, what he is doing is exactly what Erskine May allows and recognizes as standard practice, and that is speaking on the legislative proposals of the government.

SOME HON. MEMBERS:
Hear, hear!

MR. OTTENHEIMER:

Finally I will submit, because Standing Order 1 determines three orders of authority, number one, coming first and foremost, the Standing Orders, number two, the precedents of the House, number three, and where they are silent the precedents in the House of Commons, our Standing Orders are silent, the precedents of the House, Your Honour can check, is unequivocally that Ministerial Statements have been made with respect to legislative proposals of the government as well as other areas. Our precedent is consistent in that respect.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER (Russell):

The hon. the member for LaPoile.

MR. NEARY:

Mr. Speaker, first of all let me say that it is a nice try by the Acting House Leader, but all he is doing is setting up a smoke screen and dragging in red herring. Just to refer to the hon. gentleman's last remark about this being a proposal, this is not a proposal, the government have given notice, the bill is on the Order Paper and we are going to debate today the principle of this bill. Now, in his opening paragraphs the Premier

immediately entered into debate on the bill by telling the House, Mr. Speaker, the definition between a temporary and a permanent employee. That is the nuts and bolts of the bill, that is what we are going to debate when we finish

MR. SIMMS:

What is your reference?

MR. NEARY:

Mr. Speaker, the hon. gentleman who just took his seat jumped over three sections of Beauchesne.

MR. SIMMS:

What edition are you reading from?

MR. NEARY:

It is the Fifth Edition. Now, Mr. Speaker, my hon. friend is down at the bottom of the barrel scrabbling and scraping trying to dig up argument. This is indefensible, inexcusable what is happening here, the arrogance coming through and the contempt for this House. Mr. Speaker, let me draw your attention to page 87, section 262, of Beauchesne: "Statements by Ministers have now been given a recognized place in Routine Proceedings. The Standing Order is specific but considerable latitude has been left to the Speaker to set limits on the participants. The Speaker has emphasized that both the Government and Opposition contributions should be brief and factual." We have gone through that. Now, listen to this, Mr. Speaker, just listen, "The purpose of a ministerial statement is to convey information, not to encourage debate." Now, Mr. Speaker, in the opening paragraph what the Premier did was encourage debate. And I have to reiterate, though I hate to be repeating myself, but the principle of that

bill is going to be debated, the first item on the agenda when Your Honour calls Orders of the Day. And there is no precedent that I know of in the past twenty-two years in this House. Sure any minister can get up and talk about proposals, the government's proposed legislative programme. That is not what we are talking about here, Mr. Speaker, we are talking about a bill that is on the Order Paper and we are going to debate the principle of it. And now the hon. gentleman is going to take ten or twelve pages, going to take twenty-five or thirty minutes, a half hour or longer, to debate the principle of that bill, and I think it is wrong.

And, Mr. Speaker, we would like for the hon. gentleman there opposite who is digging down in the bottom of the barrel for precedents, to indicate to the House one precedent of where that had happened in this House in the past twenty-five years.

MR. SPEAKER (Russell):

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, to the point of order, there is one thing that is missing here completely. So far I agree with all the arguments that have been advanced, and I do not think any other arguments are really needed. From what the Acting Government House Leader has said it is crystal clear. But just let me add another piece of information which bears directly on what the member for LaPoile (Mr. Neary), as well as the Leader of the Opposition (Mr. Barry), just said. This statement articulates government policy but goes further; it is indicating that the policy of the government is somewhat different than is in

that bill that we are about to debate.

MR. NEARY:

We will debate it. We will debate it at second reading.

PREMIER PECKFORD:

So if the Opposition are saying that I cannot make a Ministerial Statement because it is commenting upon the existing bill, it does not, it introduces a new dimension to the bill which the Minister of Labour and Manpower (Mr. Dinn) will bring in as an amendment in Committee of the Whole. So it is enunciating new policy different from what is in that bill. There is to be an amendment to the bill that is presently on the Order Paper.

MR. NEARY:

Mr. Speaker, to that point of order.

MR. SPEAKER (Russell):

Order, please!

MR. NEARY:

Could I briefly to that -

MR. SPEAKER:

Order, please!

The hon. the member for LaPoile (Mr. Neary) has already spoken to that point of order.

SOME HON. MEMBERS:-

Oh, oh!

MR. SPEAKER:

Order, please!

The Chair has already made a ruling on the matter at hand and it appears that the Chair is being put in the position of having to decide at what point in time, if such a point arises, that the Premier is debating the principle

of the bill. At this point in time the Chair is not satisfied that the Premier is debating the principle of the bill, but that he making a policy statement. Certainly a check has been done and Ottawa's opinion is that it would be out of order to debate the principle of the bill. However, as I said, that is a matter of a decision that the Chair may or may not have to make. But at this point in time the Premier may continue.

PREMIER PECKFORD:

Thank you, Mr. Speaker.

As I was saying before I was interrupted, the existing labour policy in the Province does not include such a definition of temporary and permanent layoffs, and as a result the Labour Standards Tribunal has ruled that any break in service of more than one week constitutes termination of employment. This could mean that many of the larger employers, and some of the smaller and medium sized employers in this Province will be found guilty since 1978 of failing to give proper notice to employees.

MR. FENWICK:

A point of order, Mr. Speaker.

MR. SPEAKER (Russell):

Order, please!

The hon. the member for Menihek on a point of order.

MR. FENWICK:

I think we have now come to the point where he is starting to debate the bill. At this point he is now saying, 'this could mean that many of the larger employers in this Province could be found guilty of failing to give notice,' etc. etc. This is what he

is doing, this is clearly debating the effects of the bill and the effects of the changes of it. At this point, right now, there is only one decision that has been rendered by the Labour Standards Tribunal and it is under appeal in the month of January. He is clearly starting to argue the implications of this bill and I think at this point he should be ruled out of order because he is now debating the bill that is coming up.

MR. SPEAKER (Russell):
Order, please!

Just a moment or so ago the Chair indicated that perhaps the Chair would have to decide whether or not, or when, the Premier was entering into debate on the principle of the bill and the Chair will do that if he feels the Premier is doing that.

PREMIER PECKFORD:

This could mean that many of the larger employers and even a lot of small or medium sized employers in the Province will be found guilty since 1978 of failing to give proper notice to employees, and they could now be obligated to pay out large sums of money because of confusion between temporary and permanent layoffs as defined in the existing legislation. The new policy that we are going to bring in later today is being made retroactive to August 1, 1978 in order to solve this problem and to protect jobs in companies where temporary layoffs have been or may be deemed to be permanent and where long notice periods may be required.

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

MR. SPEAKER:

Order, please!

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, the Premier has run out his string. He has now reached the point, Mr. Speaker, where he is setting out the principle of Bill 37. He is explaining the reason why Bill 37 is being brought in, 'in order to solve this problem' that he had earlier referred to, and he attempts to justify that, 'to protect jobs in companies where temporary layoffs have been made or may be deemed to be permanent and where long notice periods may be required.'

Mr. Speaker, if that is not debate, then there has never been debate carried on in this House.

MR. NEARY:

That is right.

MR. SPEAKER (Russell):

The hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, I think there are a couple of points to be made. Your Honour has indicated that Your Honour was monitoring debate to make sure that the rules were adhered to and surely it appears quite improper to use a continuing series of points of order -

SOME HON. MEMBERS:

Why? Why?

MR. OTTENHEIMER:

- in order to preclude any minister from speaking in this hon. House. That seems to be, in my opinion, an abuse of the rules. Your Honour pointed out from authority that a Ministerial Statement may be made with respect

to the legislative proposals of the government. Now, the principle of the bill is that certain enactments be made, and that they be voted into law.

MR. BARRY:

What is debated?

MR. OTTENHEIMER:

The principle of the bill. The principle of the bill, when it comes up, will be that certain matters be voted on and be made into law. What the Premier is now doing in a Ministerial Statement is explaining the government's reasons for bringing in a certain legislative proposal. Obviously, if a minister, as Your Honour quoted the authority, if a minister may speak on the legislative proposals of a government, that is legislative proposals, plural, that is made up of individual ones, he may speak on a legislative proposal. And if he is going to speak on a legislative proposal, he speaks on the piece of legislation. The principle of the bill is that it be enacted into legislation. The Premier is not saying I hope hon. members will vote for this, will put this into law, will do this, will do that, he is pointing out the reasons the government is bringing in this specific legislative proposal. And certainly it would appear to me that this is an attempt to preclude a member, and it does not make any difference if it is the Premier or anybody, from their legitimate right to speak in the House. Because if a Ministerial Statement can be made with respect to speaking about a legislative proposal, then obviously this is a legislative proposal. The principle of the bill is arguments 'why it should be made law and why members should vote for it to make

it law.' What the Premier is doing is explaining why the government is bringing in this legislative proposal and explaining government policy.

MR. BARRY:

It is not a legislative proposal. There is a bill on the Order Paper that is coming up today.

MR. SPEAKER (Russell):

Order, please!

The Chair can only repeat what it has already said several times, that maybe the Chair will have to decide if and when the Premier is entering into specific debate on the bill itself. At this point in time the Chair is not convinced that the Premier is doing that.

MR. BARRY:

Mr. Speaker, I appeal your ruling, with regret.

MR. SPEAKER:

The motion is that the Speaker's ruling be sustained. All those in favour 'aye'.

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

Those against 'nay'.

SOME HON. MEMBERS:

Nay.

MR. SPEAKER (Russell):

The 'ayes' have it.

MR. NEARY:

Divide.

DIVISION

MR. SPEAKER:

Call in the members.

Is the House ready for the question?

The motion is that the Speaker's ruling be sustained. All those in favour please stand: The hon. the Premier, the hon. the Minister of Rural, Agricultural and Northern Development (Mr. Goudie), the hon. the Minister of Education (Ms. Verge), the hon. the Minister of Career Development and Advanced Studies (Mr. Power), the hon. the Minister of Health (Dr. Twomey), the hon. the Minister of Finance (Dr. Collins), the hon. the Minister of Justice (Mr. Ottenheimer), Dr. McNicholas, the hon. the Minister of Culture, Recreation and Youth (Mr. Rideout), the hon. the Minister of Municipal Affairs (Mr. Doyle), the hon. the Minister of Labour (Mr. Dinn), the hon. the Minister of Forest, Resources and Lands (Mr. Simms), Mr. Barrett, the hon. the Minister of Public Works and Services (Mr. Young), the hon. the Minister of Consumer Affairs and Communications (Mrs. Newhook), the hon. the Minister of Environment (Mr. Andrews), Mr. Carter, Mr. McLennon, Mr. Baird, Mr. Peach, Mr. Tobin, Mr. Cross, Mr. Stewart, Mr. Aylward, Mr. Hearn, Mr. Butt, Mr. Woodrow, Mr. Osmond.

MR. SPEAKER:

Those against the motion please stand: The hon. the Leader of the Opposition (Mr. Barry), Mr. Neary, Mr. Tulk, Mr. Warren, Mr. Fenwick.

The vote is twenty-eight for and five against. The motion is sustained.

The hon. the Premier.

PREMIER PECKFORD:

To continue, Mr. Speaker, the only retroactive provision of the new policy that will be brought in

later today is to provide a definition of temporary layoff and permanent layoff. The new policy does not change the conditions of employment retroactively. The new policy does not reduce the notice periods. In fact it imposes a notice period for temporary layoffs where the present policy as written fails to specify such notice. So what we are doing in the new policy which will be introduced later is to bring in notice periods for temporary employment where none now exist.

The present policy calls for notices for permanent employment -

MR. NEARY:

That sounds like debate to me.

MR. BARRY:

A point of order, Mr. Speaker.

MR. WINDSOR:

Name him, Mr. Speaker.

MR. TULK:

Name him. Do not be so foolish.

MR. SPEAKER (Russell):

Order, please!

The hon. the Leader of the Opposition.

MR. BARRY:

We now have a situation, Mr. Speaker, where the Premier has prepared one statement and has passed it out, first to the Press Gallery, before he gave it to members of this House, one copy to myself as Leader of the Opposition, the member for Menihek has one, but no other member of this side has gotten one, I do not think, but Mr. Speaker, the Premier is not reading the statement that has been given out. The Premier, instead of

reading out that bill 37 does such and such, the Premier is reading out that the policy of this government is such and such, and is trying again to abuse the rules of this House. He is now giving out a statement, and I do not if it is intended to mislead or what the situation is, but the Premier has not given us the statement which he is now reading in this House and that shows contempt as well.

MR. SPEAKER:

The hon. the Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, it is generally known, everybody should know that the statement by a minister is what the minister says. He does not need to write it at all, he can get up and ad lib a statement, he can have a draft prepared for him, he can have notes prepared for him. Nothing has to be written at all. The Ministerial Statement is what is said. I, myself, have frequently had a prepared statement and ad libbed and changed it as I went through. Very frequently. What is the official statement is what is said and appears in Hansard, it is not a draft that might be prepared and which one is at liberty to ad lib around or to alter as one wishes. If one makes a speech one has notes, or one has a drafted speech, and in speaking you say something different, you depart, you change, you ad lib. It is what is said, it is what is in Hansard, it is not any notes or any drafts that are put down. What is official is what is said.

Now, Mr. Speaker, I would also draw to Your Honour's attention the question of precedent of this House, and when there is no Standing Order that is the next

immediately available authority. I draw to Your Honour's attention that no later ago than Wednesday I made a Ministerial Statement outlining the government's legislative proposals with respect to amendments to the Human Rights Code.

PREMIER PECKFORD:

And what did the member for the Strait of Belle Isle do but get up and talk about it as well.

MR. OTTENHEIMER:

Yes, exactly. I outlined specifically the legislative proposals of the government which were being brought in with respect to the Human Rights Code. In a Ministerial Statement on Wednesday, I have a copy of it right here now, I outlined the legislative proposals -

SOME HON. MEMBERS:

Oh, Oh!

MR. BARRY:

But that was not on the Order Paper.

MR. SPEAKER (Russell):

Order, please! Order, please!

DR. COLLINS:

That is only for Question Period.

MR. OTTENHEIMER:

It is quite irrelevant whether it is on the Order Paper or not, it could be called today. If the hon. gentleman persists in his points of order it may not be called until next week. The precedent is there that a Ministerial Statement was made with respect to the legislative proposals and that had nothing to do with the principle of the bill, the principle of the bill being the adoption of legislation. So there is a precedent just as early

as a couple of days ago, Your Honour.

MR. SPEAKER:

The hon. the member for LaPoile.

MR. NEARY:

To that point of order, Mr. Speaker, I should like to point out to the House that the so-called precedent that the hon. gentleman just referred to is not a precedent covering the situation that we are presently in. Now, Mr. Speaker, let me get back to the original point of order raised by my colleague. As the Premier went on with his reading he changed because somebody told him, 'do not refer to the bill, call it policy.' Well, now, Mr. Speaker, right in the opening paragraph the Premier said, 'Mr. Speaker, I wish to provide a full statement of the position of the government with regard to bill 37, "An Act To Amend The Labour Standards Act", which is now before this hon. House. Bill 37 will define', and it goes on, every paragraph refers to bill 37. But now that he is getting points of order and he is afraid Your Honour might rule him out of order, he is calling it policy, he is admitting that he is debating, he is now trying to be sneaky about it. That is not a precedent, Your Honour knows that, even a kindergarten student would know that, that document that the Minister of Justice had there. No wonder he was shivering and shaking when he was trying to explain that it was a precedent. It is not a precedent. There is no precedent in this House that I know of in the past twenty-five years for the sort of thing we see going on here today. It is unheard of, Mr. Speaker.

PREMIER PECKFORD:

To that point of order, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the Premier to that point of order.

PREMIER PECKFORD:

Mr. Speaker, I am trying to live within the rules as set down by the Speaker from time to time. And that is what I am doing now because the Speaker has ruled on the matter, I am trying to keep with the rules as set down by the ruling.

MR. SPEAKER:

Order, please!

On the point raised I think there is a basic difference in something for which notice of motion has been given and appears on the Order Paper and something of which notice of motion has not been given. However, certainly I think the point raised by the hon. the Minister of Justice (Mr. Ottenheimer) is correct. When a minister is making a statement he does not have to stick strictly to every single word that is on the page. Now, whether or not the Premier, of course, has changed what is on the statement is a matter of opinion between hon. members, it is not something for the Chair to rule on, the Chair has not seen the statement. Again, certainly anyone making a speech in this House does not have to stick strictly to a prepared text although usually it is done, perhaps. But there is no rule that I am aware of that says the Premier or a minister has to stick to a prepared statement. The hon. the Premier.

PREMIER PECKFORD:

To continue, Mr. Speaker, the present policy calls for notices

for permanent layoff but not for temporary layoff.

Prior to 1973 employers were required under the previous policy to give an employee notice of termination equal to the employee's pay period, usually one or two weeks. In 1973 that policy required longer periods of notice where large numbers of employees were to be laid off permanently. The length of the notice periods varied with the number affected.

The former policy defined a temporary layoff as 'A layoff of not more than thirteen weeks in any period of twenty consecutive weeks'. Termination of employment was defined as 'a layoff for a period longer than a temporary layoff'.

MR. BARRY:

On a point of order, Mr. Speaker.

MR. SPEAKER (Russell):

Order, please!

The hon. the Leader of the Opposition on a point of order.

MR. BARRY:

Mr. Speaker, the minister introducing the bill, the Minister of Justice (Mr. Ottenheimer) getting up referring to the bill, the Premier himself earlier in his statement has indicated what the essence of this bill is, and the essence of the bill, the principle of the bill, and it is not a very large bill, Mr. Speaker, it is not very hard to find out what the principle of bill is, it is a two page bill, it has four clauses, and Your Honour has to consider whether there is debate on the principle of Bill 37, not on another bill which may be brought in by government, by the Premier, by the Minister of Labour (Mr.

Dinn). If they wish, Mr. Speaker, that can be withdrawn from the Order Paper and they can substitute their new bill and we will listen to the Premier's statement on that bill and find out whether that statement is debating the policy of the bill, but we are now talking about debating the principle of Bill 37 which is before the House. Mr. Speaker, the principle of this bill is very simple. It has two prongs, Mr. Speaker: One has to do with the definition of 'termination of employment', when is employment terminated? Is it a termination or is it only a layoff? Now that is exactly what the Premier is dealing with here now. The other prong of the bill, Mr. Speaker, has to do with the retrospective aspect, sometimes referred to, not as accurately, as retroactive aspect of the bill. That is the other principle. The Premier has now started discussing 'termination of employment'. Although he reads out the former policy of government, what the statement says is a 'former termination of employment'. But that is all right, let us listen to what he said rather than what he assured members of this House he would say and, again, is he trying to mislead with giving us one statement and reading another?

Let us take what he said rather than what he assured members of this House he would say. He said, Mr. Speaker, that the former policy defined a 'temporary layoff'. Mr. Speaker, that is the total of clause 1 (a), the definition of 'temporary layoff'. Then he gets into 'termination of employment'. Mr. Speaker, that is the total of clause 1 (b). Now what has to happen here before we have debate on the principle of the bill? He is going to have

everything in the bill dealt with. And surely in doing that, in the course of going through clause by clause that is debate on the principle of the bill. Where is the principle of the bill, Mr. Speaker?

MR. OTTENHEIMER:
Mr. Speaker.

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

MR. OTTENHEIMER:
Mr. Speaker, I think one of the distinctions which can be made, but I am not sure if one is up against a coalition against freedom of speech how much distinction can be made, but the distinction is that in debate on second reading what is done is that the principles or principle of a bill is debated. Now when members debate what do they do? Debate. The essence of debate is putting forward why a course of action is necessary, why a course of action is good, why it should be voted for, why the House should put it into law, that is what debate is. Why a measure should be taken, all of the reasons for it and the reasons against it, that is a question of debate. There is a distinction between debate and explanation. Explanation does not put forward reasons why people should be urged to vote for it, explanation tells what the legislative proposal is. When Your Honour read from the English authority that Ministerial Statements are used to explain the legislative proposals of government, that is obviously what it is. A legislative proposal has to be a bill and what is in order is to explain the bill. What might be out of order is debate on why members should vote a certain way and not a certain other way.

The Premier has made no reference whatsoever to why people should support this or not support it, the arguments for it or against it which are matters for debate, what he is doing is explaining the legislative proposal of the government and I suggest, Your Honour, that if the rule that a minister may make a Ministerial Statement explaining the legislative proposals of government does not mean that it means nothing.

MR. NEARY:
Mr. Speaker.

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

MR. NEARY:
Mr. Speaker, again I have to take issue with the hon. gentleman. The hon. gentleman is really desperately trying to find arguments to defend the indefensible. Mr. Speaker, there is no precedent in this House that I am aware of - I do not know if Your Honour can enlighten me - there is no precedent for what is happening here today. The Premier is breaking new ground, he is debating a bill. He is entering into the realm of debate against the rules, against Beauchesne, against the House of Commons' procedure, against everything that is decent and fair. Mr. Speaker, the hon. gentleman is doing it today, doing it under the guise of a Ministerial Statement. Now, Mr. Speaker, every paragraph that we have heard so far is debatable. We can debate every paragraph with the hon. gentleman, but we are not allowed, we are gagged by the procedure that he is trying to use. And all he is trying to do is upstage and get ahead of the Federation of Labour because they are having a news conference at

12:00 p.m. That is the game the hon. gentleman is playing and he should not be allowed to abuse the rules of this House to play his little political games and his trickery, Mr. Speaker. It is completely out of order, hon. gentlemen know it is out of order. Mr. Speaker, when we came into this House today I heard the former Speaker shouting across at us saying, 'We know your strategy.' We did not know there was going to be a Ministerial Statement of this nature when we came into the House today.

MR. SIMMS:

You were not long making a phone call though.

MR. NEARY:

Making a phone call to whom?

MR. SIMMS:

You know who.

MR. NEARY:

Mr. Speaker, we had no strategy when we came in except fair play, British justice and the protection of the House against this sort of abuse, and that is all we ask for. Mr. Speaker, that is why we are raising these points of order. Your Honour already in his ruling said, 'I will have to hear more of the statement.' Your Honour, now, in my opinion, has heard enough of the statement to know that he is in the realm of debate and I believe the Premier should be told that he is out of order. And if he wants to debate these matters, let him do it on second reading of the bill, Mr. Speaker.

MR. SPEAKER (Russell):

To the point of order, it appears to me that a lot of valuable time is being wasted in the House today on points of order that may or may

not be valid. The points of order raised have been dealing with basically the same point over and over again on which the Chair has already made a ruling, the question being, I suppose, a difference of opinion between the government and the Opposition as to whether or not the Premier is entering into the realm of debate on the bill.

MR. TULK:

He is.

MR. SPEAKER:

Well, that is a matter of opinion for both sides of this House. The Chair has indicated that the Chair would have to decide when the Premier was entering into the realm of debate and would have to rule him out of order at that point. So it appears that it is really the same point of order being made over and over again on exactly the same point. I shall let the Premier continue and look at it later.

MR. BARRY:

Mr. Speaker, again, with regret, we have to appeal that ruling.

MR. BAIRD:

Name him. Name him, Mr. Speaker. Name him.

MR. SPEAKER (Russell):

Order, please!

The motion is that the Speaker's ruling be sustained. Those in favour "aye".

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

Those against "nay".

SOME HON. MEMBERS:

Nay.

MR. SPEAKER:

The "ayes" have it.

MR. NEARY:

Divide, Mr. Speaker.

DIVISION

MR. SPEAKER:

Call in the members.

Is the House ready for the question? The rule is that we wait ten minutes, if that is the wish of the House.

Order, please! The time has expired, we must now take the vote. All those in favour of the motion please stand: The hon. the Premier, the hon. the Minister of Rural, Agricultural and Northern Development (Mr. Goudie), the hon. the Minister of Education (Ms. Verge), the hon. the Minister of Career Development and Advanced Studies (Mr. Power), the hon. the Minister of Health (Dr. Twomey), Mr. Brett, the hon. the Minister of Finance (Dr. Collins), the hon. the Minister of Justice (Mr. Ottenheimer), Dr. McNicholas, the hon. the Minister of Culture, Recreation and Youth (Mr. Rideout), the hon. the Minister of Municipal Affairs (Mr. Doyle), the hon. the Minister of Labour (Mr. Dinn), the hon. the Minister of Forest Resources and Lands (Mr. Simms), the hon. the Minister of Public Works and Services (Mr. Young), the hon. the Minister of Consumer Affairs and Communications (Mrs. Newhook), the hon. the Minister of Environment (Mr. Andrews), Mr. Carter, Mr. McLennon, Mr. Baird, Mr. Peach, Mr. Tobin, Mr. Cross, Mr. Stewart, Mr. Aylward, Mr. Hearn, Mr. Butt, Mr. Woodrow, Mr. Osmond.

MR. SPEAKER:

Those against the motion please stand:

The hon. the Leader of the Opposition, Mr. Neary, Mr. Tulk, Mr. Warren, Mr. Fenwick.

MR. SPEAKER:

Order, please!

The vote is twenty-eight for, five against. The Speaker's ruling is sustained.

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, due to the harassment that is evident here in the House this morning and the lowering of the decorum of this institution, and that there is obviously a concerted and deliberate attempt by the members of the Opposition (Mr. Barry) and the member for Menihek (Mr. Fenwick) -

MR. NEARY:

A point of order, Mr. Speaker.

MR. SPEAKER:

Order, please!

The hon. member for LaPoile on a point of order.

MR. NEARY:

I believe Your Honour directed the Premier to carry on with his Ministerial Statement. What he is doing now, Mr. Speaker, is giving the House a lecture and impugning motives, by the way, which is against the rules of this House. All we are trying to do, Mr. Speaker, is not allow the administration there opposite to stifle debate, and not allow them to show contempt for the House. What the hon. Premier did when he got up, Mr. Speaker, he immediately entered into the realm

of debate and that is precisely what we have been opposed to all morning. Now, Your Honour, you directed the Premier to carry on with his statement. He got up like a school teacher and started to scold us like we were Kindergarten students, and started to impugn motives which is unparliamentary, Mr. Speaker, and I ask you to direct the Premier to withdraw his remarks.

MR. OTTENHEIMER:

Mr. Speaker.

MR. SPEAKER:

The hon. Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, the Premier had not completed a sentence. If you had it in front of you, it started off with a clause, he had not completed a full sentence. I suggest, Your Honour, that really it is extremely important because any institution can be undermined if there is a concerted attempt to so do. I mean, all rules imply and require a certain amount of good will. There can be strong differences of opinion, but there has to be a certain kind of consensus that the system will work. The Premier had not completed a sentence. I suggest, Your Honour, perhaps something far more important than any particular Ministerial Statement is at risk and that is the very fabric of the system, which requires a certain amount of good will. The Premier had not completed a sentence when he was interrupted.

MR. SPEAKER:

Order, please!

The Chair is not satisfied that the hon. Premier was deliberately impugning the integrity of any hon. members or attributing

motives. He had not had a chance to finish the sentence, as the hon. Minister of Justice said. Certainly if the Chair feels the hon. Premier is doing that kind of thing he will ask him to withdraw his comments.

The Premier may continue.

PREMIER PECKFORD:

Mr. Speaker, I just wanted to make one sentence. Because of the harassment and the lowering of the decorum in this House that is under attack right now by the members of the Opposition for obvious reasons, I shall take my statement and I will give it to the public at another place.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Russell):

Order, please!

ORAL QUESTIONS

MR. SPEAKER:

The hon. Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I have a question to address to the Premier unless he is off in a sulk.

MR. TULK:

Is he coming back for Question Period, or what? Get him back for Question Period.

MR. SPEAKER:

Order, please!

MR. BARRY:

Mr. Speaker, the Premier has disappeared. Now, Question Period is here and it is designed to give the Opposition an opportunity to direct questions to the Premier

and to government ministers. Now, there can be no excuse that there is pressing government business requiring him elsewhere.

MR. SPEAKER (Russell):

Order, please!

The purpose of the Question Period is to ask questions and to get some answers and not to enter into the realm of debate. Certainly it is the prerogative of any minister to be here or not to be here, or to answer or not answer a question if he is here. I would ask the Leader of the Opposition (Mr. Barry) to put his question.

MR. BARRY:

Mr. Speaker, I will direct my question to the Minister of Finance (Dr. Collins). In the absence of the Premier I would ask the Minister of Finance whether the government had been informed prior to the decision with respect to the closedown of the Vessel Traffic Service of the Ministry of Transport at Argentia? Was government informed of the layoffs at Port aux Basques, at the Vessel Traffic Service there, which will see only one per shift instead of two, what seems to be the beginning of the end for that system at Port aux Basques as well as the one at Argentia? And does not the government feel that the closedown of these systems will result in threats to the lives of fishermen? As the Mayor of Dunville pointed out, there are some 2,339 fishermen in Placentia Bay alone utilizing that Vessel Traffic System. Does the Minister of Finance not feel that ignoring the closedown of these Vessel Traffic Systems is somewhat inconsistent with the policy of government with respect to the previous federal government, when it criticized the previous federal

government for closing down the Shoe Cove Tracking station because it would result in less safety offshore? Or is it that this government is only concerned about making political points, it is not really concerned about the fishermen of this Province or even the offshore workers of this Province?

MR. SPEAKER (Russell):

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, by way of preamble I do have to raise a question, or I raised it in my own mind, whether we can usefully exchange information here today, and that is what Question Period is designed for. The rules say that the questions should look for facts and that the answers should deal with facts and try to deal with them concisely and succinctly. Now, I really doubt very much (a) whether that question was phrased in such a way just to elicit facts. It seems to me that there were a lot of words put in there that jumped to conclusions, made certain assumptions that were not warranted, in my view - I am only expressing a personal view - they were not asking for just straight facts and therefore it is very difficult for me to give a short and concise answer. Now the hon member, if he does want straight facts, should remember that when Mr. Wilson, the federal Minister of Finance, made a statement in the House of Commons he said two things: He said, firstly, 'We will consult with the provinces when we change policies or alter programmes which are going to have significant effect on those provinces.' Now that is the first thing. One has to bear that in mind. The second thing he said

was, 'We have to bring in as quickly as possible measures where we can see that monies can be saved in discretionary areas.' So we have two points to decide there. One, did the federal Minister of Finance bring in measures that make significant difference to a province? The Leader of the Opposition (Mr. Barry) is does not know exactly what is going to happen, I do not think anyone does, but he is jumping to the conclusion that what Mr. Wilson announced is having significant effects on this Province and therefore he should have gone over every point with the Province before he brought in his statement. Now, I do not subscribe to that view. I do not think that Mr. Wilson or the federal government intended to bring in measures that would very significantly effect this Province. You can have some argument about that. And ever since the statement was made we have been going back to the various federal ministers asking for further details so that we, ourselves, can make up our minds as to the extent of the effect on this Province and, indeed, whether we agree with them when they say these are not going to have a significant effect, or whether we differ from them and say, yes, they will have a significant effect, in which case we will then ask them to subscribe to our view and alter their measures, or, if we agree with them, we will say we are not necessarily content and totally happy with the measures but we understand, in the context of the economic difficult this country is in, that we have to go along with those. Now if the hon. Leader of the Opposition (Mr. Barry) is saying for one moment that we are going to get out of the economic morass that

his friends in Ottawa placed us in without some difficulties, and some difficulties felt by every person in this country and every province in this country, he is dreaming. He is in a wonderworld if he thinks we can get out of these terrible, terrible difficulties we are in without someone making some efforts.

MR. NEARY:

A point of order, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. member for LaPoile on a point of order.

MR. NEARY:

We have seen enough rules of the House broken today and now the Premier has set a bad example for this ministers. We have the Minister of Finance (Dr. Collins) who is supposed to be brief and to the point when he is answering a question from the Opposition, now entering into the realm of debate and making a long-winded statement. Mr. Speaker, Your Honour should rule it out of order and ask the hon. gentleman to terminate his remarks so we can get on with Question Period.

MR. SPEAKER:

Order, please!

Of course the answer to the question sometimes depends on the question itself although, certainly, the objective of the Question Period is to have questions that require very short answers. I would remind all hon. members of that principle.

DR. COLLINS:

Mr. Speaker, thank you for your ruling. I will very briefly conclude my remarks on this rather vaguely worded and rather prolonged question that I was

asked. Our particular approach to this whole matter is to elucidate as quickly as possible and as completely as possible, details of the effects that flow from the statement made in the House of Commons a couple of weeks ago and bring our points of view to the ministers concerned in order to agree with them or to disagree with them. And in agreeing with them we are not saying that we know there is going to be no effect on this Province. It is totally unrealistic for us to say 'You must change a \$30 billion deficit but have no effect on this Province', only a dreamer, only an arguementor, only a school boy debator would require such a thing.

MR. SPEAKER (Russell):

The hon. Leader of the Opposition.

MR. BARRY:

Mr Speaker, the Minister of Finance (Dr. Collins) is being very informative today. Now, maybe he would be kind enough to let us know whether it is still government's position that the Province finds it unacceptable that search and rescue be delegated to the private operators and feels this an abrogation of federal responsibility as stated by the Newfoundland Minister of Energy (Mr. Marshall), carried in *The Daily News* of December 17, 1983? Is that still the position of the Government of Newfoundland and Labrador or does the government now agree with the Minister of Defence, Mr. Coates, that industry should take a larger part of the burden for Air/Sea Search and Rescue?

MR. SPEAKER (Russell):

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, our primary objective

in pushing for the search and rescue capability increase in this Province, which we have been pushing for for a number of years, is just that, to enhance the search and rescue capability in order to promote safety at sea. Specifically the issue has come up with regard to oil rigs, but we are not only concerned about oil rigs, we are concerned about safety at sea in all its forms. We have been pushing for that for quite a number of years. That is our objective. We have never stated that that should only be done by private people. We have stated that the federal government, who have the primary jurisdiction out there, should have an extremely large role that in no way precludes private individuals, whether they be private fishermen wearing life jackets, whether they be private fishermen with some sort of safety measure in their boats, whether it be companies who would put lifeboats on ships, whether it be private aircraft operators who have vessels and aircraft available to go out and search at sea. None of this is precluded. As a matter of fact, we would welcome an increase in all that type of activity. On the other hand, our primary objective is to increase the total amount, and we say that the federal government, which has the primary governmental jurisdiction out there, should enhance their role very markedly.

MR. NEARY:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for LaPoile.

MR. NEARY:

Mr. Speaker, the hon. gentleman was up in Ottawa - and I was paying attention to what he was

saying in answer to a question from my hon. colleague, telling him that they have consultation and all these things now, this is the new co-operation and so forth. Well, will the hon. gentleman tell the House, because of the new consultation, the new co-operative mood between the Province and Ottawa, if he is aware that the mealy-mouthed, wishy-washy, lamb-like, milquetoast attitude that this administration has taken, that twenty-seven employees - if I could get the hon. gentleman's attention, is he aware that twenty-seven employees' positions are being abolished, that twenty-seven employees have been given their notice in Port aux Basques, twenty-five freight handlers and two clerks, that they will be laid off and the positions will be abolished? Is the hon. gentleman aware of that? Was that part of his prior consultation? What objections did they raise to it? Did they demand that Ottawa retract that decision, the same as they were making demands of the Liberals when they were there? Now, let the hon. gentleman worm his way out of that one.

MR. SPEAKER (Russell):

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, I do not think Question Period is designed to see if I can 'worm my way out' of anything or into anything. The Question Period is supposed to elicit information and I do not know if it was argumentative to say that we are mealy-mouthed or white-livered or pink-eyed or whatever he said about us. Anyway, let me proceed beyond that.

What the hon. member is getting at again is something has happened,

therefore, do you assume that that is totally negative. Now, things have happened which are different, no one is questioning that. Are they totally negative? That is where the argument comes in. My understanding is that the federal government looked in discretionary areas, the areas that they consider to be discretionary, or where there are areas that could be improved. In other words, they did not want to leave things totally as they are. And the reason why they did not want to leave things totally as they are is that Canada was going down the tube under the policies set by the former Liberal government, so they had to bring in changes.

Now, changes do not necessarily mean that what you are going to bring in is going to be worse than what is there. And if there are to be changes made in C.N., if there are changes to be made in U.I., if there are changes to be made in forestry, if there are changes to be made in transportation, I do not agree with the hon. member opposite that these changes necessarily have to be bad and negative. I think that they could well be positive, certainly in the longer term. There might be some short-term effects that no one would like, but in the medium and longer term, the changes will be beneficial, because I do not think the federal government is a malignant influence, I think that what it wants to do is try to bring in good changes. Whether they will succeed or not, time will tell.

We will assess the changes they are bringing in, we will point out any negative short-term effects, try to ameliorate those, but we will be looking particularly at what is the overall approach, what

is the overall effect in the medium term.

MR. NEARY:

Mr. Speaker, a supplementary.

MR. SPEAKER (Russell):

The hon. the member for LaPoile.

MR. NEARY:

Would the hon. gentleman tell the House what the position of the administration is on these layoffs? Mr. Speaker, this is only the beginning. The hon. gentleman talks about Canada going down the tube. What is the administration going to do, let Port aux Basques and Newfoundland go down the tube? What message did the Minister of Transportation (Mr. Dawe) carry to the federal Minister of Transport (Mr. Mazankowski) and to the Government of Canada concerning the Newfoundland Railway and C.N. Marine that will result in untold layoffs and cutbacks in service in this Province, Mr. Speaker? What message did he deliver? Did they object to it? How strongly did they object to it? Or were they just lapdogs? Were they on their hands and knees, crawling, and did not want to embarrass the ministers up in Ottawa? They were making demands of the previous Liberal administration. Where are the demands now? Why do they not stand up for Newfoundland? Let them drape themselves in the flag now. We have people being laid off and and this is only the beginning.

MR. SPEAKER (Russell):

Order, please! Order, please!

The hon. the member for LaPoile (Mr. Neary) is certainly entering into the realm of debate.

MR. NEARY:

Yes, I would have to agree with Your Honour. Mr. Speaker, I would submit that if this administration does not dig in - it is only the beginning. Now, let the hon. gentleman tell the House -

MR. SPEAKER:

Order, please! Order, please!

The hon. the member for LaPoile is out of order, he is entering into debate.

MR. NEARY:

Well, let the hon. gentleman answer the question.

DR. COLLINS:

Mr. Speaker, I am glad you brought it to my attention that the hon. member opposite was entering into debate, I was beginning to suspect that myself.

He asked what is our attitude towards any layoffs that will arise out of the statement made by the federal government. Our attitude is this, firstly, to diminish the layoffs to the maximum possible degree; secondly, wherever possible, to have the laid off individuals put in other positions, in alternative employment; thirdly, that the changes would be designed to have an overall ultimate beneficial effect, and the beneficial effect, hopefully, will be designed for the local area, but I suppose the bigger question has to be, is there going to be an overall beneficial effect for this Province? Those will be our objectives: overall beneficial effects for the Province, as little as possible short-term negative effects, and thirdly, to have alternate employment for those who are involved in this very necessary exercise that had to be carried out because of the

terrible mess that was left us by the last federal administration.

MR. NEARY:

Mr. Speaker, a supplementary.

MR. SPEAKER (Russell):

The hon. the member for LaPoile.

MR. NEARY:

Is the hon. gentleman saying that the people of Port aux Basques, the employees of TerraTransport and C.N. Marine, have to lose their jobs and that because they are going to lose their jobs - and this is only the beginning - that this is going to have an overall beneficial effect on this Province? That is just like what the hon. gentleman told us a year or so ago, that when you buy an article for a dollar and you sell it for two, you gain 1 per cent. That is just the same kind of logic.

I ask the hon. gentleman: What is the administration going to do? Are they going to sit there like dummies and say nothing? Are they going to criticize, are they going to condemn Ottawa for these cutbacks and these layoffs and the punishment and the suffering that Newfoundlanders will have to go through? They draped themselves in the flag for the last four years, now they are crawling on their bellies to Ottawa. Is the hon. gentleman going to follow that policy or is he going to fight it?.

MR. SPEAKER (Russell):

Order, please! Order, please!

The hon. the member for LaPoile continues to debate in Question Period and I am sure he is aware that he is out of order in doing that.

DR. COLLINS:

Mr. Speaker, I could point out the obvious inconsistency with the past criticisms aimed at this side of the House. We were criticized of not speaking to the people in Ottawa, now we are accused of being in their pockets, so it is a very inconsistent approach there. But I think hon. members will note the sort of approach that the hon. member opposite made in all this. He said, are you going to criticize, are you going to attack, and all that sort of thing. In other words, he is going on the negative bent. It is not our intention to go on the negative bent. We are going to bring constructive criticism, we are not going to bring destructive criticism. We are going to try to be positive, not only positive for the people of this Province but to have the necessary adjustments in our economy which have to come, or all is going to go down the tube, the federal government is going to go broke, we are going to go broke, everyone is going to be out of a job, or a much higher proportion of people than there are now. There will have to be changes. We are going to bring constructive measures to that approach in that we will make that necessary adjustment in the best way possible with the least harm in the short-term, making sure that the longer term view is improved.

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. Could the minister confirm that there

have been requests made to him by representatives of Treasury Board asking that there be some 600 to 800 government employees asked to take early retirement?

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

I am not certain I quite understood the hon. member's question. If he is asking me were we asked by Treasury Board would we agree that 600 or 800 public servants would take early retirement, no, we were not asked by Treasury Board.

MR. WARREN:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. the member for Torngat Mountains.

MR. WARREN:

Mr. Speaker, I would ask the hon. the Minister of Finance is he considering advising some 600 to 800 government employees in the provincial civil service to take early retirement? I understand that there have been some contacts made and that some 600 to 800 employees in the civil service today will be asked to take early retirement. Could the minister confirm that?

MR. SPEAKER (Russell):

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, I know Your Honour has ruled that an hon. member cannot go into a preamble in the supplementary, but I wonder if the Speaker would bend the rule there and allow the hon. member to be a little bit more explicit in what he is getting at. When he says in the provincial system, I am not

certain if he is talking about the provincial public service. If so, to my knowledge no one has asked that number of people in the Provincial Public Service to take early retirement. If he is talking about people in the Federal Public Service who are resident in this Province and he is asking me if I know the number who have been asked to take early retirement, I do have to be quite frank with him and say I do not. I presume that is an internal request in the federal public service, and presumably it is on a voluntary basis. To my knowledge, you cannot force a federal public servant to take early retirement, that is a voluntary thing. You can lay out the possibilities to him and he can take it up or he need not take it up, but that is as far as I can answer the hon. member.

MR. SPEAKER:

The hon. member for Torngat Mountains.

MR. WARREN:

Mr. Speaker, the Minister of Finance knows that I am talking about provincial public servants, so can the minister confirm if there have been negotiations ongoing with from 1 to 800, if the minister wants a broad number, individuals in the public service who have one or two or three years left before they come to the age of official retirement, negotiations with them to take early retirement? Could the minister confirm if they have made a request to provincial public servants to take early retirement, yes or no?

MR. SPEAKER:

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, from 1 to 800, I have to answer yes. Hon. members will recall that when the motor pool was recently abandoned so that the provincial government could do things in a more economical way and therefore save money for the taxpayers of this Province, there were a number of individuals in the motor pool, a number of drivers, who were offered early retirement and, as far as I know, one or two did accept.

MR. SPEAKER:

The hon. member for Torngat Mountains.

MR. WARREN:

Mr. Speaker, the minister referred to the motor pool, now could the minister also say if there have been some employees in the Department of Social Services, some employees in the Department of Transportation, and would the minister confirm, also, that the figure is now between 200 and 500?

MR. TOBIN:

It was 800 first.

DR. COLLINS:

Mr. Speaker, I am not sure precisely how much fishing goes on in the hon. member's district but I know that he must be a great fisherman himself. He is just fishing here, he is throwing out numbers and saying, "React to this, react to that." I am not going to get caught up in that game. All I can say is that in the provincial public service in some instances there is early retirement available to workers. Now, it is up to them whether they want to avail themselves of it. There is no twisting of arms, there is no forcing, there are no threats. It is available to them but not on a very broad scale, I might add. It is quite a

restricted scale. But we will honour our commitments of giving early retirement. Where we said they are available we will honour our commitment, but we will not force anyone to take advantage of them.

MR. SPEAKER:

The hon. member for Fogo.

MR. TULK:

Mr. Speaker, I have a question for the Minister of Education. I understand that the minister is contemplating changing the designation of a vocational school to college, or perhaps she is going to do it with all the vocational schools, I would like her to tell us if, indeed, she does intend to change the designation of a vocational school, or vocational schools, to that of college and if she could give us her reasoning for doing that.

MR. SPEAKER:

The hon. Minister of Education.

MS. VERGE:

Mr. Speaker, thank you. I should point out that responsibility for vocational and technical education now rests with my colleague, the Minister of Career Development and Advanced Studies (Mr. Power). However, I can answer the question of the member for Fogo. In September, when I did have responsibility for vocational education as part of the Education portfolio, I did announce on behalf of government that the name of the Corner Brook District Vocational School would be changed with the institution designated a college and with the name to be chosen by the government following advice from an advisory committee which was set up for the purpose of soliciting public input on that

question. There is a five member advisory committee in place, chaired by the principal of the college, and including members of the faculty and student body of the institution as well as a representative of the Humber Joint Council, a person who has been resident in the Corner Brook area all his life and who is knowledgeable about the history of the region.

Mr. Speaker, the reason for deciding to designate that institution a college has to do with the evolution of the institution since it was opened in 1963. The present de facto programme in course offerings, the present size of the student body constitute in practice a college. It is similar in character and size to the other colleges in the Province, it offers quite a wide selection of two and three year sophisticated technology programmes which, until three or four years ago, were available in this Province only at the then designated colleges. As to the name which will be matched with the word "college", that remains for the advisory committee to deliberate on and make suggestions to government on and, then, in the final analysis, for government to decide.

Early in the New Year, before any of the present student body are eligible to graduate, there will be a public announcement of the new name of the Corner Brook District Vocational School.

MR. TULK:
A supplementary, Mr. Speaker.

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

MR. TULK:

I recognize full well that the Department of Education is now only half the responsibility of the minister, and I would obviously like to know if her salary is half of what it should be, which was the full salary that she had before, but let me ask her, does this mean that we are now going to be developing the vocational schools along the same lines - she stuck the name college in there, she must have had some reason for doing that - does this now mean that we are going to be following the same line that is followed in Stephenville, the St. George's Community College? Are we now looking at a series of community colleges across the Province? Is she going to do this to all the vocational schools? Just what is her criteria for distinguishing between a vocational school and a college? Could she tell us that?

MS. VERGE:

Mr. Speaker, I first have to comment on the preamble to the member for Fogo's (Mr. Tulk) question which amounted to an insinuation that the present responsibilities which I hold are somehow not worthy of the full time and attention of a member of the Cabinet. I am surprised by this since I understand -

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

MR. SPEAKER:
Order, please!

The hon. member for Fogo on a point of order.

MR. TULK:
I did not insinuate that the Department of Education is not worthy of a full-time member of

this House. What I did say, and what I did insinuate, if the minister wants to know what I insinuated, is that I believe that she has made such a mess of it in the last couple of years that the Premier decided to take half her job away.

MR. SPEAKER:

Order, please!

That point of order is not a valid point of order.

The hon. Minister of Education.

MS. VERGE:

Mr. Speaker, as I was about to say, the member for Fogo (Mr. Tulk) comes from a teaching background and should appreciate the importance of education for children, from early childhood through senior high school. I explained in the answer to the first question that the criteria which were used to decide to designate the Corner Brook District Vocational School a college have to do with programme offerings and size of student body. At the Corner Brook District Vocational School now there are 700 students in full-time attendance. Apart from the students who take part-time programmes at night, of the over 700 full-time students about half are now enrolled in two or three year programmes. Mr. Speaker, these are programmes which elsewhere in this Province and in the Country of Canada are given in colleges from which graduates emerge with diplomas from colleges, and it is felt that it is only just that the institution in Corner Brook, which offers those very same programmes, be classified as a college and the graduates of those programmes, for example the forest resources

technology programme, the engineering electronics technology programme, the secretarial science programme, the computer technology programme, have diplomas with the word 'college' so that they are accorded the full recognition and status which graduates from the very same programmes elsewhere in the Province and the Country are given, and so that they can compete as they should in the job market.

MR. SPEAKER (Russell):

Order, please!

The time for the Question Period has expired.

I would like to take this opportunity to welcome to the galleries thirty Grade VI students from Upper Gullies Elementary School with their teachers Luke Barfitt and Valerie Tucker.

SOME HON. MEMBERS:

Hear, hear!

MR. NEARY:

A point of order, Mr. Speaker.

MR. SPEAKER:

The hon. the member for LaPoile.

MR. NEARY:

Mr. Speaker, I do not know if this is a point of order or a point of information, but there are a large number of written questions on the Order Paper and we have been here three weeks now and we have not gotten one answer. Could the acting Government House Leader (Mr. Ottenheimer) or somebody tell us when we can expect to get answers to the written questions on the Order Paper?

MR. SPEAKER:

Order, please!

I am sure the hon. the member for LaPoile (Mr. Neary) is aware that that question could have just as easily been asked in the Question Period, and it is not really a valid point of order.

ORDERS OF THE DAY

Motion, second reading of a bill, "An Act To Amend The Labour Standards Act." (Bill No. 37).

MR. SPEAKER:

The hon. the Minister of Labour.

MR. DINN:

Thank you very much, Mr. Speaker. Today it is government's intention to bring in "An Act To Amend The Labour Standards Act". We saw in the House this morning, Mr. Speaker, the Premier being frustrated in his attempt to make a Ministerial Statement on the basis that he was abusing the rules even though Mr. Speaker ruled on several occasions that he indeed was not abusing the rules of the House of Assembly and was indeed making a Ministerial Statement. So, Mr. Speaker, we saw a show of contempt for the Speaker's rulings in this House and, Mr. Speaker, it is now my extreme privilege on behalf of government to outline the reasons why we feel we need to amend the Labour Standards Act.

Mr. Speaker, with that in mind I will say that the purpose of the amendment will be to reinstate two definitions which were inadvertently omitted from the current Labour Standards Act, when several pieces of legislation were consolidated in 1977 into what is now the Labour Standards Act. The omission from the act of definitions of 'temporary layoff'

and 'termination of employment' have caused confusion amongst employers and employees alike and unnecessary difficulty and expense in the administration of the act.

Now, Mr. Speaker, the Premier was forced to leave this House and make his statement to the public. It is the first time, I believe, since I became a member of the House of Assembly that that sort of action occurred in this House, but now, Mr. Speaker, that statement will be made. The statement reads something like this: 'I wish to provide a full statement of the position of government with regard to Bill 37, An Act To Amend The Labour Standards Act, which is now before the hon. House. Bill 37 will define what is meant by the terms 'temporary layoff' and 'termination of employment'. This bill is necessary' -

MR. TULK:

So you are now admitting that the Premier was out of order.

MR. DINN:

Mr. Speaker, I would ask that hon. members observe the rules of the House and remain quiet while a speaker is speaking. The hon. the member for Fogo (Mr. Tulk) continues to abuse that rule, and he is attempting to do it again here this morning.

MR. SPEAKER (Aylward):

Order, please!

MR. DINN:

Bill 37 will define, Mr. Speaker, 'temporary layoff' and 'termination of employment'. We also have an amendment that will be introduced during third reading, during committee stage of this bill that will more clearly identify what the intent of

government is. Obviously, Mr. Speaker, another hon. minister will introduce that amendment, the acting House Leader (Mr. Ottenheimer) or the Premier or whomever is acting House Leader at the time.

MR. BARRY:
Why not you?

MR. DINN:
Because, Mr. Speaker, that cannot be introduced by the minister who brings in the bill. That is a rule of the House. The hon. the Leader of the Opposition (Mr. Barry) should take out the odd twenty-seven rules and read them and he would know why the minister who introduces a bill cannot amend his own bill.

So, Mr. Speaker, to get on with the statement, this could mean, if we do not do what we intend to do here, that many of the larger employers, and smaller and medium employers, in this Province will found guilty since 1978 of failing to give proper notice to employees, and they could now be obligated to pay out large sums of money because of confusion between temporary and permanent layoffs. Bill 37 is being made retroactive to August 1, 1978 in order to solve this problem and to protect jobs in companies where temporary layoffs have been or may be deemed to be permanent and where long notice periods may be required.

The only retroactive provision of Bill 37, after the amendment is brought in, is to provide a definition of 'temporary layoff' and 'permanent layoff'. Bill 37 does not change the conditions of employment retroactively.

Bill 37 does not reduce the notice periods. In fact, when the

amendment is brought in, it imposes a notice period for temporary layoffs where the Labour Standards Act, as previously written, fails to specify such notice. The present act calls for notices for permanent layoff but not for temporary layoff.

Prior to 1973 employers were required under 'The Notice Of Termination Act' to give an employee notice of termination equal to the employee's pay period, usually one or two weeks. In 1973 'The Termination Of Employment Act' required longer periods of notice where large numbers of employees were to be laid off permanently. The length of the notice periods varied with the number affected.

The former 'Termination Of Employment Act' defined a temporary layoff 'as a layoff of not more than thirteen weeks in any period of twenty consecutive weeks'. Termination of employment was defined as a 'layoff for a period longer than a temporary layoff' which meant exactly that. Unfortunately, these definitions were not brought forward into 'The Labour Standards Act, 1977', which has resulted in the problem which is now before us. Temporary layoffs and permanent layoffs have essentially become one in the same.

I wish to inform the hon. House that Bill 37 does not change the periods of notice. The act uses the word 'termination' and was intended to cover permanent layoffs as is clear from the language of the act. They remain as, one, eight weeks for 50 to 199 employees; twelve weeks for 200 to 499; and, Mr. Speaker, sixteen weeks for 500 or more employees.

Mr. Speaker, the first case which brought this problem to our attention was when Wabush Mines laid off 550 hourly paid employees on December 14, 1981. The layoff was from then until January 4. The layoff was for a specific period. The company gave four weeks notice. This four weeks notice exceeded the requirements of the Collective Agreement between the Union, the United Steelworkers Of America, and the company. The Labour Standards Tribunal was asked to determine whether the requirements of the act were met. Even though the layoff had a specific recall date, the Tribunal ruled that, based on wording of the 1977 Act, any layoff in excess of one week constituted termination of employment. Wabush Mines could therefore be liable for an estimated \$750,000 in retroactive pay. They are, of course, appealing this ruling to the courts.

But should this ruling stand and the legislation not be amended, the potential cost to employers in this Province is very conservatively estimated at a staggering \$27 million. Included in this estimate are Wabush Mines, Transpacific Asbestos in Baie Verte, Bowater, Fishery Products International and other fish processing companies, close to twenty. With respect to Bowater, this matter could seriously undermine efforts to sell the mill. And, Mr. Speaker, I am informed this morning that the joint mill unions at Bowater have no objection to this bill whatsoever.

MR. WARREN:

What about the ordinary Newfoundlanders working there?

MR. DINN:

Ordinary Newfoundlanders are represented by their unions. I believe that unions should exist. The hon. member for Torngat (Mr. Warren) will have an opportunity to stand up in this House and give his position on this bill, and we will all be listening with bated breath for his position, because, Mr. Speaker, when this bill is enacted it will save literally thousands of jobs in this Province.

MR. WARREN:

It will save millions of dollars for employers..

MR. DINN:

It will save literally thousands of jobs. The hon. member for Torngat does not care whether Bowater opens up or not. As a matter of fact, Mr. Speaker, he may want it to close. The hon. member may not want Baie Verte Mines to operate in the Province. We do. He does not care if it closes or not, Mr. Speaker. We do. The hon. member may not care whether Abitibi-Price survives in this Province. We do. The hon. member may not care whether every fish company in this Province survives, Mr. Speaker, and the jobs are preserved. But I can say, Mr. Speaker, without fear of contradiction that all of my colleagues in this House support this bill.. There is not one member on this side of the House, Mr. Speaker, and I would venture to guess, that given a free vote there would not be one hon. member opposite who would not support this bill if they knew the implications of not passing this bill at this time in this House of Assembly.

MR. WARREN:

Look after the companies, look after the millionaires.

MR. DINN:

Mr. Speaker, I would ask for the protection of the Chair. Hon. members will have time to debate this and we will be listening when they get up in this House and state their position as to what they think we should do in this Province, as to whether we should have any jobs in the fishery, as to whether we should have any jobs in the newsprint industry, as to whether we should have any jobs in Western Labrador and in Baie Verte, Mr. Speaker. They will get an opportunity to get up here in this House and state their case and, Mr. Speaker, we will be listening to what they say, and the people of this Province will listen to what they say.

Mr. Speaker, it is obvious that the large potential claims that I have just mentioned will be very serious for the companies and for the people who work for those companies. Furthermore, the company will have a long-term damaging effect on the attractiveness of this Province for investment. In comparison with the legislation of other provinces of Canada, the notice periods required under the Labour Standards Act are generous towards employees. Some provinces have no legislation regarding termination, several require termination notice periods considerably less than here in Newfoundland, while in four provinces the legislation is similar to ours, Mr. Speaker, none can say that they are any better or much better.

Furthermore, with regard to temporary layoffs, this Province is more progressive towards labour than any other, since we will still require one to two weeks notice for even the temporary

layoff. An employer will have to give one weeks notice to employees for temporary layoffs where the employee has worked between one month to two years and the employer will have to give two weeks notice of a temporary layoff where the employee has worked for over two years. In no other jurisdictions is there such a requirement. I repeat, in no other jurisdiction is such a notice for temporary layoff required. In other words, we will be the best in Canada in this area - notwithstanding our high unemployment rate. Our temporary layoff requirement will be the toughest in Canada - tougher than NDP Manitoba, Mr. Speaker. No notice is required in any other jurisdiction.

We intend, Mr. Speaker, to maintain the progressive characteristics of our legislation. We lead this country, I am proud to say, we lead this country in labour legislation.

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

We lead this country, Mr. Speaker, in occupational health and safety, we lead this country in workers' compensation, and we are proud that we are leaders in those areas, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. WARREN:

You also lead in excuses.

MR. DINN:

Now, Mr. Speaker, the hon. member for Torngat Mountains (Mr. Warren) will have his opportunity. I just say to him that if he is

interested in jobs for Newfoundlanders, if he is interested in saying something, every once in a while a member in public life has the opportunity to stand on his feet. We saw a demonstration down in City Hall a week or so ago when they had an opportunity as human beings and as people to stand up and be counted, Mr. Speaker, and they stood up and to our shame, Mr. Speaker, they made a very terrible decision.

Now, Mr. Speaker, there was one, I will call him Horatio On The Bridge, one man, one city councillor who said what the people want with respect to the Transition House, and that it should be allowed.

MR. NEARY:

What does that have to do with the bill?

MR. DINN:

Mr. Speaker, I am saying that it has this to do with the bill: If hon. members opposite are concerned about jobs here in this Province, concerned about Newfoundlanders remaining employed, and more Newfoundlanders becoming employed when companies move in here, then, Mr. Speaker, they better consider very seriously what they say with respect to support or non-support of this measure that is before the House today. The people of this Province will judge. The Opposition has the opportunity. They have had opportunities before with respect to offshore and blew it; they had opportunities with respect to affirmative action for employment offshore, and, Mr. Speaker, they were against that. Mr. Speaker, there are 2,600 people now working in the offshore, offshore and onshore directly related to that, and of

that some 1,800 are Newfoundlanders.

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

Mr. Speaker, that would not have come about without the affirmative action programme of this government.

MR. SIMMS:

Right on!

MR. DINN:

And, Mr. Speaker, hon. members opposite were against affirmative action in the offshore. They were against it!

MR. SIMMS:

They opposed it.

MR. DINN:

And the people spoke in the last election. The people realized that they were against it, and in the last election they reduced them to the rump that they are right now, today. And, Mr. Speaker, if they continue with this practice, I predict that a lot of hon. members who are here now will not be here after the next election. And you do not have to look very far. I am looking across at them now. So, Mr. Speaker, I plead with hon. members opposite to change their way, to speak on behalf of the people of this Province, to stand up and be counted. Stand up for the people of this Province. Stand up for jobs in the fishing industry, in the newsprint industry, in the mining industry, and make sure that we preserve what we have, and make sure that if we can we make the climate more acceptable to entrepreneurs, to investors from outside to come in here and invest their money and

provide more jobs for the people of this Province.

MR. WARREN:

Not for multinationals, just for ordinary Newfoundlanders.

MR. DINN:

The hon. member is not going to be for multinationals. Well, Mr. Speaker, if we invested all of the dollars from all of the employers just from the Province of Newfoundland, we would not have a fishing industry right now. The fishing industry that we had in place just a couple of years ago went just about completely bankrupt, and without the federal government and the banks and the Province that industry would not exist today. And we are going to put that in the position where the fishing industry in this Province is a success, Mr. Speaker, and then we will get more investment dollars to come into this Province and that is what we need. If we want jobs in this Province, if we want our people to work, if we want our people to live in dignity, Mr. Speaker, we need to do things that will make the climate for investment in this Province more acceptable for people to come in and invest their dollars. And, Mr. Speaker, this act will preserve thousands of jobs in this Province and will open the door for people to come in and invest their dollars. Now, Mr. Speaker, I am not going to get into whether Kruger would or would not have come into Newfoundland if we had not done this, but I will tell hon. members what the story is. Kruger had a certain amount of money to invest in this Province so that the people in Corner Brook would be able to work in their mill. And not only that, \$200 million will be spent to rejuvenate that mill so it will

work for many years to come. Now, there are so many dollars to go into that pot. Having gone through something like thirteen months of negotiations, I compliment the people who were involved. I was only involved in a peripheral way with the direct negotiations, but the Premier of this Province, the Minister of Development (Mr. Windsor), the previous Minister of Forestry (Mr. Power) have been involved now for some thirteen months clearing the way, making the way available so that Corner Brook did not die. Mr. Speaker, one of the worst things, I think, that I have been witness to in my very short stay as a member of the House of Assembly was several years back when the Stephenville Linerboard mill closed. I was involved in that very, very closely and, Mr. Speaker, that was a mill that could not work. There was no way that that could work as a linerboard mill, and after millions and millions of dollars were put in to prop it up, the decision had to be made to close it. There were people who were willing to quit politics altogether as a result of that. The hon. member knows what that kind of a decision is all about. And then we went hither and yon in Canada and the United States and Great Britain and Europe, all over Europe, trying to get somebody to come in here to make a go of Stephenville, and we eventually did. Mr. Speaker, I can say that Stephenville is now alive and well and I am proud to say that was due to the efforts of people who are here today, who were involved in getting Stephenville back on the road. Well, Mr. Speaker, we are faced with exactly the same thing here with respect to Corner Brook, but instead of the trauma of closing down a plant and having

people disbursed throughout everywhere, no jobs, no employment, we have a chance to take Bowater, to convert that mill, and to make it into a viable operation. And what do we have to do? We have to provide a few dollars. There are some dollars coming in from the pulp and paper modernization agreement with the federal government, and millions of dollars will be borrowed by the company to come in and make Bowater the success that it should be. Now, there are some who would say that maybe Bowater should have been responsible for making sure that that mill was kept so that we would not arrive at the state we are in now with respect to the mill. Some would say that but they did not, it is not there. We are faced with a problem and that problem can be solved. We have it within our power to solve not only that problem but the Minworth problem, some of the problems of the fishery, the trauma that the fishery is going through right now, and some of the problems with respect to Baie Verte mines, because this seriously impacts upon the operation down in Baie Verte. We know that is just teetering, we know that that is not a success yet, but it will be. We certainly hope it will be. And there are a lot of people working hard to make Baie Verte a success, and I must say this, including the workers down at Baie Verte. Because they can see it, they know the writing is on wall, they know if they do not work to make that a success there is no company, there is no operation. Mining, fishing, paper, manufacturing, there is no operation that can be a success without the good faith of the employees. So what happened? Knowing what was in the existing Labour Standards Act, knowing what

the problems were, management of the Baie Verte mine went to their workers and said, 'Look, we do not have it within our power to operate this mine if we have to live under the restrictions in the Labour Standards Act as it exists.' And what did the miners say, to a man? They said, 'Mr. Manager, we will go along with whatever you want to do, because we know that you are working as hard as we are to make this mine a success.' And, Mr. Speaker, they did. There was no notice of termination, there was no notice of layoff. Even though it is written within the Labour Standards Act itself, the employees accept it because they know that without management and employees working together no operation can work. And, Mr. Speaker, it is the same situation. Those people who are not faced with these difficult decisions, those people who do not have to make them, can stand up in their pompous glory and talk about freedoms and talk about coalitions and talk about everything else, but when they come face to face with the decision they had to make, the miners in Baie Verte made the decision, a right decision.

MR. SIMMS:

A tough one for them.

MR. DINN:

Tough! God knows it was tough. And, Mr. Speaker, Corner Brook is the same way.

MR. SIMMS:

How is that?

MR. DINN:

The people out there, the mill union workers out there faced with the problem that they have, and they have been in on the

negotiations, they have a collective agreement signed, knowing what the situation is are saying this morning, 'We have no objection to what you are trying to do today, government, with this Labour Standards Act.'

SOME HON. MEMBERS:
Hear, hear!

MR. DINN:
Why are they saying that? Because they are faced with it and because they are responsible employees in this Province. And this government is working on behalf of the workers in this Province, that is why we are bringing in this amendment today, that is why it is necessary. It is necessary because those faced with the problem - it is okay for those who are not faced with the problem, but those faced with the problem will tell you that this has got to happen. They have no objection to this. And why has all this come about?

I was on television a week ago and I was asked the question, where is the gentleman who drafted that legislation? Was he fired? This is not Hitlerism. Mussolini does not exist here. I mean, I am not bringing this in without research. I went and researched what the gentleman had to do to bring in the current Labour Standards Act as it exists today? There is the little document. A good act. There are a couple of things in there that we have problems with. And not only that, there are other revisions required.

MR. SIMMS:
And coming, too.

MR. DINN:
And coming. And given the time I will discuss it with the

Federation of Labour, the unions, the employers, and bring in more amendments to this Labour Standards Act.

But I looked at it, Mr. Speaker. I mean, I get mad sometimes. We sit there, and we are relatively human beings, and we look at things and say, why, when this act was drafted, were all these problems left for me? Why was it not done right in the first place? And I looked at it, and, with all due respect to the legal profession, it went back to 1973, section after section, article after article, and they had take all of this and try to bring it together in one concise, operative Labour Standards Act. Well, they left out a definition.

What did the definition say in the Old Termination Of Employment Act? Well, the definition said 'Temporary layoff' means layoff of not more than thirteen consecutive weeks thirteen weeks in a period of twenty consecutive weeks.

MR. SIMMS:
What was the definition again?

MR. DINN:
The hon. member did not hear it.

'Temporary layoff' means a layoff of not more than thirteen weeks in any period of twenty consecutive weeks. That is what was in the old act.

MR. SIMMS:
In the old act, yes.

MR. DINN:
That is what was in the Termination Of Employment Act.

So the new act comes along and in Section (2) there are a lot of interpretations and a lot of

definitions. There is the definition of employee, employer, minister, public holiday, tribunal, undertaking and wage. But they left out one definition and as a result of that we could have thousands of unemployed people adversely affected. So we said, we are reasonable people. People down in Baie Verte who were faced with the problems said, yes, it is seems okay to us. People out in Corner Brook and Bowater, the Bay of Islands, Deer Lake, people in the woods, thousands of people who would be unemployed if we did not do this, Mr. Speaker, they say, we agree with this. We have no objection to this.

MR. STEWART:
All honest people.

MR. DINN:
All honest people. And they have something to lose; they have their livelihoods, and they have wives and children. People who do not have anything to lose can stand up and be pompous and lay out arguments that have no weight, they can go before television cameras and on radio and say that the government is driving people into the ground. But is there any truth to any of that?

MR. WOODROW:
None.

MR. DINN:
No truth. Not a word. Not one word of truth to that.

Mr. Speaker, if the employees agree with this, why are we bringing it in? - (a) because the employees agree, and, (b), because it is necessary. If the law is not good, you should change the law. Well, what is the purpose of this House of Assembly? The primary purpose of this House of

Assembly is to bring legislation before it to change bad law to make good law. Well, Mr. Speaker, that is what we are doing.

MR. NEARY:
That is not the prime purpose of the House.

MR. DINN:
Well, Mr. Speaker, one of the prime purposes of the House is to consider legislation.

MR. NEARY:
One of the prime purposes of the House is not to make bad laws though.

MR. DINN:
Well, Mr. Speaker, I will challenge the hon. member to go through that, and I tried it, go through that along with the other two acts - this is just termination of employment - along with the other acts that had to be brought together and come up with a law that is better than that Labour Standards Act, without one little mistake. One definition that is all that was left out of it. Why, they made way for what would happen in the event of termination. They said, in the event of a large layoff of employees, a large termination, Mr. Speaker, 'if there are 500 employees you have to give sixteen weeks notice', four months. You are not going to abuse the rights of employees. There was no collective agreement written in all the years that unions have existed in this Province, no collective agreement written as well as that, Mr. Speaker.

The companies, even in the Wabush Mines situation, lived up to the collective agreement which said, 'you have to give three weeks notice'. They gave four. And

they thought they were totally within their rights to do what they did. And the union, at the time, thought it was okay. But because of a flaw in a piece of legislation we have the capability of destroying the mining industry. When I say the mining industry I am talking about the mining industry in Western Labrador. Fifty per cent of all the iron ore produced in Canada is produced in Western Labrador, Mr. Speaker, and it is probably more now because of the closedowns in Quebec, in Shefferville etc. When Advocate Mines closed in Baie Verte Transpacific came in here to try to make that operation work. It could not survive. The employees said, We do not care what the law says, management, we want this mine to survive so we agree. Forget about the law. But the law said something else. The law said that even employees cannot agree to something less than what is in that act. Because this is, Mr. Speaker, the minimum requirement of labour standards in this Province. This is a statement of what government believes should be the minimum requirement.

So, Mr. Speaker, we say that it is time to do something about that, a good law, but it needs some revision. But 'Termination of employment' and 'Temporary layoff' should be defined. What does it mean? There was never any intent for it to mean that if a company - I do not know what they call it in the mills, they probably call it a cold -

MR. SIMMS:

A cold.

MR. DINN:

A cold. A temporary closedown. I

forget what they call it now in the mills, but if you want to closedown for a couple of weeks because of markets or what have you, give us the normal requirement in our Collective Agreement. I forget, but the hon. member may be able to think of it after a while, but they have a little expression for it. They say, they have no objections to that. If the markets are not there and you cannot sell the product, we understand that there is no work available. It is fine with us, as long as you live up to our Collective Agreement and the minimum standards in the Province.

MR. SIMMS:

It is not four months.

MR. DINN:

And, Mr. Speaker, it is not four months.

Nobody in their right mind could believe that if a company wanted to close for ten days they would have to give four months notice. But what would happen out in Corner Brook or in the Iron Ore Company of Canada if, Mr. Speaker, the company said, Well, we have a new order on the spot market, 300 tons of pellets required for British Steel and we want to open a new line down here and hire on a couple of hundred employees on a temporary basis so that it can get that product. Is there anyone here who will tell me that 200 people in Western Labrador would not go to work for the Iron Ore Company of Canada to produce that 300 tons for the spot market without the encumbrance that the company would have of not only opening for two months or one month, but having to say to the employees before they got back to work, We have to give you sixteen weeks notice that we are going to

terminate your employment. What happens if they get another order? I mean, it is just simply unworkable and unreasonable for an employer. And the Iron Ore Company of Canada did it last year. The Iron Ore Company came into government last year when they were told by their shareholders, We can produce 6.1 million tons of pellets 11.27, or something, million tons of concentrate and that is it, that is all we got for the year, therefore, we have to have this number of employees.

Well, Mr. Speaker, all Hell broke loose. We went to the federal government at the time and said, "Look, we cannot leave these people destitute, some of them want to move out of that area, help us out. You did it for Shefferville. Come to the party and help us out. We got 1200 people who are being laid off." And we went to the federal Liberals and we said, "Mr. Rompkey, it is your district, stand up for once in your life and speak on behalf of your people." And he went on a trip to Europe.

MR. BARRY:
Oh, that is a low blow.

MR. DINN:
That is not a low blow, that is the truth.

MR. BARRY:
They re-elected him, they knew better.

MR. DINN:
Oh, yes, they knew better and re-elected him.

MR. SIMMS:
You struck a chord.

MR. DINN:

Well, Mr. Speaker, the fact of the matter is nothing was done. It was done for Shefferville, it was not done for Western Labrador. We put our money up front and they said no.

MR. BARRY:
Mr. Mulroney did it for Shefferville, why did Mr. Mulroney not do it for Labrador City?

MR. DINN:
Whatever their reason, the Feds did not come through. The company did not either. The company said, "We do not -

MR. BARRY:
Why? Why?.

MR. DINN:
I have not finished. The hon. member will get his chance. Do not get all worked up now. We will get to understand what your position is with respect to whether we should allow these companies to operate or not in this Province because of this law, and we will listen attentively, and the people of Newfoundland will, also.

Well, Mr. Speaker, when that happened down in Western Labrador nobody came to the aid of the party but one government. The company did not, the federal government did not, but one government did. What did we do, Mr. Speaker? We went down and we set up a task force. They found out what the problems were and they came back and reported. And the Minister of Finance, President of the Treasury Board was there with his little pot of money dwindling -

MR. SIMMS:
It was inside out at that stage, I dare say.

MR. DINN:

- shivering in his boots that this task force would report that we needed to expend more money when he had projected that we would have a \$30 million or \$35 million deficit. There was not enough money in the till to buy bread for the table, Mr. Speaker, and I came in with the task force report. I want to say, and I want to put on the record of this House, that I did not have to beg and crawl and scream for the money for the people down in Western Labrador when they were in need. I came in with that task force report that the hon. member for Menihek (Mr. Fenwick) criticized in this House last week, I came in with that task force report and I laid it before my colleagues and they said, "Yes -

MR. SIMMS:

We said, "Yes, yes, yes."

MR. DINN:

- we will help the people in Western Labrador." And we did help them to the best of our ability -

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

- \$2,000 for a family who wanted to move down here, and if they had a trailer another \$1,000. It was not enough. It was \$1.8 million. It was the cost of the task force. I went down there, and I listened to the unions at the time. Well, Mr. Speaker, all I can say is this, God help the workers if they had had to depend on the federal government during that crisis in Western Labrador last year. God help the people of this Province if they have to depend on the kind of help that that federal government gave the people of

Western Labrador last year. All I can say is God help them. But, Mr. Speaker, this government had a \$35 million deficit at the time and was projecting more, when I went to the Minister of Finance (Dr. Collins). He is tough at times but, basically, when you put a problem at his door he is an old softie.

MR. SIMMS:

I would not stretch it that far. I would not go that far.

MR. DINN:

He dwindles like putty in your hands when you tell him that the people of this Province are in trouble.

MR. SIMMS:

Let us not exaggerate now. Let us not exaggerate.

MR. DINN:

He melts away to nothing when he hears of a problem of the people in this Province.

MR. SIMMS:

Enough of these vicious attacks on the Minister of Finance.

MR. DINN:

And that is what we are talking about with this bill, protecting the jobs of Western Labrador. I would venture to guess, Mr. Speaker, that if I went down to Western Labrador tomorrow -

MR. FENWICK:

You would be stoned.

MR. DINN:

I might be stoned. Well, so was St. Stephen.

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

But did he die for wrong, that is the thing, or did he die for right? That is what we have to question.

Mr. Speaker, I said this when I opened my remarks, there are very few times in your life when you will be given an opportunity to speak out on behalf of right. Very few times will you get an opportunity to speak out on behalf of what is right and what is wrong. Sometimes it is politically convenient to say what is wrong, but I will say this, Mr. Speaker, you will not hear that from this hon. gentleman. When we were trying to help solve the problems in Western Labrador with respect to conciliation, and the Pointe Noir negotiations were ongoing and the Iron Ore Company of Canada negotiations were ongoing, we did everything in our power to get them to conclude an agreement and they got one. Mr. Speaker, I was relatively proud, proud not only of the company but proud of the people, the unions and the workers who voted to save those companies down there. Because the hon. member may not already know it, I will tell him that in the markets of this world where we sell our iron pellets, they can buy the same product for nearly \$12 a ton cheaper, Mr. Speaker. The hon. member may or may not know that, but I will tell the hon. member that he should keep that in mind. Sometimes, knowing the facts, you have to do things that you do not like to do, that are unsavory, but you have to speak up and talk and work on behalf of the people that you were elected to represent. And I am Minister of Labour but not for Pleasantville. Because if I were Minister of Labour for Pleasantville there would not be an Opposition vote down there.

But I have to spread my time out, I have to be a member and I have to be a minister for all the Province and take the criticisms, some of them justified Mr. Speaker. There is nobody perfect, some of them are justified.

I do not really have enough time to get into my full stride, Mr. Speaker, but I want to say this, that I took a position in Western Labrador with respect to Wabush. When all of their sister locals signed, I took a position, I said, 'Please, not for me. I am not going down to Labrador City or Wabush looking for a job, it has nothing to do with me.' It would have been better politically if I kept my mouth shut, but, Mr. Speaker, you were talking about 580 jobs. The company with a stockpile of 4.1 million tons in Pointe Noir where there was an agreement signed, ready to ship and ship for a year, and down there with nothing but local issues left, a few local issues, they were willing to go on strike. I just asked, I said, "Please, employees, union leaders, think about what you are doing, get your international rep in, and your regional rep in, explain the situation, and then if you decide to vote strike go ahead."

Well, Mr. Speaker, if I go down to Western Labrador now, according to the hon. member I will be stoned. Is there a man in this House who would stand up and say that a guy should have kept his mouth shut at that time and let it go down the drain? Not on your life. Not this member. Mr. Speaker, I can tell you right now that I would put the employment of the 580 in Wabush, or the 1500 at IOC, or the 300 in Baie Verte before Jerry Dinn any day of the week and I will tell you why, because I do

not need this job in this House, I can go out and get one anywhere. I have had six careers, I am now due for another one.

MR. BARRY:

As soon as the next election.

MR. DINN:

The hon. Leader of the Opposition (Mr. Barry), said, "As soon as the next election". I will close my remarks by saying this, the hon. Leader of the Opposition who chimed in, the urban part of the Mount Scio district is in mine and I will venture to guess, Mr. Speaker, that I will be back here if he runs in that district, I will be back here but we will have a new Liberal Leader.

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

With those introductory remarks, Mr. Speaker, I would like to adjourn the debate.

MR. SPEAKER (Russell):

It is noted that the hon. Minister of Labour has adjourned the debate.

The hon. Minister of Justice.

MR. OTTENHEIMER:

I move that the House adjourn until tomorrow, Monday, at 3:00 p.m.

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