



Province of Newfoundland

FORTIETH GENERAL ASSEMBLY  
OF  
NEWFOUNDLAND

---

Volume XL

Second Session

Number 55

---

**VERBATIM REPORT**  
*(Hansard)*

*Speaker: Honourable Patrick McNicholas*

Tuesday

17 June 1986

The House met at 3:00 p.m.

MR. SPEAKER (McNicholas):  
Order, please!

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

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

MR. BARRY:  
Mr. Speaker, from certain questions that are being put by the press, and I do not know if they are being put to the Premier, to the ministers and members on the other side, there seems to be some impression that the time when the House will close will depend upon the fact that the per diems that are being paid to members of the House -

MR. YOUNG:  
That is your caucus.

MR. SPEAKER:  
Order, please!

MR. BARRY:  
Mr. Speaker, I think it is traditional and customary to rise to explain if there is a misconception by the media on some matter. It may be that the Premier may like to say something to clarify it. It is our understanding that there will be a Fall session of the House of Assembly. When the House closes it is open. Whether it closes today, tomorrow or next week, the fact of the matter remains that there are, I think, eight members of the Opposition who are affected and who incur expenses while the House is open for which they are compensated. There are seven members of the Opposition who are not compensated.

MR. YOUNG:  
That is what you were counting on your fingers yesterday.

MR. SPEAKER:  
Order, please!

MR. BARRY:  
Magnificent order we have on the other side, is it not?

There are seven members of the Opposition who do not receive per diems but, in any event, all members of the Opposition are prepared to be here and expect that there will be a Fall session and expect that they will be here at considerable, I might say, cost to them. The Premier may comment, but I believe that it was the intention of the Premier to make it more difficult for those eight opposition members to be present. Perhaps the Premier might like to clarify that point, Mr. Speaker. Members of the Opposition will be here, whether they are members who traditionally receive per diems or not, to continue the business of the Province, and we hope to be here for a Fall session at which time, as I understand it, no members will be receiving per diems.

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
Mr. Speaker, I do not think that is a point of order. Quite honestly it is not a point of order at all. If the hon. member wants to ask me the question at Question Period, I am only too happy to answer it.

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

Oral Questions

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Mr. Speaker, I would like to ask the Premier whether in fact he put a cap on per diems in an attempt to see the House of Assembly session shortened.

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
Mr. Speaker, I think it flowed out of the report of the Committee that was established -

MR. BARRY:  
No, it did not.

PREMIER PECKFORD:  
That was mentioned in the report. I thought it was mentioned in the report.

MR. BARRY:  
No. You are wrong.

MR. SPEAKER:  
Order, please!

PREMIER PECKFORD:  
I thought it was in the report of the Committee. Well, I guess, Mr. Speaker, it was done by Cabinet to reflect that the members of the Legislature too would be responsible in the way they approach the affairs of the Province and the amount of money that came out of the public chest, you know, in line with other restraints that are ongoing by the government. It was a figure that was at the highest level that was

ever received. I do not think there was ever a time when more than that figure was received by members. It is a fair amount of money, \$6,000 as I understand it, is the cap. So it was just a reasonable figure to take.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Mr. Speaker, the Premier did not go very far in clarifying that point. He gave misleading information in every point stated.

In any event, I would like to ask the Premier, Mr. Speaker, with respect to the development of Hibernia, can the Premier indicate where we stand now with a decision as to whether or not the Hibernia development will start this year?

Specifically, does the Premier have any comment with respect to a statement by one of the energy analysts, I think it was Ian Doig, to the effect that this basically is a decision which is in the hands of the Government of Canada because the Province has very little, in terms of royalties or otherwise, which, even if it wanted to, which I do not think it should, it would be able to give up because of the current price of oil?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
I thought the leader was going to ask another question that he asked under a point of order, which was not a point of order, but obviously it was not very

important.

Mr. Speaker, as I have indicated publicly on a number of occasions, negotiations are ongoing with the companies and the federal government and we are hopeful that they can be brought to a successful conclusion very, very soon.

As far as the comments of this oil analyst or that oil analyst are concerned, they do not really mean all that much to me. Obviously, there are three parties at the table and we got to try to make an arrangement which we can live with, the federal government can live with and the companies can live with but I am not going to get into the nuts and bolts of the negotiations as to whether the Province is going to do this or the Province is going to do that or the Province is considering doing something else. The negotiations are ongoing and if they are successful everybody will be informed and if they are not successful everybody will be informed. But there are negotiations ongoing with all parties and we are trying to accelerate it to the degree that we will have those discussions completed soon and that we will have a green light.

MR. BARRY:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Would the Premier indicate whether the statement by Bill Hopper, the Chairman of Petro-Canada, is correct where he stated that some form of subsidy would be needed to see the development project

proceed? How can the Premier dismiss a statement by the head of a federal Crown corporation as though it were the head of a corporation in the private sector, which is what I understood he did last week?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

What does he mean, Mr. Speaker, that I cannot dismiss a statement by Mr. Hopper because he is the head of a Crown corporation whereas I could dismiss a statement by the President of Mobil? I do not see the great difference on that score. Petro-Canada has got to try to make a dollar in the same way as Mobil have to try to make a dollar. The federal government has told them that in no uncertain terms. They are out in the business world just the same as Mobil are, so I do not understand where the suggestion comes that I cannot reject or take issue with a statement made by Mr. Hopper anymore than I can by the President of Mobil or the President of Chevron or Gulf. Of course I can. If I want to, Mr. Speaker, I can reject anybody's suggestion. Obviously right now in the negotiations various positions are being put forward by the companies, by the federal government and by the Province, and we are trying to reach some middle ground. If in fact at the time that production begins on Hibernia there is still a very low price for oil, then obviously some incentives may be necessary. But whether that is going to be the case or not remains to be seen.

MR. BARRY:

Is it going to get underway this year?



PREMIER PECKFORD:  
Yes.

MR. FLIGHT:  
Mr. Speaker.

MR. SPEAKER:  
The hon. the member for Windsor-Buchans.

MR. FLIGHT:  
Thank you, Mr. Speaker. My question is to the Premier as well. At a recent Newfoundland offshore petroleum conference a consulting expert, Mr. Bill Pomfret stated, 'Industrial standards are inadequate, inspection is incompetent or sloppy, the government is not enforcing its own regulations.' What does the Premier say to that?

PREMIER PECKFORD:  
Not very much, Mr. Speaker.

MR. FLIGHT:  
A supplementary, Mr. Speaker.

MR. SPEAKER:  
The hon. the member for Windsor-Buchans a supplementary.

SOME HON. MEMBERS:  
Hear, hear!

MR. FLIGHT:  
Is that so? A couple of years after the Ocean Ranger that is not a very appropriate answer, Mr. Speaker.

MR. TOBIN:  
Ask your leader about it.

SOME HON. MEMBERS:  
Oh, oh!

MR. SPEAKER:  
Order, please!

MR. FLIGHT:  
What does Newfoundland not apply

the international safety ratings systems that have been established by the International Loss Control Institute so that Mobil's or any other operators safety standards on rigs in Newfoundland's offshore can be judged or compared to safety standards on rigs working offshore anywhere in the world?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
Improvements are being made every day, Mr. Speaker.

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

MR. SPEAKER:  
A final supplementary.

MR. FLIGHT:  
Would the Premier indicate to the House how it is that Mr. Pomfret could find serious safety hazards on the rigs within one week after a government inspection? How could Mr. Pomfret, and he is a recognized safety consultant, find such safety deficiencies when a government inspector could not within a time frame of one week?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
Mr. Speaker, I find deficiencies with the hon. member and he has been a member of the House for many years.

MR. FLIGHT:  
Smart answers!

MR. DECKER:  
Mr. Speaker.

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

MR. DECKER:

My question is for the hon. the Premier. Has the Premier been briefed - I think that is the defence word we use now - on the crisis in the Roddickton-Englee-Bide Arm area where the road up there has been blocked and DOT trucks have not allowed to put calcium chloride on the road?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I am aware that some people were concerned about the roads up there, and someone was telling me that the citizens have the roads blocked and they cannot put the calcium chloride on. I had not been aware of that, that they had actually blocked the roads so that normal operations could not continue, but I am glad the hon. member has brought it to my attention.

MR. DECKER:

A quick supplementary, Mr. Speaker.

MR. SPEAKER:

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

MR. DECKER:

Would the Premier undertake to have the matter investigated with a view to restoring order up there?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Yes, Mr. Speaker. The only problem with that is that once order is restored then there is something wrong with the government for restoring order. As I usually view the Opposition, if we do not do anything, then we should restore order and once we

restore order we are somehow interferring with individual rights. But obviously if the hon. member wants order restored, I think there is an RCMP detachment in Roddickton. There is a forestry officer as well as a couple of thousand people, and I think there is a medical clinic there as well.

MR. CALLAN:

And there is no pavement there.

MR. SPEAKER:

Order, please!

PREMIER PECKFORD:

And there is no pavement there.

So in what order do you want me to do it? Restore order and then roll the pavement?

MR. FLIGHT:

Reverse the process.

MR. DECKER:

Do it any way you want to.

MR. SPEAKER:

Order, please!

PREMIER PECKFORD:

Mr. Speaker, I will take the matter in the vein that the hon. member posed the question and that was one of concern and have the matter checked out to see that the normal course of business proceeds in the Roddickton area.

MR. DECKER:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary.

MR. DECKER:

The road blocking is a symptom. Would the Premier undertake to correct the problem?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
Mr. Speaker, I do not know. I imagine there are many problems in Roddickton as there are all over the Province and I do not think I could undertake, as a sweeping commitment, that I will eliminate all the problems of Roddickton just with the touch of my hand or the making of one decision, but I will do what I can.

MR. GILBERT:  
Mr. Speaker.

MR. SPEAKER:  
The hon. the member for Burgeo - Bay d'Espoir.

MR. GILBERT:  
Thank you, Mr. Speaker. My question is for the Minister of Municipal Affairs (Mr. Doyle), but due to the fact that he is not here I will ask the Premier. The minister gave us a partial list of the capital works programme for Newfoundland for his department a couple of weeks ago and he promised that he was going to announce the complete list very shortly. Now as we understand it the House is about to close. Are we going to get it before the House closes?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
I do not know, Mr. Speaker, because I do not know what time the House is closing, but I will tell the hon. member we are working very hard to get the rest of the projects approved. As the hon. member is aware there are in the order of perhaps \$50 million or \$60 million requests in, if not more, and there will be perhaps

\$20 million or \$25 million approved, so we want to be careful in the assessment of those projects to make sure that they are done on need in the way that we have done the first list. For example, there was a great need in the hon. member for Fogo's district which we are going to try to correct. And there are many other big needs, so we are working fairly hard to get the rest of those projects done as quickly as possible. Whether it will be done in time for the House, I do not know because, as I said, I do not know when the House is closing.

MR. GILBERT:  
A supplementary, Mr. Speaker.

MR. SPEAKER:  
The hon. the member for Burgeo-Bay d'Espoir.

MR. GILBERT:  
Mr. Speaker, maybe the Premier is waiting until the House closes so they will be able to do the political pork barelling that they have been doing with any opposition. Maybe he could make an announcement as to when it is going to be done?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
I am sorry to hear the hon. member say that. I do not know if he is working for his district or working against his district or what. We have tried in the first list that came out to be very fair to all parts of the Province regardless of what member represented it. If the hon. member is attacking me now and attacking the government because we did that well then what he is saying is we should go back and do it another way, not do it on the

basis of need just do it on political patronage.

The Minister of Forest Resources and Lands (Mr. Simms) today announced a \$500,000 programme which is going to help the hon. member's district. We are going to be hiring people who are receiving social assistance and put them to work cleaning up where the fires have been burning down on the Bay d'Espoir highway and in other parts of Newfoundland, hundreds and hundreds of jobs for people of the Province who do not have jobs right now. We will have other doing re-seeding all throughout Central Newfoundland, so I do not know if the hon. member is upset with all these positive things that we are trying to do. We are trying to our best to help the hon. member. We have built the only salmon hatchery in the Province - where? - in the hon. member's district.

MR. GILBERT:

The federal government is paying for part of that.

PREMIER PECKFORD:

It is a real model and we just put another \$258,000, or something, in it. Also, we placed a new ferry down there last week. The hon. member is attacking the salmon hatchery, he is attacking the new job creation programme announced today by the Minister of Forest Resources and Lands, and he is attacking the new ferry. Everything that we do for the hon. member he attacks.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I have a question for the Minister of Labour (Mr. Blanchard), but in his absence I will ask the Premier. There are many individuals in this Province's unions who believe that political parties in this Province should not receive a portion of the hard-earned union dues they pay out to fill the coffers of certain political parties. Their primary objection to this is the elimination of choice in these matters. My question to the Premier is: Is there any process whereby union members, especially fishermen, many of whom believe that the Fishermen's Union is using their hard-earned money to support the NDP and the Leader of the NDP, the member for Menihek (Mr. Fenwick), is there any process in place now whereby union members can use the right or opt out of this unfair practice?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I do not know is the answer.

MR. GILBERT:

That is a typical answer, too.

MR. SPEAKER:

Order, please!

PREMIER PECKFORD:

Listen to the burp from Burgeo again now, the negative burp.

I do not know. It is a good question. We have come a long way. What is the name of the formula that is used?

MR. MARSHALL:

The Rand formula.

PREMIER PECKFORD:

One of the problems is the Rand formula, which is one of the things that held up the strike down at telephone company, if you remember, back a year or so ago where the union was holding out to ensure that the company automatically took out the union dues on behalf of the union. It is a good point. If the hon. member has any suggestions I would be glad to receive them and government would consider them.

MR. TULK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I point out to the Premier that the NDP and its leader supposedly operate on the premises of principle. For all we know, for example, those funds could be used to support Greenpeace, and we know what they did to the seal fishery and which is diametrically opposed to fishermen in particular. I ask the Premier would he, if there is not a process in place, investigate and attempt to see that the process of opting out is put in place?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I will take a look at it, Mr. Speaker, I would appreciate any suggestions that the hon. member has.

MR. TULK:

A final supplementary, Mr.

Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, under the Constitution, I think it is Section 2 of the Charter of Rights, and I would like to quote these to the Premier -

PREMIER PECKFORD:

I know them very well.

MR. TULK:

You know them very well.

PREMIER PECKFORD:

I helped put them in place.

MR. TULK:

Well, listen to them again, 'The fundamental freedoms are freedom of thought, belief, opinion and expression.' I know there are court cases ongoing about unions using dues to support political parties, and there are decisions in lower courts but there have not been decisions in our courts. I wonder if the Premier would undertake, perhaps through the Minister of Justice (Ms. Verge), to see if indeed this whole matter is contrary to the Charter of Rights and Freedoms?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I can have that investigated, Mr. Speaker. I just point out to the hon. member, though, one of the things that was done as a result of the new constitution, and one of the processes that have been put in place now, is that a lot of final decisions are going to be made by the courts. Up until the new constitution, one of the

concerns that a number of the premiers, including myself, had at the time about the Charter of Rights was that what you were doing was diluting the British Parliamentary system by taking out of the hands of elected people, namely the Legislature and the cabinets of the country or of the jurisdiction, those kinds of decisions and placing them in the hands of the courts. Because the nature of the Charter of Rights is that it is rather broad and therefore will be open to wide interpretation and that that interpretation is going to come from the courts and will be binding upon all the citizens of that jurisdiction.

So that is one of the problems you have. And whilst we can investigate and have an opinion that it may or may not violate the Charter of Rights, the final adjudication of same is going to be through the courts of Canada, for better or for ill, and be more similar to the American system of things.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Mr. Speaker, yesterday or the day before, I am not sure, surprisingly in the national edition of *The Globe and Mail* but not in the St. John's edition, there was a story carried on the Public Works scandal in this Province where a spokesman for the Premier was quoted, and I am wondering if the Premier is aware of this, as saying that the Premier is miffed by the Minister of Public Works' (Mr. Young)

indiscretion but that he will not consider asking the minister to resign because he had done nothing illegal. Would the Premier confirm whether the spokesman was speaking accurately in this situation?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
No, Mr. Speaker, *The Globe and Mail* was not speaking accurately in that situation. *The Globe and Mail* has been inaccurate as it relates to me.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Mr. Speaker the Premier does not like the CBC, he does not like *The Globe and Mail*, and how many others? Are there any that he does like? Maybe it is only Newfoundland Information Services, Mr. Speaker, or Radio Moscow. Let us find out what it is.

I would like to ask the Premier is he going to spend the Summer now with the albatross of that dead minister around his neck? Is he going to be seen -

MR. YOUNG:  
I look after the dead.

MR. BARRY:  
Is the Premier satisfied to go through the Summer with the odour of that scandal hanging around his neck because the Premier is condoning the statement of the minister that he hires young men and women based on their parents' politics?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I shall be going to Halls Bay for the Summer hopefully to jig a few fish and so on. Hopefully the Liberal odor will not stretch that far, Mr. Speaker. As far as the Minister of Public Works and Services is concerned, as a number of members have said in this House and I have said, in the last two or three years, look at the Auditor General's report. That is the report card on the Minister of Public Works and Services and that is clean.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, in addition to the minister's public confession that he has engaged in patronage and abused his office, we also -

MR. TOBIN:

'Leo', did you pay Rockhart?

MR. SPEAKER:

Order, please!

MR. BARRY:

They would not give me enough money.

MR. TOBIN:

Yes, they did.

MR. BARRY:

Mr. Speaker, we also have the Minister of Public Works coming into this House and making statements that are contrary to the facts as established by the Government House Leader. Is the

Premier now prepared to condone ministers in his Cabinet making a mockery of Question Period, a mockery of the House of Assembly, a mockery of the principle of accountability? Is he prepared to have minister remain in his Cabinet after they have misled this House in response to questions?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I do not entertain innuendo like the hon. Leader of the Opposition.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Menihek.

MR. YOUNG:

Mr. Speaker, a point of order.

MR. SPEAKER:

I am sorry! A point of order, the hon. the Minister of Public Works.

MR. YOUNG:

I think the hon. the Leader of the Opposition should withdraw that remark. Unless he can prove that I came in and misled this hon. House he should withdraw the remark.

MR. BARRY:

To that point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. BARRY:

I will be happy, Mr. Speaker, to lay this before an independent enquiry and I will be prepared, Mr. Speaker, to abide by any consequences flowing from that

enquiry. If, Mr. Speaker, it is established that the minister has not stated that he applies patronage, if it is established, Mr. Speaker, that the minister did not issue a memorandum contrary to what he said in this House, if it is established, Mr. Speaker, that the minister's statements were accurate and correct, I will be prepared to stand before this House and offer my resignation. Because that minister, Mr. Speaker-

SOME HON. MEMBERS:

No, no. Do not resign.

MR. BARRY:

Mr. Speaker, now here we have it.

MR. YOUNG:

Sit down. Sit down. He is a sick man, Mr. Speaker.

MR. TULK:

'Brian', you know you are wrong. You do not have the courage, 'Brian'!

MR. SPEAKER:

Order, please!

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please! Order, please!  
Order, please! Order, please!

MR. BARRY:

Mr. Speaker, to that point of order.

MR. SPEAKER:

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

MR. BARRY:

I am prepared to do, Mr. Speaker, what used to be an honourable tradition in this House, as it still is in certain jurisdictions, and that is to put my seat on the

line, Mr. Speaker, if the statements that we have set out with respect to the minister engaging in patronage, with respect to the minister misleading this House with respect to that memorandum are untrue. I am prepared to put my seat on the line and have it made the subject of an independent, impartial inquiry. And I ask the Premier to show the courage, Mr. Speaker, -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. BARRY:

- that he pretends he has. I ask the Premier to show, Mr. Speaker, that he lives up to those principles of clean government which he has been pretending he has, or otherwise, Mr. Speaker, let the message go forth that from this day forth, it is goodbye, Mr. Clean.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, it is clear in the precedents of this House and Beauchesne that one is not allowed to say that a person has misled the House. I refer Your Honour to Beauchesne, Page 108 and 109. There are about twenty instances there where it is out of order.

Now, the hon. gentleman talks about misleading the House. I mean, for the hon. gentleman to say that after his career in politics, where he left this administration, and he showed - I



will not say misled the House because that is out of order - that he misled the people of Newfoundland when he left this administration, he went across this House and within a ten day period he voted for the Atlantic Accord.

The fact of the matter is, Mr. Speaker, nobody is allowed to say that somebody misled this House and he should withdraw it, particularly somebody who has misled every day the people of the Province of Newfoundland.

MR. TULK:  
Mr. Speaker.

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

MR. TULK:  
Mr. Speaker, the fact of the matter is the word 'mislead' can be used. That is not the real problem here, Mr. Speaker. What the Government House Leader sees is a Leader of the Opposition who is willing to do the honourable thing, to put his seat on the line if he is proven wrong. The Minister of Public Works did mislead this House when he stood in his place and on four occasions said no, he did not issue a memorandum, 'No, no, no, no.' And the next day or a couple of days later, the Government House Leader came in and read from the same memorandum. Now, if the Premier had the courage that he says he has -

MR. BARRY:  
Let us have an inquiry. Let us have an inquiry, 'Haig'.

MR. TULK:  
- he would ask for an inquiry and he would ask that minister to step

down until the inquiry was complete. But, no, he does not have the courage to do it. That is the real problem here.

MR. MARSHALL:  
Just briefly, Mr. Speaker.

MR. SPEAKER:  
To that point of order, the hon. the President of the Council.

MR. MARSHALL:  
We are divided here. It is a real, what they call a dichotomy, a contradiction. As far as the government is concerned, I under the Leader of the Opposition has offered to resign. The government does not want him to resign, even though, Mr. Speaker, he ought to resign because of his conduct, and they invite the Minister of Public Works and Services to resign, and here is the best Minister of Public Works and Services that this Province has seen in a decade. So we are not going to.

SOME HON. MEMBERS:  
Hear, hear!

MR. MARSHALL:  
We are not going to trade the Minister of Public Works and Services for the Leader of the Opposition. The longer the Leader of the Opposition stays there, the longer the Conservative Party will be in government. The longer the Minister of Public Works and Services stays here, the longer this government will be in power as well.

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

MR. SPEAKER:  
Just one final word on that, the hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, maybe we can make some other sort of deal now. In return for a public inquiry into this, Mr. Speaker, maybe we can have some sort of deal that if the Minister -

MR. FENWICK:

What are you speaking to now?

MR. SPEAKER:

Order, please!

MR. BARRY:

I am speaking to that point of order, Mr. Speaker, raised by the Minister of Public Works and Services.

If they are concerned about my resigning, Mr. Speaker, I am prepared to leave it up to the Premier. If he grants that inquiry, Mr. Speaker, I am prepared to give the Premier the option of either having me resign or stay silent for the next three to four years, Mr. Speaker. Let him have that option, but let him not try and get away from the fact that an inquiry is warranted, an inquiry is required into the stench coming from the Department of Public Works and Services. As a result of the minister's statements and the minister's actions there is a stench, an odour of corruption across that entire administration, Mr. Speaker.

MR. SPEAKER:

Order, please!

To that point of order, I think there should be a definite distinction between 'misleading the House' and 'deliberately misleading the House.' The term was 'misleading' and in that particular context today I must rule there was no point of order.

MR. BARRY:

Mr. Speaker, if I could finish my question, which was interrupted by the minister's point of order, I would like to ask the Premier -

MR. FENWICK:

A point of order, Mr. Speaker.

MR. SPEAKER:

Order, please!

A point of order, the hon. the member for Menihek.

MR. FENWICK:

As I recall, you just recognized me when the Minister of Public Works and Services stood up. So I believe I had the option to ask a question at that point.

MR. SPEAKER:

To that point of order, that is just a matter of fact, actually. If I recall correctly, I did recognize the hon. member for Menihek at that particular time and then the hon. minister got up. I had recognized the hon. the member for Menihek at the time.

MR. FENWICK:

Thank you, very much, Mr. Speaker.

MR. SPEAKER:

With the confusion at the time it might not have been heard, but I can recall recognizing him.

The hon. the member for Menihek.

MR. FENWICK:

Mr. Speaker, my question was for the Minister of Municipal Affairs, but since he is not here it will be to the Premier. It concerns an individual whom we have been trying to help in Hearts Desire, a woman who is close to harassed by the municipal council there. I will be sending him over a letter that has the details in it. I do

not want to go into too much detail myself but one issue did arise and I want some clarification on it, hopefully from the government. In this case the woman is making a level of income considerably lower than the minimum exemption under the Income Tax Act, and my understanding is that under the Municipalities Act these individuals are exempt from the poll tax, or at least that is my understanding of it.

AN HON. MEMBER:

Question.

MR. SPEAKER:

Order, please!

MR. FENWICK:

I will get to the question. It is coming now. In this particular case the municipality has assigned a garbage tax equivalent to the poll tax so that this individual is exempted from the poll tax but will have to pay exactly the same amount on a garbage tax. My question to the Premier: Is this indeed correct and is this an ethical way for communities to behave with individuals who are obviously earning so little that they should be exempted from this tax?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, first of all the municipality has the power, I think under the Municipalities Act, to exempt people based upon their circumstances. That power has been passed over to the municipality. Now, if I am not mistaken, in the case of most of the municipalities in the Province anyway, and I would just assume it is true for this municipality, that person would be paying both a

poll tax and a garbage collection tax under normal circumstances, and that the council has just levied the garbage tax. There is a poll tax in almost every municipality in the Province, so I am not sure if the hon. member is right when he says that they are going through the back door to get the poll tax through the garbage, because in most municipalities there is a poll tax and in a lot of them there might also be a garbage tax as well. I am not sure whether he is right in his interpretation the motives of the council because very often there are two taxes and right now that person is only paying one for the reasons that the hon. member has given, that the person does not have enough income. In any case, I will take the letter and the details and go through it, and if there is some inequity there, then we will get onto it.

MR. SPEAKER:

Order, please!

The time for Oral Questions has elapsed.

Presenting Reports by  
Standing and Special Committees

MR. J. CARTER:

Mr. Speaker.

MR. SPEAKER:

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

MR. J. CARTER:

I would like to present the report of the Standing Committee on Privileges and Elections. It is signed by all members of the Committee and it represents a consensus.

MR. BARRY:

A point of order, Mr. Speaker.

MR. SPEAKER:

A point of order, the hon. the Leader of the Opposition.

MR. BARRY:

There is now a report presented by the Committee on Privileges and Elections. I think it would be appropriate, Mr. Speaker, that the House promptly deal with any positions or recommendations taken in this report. I ask the Government House Leader (Mr. Marshall) whether it is the intention of government to have that done today, to have that report - it looks like a very thin report, three or four pages.

MR. J. CARTER:

No one has seen it yet except the members of the Committee.

MR. BARRY:

I know but it looks like only three or four pages. I do not think it would take very long for all members to make themselves familiar with it. I wonder if we could agree that this matter will be dealt with before we close today.

MR. MARSHALL:

To that point of order.

MR. SPEAKER:

The hon. the President of the Council, to that point of order.

MR. MARSHALL:

Mr. Speaker, the hon. gentlemen there opposite were complaining halfway through the session that the Committee's report was not tabled. It is just tabled now. I have not even seen the text of the report. I would assume that would satiate the desires of the members of the Opposition and the members

of the enquiring press with respect to it. I would have to wait to look at the report before I would make a comment on it.

MR. SPEAKER:

To that point of order, I must rule there is no point of order.

MR. MORGAN:

Mr. Speaker, on a point of order as well.

MR. SPEAKER:

A new point of order, the hon. the member for Bonavista South.

MR. MORGAN:

The fact that the Committee, of course, was investigating a matter resulting from this member establishing a prima facie case of breach of privilege -

MR. SPEAKER:

Order, please!

That is not a point of order.

MR. MORGAN:

Mr. Speaker, I want to raise a point of order based on the fact that I want to be given the right, if necessary, to respond to what is in the report because I have no idea what the report is saying. The Committee was established to investigate a matter pertaining to what was raised by this member here and, based on that, I am hoping to have the right to be able to respond in this House to the comments of the report, if necessary.

### Petitions

MR. DECKER:

Mr. Speaker.

MR. SPEAKER:

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

MR. DECKER:

On behalf of eighty residents of Bide Arm, I beg leave to present this petition:

"WHEREAS route 432, which connects the Viking Trail to the Canada Bay Branch, is not completely upgraded and paved;

"AND WHEREAS the people of Bide Arm are totally depend on this road to import all their food, fuel, clothing, building supplies, etc.;

"AND WHEREAS the people of Bide Arm depend on this road to export our produce, namely, 2 million pounds of processed fish product annually;

"AND WHEREAS the people of Bide Arm depend on this road for ambulance services to the hospital at St. Anthony;

"AND WHEREAS the Bide Arm area has an excellent tourist potential which is being discouraged by the condition of Route 432;

"We, the residents of Bide Arm, hereby humbly pray that the hon. House of Assembly will instruct the hon. the Premier and the hon. the Minister of Transportation (Mr. Dawe) to take immediate action to have Route 432 completely upgraded and paved."

Mr. Speaker, while I stand to present this petition today, the people in the Roddickton, Englee and Bide Arm area have set up a road block. Now, for quite some years the people in that area have been toyed around with by this government. A little over two years ago the Minister of

Transportation (Mr. Dawe) went into Roddickton and Englee and in public meetings promised, without any conditions attached whatsoever, that he would pave some roads in that area immediately, as soon as the snow was gone, as soon as Summer came upon them. This was a promise, Mr. Speaker, which raised the hopes of the people in the area.

Then, Mr. Speaker, the question of property taxes came up and the people were told that they could not get any paving in the area unless they had a property tax system in place. That was done. All three communities have now put property taxes in place, Mr. Speaker.

This past Spring there was a delegation in here from Roddickton, Englee and Bide Arm. The delegation met with the Minister of Transportation (Mr. Dawe) and the Minister of Municipal Affairs (Mr. Doyle). The members of the delegation assured the government that the town councils had done all that they were supposed to do, namely, they had made arrangements with their own banks to raise their percentage of the 60/40 funding. They had the property taxes in place. Everything was in order.

All that was required now was for the provincial government, through Municipal Affairs and with the Minister of Transportation, to do the Transportation Department's sections of roads in the towns. The delegations went back quite happy, Mr. Speaker. They were quite happy and the they felt that at least no politics would be involved and that the decision would be based on need.

Yesterday, Mr. Speaker, the

calcium chloride truck arrived in Roddickton, Englee and Bide Arm area. The people, not being totally dense, realized that once the calcium chloride truck came in, it was another way of saying there would be no paving this year. "We are going to keep the dust down as we did last year."

MR. PEACH:

That is all over the Province, boy.

MR. DECKER:

The logical conclusion, the subtlety of which seems to escape the member for Carbonear (Mr. Peach), Mr. Speaker, is this, that there is no point in applying calcium chloride on the roads if you are going to pave the roads. There is no point in putting calcium chloride on.

As wasteful as this government is, I do not think they are wasteful enough to go and put calcium chloride on a road today, if they intend to pave it next week. The people, Mr. Speaker, realize that the roads are not going to be paved, that the Ministers of Transportation and Municipal Affairs will not keep their commitments and are not going to pave the roads.

Today there is a crisis there. I have talked with the town council who is concerned that the ambulance may not be able to get to the hospital; who is concerned that the food could run out in the area; who is concerned that fuel will not get in from the hydro plant, which means that the place is going to be without electricity. Therefore, Mr. Speaker, in supporting this petition, I am taking advantage of bringing it to the Premier's attention. There is an impending crisis in that area and I am

asking him and his people to try to solve the problem.

I am not suggesting that he call in the artillery. I am not suggesting that he call in the armed forces. That seemed to be his reaction with the NAPE strike. I am suggesting he go to the heart of the problem.

The road blockage, Mr. Speaker, is a symptom of problems that have been taking place all over this Province. Go in and solve the problem or else stop your ministers from going in and attempting to tell people that they are going to do something, and then end up not doing it. There is a word for that, Mr. Speaker, which I am not allowed to say in this Chamber.

Thank you, Mr. Speaker.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, it is a pleasure for me to get up and support the petition so ably presented by my colleague, the member for the Strait of Belle Isle (Mr. Decker).

You know, people who have been prepared to vote according to their principles deserve some recognition by this House and, despite the fact that the Minister of Transportation (Mr. Dawe) has stated, Mr. Speaker, time after time, that he will allot money on the basis of how people vote - he will abuse his position and allot money on the basis of political consideration - despite that, the

people of Bide Arm, the people of Englee and the people of Roddickton, have gone out and they have voted on their principles and they have returned a Liberal member to the House of Assembly, and a very good member, I think everybody would agree.

SOME HON. MEMBERS:  
Hear, hear!

MR. BARRY:  
Now, Mr. Speaker, it is not, I do not think, proper for members of the PC administration to punish the people of Bide Arm, Englee and Roddickton, which they seem to be prepared to do. It is particularly despicable for this strategy to be employed when the minister made a solemn promise - and when the credibility of a Minister of the Crown and, indeed, the entire administration is at stake - but it is small wonder, you know, that the Premier is prepared to have his ministers endanger their credibility when we witness what the Premier himself has done with his own credibility. He said, 'I have been bluffing and misleading the people of this Province since 1979 with respect to my position on the Newfoundland Railway.' When he gets up and is prepared to leave a Minister of Public Works and Services in office who has abused his position, and when that Premier goes out to the people of the Province and says, 'I am interested in running a clean government, I am interested in improving the level of public morality, raising the level of public morality', and then the Premier gets up and is prepared to live with that action of his Minister of Public Works and Services -

MR. MARSHALL:

A point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. MARSHALL:

The hon. gentleman said, 'The hon. member is the best member for the Strait of Belle Isle that this Legislature has seen.' He is certainly better than his predecessor and his predecessor before him. The fact of the matter is the hon. gentleman brought in a petition with respect to a situation in Bide Arm and what the hon. gentleman was doing was debating and trying to make a point that he has been very unsuccessful in making over the past two weeks.

MR. BARRY:

To that point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. BARRY:

It is a very serious matter that I am dealing with here which goes to and is raised directly by the petition and the remarks of the member of the Strait of Belle Isle because it goes to government credibility.

When a Minister of the Crown goes in and makes a promise to people in communities and says, 'We will be paving your roads.' Unqualified! Particularly, when it is done on the basis of the people in the community doing things such as bringing in property tax, then, Mr. Speaker, it is breaking with the trust which government ministers are empowered with. It is affecting the credibility of the

administration in its entirety when that minister would then turn around and break the word, break the solemn promise which was given to these people. I am just pointing out, Mr. Speaker, and this is why it is relevant, I am pointing out it is the same thing as the Premier is doing in damaging his own credibility when he supports the Minister of Public Works and Services (Mr. Young) and leaves him in office. It is directly on point. It is directly relevant to the petition and it goes to the essence of what is wrong on the other side.

They are just filling in time until the next election, they know they are gone, they know they are on their way out and they figure they can do whatever they want now because they do not have any chance next time anyhow, no chance at all next time.

I would also like to close by saying it is unfortunate that we did not have a few more members use that wonderful front page on their election folder that I see the member for Bellevue (Mr. Callan) used because I am sure there could have been fifty-two districts represented by this side of the House, represented by the party which the member for Bellevue represents.

Have you seen that, Mr. Speaker? Have you seen the fine art work? Even the member for Placentia (Mr. Patterson) has one but we did not get it out in time for the election, Mr. Speaker. He picked it up after the election. If we had only got it out in time. I know what happened. They probably voted for the member for Bellevue when the member for Placentia distributed that around the district. We split the vote

between our candidate for Placentia and our candidate for Bellevue.

MR. SPEAKER:  
Order, please!

I would like to rule on that point of order. There is no point of order and the hon. member has just about thirty seconds left.

MR. BARRY:  
Well, I will just say, Mr. Speaker, again, that that is a petition that should be considered because the credibility of the Government House Leader (Mr. Marshall), the credibility of the Premier, as well as the credibility of the Minister of Transportation (Mr. Dawe) is at stake, the credibility of the entire administration. Pave those roads and do it quickly!

SOME HON. MEMBERS:  
Hear, hear!

MR. MARSHALL:  
Mr. Speaker, I just want to say thirty seconds is more than the electorate will give the hon. member. He is operating on borrowed time.

MR. BARRY:  
They are going to give me five years.

#### Orders of the Day

MR. SPEAKER:  
Bill No. 43. The debate was adjourned by the hon. the member for Gander.

The hon. the member for Gander.

MR. BAKER:  
Thank you, Mr. Speaker.



The Bill has to do with the School Tax Authorities and, to summarize, there was a problem since 1979 whereby sixteen of the twenty-one School Tax Authorities in the Province have been illegal and this Bill tries to straighten up that mess.

Mr. Speaker, I am not in favour of School Tax Authorities and I would like to take a few minutes to point out why. Maybe some members of the House other than myself could point out other reasons why we do not support School Tax Authorities.

First of all, the School Tax Authorities are unfair. I am glad to see the Minister of Education (Mr. Hearn) back in his seat. If you look back over the taxes that are levied by the School Tax Authorities, first of all, you will find tremendous differences. For instance, from 1984, and, I think the differences are ever greater today, Labrador West had a rate of seven mils on property, whereas Fortune Bay of Bay St. George had a rate of only three mils. There is a tremendous difference.

In terms of the poll tax charged by School Tax Authorities, District No. 1 a couple of years ago had the highest at \$107, compared a poll tax of only \$40 in the Ferryland school tax district. I think these poll taxes have changed again and the big differences are still evident today. It is an unfair tax from the point of view of the amounts that are levied in various parts of the Province.

It creates, Mr. Speaker, unequal educational opportunities. The distribution of money per pupil is an example. Now these School Tax

Authorities, presumably, are in existence to try to even out the distribution of education across this Province. However, you find tremendous differences in the per pupil allocations in each school tax district. For example, during 1984 - again I am rounding out figures - Central Labrador distributed about \$270 per student to the schools. Now, that is admirable, Mr. Speaker. Labrador West, \$203; St. John's around \$200. I think it has gone up in the last couple of years, very admirable. Let us compare that, Mr. Speaker, with some of the others.

A place like St. Barbe South in 1984 distributed only \$28 per pupil to the schools. Now, Mr. Speaker, what this means is that it leads to areas of the Province that are getting, because of the extra funds, a higher quality of education than the other areas of the Province. Generally, Mr. Speaker, it is the richer, more affluent parts of the Province that are getting all these extra educational benefits, the very areas of the Province, Mr. Speaker, that probably do not need them as much as the poorer areas of the Province because they are not as far behind to start with.

So they are a magnification of the difference that exists between the affluent areas of the Province and the areas that are not so affluent. The School Tax Authorities simply magnify that difference and create unequal educational opportunities in our Province, Mr. Speaker, and that is totally against the philosophy of the Department of Education, to create unequal educational opportunities. For the life of me I cannot understand why the Minister of Education (Mr. Hearn)

would still support that kind of thing.

With regards to collection rates, there is a tremendous difference. In areas like Labrador West and St. John's, the collection rate is about 88 per cent. So one would say that within these school board areas there is a fair attempt made at collecting the taxes. Whereas in the Strait of Belle Isle, the collection rate is only 38 per cent in District No. 1 which, Mr. Speaker, is the second largest school tax district in the Province - that is the Gander area - the collection rate is only 43 per cent compared, I will repeat again, with St. John's at a collection rate of 88 per cent. So, Mr. Speaker, there is inequality in the collection rate.

Perhaps another way of looking at it, Mr. Speaker, is to look at the total revenue as a per cent of the current levy, plus the arrears. We find that on the average across the Province, only 46 per cent is getting collected anyway, if we look at the collection rate in that way, which seems to be one way that we can look at it. The high is about 77 per cent. The low is about 25 per cent. It averages out to about 46 per cent. So the collection rate is very, very poor in relation to the amount of effort that is being put in.

The administration costs of the School Tax Authorities, some of them are seemingly on the surface low but I have not seen any audited school tax statements, so I cannot comment on the audited statements that would indicate the administration costs. But I can go by some of the unaudited ones in 1984. I would like to inform the Government House Leader (Mr.

Marshall) that the administration costs in one school tax districts was 52 per cent. It was one of the smaller ones. It was St. Barbe South. Conception Bay South came in at 36 per cent; Ferryland, 35 per cent. These are some examples of some areas that had a very high administration cost. As a matter of fact, Mr. Speaker, the administration of School Tax Authorities in this Province results in an expenditure of close to \$5 million by simply administering the School Tax Authorities.

I would remind the Minister of Education and Your Honour that a Committee, one of the Committees of this House, during the examination of the estimates, indicated unanimously that they believed that School Tax Authorities should be abolished. There were many other reasons brought forward other than the ones I have mentioned here today, Mr. Speaker, like the problem with taking people to court and the difficulties that arise in court and so on. But it was obvious a Committee made up of members from both sides of the House, as a matter of fact, more members opposite than members from here, agreed unanimously that School Tax Authorities should go.

Now in light of these very few -

MR. MARSHALL:

Our policy is to abolish every single tax, school tax, corporate tax, sales tax, everything. That is what the Tory administration will lead to eventually.

MR. BAKER:

The Government House Leader says, in case it was not picked up, that the policy of his government is to abolish all taxes and he went and

listed a number of taxes. Yet we hear the Minister of Finance (Dr. Collins) - the Government House Leader should get together with his Minister of Finance - so many times talking about taxes that are good, better and best. He talks in terms of good taxes and some taxes are better than others and so on. He does not talk about the bad taxes and some that are worse than others. So I think there is a difference in philosophy here between the Government House Leader, who is a very progressive person, almost Liberal, who believes in reducing taxes and doing away with taxes and the Minister of Finance, who is obviously a very conservative person who believes that taxes are good and there are degrees of goodness in taxes, Mr. Speaker. Anyway, it is interesting to hear that comment from the Government House Leader.

I am not going to go on very much longer, Mr. Speaker. I could talk for hours about the inequities and the problems with the School Tax Authorities but I am sure that the Minister of Education is probably aware of most of them anyway. It is his problem right now, not mine, although it may be my problem in a couple of years.

Mr. Speaker, I cannot support this bill simply because I do not support the existence of the School Tax Authorities. I believe that - a rose by any other name would smell as sweet, Mr. Speaker - that if the people of this Province are to be taxed, if this has to happen, then the taxes should be collected through the central authority, that would not increase the administration cost and then, distributed equitably. I am not talking now about being distributed according to the

political strife of a district but distributed equitably across the Province so that we have an equality of educational opportunity in the Province.

Mr. Speaker, to conclude, the School Tax Authorities create inequality in educational opportunity and that is why we are against it.

MR. FENWICK:  
Mr. Speaker.

MR. SPEAKER (McNicholas):  
The hon. the member for Menihek.

MR. FENWICK:  
I have just a few comments, essentially to echo the comments made by the member for Gander (Mr. Baker). We have obviously gone over School Tax Authorities in the Estimates Committee with the minister and I think that there has been a thorough thrashing out of the arguments for and against them.

The member for Gander, I think, did an adequate job, maybe even a better than adequate job of putting forward the very substantive argument against the idea of school tax authority starting with the idea that they are inequitable, the fact that the School Tax Authorities charge as much as \$126, I believe, on a poll tax in my district and as low as \$80 in other districts. That is inequitable given that individuals have approximately the same levels of income. The mil rate, as has been pointed out, is 7 mils, in my district is as low as I think 4 mils and other places, that is inequitable.

The even more inequitable part about it is the amount yielded to the individual school boards per

student in the school system, it is even more atrociously distributed. As the minister, I think, indicated in our Committee meeting, somewhere in excess of \$200 per student is collected with the School Tax Authority in St. John's, yet in a district like St. Barbe, I believe, the amount is somewhere like \$100 per student, so there was a gross distortion of the amount of money going there, despite the fact, Mr. Speaker, that the amount of money needed in a rural area like St. Barbe, I would argue, would be considerably more than an urban area like St. John's in which many of the costs of education are lower per pupil or per student because of the compact nature of the city and because of the economies of the scale and so on.

The minister, of course, will come back and argue that if you throw away what is \$19 million net I believe last year or a total of \$22 million, if you include the administrative costs of the system, it must be replaced. I fully agree with him. It must be replaced and I would argue to him that the general taxes, the progressive taxes we have, things such as income tax, corporation tax, other taxes that are graded on the ability to pay, would be the proper vehicle for it. I would be very happy to see the Minister of Finance (Dr. Collins) introduce measures which would increase those general taxes by the \$22 million and then redistribute the money equally to the individual schools in the Province so that we do not end up with over twice as much going into an area like St. John's, than does go into an area like St. Barbe.

And really, Mr. Speaker, that is basically all I would like to

suggest about the School Tax Authorities. I agree entirely with the member for Gander that they are inequitable, not only on the revenue side but on the expenditure side. They are a vastly administratively wasteful way of collecting taxes. I believe the actual number for the overhead on this system is \$3.5 million per year and not the \$5 million that the member for Gander suggested, but that is still a substantial amount of money that could be used for teachers, teachers aids, schools, school books, buses and so on. As a matter of fact, it is one good high school a year in administrative costs that have been used. So there is a much better use I think for that and bookkeepers and tax collectors who, I would argue with you, could be better retrained and put into the productive end of the school system.

So, Mr. Speaker, I must say that I would agree with the Liberal Opposition and intend to vote against Bill 43, not for its particular content but for the fact that it is modifying a system that is clearly unfair.

MR. SPEAKER:

If the hon. minister speaks now he will close debate.

The hon. the Minister of Education.

MR. HEARN:

Mr. Speaker, the Bill is not one to create or abolish school tax authorities and consequently it is not a time to debate such. It is Bill to correct a couple of minor anomalies in the Bill and that is all the Bill is intended to do. What the two hon gentlemen have said amounts to nothing, because neither of them know what they are

talking about in relation to the true function of school tax authorities, how the funding is distributed, and they certainly have no indication of how you would have to raise taxes in order to replace that money. However, that debate is for another time and another place, and with that I move second reading.

On motion, a bill, "An Act To Amend The Local School Tax Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 43).

MR. SPEAKER:

There is an amendment to this, so we will vote on the amendment first. All those in favour of the amendment 'Aye'.

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

All those against the amendment 'Nay'.

SOME HON. MEMBERS:

Nay.

MR. SPEAKER:

I declare the amendment defeated.

On motion, that the House resolve itself into a Committee of the Whole on Ways and Means, Mr. Speaker left the Chair.

#### Committee of Ways and Means

On motion, that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. SPEAKER:

The hon. the member for Terra Nova.

MR. GREENING:

Mr. Speaker, the Committee of Ways and Means have considered the matters to them referred and have asked me to report progress and ask leave to sit again.

On motion, report received and adopted, Committee ordered to sit again, presently, by leave.

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, I have received a message from His Honour the Lieutenant-Governor.

MR. SPEAKER:

Please rise for a message from His Honour the Lieutenant-Governor.

"May 15, 1986, The hon. the Minister of Finance:

"I, the Lieutenant-Governor of the Province of Newfoundland, transmit estimates of sums required for the Public Service of the Province for the year ending, 31st. day of March 1987, by way of further supply and in accordance with the provisions of the Constitution Act of 1867 I recommend these estimates to the House of Assembly.

(sgd)-----

W. Anthony Paddon,  
Lieutenant-Governor."

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, I move that the message of His Honour the Lieutenant-Governor be referred to a Committee of the Whole on Supply

and also to consider the bill which is in Committee of Supply under Motion 2, which is Bill No. 36.

On motion, that the House resolve itself into Committee of the Whole on Supply to consider the message of His Honour the Lieutenant-Governor, Mr. Speaker left the Chair.

Committee of the Whole on Supply

MR. CHAIRMAN (Greening):

Order, please!

MR. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, I move that the total contained in the estimates presented to this hon. House be carried and that a resolution be adopted to give effect to the same.

MR. LUSH:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Bonavista North.

MR. LUSH:

Mr. Chairman, it is unfortunate that, approaching the closing day of the House, there are so many things that the Opposition asked for, so many amendments that we asked for with respect to the budget and other items, with respect to reduction in taxes that this hon. government did not see fit to do to try and bring some benefits to the people of the Province. Again, we fought hard

in this Session, Mr. Chairman, for the benefit of the people of this Province so that there would be more money available to the consumer to spend. There is not an economist in Canada today, not one, not an economist in Canada worth his salt but believes and articulates and espouses the view that the taxes introduced by the federal government and by the provincial government are going to have an enormous effect on consumer spending; consumer spending is going to be reduced substantially in this year. We tried to bring some sense to the government by asking them to reduce the sales tax. We have asked them to eliminate the tax on secondhand furniture, clothing, this kind of thing, particularly furniture, and we could not get to first base. We asked that tax zones be set up in this Province so that we could give a break to small business. We asked for these tax zones but again the government just denied, rejected and denigrated the idea as if the idea was being espoused by fools or people who did not know what they were talking about. Mr. Chairman, we find it regrettable that government did not respond to any of these sound, solid initiatives offered by the Opposition so sincerely and so genuinely. That is regrettable.

The other thing that is regrettable, Mr. Chairman, is that we are going to close this House without hon. members knowing how vast sums of money are going to be spent and where, and I refer particularly to Municipal Affairs where we just have announced one-third, actually, of the expenditures. Just one-third of the expenditures, that is all was brought before this House. I mean, there has to be something

undemocratic about that. There has to be something unparliamentary about a system that does not tell the House where it is that it is going to spend money.

Mr. Chairman, the Auditor General does refer to this, and I am expecting the Auditor General to refer to it in Municipal Affairs this year. He referred to it in the Department of Transportation, where there was block funding. They are taking us for a bunch of idiots, that we just come here and approve a budget and we do not know where the money is going to be spent. What kind of a parliamentary system is that, where members do not know where the money is going to be spent? We have asked for a list. The bureaucracy, I am sure, have been working on this list, the capital spending for the Department of Transportation. They have been working on that for months and months. Now, every now and again you will see, when you read the local papers, a little spot in the paper with an MHA on the government side announcing this little project. Now, is this the level of government we are going to give our people, an MHA from somewhere announcing, in a little corner of the paper, a road project going on somewhere? Is that where they have come from? Is that what they believe?

SOME HON. MEMBERS:

Hear, hear!

MR. LUSH:

Is that the level of mentality that we have come to in this Province, that MHAs think they are going to get elected by the people by making these silly, stupid, inane little announcements? The people of this Province are too

smart for that and I would ask hon. members to stop playing their silly games. Every week in all of the Robinson - Blackmore papers you see these little announcements: 'Carbonear MHA announces, some other MHA announces.' How silly, Mr. Chairman! Why can they not get into some higher level of debate and make a contribution to reform the parliamentary procedure in this Province instead of this silly nonsense of announcing these petty projects, thinking, of course, that the people are going to think they are great members? Some of them announce things they had no more to do with than the man in the moon; they did not even know they were going on until somebody called them and said, 'Now, get down to your local newspaper and announce this project'. I mean, what do they think the people of this Province are doing? How stupid do they take them to be? Mr. Chairman, here we are -

MR. WARREN:

(Inaudible).

MR. LUSH:

Mr. Chairman, I have more to do with my time than calling up the local newspapers to say that there is going to be some stupid project announced, some little project. I represent my constituents on a higher level than that, Mr. Chairman.

MR. WARREN:

Yes, sure!

MR. LUSH:

Here we are, closing the House not knowing where vast sums of municipal monies are going to be spent, not knowing whether it will be in the district of Bonavista North, or whether it will be in

the district of Terra Nova, whether it will be in Bonavista South. Mr. Chairman, it is an indictment on the parliamentary process, and the same thing will happen with the Department of Transportation.

I would hope that hon. members will heed these words seriously and, if we cannot do it in this session I would hope that in the next session we will not have to do this. I suspect the Auditor General will pick it up with Municipal Affairs, this block funding. I expect he will condemn that, because they are both the same, the only difference being, of course, that in Municipal Affairs it is guaranteed loans. But it is still the Province making itself libel by granting these guaranteed loans to municipalities in the Province. But it is block funding, and, Mr. Chairman, I am expecting the Auditor General to condemn the Department of Municipal Affairs.

What is so wrong with announcing all of these projects in the House? That is what the House is for, to approve expenditures of the people's money. How can the Opposition react intelligently when we do not know where the money is being spent? Does the government have anything to be afraid of? Do they have anything to hide? If not, why do they not tell us? Why do they not tell us, announce it today? Because I am sure all of these projects are decided. I am sure hon. members opposite know where all the money is going to be spent on road work this year, I am sure hon. members opposite know where all the money is going to be spent in Municipal Affairs. Now, Mr. Chairman, why can they not tell us? Maybe the minister will get the Minister of

Municipal Affairs in and get the Minister of Transportation in, or he, himself, will announce where all of these monies are going to be spent. These are some of the concerns I have in granting this Supply Bill.

MR. MARSHALL:  
Mr. Chairman.

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

MR. MARSHALL:  
As much as one would like to satisfy the hon. member, I do not think, in all fairness, that I would be able to satisfy him this afternoon. This is a Supply Bill for \$1,411,573,900 which, coupled with the \$715,330,900, equals a total supply of \$2,126,904,800 and I move, Mr. Chairman, that the total of these estimates be carried and that a resolution be adopted to give effect to the same.

I move, Mr. Chairman, that the Committee rise, report progress and ask leave to sit again.

I would like it to be about \$5 billion, without any taxes.

On motion, that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. SPEAKER (McNicholas):  
Order, please!

The hon. the member for Terra Nova.

MR. GREENING:  
Mr. Speaker, the Committee of Supply has considered the matters to it referred and has directed me to report having passed the sum of \$1,411,573,900 contained in the Estimates of Supply and asks leave



to sit again.

On motion, report received and adopted, Committee ordered to sit again now, by leave.

MR. MARSHALL:

I move that the report of the Committee of the Whole on Supply with respect to the Estimates for the year 1986 - 1987, together with a resolution and a bill consequent thereto be referred to a Committee of the Whole on Ways and Means and that Mr. Speaker do now leave the Chair.

On motion, that the House resolve itself into a Committee of the Whole on Ways and Means to consider a certain resolution and a bill consequent thereto, Mr. Speaker left the Chair.

#### Committee of Ways and Means

MR. CHAIRMAN (Greening):

Order, please!

#### Resolution

That it is expedient to introduce a measure to provide for the granting to Her Majesty for defraying certain expenses of the Public Service for the financial year ending the thirty-first day of March, 1987, the sum of \$1,411,573,900.

On motion, resolution carried.

Motion, that the Committee report having passed a resolution and recommend that a bill be introduced to give effect to same, carried.

On motion, that the Committee

rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. SPEAKER:

Order, please!

The hon. the member for Terra Nova.

MR. GREENING:

Mr. Speaker, the Committee of the Whole has considered the matters to them referred and has directed me to report that it has adopted a certain resolution and recommends that a bill be introduced to give effect to the same.

On motion, resolution read a first and second time.

On motion, a bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of the Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred And Eighty-Seven And For Other Purposes Relating To the Public Service", read a first, second and third time, ordered passed and its title be as on the Order Paper. (Bill No. 36).

On motion, that the House resolve itself into a Committee of the Whole to consider certain bills, Mr. Speaker left the Chair.

#### Committee of the Whole

MR. CHAIRMAN:

Order, please!

Motion 3.

#### Resolution

That it is expedient to bring in a

measure relating to a Tax on the Users of Tobacco.

DR. COLLINS:  
Mr. Chairman.

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

DR. COLLINS:  
Mr. Speaker, this resolution would introduce a bill which is pursuant to announcement in the budget.

MR. BARRY:  
Tax on tobacco?

DR. COLLINS:  
Tax on tobacco, Bill No. 28, yes. In essence, it would increase the tax on loose tobacco only. We are not changing the tax on cigarettes or other than loose tobacco. One cigarette is equivalent to about an ounce of tobacco, and that is now taxed at a rate of 4.78 cents. At the present time, loose tobacco is taxed at a much lower rate. Even with this increase it is only being taxed at about 1.57 cents, so that is considerably less than the equivalent on a cigarette. But it does bring us in line with the other Atlantic Provinces. With those words of explanation, I move the resolution.

MR. LUSH:  
Mr. Chairman.

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

MR. LUSH:  
Mr. Chairman, all throughout this session we have been trying to convince the government of the folly of their ways, the folly of their present fiscal policy of introducing taxes. Taxes everywhere! Everywhere that government can apply a tax, they

are applying taxes. Even though this is a sin tax, we are disagreeing with it simply because we disagree with this government's total policy of trying to increase the revenues of this Province through a continuous policy of raising taxes.

Throughout the Budget we can see examples of where the government have added to the cost of living of the ordinary Newfoundlander and Labradorian. With motor registration fees, hunting fees, building materials, we will come to that one a little bit later, but just about everything that could be taxed, this government is taxing.

Mr. Speaker, again at the expense of being accused of belabouring the point and repetition, the point must be raised again that there is not an economist in the Western world that is not today condemning governments that levy excessively high taxes on their people. The reason being that it cuts down on the disposable cash that people have, it cuts down on their spending when they are taxed every way they turn. People are not going to spend so freely and therefore the economy is going to be stymied and hamstrung. That is what has happened in the national economy in Canada today.

It would not be so bad if we were just looking at one level of government who are increasing taxes but, we are looking at both levels of government. In the last two years the federal government and the provincial government together have added enormously to the cost of living and to inflation by increasing these taxes. That is why we object. We do not object to the Tobacco Tax per se. I suppose one could say

people do not have to smoke if they do not want to and certainly that is correct, that is a person's decision. The point of the matter is it is not so much this particular sin tax but it is the propensity and the inclination of this government to put its claws and its tentacles out into every area, every segment of the Province and tax whatever they can get their claws and tentacles onto. It seems to be the only way they know how to raise funds and generate extra revenues for this Province.

How about cutting expenditures? That does not seem to be the way at all. The way seems to be to sock it to the people, sock it to the ordinary Newfoundlander and Labradorian. Bleed them, take every cent they have! It is absolutely ridiculous how you cannot knock into the skulls, how you cannot knock into the heads of hon. gentlemen opposite that heavy taxation just leads to a road of economic disaster. I ask the minister does he not believe that we have reached the saturation point in this Province with respect to taxes? Does the minister not believe that? Does the minister not believe that, we, in this Province, have reached the saturation point?

Certainly, we have with our retail sales tax. That has remained unchanged for the last three or four years and no wonder. Does anyone ever conceive of a time when this government would have the effrontery and the audacity to increase the retail sales tax? Mr. Chairman, they would be a government with tremendous nerve indeed if they ever decided to do that, to increase the retail sales tax. We are as high as we can go. Mr. Chairman, now they are

gone into every other area, taxes on everything we use. Can anybody name anything that we are not taxed on in this Province?

AN HON. MEMBER:

Fresh air.

MR. LUSH:

Yes. Well, Mr. Speaker, I am sure that if hon. gentlemen opposite could tax fresh air, they would do it. Now, Mr. Speaker, they are taxing the bad air with the tobacco tax and I suppose that is not too bad. As I said before, it is not the tobacco tax that we are against, it is simply the principle of this government, the public policy of this government to raise revenues through only the raising of taxes and taxing every service that there is in this Province. That is why, Mr. Chairman, we are going to vote against this tobacco tax.

SOME HON. MEMBERS:

Hear, hear!

DR. COLLINS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, the hon. member is against taxes, and I applaud him for that. I am wholeheartedly against taxes myself. I am a taxpayer so I hate taxes. However, I think that one has to remember the facts.

I have told this House before that we are not the most heavily taxed province in this country. That has been the perception but I have already told the House and the Committee that that is not so and I do not need to reiterate it.

There is another point that I think is just worth remembering. This is not an excuse for taxes but we do have to deal with reality. We did a study on the tax load on the people of this Province some time ago, that is the tax load related to personal income per capita. In the late 1970s, about 16.2 per cent of personal income per capita was taken up in provincial taxes. In 1985, which is the last figures we had available, the figure was 16.3. So it went up a tenth of a percentage point in that period of time.

Even though we are changing tax rates and so on and so forth over the year, the personal income is keeping up with it so we are not taking more out of the economy than has been traditionally the case, shall we say. As I say, that is not an excuse for taxes, it is just an explanation so that the people do not get the wrong idea. For instance, our regular corporate income tax is less than in Manitoba. We do not exact any corporate capital tax on general companies whereas other provinces do. Our fuel tax, 22 per cent on gasoline, is less than the 30 per cent in Quebec. I might point out that the dollar amount, or the cent amount, I guess, per liter, is going down, it is not going up. There is more cents per liter in tax exacted at the end of last year than there is at the present time and similarly on diesel, our 26 per cent is less than the 30 per cent in Quebec.

Mr. Chairman, no one likes taxes, this government least of all, but they are necessary to carry out the obligations we have. We try to do them as fairly as possible.

We do the minimum tax gathering

that we have to do to discharge our obligations and, in actual fact, we are not collecting more than has been traditionally the case. I move the resolution.

On motion, resolution carried.

Motion, that the Committee Report having passed a resolution and a bill consequent thereto, carried.

MR. CHAIRMAN:

Motion 4, Bill No. 33.

### Resolution

That it is expedient to bring in a measure respecting The Retail Sales Tax Act, 1978.

DR. COLLINS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Chairman, this is a resolution, again bringing in a bill that goes back to the budget, and it will increase the retail sales tax on building supplies from the 8 per cent level back up to the 12 per cent level which, of course, is the level that is general for retail sales tax. I might add that this lower rate, the 8 per cent, was brought in in November 1982 as a stimulative measure for the construction industry, at a time when the recession was hitting this Province extremely hard. We have now moved out of the recession. It was always signalled that this was a temporary measure and now that interest rates are lower and the economy is improving generally, this tax is returned to the 12 per cent level.

I am sure hon. members will know that certain contractors and certain owners have been approaching government saying that they entered into contracts and they took on projects on the basis of the lower rate. Even though it was clearly signalled that this rate was not a permanently lower rate, they stated they entered into contracts on this previous rate and asked for relief. This is a matter that is under study. We have no desire to interfere with worthwhile projects or to put construction companies at extreme risk if they are into obligations that need to be given some attention, so we are studying their concerns. I am not in a position today to say how the matter would be resolved, but we have taken our concerns into serious consideration and we will do what seems to be needed to be done to give the relief that is required and that we are able to give within the limits of our budgetary possibilities. With those remarks, I move the resolution.

MR. LUSH:  
Mr. Chairman.

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

MR. LUSH:  
Mr. Chairman, of all the revenue-raising measures taken by this government this one, this raising the retail sales tax to the construction industry, has to be the most abominable, the most preposterous, the most nefarious act ever taken by a government. Why do I say that? Mr. Chairman, it strikes at the heart, it strikes at the core of one of the most important industries in this Province, namely, the construction

industry. The construction industry people have said that this is going to affect them badly, that it is going to affect the number of houses, the construction work that is going to be done in this Province this year and, Mr. Chairman, consequently it is going to affect the level of employment, or the level of unemployment. It is going to raise the level of unemployment in this Province, this nefarious measure, this abominable measure of raising the retail sales tax on construction materials by 4 per cent.

Mr. Chairman, if the minister were concerned with generating employment in this Province, if he were concerned with increasing the numbers of jobs available to our people, the least he could have done was to have kept this tax at the same level, was to have maintained the status quo. This is about the only area in which this government has not maintained a status quo, and that is with its tax measures.

Mr. Chairman, I will not belabor this bill much longer than to say that I think this bill will have a devastating effect on the construction industry in this year and that it is certainly going to do nothing to raise the levels of employment in the construction industry and, thereby, it is going to have the effect of raising the levels of unemployment throughout this Province. Mr. Chairman, if there is any area in which this government should be sensitive it is in the area of creating employment for our people. The Premier asked for a mandate to create jobs. It does not seem to me that this measure is going to be a measure that is going to help create employment.

Mr. Chairman, again we have to say that we do not support this measure, that we strongly condemn this measure of raising the retail sales tax on building material by 4 per cent, from 8 per cent to 12 per cent. We strongly object to this measure and we hope, Mr. Chairman, that the government in their wisdom will now consider the damage they have done to the construction industry in this Province and give this bill the six month hoist, or hang it out completely.

SOME HON. MEMBERS:

Hear, hear!

DR. COLLINS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Finance.

DR. COLLINS:

Clearly you can raise all sorts of red flags about this particular resolution and bill but, in our judgement, it will not do as the member stated. The last figures we have is that, for instance, housing starts are up 43 per cent over last year. So the construction industry is doing quite well. As I have already mentioned, we will give particular cases, where this measure has caused unexpected harm, every consideration. I move the resolution.

Motion, that the Committee report having passed the resolution and a bill consequent thereto, carried.

MR. CHAIRMAN:

Motion 5, Bill 30.

### Resolution

That it is expedient to bring in a measure further to amend The Loan and Guarantee Act, 1957, the Act No. 70 of 1957, to provide for the advance of loans to and the guarantee of the repayment of bonds or debentures issued by or loans advanced to certain corporations.

DR. COLLINS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Chairman, this resolution relates to the Loan and Guarantee Act, and I have a certain nostalgia for this particular resolution because it has been on the Order Paper for some time. We have not actually been able to move it off, so I would hope that today the Committee will agree to move it off. It is like losing an old friend but, nevertheless, I will be glad to see it go.

Mr. Speaker, when we enter into guarantees, whether it is to help out a fishing company or construction company or another resource company or whatever, these guarantees include legal documents which are signed by the Minister of Finance. They have a provision that government will enter legislation before the House to ratify those agreements. Whereas the guarantee allows the company or the individual to have access to funds, the banks do that on the understanding that this House will pass legislation ratifying the whole thing. That is what this bill does.

The last time we brought in legislation ratifying guarantees was in the Spring of 1985. So that is over a year ago. This

particular bill covers a total of forty-one items, forty-one guarantees. The large majority of them were for the fishing industry, although there were a smaller number for other industries based on natural resources.

Without a doubt - I think this remark will be concurred in by people in all walks of life - our guarantee programme has been extremely helpful. In actual fact, it was essential during the recession or we would have had many bankruptcies of various firms and losses of jobs. It is a good programme. As the economy continues to improve, we will, hopefully, need to get less and less into giving guarantees. I move the resolution.

MR. TULK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fogo.

MR. TULK:

Mr. Chairman, there are certain questions that need to be asked, I think, about some of the companies that are mentioned in this bill as receiving guaranteed loans from the provincial government. I ask the minister, in particular, about one company, Easteel Industries Limited. I want to ask the minister if, indeed, we are looking at another form of padding the political pockets of your buddies through extending guarantees to this company.

I notice, for example, that we have continuously made loans and guarantees to that company. I ask the minister to tell us if indeed that company is still in a good financial situation. Are they, for example, progressing along the

lines of Fisheries Products International, which is item number 13? Are they progressing? Are they showing a profit? Are they about to show a profit? Just what is the financial situation of that company? Perhaps the minister could expand on that for us.

MR. CHAIRMAN:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, Easteel has gone through very difficult times and they came to government for assistance. They also went to their creditors and asked for accommodation so that the amounts owing would be spread out over a longer period of time. They went to their bankers to also ask for accommodation. All three parties, that is government agreeing to give a guarantee, the creditors and the bankers, entered into an arrangement with Easteel whereby their debt was restructured. This allowed the company to continue its operations. If that agreement had not been entered into by all parties, this company, undoubtedly, would have faded and there would have been the loss of very valuable and highly skilled jobs.

Since that time they have been doing pretty well. They have got some very good contracts, for instance, the Deaf School was one. They recently got a large federal contract, I think, on the early warning line, they got a good contract there. We are supporting them on a project basis and we are protecting ourselves.

In other words, we are monitoring how they are doing, what their expenditures are and what their income is on those various

projects, and they are getting a positive cash flow from each one. We are, therefore, protected on the basis of the project guarantees that we are giving them. So it looks as though they are pulling themselves out of their difficulties and they are retaining the work force. That will be a very valuable company when the offshore project goes ahead, as it undoubtedly will. They will be one of the major fabricators in this Province taking part in that activity. So I think it was a worthwhile effort to retain them and I am glad to say, as I say, as things pick up, they seem to be getting on top of their debt.

MR. TULK:

Mr. Chairman.

MR. CHAIRMAN (Greening):

The hon. the member for Fogo.

MR. TULK:

Mr. Chairman, in this particular case the government's guarantee runs out on June 30 of this year. Almost before we get the bill passed, the guarantee has run out. Presumably Easteel has had the money. The minister did not wait to get it approved by the Legislature. I would ask him if he perceives that guarantee being extended beyond June 30, if there is any need for it?

I would also like to ask him a couple of items, item 24 and 25. Ocean Harvesters Limited is now in or was in receivership, it has now been taken over by a new company. Did the government lose any amounts of money in that guarantee? Was it safeguarded in that regard?

Perhaps he might also tell us just what the state of Baie Verte Mines

Inc. is since I understand that there was some \$1 million guaranteed there, \$1 million in one instance and some other sums in some other instances. So perhaps he might like to comment on those three companies in particular.

MR. CHAIRMAN:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Chairman, the Ocean Harvesters Company has now essentially, I guess, disappeared but the plant and the operation has been taken over by a new company and that is working successfully. Yes, government did have guarantees for the Ocean Harvester Company. We did have a pay out.

I must say that it is unfortunate that the Minister of Fisheries (Mr. Rideout) had to leave the city. He had to go elsewhere in the Province on an urgent basis today and is not available to answer in detail the fisheries questions but I can say that we took possession of the vessel that Ocean Harvesters had, the trawler, the M.V. Harvest Star.

I think I am at liberty to say now that we have an arrangement with Fishery Products to take over or purchase that vessel. That will be put into effect soon, when all the paper work is done and that type of thing. I expect that the vessel will be used on the South Coast. So we have been successful in keeping that vessel in the Province and it is filling a need that Fishery Products has.

With regard to Baie Verte, Baie Verte is in a very difficult situation. The markets for asbestos are in terrible shape in the world, but this government,



nevertheless, feels that with the right approach as to how the operation should be conducted over the next few years there is a good chance that it will capture a large part of the market. As other asbestos mines elsewhere in Canada fold up their tents and go away, we will be in a good position to pick up their markets and this is why we went into an equity position with them. I am not saying, by any means, that Baie Verte is out of the woods, but we have done the best we can, knowing that the whole peninsula there has a lot of reliance on the operation at Baie Verte. We are hopeful that they will finally be able to continue to operate and that they will, in time, be able to get rid of the huge amount of waste they have to open up new ore bodies. We will then be in a position to be very competitive on the world markets because of the good type of ore that is out there.

MR. TULK:

How much did you lose on Ocean Harvesters?

DR. COLLINS:

I do not have a precise figure, but I believe we had to pay out something. It is not all finished yet, there are still figures to be done. The hon member, I am sure, is very interested in the fishery, as is the hon. member for Twillingate (Mr. W. Carter), and we can make sure that these figures are supplied. But, undoubtedly, our final payout will be over \$1 million for the number of guarantees we have had to give over the years to Ocean Harvesters to try to retain that operation up there and not lose the quota, and also to retain as much employment over there as we could over the years. I will definitely undertake to get those figures.

MR. TULK:

The other question was on Easteel. Will you be signing their guarantee after the June 30th. one expires?

DR. COLLINS:

We will extend the guarantee as long as it is required. As I say, Easteel seems to be pulling out of its difficulties, so we do not have as much concern there as we had some time ago.

On motion, resolution, carried.

Motion, that the Committee report having passed a resolution and a bill consequent thereto, carried.

MR. CHAIRMAN:

Motion 6, Bill No. 31.

#### Resolution

That it is expedient to bring in a measure further to amend the Local Authority Guarantee Act, 1957, to provide for the guarantee of the repayment of loans made to, and the advance of loans to certain Local Authorities.

MR. CHAIRMAN:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, this again is much like the previous resolution in that we had to enter into guarantees with the banks to allow various municipal projects to go ahead, and now a bill has to be brought in to ratify these guarantees. There is a long list of the guarantees in the bill, attached to the resolution. Hon. members know that water and sewer guarantees are for a twenty year period, whereas the paving guarantees - there are a smaller

number for paving purposes - are ten year guarantees. The last time we passed a Local Authority Guarantee Act, I think, was in 1983, so that is why there is such a long list this time. We are picking up the guarantees that have been entered into since that time. Mr. Chairman, with those remarks I move the resolution.

MR. CHAIRMAN:

Shall the resolution carry?

MR. GILBERT:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Burgeo - Bay d'Espoir.

MR. GILBERT:

As the Minister of Finance (Dr. Collins) just said, this is a Bill to Amend The Local Authority Guarantee Act. It goes back some years, so when we look at it we cannot really be sure as to how the list was made up, was it political or was it on need. Anytime we have to pass a bill such as this, and we find it concerns the Department of Municipal Affairs, and it has to do with guaranteed loans, we know that the situation has deteriorated, that a pork barrelling system is being used when they give out this money. We saw an example of it here this afternoon, when the minister was not in the House and I asked the Premier about the list. A short time ago, the Minister of Municipal Affairs gave us a partial list of the funding he was going to provide for communities throughout the Province and he made a promise at that time that he would bring in the remainder at a later date. We heard the Premier this afternoon say that it was certainly done according to

need, that a lot of work had gone into it, and things like that.

Now, as I see it, the serious part about the guaranteeing of funds by the Department of Municipal Affairs, the outright grants, is that there is an awful suspicion out there, and a great amount of doubt, as to how this money is dispensed, how it is really given out. We know the federation, in their latest brief to the Department of Municipal Affairs, say that the towns in Newfoundland are supposed to provide the department with a five year plan for capital works and the like, yet there is no provision that funds will be available to provide the capital works on a regular basis. So it is hard for them to provide a five year plan if there is no provision made to ensure that funding is going to be available. They have asked that people from the communities in Newfoundland get together with the department when this list is being compiled and the grants given, to see that it is done on need rather than on political pork barrelling, which is the situation that we have in Newfoundland today. The House is now closing and we find that three-quarters of the money we approved in the estimates for grants to municipalities throughout the Island are not dispensed at this point, and the reason for it seems to be that the minister wants to wait until the House is closed so that he can then announce the list without any opposition, without anyone questioning his pork barrelling, giving this to the Tory districts. When the minister announced his last list in the House, there was great shouting and crying every time there was something announced for a Liberal district. The thing we are

forgetting is that the money which comes from this, in most cases, comes from taxes which are collected all over Newfoundland.

All we ask is that a fair proportion of this money go back into every district in Newfoundland. Because it is not the transfer payments that this money comes from, this comes from the 12 per cent sales tax that everybody pays in Newfoundland and it is paid on an equal basis. And in districts like my district, the district of Burgeo - Bay d'Espoir, Burgeo is a primary producer and produces a lot of revenue for Newfoundland because of the fish plants that are in Burgeo and Ramea and in the communities of Francois, Grey River and McCallum, which are fishing communities. And, you know, it is a little unfair when we find that in this type of situation, the money is given on a political rather than on a need basis.

The other point I would like to make, Mr. Chairman, is the fact that these loans and grants go back to 1983 and now we are asked to approve them very quickly this afternoon. I think it should be done on an annual basis and I think the list should be made up, as the Federation suggests, with co-operation from the Federation and the Department of Municipal Affairs, and made up on the basis of need rather than political pork barrelling. Thank you.

MR. CHAIRMAN (Greening):  
Shall the resolution carry?

MR. DOYLE:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the Minister of Municipal Affairs.

MR. DOYLE:

Mr. Chairman, just to respond briefly to some of the points that have been raised by the member for Burgeo - Bay d'Espoir (Mr. Gilbert) as to the allocation of municipal capital works money, I have to point out to him, as I have on a number of occasions, that there is really no pork barrelling done within the Department of Municipal Affairs, and I can only speak for the time period that I have been there.

Insofar as allocation for funding is concerned, funding is distributed on a priority basis and there are an awful lot of things taken into account when you are distributing that funding, namely, environmental and health reasons, cost-effectiveness with respect to the projects and what have you. I think the hon. gentleman will find that the \$11.5 million that was allocated just recently certainly does not reflect any pork barrelling when you take into account the fact that \$800,000 has been approved for Gander, \$500,000 for Fogo; money has been approved for Tilting and Daniel's Harbour, Norris Point, Labrador City and a number of other areas that are represented by gentlemen opposite. So it is certainly not pork barrelling.

It has to be pointed out, as well, that we are in the unfortunate position of having \$180 million worth of requests and only \$25 million to \$30 million of a capital programme to address these requests. When you are dealing with such massive numbers of requests that come from municipalities on a daily basis, I can easily see how hon. gentlemen opposite would think that there was some pork barrelling taking

place, but there certainly is not. With respect to the list the hon. gentleman mentions, I think we have co-operated with him on a number of occasions, providing all the information that they have requested.

MR. FENWICK:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for Menihek.

MR. FENWICK:  
Thank you, Mr. Chairman.

I have been waiting for this opportunity. About a month or so ago, I entered some petitions on behalf of municipalities which do not agree with the Minister of Municipal Affairs, and they were ruled out of order because they were, quite appropriately, very saucy. But since this is debate in Committee, I am going to table the petitions I have here just to make sure that the Minister of Municipal Affairs has a chance to look at them and, in his good time, can reply to them.

I will just list them. They are basically from the mayors and councils of eighteen municipalities in the Province who have returned a letter to me indicating that they are certainly concerned with the distribution of municipal grants in the past.

I am not presenting a petition, but I will read it into the record. It says, "We, the undersigned municipal counsellors, petition the Minister of Municipal Affairs to stop distributing loans for water and sewerage and paving on the basis of political patronage and start distributing them on the basis of need." They are in turn: The mayor and

counsellors of Port au Choix; The community council of Rencontre East; The council of Newville -

AN HON. MEMBER:  
That is not in order.

MR. FENWICK:  
I am tabling them. This is perfectly in order. The community of Whiteway; The town of Change Islands; The community council of Hampden; -

MR. CHAIRMAN (Woodford):  
Order, please!

MR. FENWICK:  
I am allowed to table the things, am I not?

MR. CHAIRMAN:  
Are you speaking to the resolution?

MR. FENWICK:  
Oh, yes, very much so.

MR. CHAIRMAN:  
I think the hon. member is presenting a petition here.

MR. FENWICK:  
Oh, no, I am not presenting petitions, I am just tabling them. It is information pertaining to the distribution of water and sewer.

MR. CHAIRMAN:  
Well, just table it and speak to the resolution.

MR. FENWICK:  
Yes, I am. There is L'Anse au Clair; Northern Arm; - I am almost finished anyway - Goose Cove in White Bay; Bay View; Grand La Pierre; Gander Bay South; The town council of St. Thomas; Seldom; and the community of Parsons Pond.

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

MR. SPEAKER:

A point of order, the hon. the member for Fogo.

MR. TULK:

It is not a matter of whether you agree or disagree with the member presenting petitions, it is a matter of are we now going to be allowed in Committee to stand up, give the subject matter of a whole bulk of petitions and then present them to the House. I think we need a ruling on this, quite frankly. If it is in order fine and dandy, we will use it.

MR. FENWICK:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

To that point of order, the hon. the member for Menihek.

MR. FENWICK:

I am not presenting them as petitions. They are clearly out of order as petitions. But they are not, they are being tabled for the minister's information. I think, on those grounds, they are perfectly acceptable, Mr. Chairman.

MR. CHAIRMAN:

Order, please!

To that point of order, hon. members must be reminded that you can read out any document as long as it is tabled in the House. There is no point of order. The hon. member can continue to speak to the resolution.

MR. FENWICK:

Just to wind it up, Mr. Speaker, I am going to give the House a real treat today. I have written a song for the occasion.

AN HON. MEMBER:

No singing.

MR. FENWICK:

I understand the present Speaker sang his first speech in the House and, under that very august precedent, I think I can continue on with this.

MR. MATTHEWS:

There is a precedent against singing.

MR. CHAIRMAN:

Order, please!

MR. FENWICK:

Well, Mr. Speaker, if there is a precedent against singing, when you hear my singing you will find that it is probably not singing, so it will probably be ruled in order on that basis.

Mr. Chairman, I would just like to introduce it because, as the minister was defending the distribution of water and sewerage grants, which is the bill we are talking about here, he indicated that they were done in accordance with objective criteria and so on. Of course, members of the official Opposition have always maintained that it has been done on a patronage basis and that there is a list being constructed. When the word 'list' came up, it reminded me of that very popular Christmas song, Santa Clause Is Coming To Town. So if anyone wants to sing along, those are the words to it.

Wait until I get my breath here now. It goes like this: He is making a list./He is checking it twice./He is going to find out whose Tory or not./Norman Doyle's dispensing patronage./He sees you when your campaigning./ - I told you the singing is not great, that we have to watch it - He knows which way you voted./He knows if you are a Tory or not so be a Tory

for pavement's sake./You'd better watch out./You'd better not apply./He'll not pave your route./I'll tell you why./Norman Doyle's dispensing patronage. That, Mr. Speaker, is my comment on the bill.

MR. BARRY:

Is there a doctor in the House?

MR. FENWICK:

I never said it was good.

On motion, resolution carried.

Motion, that the Committee report having passed the resolution and a bill consequent thereto, carried.

MR. MARSHALL:

Order 7, Bill No. 49.

DR. COLLINS:

Mr. Chairman.

MR. CHAIRMAN (Woodford):

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Chairman, I have received a message from His Honour the Lieutenant-Governor.

MR. CHAIRMAN:

Please rise for a message from His Honour the Lieutenant-Governor.

"I, the Lieutenant-Governor of the Province of Newfoundland, transmit supplementary estimates of sums required for the Public Service of the Province for the year ending 31st. day of March 1986, by way of supplementary supply and in accordance with the provisions of the Constitution Act, 1867, I recommend these estimates to the House of Assembly.

(sgd)-----

W. Anthony Paddon,  
Lieutenant-Governor."

## Resolution

That it is expedient to introduce a measure to provide for the granting to Her Majesty for defraying certain expenses of the Public Service for the financial year ending the 31st day of March, 1986, the sum of fifty-two million five hundred and thirty-six thousand four hundred dollars (\$52,536,400).

DR. COLLINS:

Mr. Chairman, this bill that will follow on from that resolution actually ratifies the various tabled warrants. The warrants that were Supplementary Supply for the last fiscal year have already been tabled, the members of the Committee know all about them, there is nothing strange, weird, or wonderful about them, so I move the resolution.

MR. LUSH:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Bonavista North.

SOME HON. MEMBERS:

Hear, hear!

MR. LUSH:

Mr. Chairman, I do not know what would happen - well, I know parliamentarily - if we could defeat the government on this bill the money has long since been spent, I expect.

Mr. Chairman, again we want to assert, we want to emphasize as dramatically as we can, our dissatisfaction with the public fiscal policy of the government of this Province. Again we reiterate the numbers of times that we have suggested to this government

certain tax measures that would be beneficial to the people of this Province and beneficial to the government. However, in this particular measure, Mr. Chairman, we want to again talk about the issuing of these Special Warrants for monies for expenditures outside of the House of Assembly not approved by this parliament, and we disagreed with that. We know that there are times that it has to be done, but this government has made a mockery of parliament by the issuing of Special Warrants. What was it? Only two or three months ago \$750 million that this government got through issuing of a Special Warrant when the House could have been in session and I expect, Mr. Chairman, that is an unprecedented move in any parliament in the British Commonwealth. It is an unprecedented move that a government would get such huge amounts of money, \$750 million, certainly the largest by any comparison, by any comparable figures that ever we have had issued by Special Warrants in this Province. Now we have the Minister of Finance being able to issue warrants for in excess of \$52 million.

Mr. Chairman, since we have mentioned the Public Service I only hope that the minister certainly softened his attitude, and the entire government's, towards the public servants of this Province, particularly towards those who are presently negotiating to try to get labour contracts ironed out and negotiated. And I would hope that over the next few weeks that the Minister of Finance will bring whatever pressure he can to bear upon the Minister of Labour (Mr. Blanchard) and the President of Treasury Board (Mr. Marshall) to

see that we get the NAPE people back to the bargaining table and see if we cannot have that matter resolved in the next few weeks.

We are going to get into nice weather now, and maybe everybody will be of a temperament, maybe they will be a little more inclined to come back to the bargaining table, so we hope that the Minister of Finance and the President of Treasury Board and the Minister of Labour will do all in their power to see that we can get, particularly the General Service and the people who have been experiencing difficulty with negotiating with the government over the past few months, we hope now with the good weather coming maybe there is something in the air, maybe there is something in the atmosphere, something that will certainly soften up the attitude of government and get these people back to the bargaining table and display a sensitive attitude, an attitude of empathy and sympathy towards their public servants, and get these labour disputes resolved during the good weather of June, July and August.

SOME HON. MEMBERS:

Hear, hear!

Motion that the Committee report having passed a resolution and a bill consequent thereon, carried.

Motion that the Committee rise, report progress, and ask leave to sit again.

MR. SPEAKER:

Order, please!

The hon. the member for Humber Valley.

MR. WOODFORD:

Mr. Speaker, the Committee of the Whole has considered the matters to them referred and has directed me to report Bill Nos. 28, 33, 30, 31 and 49 without amendment and ask leave to sit again.

On motion report received and adopted. Committee ordered to sit again presently by leave.

On motion, a bill, "An Act To Amend The Tobacco Tax Act, 1978 And The Tobacco Tax Act, 1986," read a first, second and third time, ordered passed and its title be as on the Order Paper.

On motion, a bill, "An Act To Amend The Retail Sales Tax Act, 1978," read a first, second and third time, ordered passed and its title be as on the Order Paper.

On motion, a bill, "An Act To Amend The Loan And Guarantee Act, 1957," read a first, second and third time, ordered passed and its title be as on the Order Paper.

On motion a bill, "An Act To Amend The Local Authority Guarantee Act, 1957," read a first, second and third time, ordered passed and its title be as on the Order Paper.

On motion a bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March, 1986 And For Other Purposes Relating To The Public Service," read a first, second and third time, ordered passed and its title be as on the Order Paper.

On motion that the House resolve in itself into Committee of the Whole, Mr. Speaker, left the Chair.

MR. CHAIRMAN:

Order, please!

MR. MARSHALL:  
Order 12 Bill No. 40.

MR. TULK:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for Fogo.

MR. TULK:  
The other evening in speaking to this Bill, I think it was the Minister of Finance (Dr. Collins) who answered a question in which he pointed out to me that a certain gentleman by the name of Mr. White, who is a partner, I believe in the Government House Leader's law firm, when he was making representation on behalf of certain of his clients, Fairview Investments and, I believe, Acharya in 1984, when he was carrying on certain correspondence, that he was not then Chairman of the Board of Regents at Memorial University. In actual fact, on checking, and the Government House Leader might want to answer because the Minister of Finance is busy, I find out that the gentleman in question, Mr. White became the Chairman of the Board of Regents in October of 1982, some two years before he was making that representation on behalf of clients for the release of land which obviously Memorial University would have an interest in keeping under the purview of the Pippy Park Commission. Now, there is an obvious conflict where the Chairman of the Board of Regents makes representation, acts in a law firm that is acting for such clients. And, of course, there is another build in conflict because that same lawyer is a partner of the Government House Leader which deals with the Pippy Park Commission. There are all



kinds of entanglements that go on that would suggest that there are all kinds of conflicts of interest. As I said, the Minister of Finance the other evening stood and said that Mr. Charlie White was not the Chairman of the Board of Regents at the time, when in actual fact he became Chairman of the Board of Regents in October, 1982, and the correspondence concerning Fairview Investments and Acharya was written in October. I do not have the exact letters here from him, but I can get them for the minister if he wants them because they are in my file downstairs. The exact letters that we are talking about were written in October, 1984 so perhaps somebody might like to clear up just how it is that you can have the Chairman of the Board of Regents acting on behalf of the law firm of Marshall, White, Ottenheimer and Green while at the same time he is the Chairman of the Board of Regents and obviously the university would have an interest in seeing that that land was kept intact as part of the Pippy Park Commission. Perhaps the Premier might like to answer just how that fits in with his conflict of interest guidelines, since in actual fact there is so obviously a conflict there.

MR. CHAIRMAN:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Chairman, possibly the hon member is a bit uncertain of the facts here so I am going to take that as the reason he raised the question and I am going to give him the facts. Mr. White is a lawyer of long standing in this city. He has been acting for the particular people involved in this unfortunate incident, and in retrospect it was most

unfortunate, since his clients should never have been put in this position, and he should never have had to go to bat for them. He has been acting for these clients for many, many, many years. Now these clients had their land taken away from them and put into the park sometime in early 1981 and it was from early 1981 that, on behalf of his clients, Mr. White made repeated representations to the Pippy Park Commission to have some resolution to the problem. The problem was this: I have paid for my land. You have taken the land and put it into the park. Let me develop it or pay me for it. It is a totally and utterly defensible and reasonable proposition for anyone to take where they have laid out some good money for something. No one lays out good money and then says I cannot do anything with the property I bought. So the client says, 'Pay me for it, now that you have taken my land; or if you do not pay me for it, let me develop it; and if you do not let me develop it, give it back to me.' In other words, take it out of the park. Mr. White made representation on the part of his clients repeatedly throughout 1981 and throughout 1982. Now if he became Chairman of the Board of Regents sometime after that, he was not obviously going to now change his efforts on the part of his clients. It was a continuing effort that started back long before he was Chairman of the Board of Regents. The fact that government ultimately decided that they could not afford to pay for this land, in other words, could not afford to give the several millions of dollars to the Pippy Park Commission to purchase this land, and decided that it would be ill-advised to allow private entrepreneurs to develop it as

part of the park, the fact that government ultimately decided to reverse a previous decision that in retrospect should never have been entered into in the first place, I suppose, and took the land out of the park, that was an equitable resolution of the whole problem and that is all Mr. White did; he acted in the best interests of his clients which he has been doing for probably a decade beforehand, but over this particular issue at least from early 1981 when the land were first put into the park.

MR. TULK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fogo.

MR. TULK:

Mr. Chairman, that is very interesting. The hon. gentleman has now stood and told us that the Pippy Park Commission could not afford to pay Fairview Investments and Acharya for their land and therefore Mr. White went and represented them. Because they were private entrepreneurs they had somehow gained a right to get their property excluded from the boundaries of Pippy Park because government could not pay them for it and they wanted to develop it.

I would ask him now, what difference is there in Fairview Investments having that done for them than it is for the hundreds of private citizens who have property inside the Pippy Park boundaries and yet are not allowed to carry out certain types of developments on that land? How is it that a lawyer, especially a lawyer who is Chairman of the Board of Regents, who is also a law partner in the Government House Leader's law firm, can get

certain things done for certain of his clients when hundreds of private citizens who exist in that same park cannot get it done? Is the minister saying that it is not what you know, it is who you know? Is that what he is saying? Is he admitting that the Chairman of the Board of Regents of Memorial University, who is acting as a lawyer, has the right to do that kind of thing? Is he going to stand and tell us that there is an obvious conflict? He should. Or is this government only acting for selected people in this Province? And, as I asked, is it not what you know, it is who you know in this Province? Is that what we are saying?

MR. CHAIRMAN:

The hon. the Minister of Finance.

DR. COLLINS:

No, Mr. Chairman, it is not what we are saying. What the hon. member is referring to are two entirely different situations. If I have a house in Pippy Park, Pippy Park might tell me that I am not allowed to add on to the house, but they are not saying, 'You may not live in the house.' In other words, they are allowing me to use the house. Now, they may not buy it out or they might delay buying it out but, in the meantime I have full use of the house with the restriction that I may not go beyond certain additions and that sort of thing that everyone knows about and everyone agrees are sensible.

In this particular case, it is an entirely different thing. They could not use the land. They bought the land for development purposes and were precluded from that use of the land. They had no use of the land. They were prevented from any use of the land

unless it was returned to them or unless it was bought out, and that was a reasonable situation. It would be different if they had a house on the land and they said, 'Let me live in the house.' Well, that would be perfectly all right, but that was not the case. This was land that was there for use for development purposes. They were precluded from its use. That is entirely different from somebody with a house in Pippy Park who was allowed to live in it but not add on to it.

MR. TULK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fogo.

MR. TULK:

Mr. Chairman, the truth of the matter is that there are hundreds of similar cases in Pippy Park. The hon. gentleman has to get that through his head. There are hundreds of people who want to build in Pippy Park and are not allowed to do it.

Now, let me ask the hon. gentleman again how come it works out that a lawyer from the Government House Leader's law firm can get certain favours, shall we call them, for his clients, Fairview Investments - I understand some of the owners are also good friends of the hon. gentleman opposite - how come that could happen in the case of Pippy Park, and yet hundreds of individuals up there cannot build on their own land, cannot carry out the same kind of work?

Let me ask him something else. Let me ask him to comment on this: Mr. White, in his letter to the Pippy Park Commission, says, "The only fair decision in the absence of the ability of the

Commission to pay for the land would be to recommend removal of our clients' land from the jurisdiction of the Commission." The same gentleman is the Chairman of the Board of Regents, and he is saying, "because we cannot pay for it," - that is, Memorial University - "you should remove it and give it to somebody else. Now, how do you explain that so obvious contradiction? Again, I ask the minister to explain how it is that Fairview Investments could get their land removed, Acharya could get their land removed and develop it, and yet, hundreds of citizens up there are not allowed, practically, to move. They cannot build on it. Why will the minister not stand in this House and admit, as I said before, that it is not what you know, it is who you know, and in this case that would be the law partner of the Government House Leader.

MR. CHAIRMAN:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Chairman, you know the old saying, you can bring a horse to water but you cannot make him drink. I can explain here until I am blue in the face and take all day about it, but the hon. member will just come up and say, 'How do you rationalize and rationalize that?' He just will not hear what I am saying. I am saying they are two entirely different situations. If there is someone with a similar situation to the Acharya situation and they came to government, we would go the same way because we have already established a precedent.

MR. TULK:

No, you would not. You turned them down.

DR. COLLINS:

No, we have not turned them down.

MR. TULK:

Indeed you have.

DR. COLLINS:

Who?

MR. TULK:

There have been people who have approached this government to have their land removed from the control of Pippy Park and got nowhere.

DR. COLLINS:

Do not come to me with vagues. Tell me who? Tell me what individual came in a similar situation to this and have been turned down? I challenge the hon. member to give me that.

MR. TULK:

I will provide a list of names.

DR. COLLINS:

The point is that this was an unfortunate mistake the Pippy Park Commission made: They took in land that there was no way they could use, there was no way they could pay for it; they were getting something like \$300,000 a year for capital purposes, they had about \$12 million already that people indicated at some point in time they would like to sell out, so they had priority, but it is going to take many, many years obviously for those priorities to be taken care of. And here is this great big chunk of land taken in and that had to be resolved some way. You cannot take millions of dollars away from a person and put it up on the shelf and say that is just your hard luck. I mean, that is not the way our society works. So they either had to allow the land to be developed, pay for it or return it

to the owner, and that is what was done.

MR. BARRY:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, the Minister of Finance has asked for names of individuals who are not allowed to build on their land in Pippy Park.

DR. COLLINS:

No, I did not. I said people in the same circumstance as these individuals -

MR. BUTT:

Who bought property.

DR. COLLINS:

- who bought property for development purposes. And that was the purpose for acquiring the land, to develop it, and it was taken from them and now they were not going to be paid for it and they could not get it back.

MR. BARRY:

Mr. Chairman, the minister is confused. These individuals bought the land after the Pippy Park regulations were in place. The legislation was there and the regulations were there and it was within the park limits.

DR. COLLINS:

No. Some of was in the control area, some of it was totally outside the control area, and in the control area certain developments have been allowed over the years. And the type of development these people wanted to do was the sort that had been allowed in the control area over the years. They were not asking

for anything that had not been done in the control area by many other individuals. Along Thorburn Road, I can take you out and show you the places.

MR. BARRY:  
Mr. Chairman.

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

MR. BARRY:  
Mr. Chairman, the minister again is not stating the facts. One has to ask why, if this has been done over the years, was it necessary to ask that it be exempted from the Pippy Park control area?

DR. COLLINS:  
No. It was taken out of the control area where you can have certain developments, and taken into the park where we cannot have developments.

MR. BARRY:  
But it was taken into the park before they bought the thing.

DR. COLLINS:  
No, it was not. That is what I am saying, it was not. It was outside.

MR. BARRY:  
Mr. Chairman.

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

MR. BARRY:  
Mr. Chairman, I have tabled with the Pippy Park Commission letter after letter on behalf of constituents, I am sure the member for St. John's North (Mr. J. Carter) must have had a couple periodically, I am sure the member for St. John's North can indicate

to the minister what the situation is with respect to those owning property that is subject to the Pippy Park regulations. Those regulations have been there for a long time, and anybody buying land, subject to those regulations, as was the case here, would know that this type of development was not permitted. Mr. Chairman, the real question that arises is why should these citizens, who in many cases have lived there all their lives, and their fathers and grandfathers before them, not be able to develop land, in some case tens of acres of land, and why should their children have to go out and buy new lots for \$20,000 or \$30,000 when their parents have land which they are prepared to pass over to the sons and daughters, and there is no compensation? The people have not been paid for the land that is frozen. And it would seem that what is sauce for the goose should be sauce for the gander, that all of these people should be treated fairly and in the same way. And if they are not prepared to deal with these other people in the same way as they have dealt with the two companies in question, Mr. Chairman, the residents of Pippy Park should be compensated for the land which is frozen. Because otherwise there is a great inequity and certain citizens in this Province are not being treated the same as others.

Motion that the Committee report having passed the bill without amendment, carried.

MR. MARSHALL:  
Order 13, Bill No. 10.

A bill, "An Act To Remove Anomalies And Errors In The Statute Law." (Bill No. 10).

MR. CHAIRMAN:  
Shall Clause 1 carry?

MR. BARRY:  
Could we go a little more slowly? The Government House Leader has been known to sneak stuff into these omnibus bills and we may be legislating the House of Assembly out of existence if we do not look at this one carefully.

MR. CHAIRMAN:  
Shall clause 1 carry?

MR. BARRY:  
Is the minister prepared to guarantee the House that these are only minor housekeeping matters?

MR. MARSHALL:  
Yes. Yes.

MR. BARRY:  
All minor housekeeping?

MR. MARSHALL:  
All minor housekeeping matters.

MR. TULK:  
He is not being sly?

MR. MARSHALL:  
- and anomalies. Nothing sly.

MR. BARRY:  
I move we pass sections 1 to 15. Let us take a little look, now. Just a second. I think they might be all right.

MR. CHAIRMAN:  
Shall clauses 1 to 15 carry?

On motion, clauses 1 to 15, carried.

Motion, that the Committee report having passed the bill without amendment, carried.

MR. MARSHALL:  
Order 14, Bill No. 48.

A bill, "An Act To Amend The Leaseholds In St. John's Act." (Bill No. 48).

MR. CHAIRMAN:  
Shall clause 1 carry?

MR. MARSHALL:  
Why do we not pass clause 1 to 9, Mr. Chairman, inclusive?

On motion, clauses 1 to 9, carried.

MR. BARRY:  
Mr. Chairman.

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

MR. BARRY:  
I would just like, Mr. Chairman, if it is an appropriate time, to draw to the Government House Leader's attention - how do I tie it into this act? that very close to the city of St. John's, I have constituents out in Paradise who are presently being bombed by a quarry operator's blasting operations. I do not know where the Minister of Mines is today, but I wonder if somebody would ask the Minister of Mines to have his inspectors go out there and look seriously at this question?

MR. TULK:  
They are almost getting blown out of existence.

MR. DOYLE:  
We went out today to find out what is going on out there.

MR. BARRY:  
Yes. The Minister of Municipal Affairs would have a responsibility as well.

MR. DOYLE:  
Yes. I am in the process of checking it out today.

MR. BARRY:

Yes. There are large boulders flying through the air and landing in people's front yards. There are house foundations cracking. It is like the final days of Vietnam out there, Mr. Chairman. It is a very serious matter and the people of Elizabeth Park would like to have this looked into. There is a lot of concern that there is going to be injury as well as property damage if it is not looked into quickly.

On motion clause nos. 1 through 9 carried.

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend The Labour Standards Act". (Bill No. 21).

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

Was this the bill the Minister of Labour said he wanted to have some amendments put in on?

MR. MARSHALL:

I have an amendment drawn for it.

MR. FENWICK:

Good.

On motion clauses 1 through 3, carried.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, there is an amendment proposed to Clause 4 of the bill.

MR. TULK:

What is does is make seventeen weeks the minimal amount.

MR. MARSHALL:

That in effect is what it is, that Clause 4 of the bill be amended by striking out the proposed subsection 2 of the proposed section 42 (1) and substituting therefore the following: "Adoption leave consists of a period of seventeen weeks commencing not earlier than one week before the date on which the child is placed in the home or otherwise placed in the care or custody of the employee," and subsection 2.1: "Notwithstanding subsection 2 an employer and employee may agree in writing to increase or reduce the period referred to in subsection 2."

MR. DOYLE:

That is a good Liberal amendment.

MR. MARSHALL:

Yes.

MR. BARRY:

To increase?

MR. MARSHALL:

Or reduce by agreement.

On motion, amendment carried.

MR. CHAIRMAN:

Shall the clause as amended carry?

MR. BARRY:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

It is not normal to go with permitting the reduction of these labour standards because it is very easy for employees to be put

under pressure and I am wondering why the provision with respect to adoption leave should be reduced by agreement any more than the period for termination of employment or any of this. When an employer is interviewing employees it is very easy when people are looking for work to get them to sign almost anything. So we agree where it may be increased, but I am not sure that permitting by agreement the employer and employee to reduce the adoption leave is consistent with the provisions of the bill. I suppose, from another point of view, when you consider that it is leave, if a person does not want to take leave he does not have to take it, so in that sense, I suppose, it is not serious. It has been thought through, has it? With reservation we point this out but we bow to the overwhelming majority on the other side.

MR. FENWICK:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for Menihek.

MR. FENWICK:  
I am not sure I heard the proposed amendments correctly. I understand that 2.1, if I am not mistaken, said that the period of leave may be reduced by mutual consent. Is that right?

MR. MARSHALL:  
Mutual consent, yes.

MR. FENWICK:  
Am I correct in assuming, and I think I am, that in the Unemployment Insurance Act standards that we are adopting this by, the question is not by mutual consent there, it is really by the choice of the employee only? The employee only, for

example, can decide to take less. There is an implication the way this is written that the employer has a role to play there. I would suggest that we would be better off with less than seventeen weeks can be taken if the employee so wishes but the employer, I think, should be out of it. It gives me a different connotation there as though there is a thing to negotiate there. I know everybody is impatient to get on with it, but it seems to me that that amendment does not hit the way we would like to see it hit.

MR. MARSHALL:  
Mr. Chairman.

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

MR. MARSHALL:  
The fact of the matter is there are seventeen weeks there if the employee wishes the seventeen weeks. I cannot conceive really if an employee wishes to have seventeen weeks, I suppose afterwards there could be circumstances where it would be inequitable for someone to change their mind after a certain period of time, where, for instance, the seventeen weeks leave had been given and there had been a replacement employee who had been hired at that time, so we prefer to leave it as it is at the present time. The Minister of Labour (Mr. Blanchard) always has these matters under advisement, and I am sure if this does not work out appropriately he will lead in another amendment in the next session.

On motion, amendment carried.

On motion, clause 4 as amended, carried.



Motion, that the Committee report having passed the bill with amendment, carried.

A bill, "An Act To Revise The Law Respecting Insurance Adjusters, Agents And Brokers." (Bill No. 45).

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Implement An Agreement Between The Government Of Canada And The Government Of Newfoundland And Labrador On Offshore Petroleum Resource Management And Revenue Sharing." (Bill No. 1)

MR. BARRY:

If we could have a moment here. This is the Accord, I believe.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

When we get to section 41, Mr. Chairman.

MR. MARSHALL:

We have a few as well.

MR. BARRY:

What?

MR. MARSHALL:

We have (inaudible).

MR. BARRY:

An Amendment? It is not perfect?

MR. MARSHALL:

Mr. Chairman, I move sections 1 to 40 pass.

MR. BARRY:

Sections 1 to 40. If we could just have a second here now, there are a few points that should be

made as we go through these.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, I have my notes made on the original Bill 09 so I apologize to the House. It may take a moment. First of all, with respect to Bill 1, the old section 7 in Bill 59, I think there is a typographical error in that. We will see if it corresponds to the new section. Yes, it is the same. Section 194, in Clause 7, could the minister just take a look. I think there might be a typo with respect to section 194. That, maybe, should be 197, unless it has been changed in this second draft. The old section 194 did not apply. This one talks about evidence again. It seems to be the same one.

MR. MARSHALL:

Well, 194 is evidence here in Bill No. 1.

MR. BARRY:

Let me see, what was 194 in the old one? Yes, it was evidence. I think that that should be 197, should it not? Should that not be 197?

MR. MARSHALL:

Yes, that should be 197. We move that clause 7 be amended by striking out section 194 and putting in 197, Mr. Chairman.

MR. BARRY:

It is amazing! It goes through two levels of government. I hope there was more attention paid to this during the process of negotiation.

MR. MARSHALL:

There are no such things as

levels, there are orders.

MR. BARRY:

Orders, I would say. Yes, there might be one orderly level but it is not here in this Province, Mr. Chairman.

Maybe we could have a few moments rather than doing it clause by clause.

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:

Order, please!

MR. BARRY:

With respect to clause 10, members of the board, Mr. Chairman, it would seem that it would be desirable, with provincial government appointees at least, that these should be Newfoundlanders, people who - not Newfoundlanders in the sense people born and bred here - but people who have had a residence in the Province, who are familiar with provincial conditions, the economic condition of the Province and so forth. Now, we understand that -

MR. MARSHALL:

(Inaudible) Can we say we have gone from one to nine (inaudible) seven and eight.

MR. BARRY:

Okay. Can we do that conditional by our being able to go back in case one clause relates to another, this is the only thing I am -

MR. MARSHALL:

(Inaudible).

MR. BARRY:

Okay.

MR. MARSHALL:

From 1 to 6 is passed, 7 is passed as amended, 8 and 9 are passed and now we are on Section 10, Mr. Chairman.

MR. BARRY:

Our concern is, as was expressed earlier, that in the initial appointments to this point board we saw the Chairman who, I understand - I made some enquiries in Alberta and so forth - who, I understand, is a good, responsible individual who should do good work for the Province but, with all due respect, he is a person who, as far as I know, had never visited the Province, had never been in the Province before his appointment. It is of some concern that we have this type of appointment where an individual is not familiar with the conditions in the Province.

Now I am not one to say that CFAs should be blocked from making a contribution, that can be carried too far. Of course, I think that they should have a period of apprenticeship before they run for a political party. They should meet certain basic tests of good judgement and common sense but, there has to be a degree of that within the party that elects the individual as leader. In that particular party, I am not sure we are going to be able to get that. While we can understand these appointments are made and there is a term there, perhaps you could not find a person within the Province or who had been in the Province with a similar level of expertise. I question that, I really do.

If you had looked, I am sure that there are a lot of people who have had experience in the oil industry that would have been able to do

the job but I would ask the minister to consider the possibility of having it noted for some subsequent period of time that we have a clause in here that government will do its utmost to find local residents to fill these positions on the board.

MR. MARSHALL:  
Mr. Chairman.

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

MR. MARSHALL:  
Mr. Chairman, I think that would be more appropriately left to a matter of policy. I agree with the hon. member, we are very fortunate that we have Mr. Baugh. The fact of the matter, Mr. Chairman, the Chairman is jointly appointed and the provincial government has to agree with the appointment of the Chairman and certainly it agreed with Mr. Baugh.

With respect to the other aspect, whether the three provincial members should be Newfoundlanders, they certainly should be Newfoundlanders, but I do not know whether they necessarily need to reside here or not. I do not think we would want to be restricted to that degree.

I mean, when the hon. gentlemen, you know, after the next election, what he will have to do, I am sure he will have to leave this Province. He will not have the face to stay here -

MR. BARRY:  
Because I will have too large a majority?

MR. MARSHALL:  
- but the results are going to be there and he may be down in Yale

or he may be out Alberta somewhere, who knows. If he continues his contrition that he has shown with this bill in voting for it, we might just consider him you know, or other members. So that is the situation. We do not want to preclude distinguish ex-Newfoundlanders or even distinguish ex-politicians from that.

MR. BARRY:  
Now do not belabour it now. I said, 'residents or formerly resident or has been resident, familiar with the Province' is the point.

MR. MARSHALL:  
All I can say, Mr. Chairman, is that is a matter of policy of the government. I cannot conceive any governments when these appointments come up not to appoint people who are going to act in the best interest of the Province of Newfoundland and I think we would want the three members certainly to be thoroughly familiar with Newfoundland and this would conote that they be residents.

MR. CHAIRMAN:  
Shall clause 10 carry?

SOME HON. MEMBERS:  
Carried.

MR. MARSHALL:  
Clause 11 to 40.

MR. BARRY:  
No, 11 and 12 carried.

On motion, clauses 11 and 12, carried.

MR. CHAIRMAN (Greening):  
Shall clause 13 carry?

MR. BARRY:

Mr. Chairman.

MR. CHAIRMAN:  
Mr. Barry.

MR. BARRY:  
Clause 13, we have here the salary and other terms and conditions to be appointed to the chairman and other members. Is the House going to receive any information with respect to the amounts paid as remuneration, preferably with respect to individual positions but, at least in terms of a block, as is done in other departments of government?

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

MR. MARSHALL:  
Mr. Speaker, I could not respond to that now but I am sure that government would not be hesitant if the hon. gentleman wants to put that question there. I will say the salaries are commensurate. I think it would be unreasonable for me now to give - because all I would give was just what I remember the salary to be, but they are commensurate with people of their capacity in executive positions. They have been agreed between the federal and the provincial governments and they are in accord with the salaries paid for commensurate positions in federal and provincial organizations.

On motion, clause 13, carried.

MR. BARRY:  
Fourteen and 15 can carry, Mr. Chairman.

On motion, clause 14, carried.

MR. BARRY:  
Well, I guess before carrying 15,

a term of seven years seems to be somewhat excessive. Would the minister tell us, was that necessary to have a term of seven years for the chairman and, indeed, the three board members.

I can understand why the members wanted that in now because they know that there is going to be a change of government and their tenure could be shaken after the next election but it does seem excessively long.

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

MR. MARSHALL:  
Mr. Chairman, that was thought about and discussed with the federal government and this is the period or tenure that is necessary, we feel, in order to attract persons of the calibre we have attracted. Of course, the terms are staggered. Now, they are not staggered in the sense that the hon. gentleman is staggering, -

MR. BARRY:  
As is the present administration when the House is open.

MR. MARSHALL:  
- I do not now say the hon. gentleman is staggering through self-induced staggering but he just cannot help the way he is staggering in Opposition. What I am talking about is a staggered term.

I know some of the members love this, you can see the smiles on their faces, some of the members opposite that is. Two will retire after four years, two after five years, two after six years so that there will be a continuity on the board.

On motion, clause 15, carried.

MR. BARRY:  
Mr. Chairman.

MR. CHAIRMAN:  
Mr. Barry.

MR. BARRY:  
On clause 16, does the minister have these conflict of interest guidelines established now and will the minister make these conflict of interest guidelines available to the House? Are they any better than the conflict of interest guidelines that are now in place as far as the Province is concerned?

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

MR. MARSHALL:  
Mr. Speaker, they could be no better than the conflict of interest guidelines that this Province has. The conflict of interest guidelines have been melded together as this board represents a melding of federal and provincial interests. They will contain what is best in the federal regime and what is best in the provincial regime. They are in the process of being formulated and when they are available, we have no objection to tabling those in the House.

MR. BARRY:  
Clause 16 to 25, Mr. Chairman.

On motion, clauses 16 to 25, carried.

MR. BARRY:  
Mr. Chairman.

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

MR. BARRY:  
On 26, I would ask the minister whether he would not consider giving some authority to the Auditor General with respect to looking at the situation and the financial conditions of the board, give the Auditor General certain entitlements for the examination of this board and its documents?

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

MR. MARSHALL:  
Mr. Chairman, before I respond, can we agree that the clock be stopped?

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

MR. BARRY:  
Mr. Chairman, I do not know if we are biting off more than we can chew. I mean we want to have this done properly, Mr. Chairman. We are prepared to make an effort to see that the remaining business of the House is completed. It is not that much, I do not think. Most of it is housekeeping legislation. Once the Accord and the Petroleum Natural Gas Act is dealt with, most of the other matters seem to be fairly routine matters. So it may be that we can clean off the Order Paper and pass The Globe and Mail while we are doing it.

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

MR. MARSHALL:  
Mr. Chairman, the reason why the provincial Auditor General cannot be given the same degree of authority he has in provincial matters is the same reason that

the federal Auditor General does not have any function with respect to this. I can say that the auditors were selected by the board and I believe the audit firm is nationally known and also has offices here, Clarkson Gordon. I am sure they will be able to acquit the functions of auditing the books of the board.

MR. CHAIRMAN:  
Shall clause 26 carry?

MR. BARRY:  
There is just one thing.

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

MR. BARRY:  
With respect to stopping the clock and completing the business that remains, one of the items is the report of the Standing Committee of Privileges and Elections which we would want to make a submission on following the completion of the Accord legislation. So I just want to raise that to the House Leader's attention and the House Leader can deal with it.

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

MR. MARSHALL:  
Mr. Chairman, I think we can agree, you know, without restricting comments. We would not mind any comments being made with respect once we can have them within the bounds of reasonableness and propriety and we can see how we make out. Anyway, I move we pass section 26.

On motion, clause 26 carried.

MR. CHAIRMAN:  
Shall clause 27 carry?

MR. BARRY:  
I wonder if the minister would indicate whether there is any estimate of the expenditures of the board where the Province has to pay one-half this year. That is in the budget. I think there is an estimate, is there?

MR. MARSHALL:  
I think it is a total of about \$5.5 million to \$6 million of which we have to pay half.

MR. BARRY:  
Mr. Chairman, clauses 27 to 33 can be carried.

On motion, clauses 27 through 33 carried.

MR. CHAIRMAN:  
Clause 34.

MR. BARRY:  
Clause 34, maybe the minister could give his understanding with respect to the authority of the provincial minister in relation to this - this is 34, subsection 2 - fundamental decision referred to in paragraph (a) of subsection 4 of section 134. The development plan, section 134, I am assuming it is the same number in the current bill as it was in Bill 59.

The minister keeps saying that the rate of production is something that the Province can control. Our submission is that this resource is not being treated the same as though it were on land because, unlike the province of Alberta, for example, which could control its rate of production if it did not get a sufficient price for its oil, but in our case, once the initial approval is given for this development plan, it is very difficult to see how the Province would be able to control the rate of production subsequently. Could

the minister tell us anything on this?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, the general scheme, I think, is quite clear. We would not want to really, in effect, control the rate of production until such time as Canada achieves energy self-sufficiency and security of supply for obvious reasons, both economically and from the point of view that we are part of the Canadian nation. Economically, there is a lot of development that this Province can sustain between the present day, when there is no development, until such time as we get energy self-sufficiency and security of supply. So, it is not likely that we would ever object to the rate of development in that circumstance from an economic basis, and, even if it did cause some pain, which is very difficult to comprehend, particularly because of our economic base at the present time, it is very unlikely that we would ever want to do it, because of the fact we are part of the Canadian nation, and you are not going to pull the switch while there are other parts of Canada, this great Canada of which we are a part, needs the energy and the oil. So, in effect, Mr. Speaker, we got everything. After energy self-sufficiency and security of supply are achieved, the rate of development and the rate and mode of exploration are ours.

MR. BARRY:

After energy self-sufficiency?

MR. MARSHALL:

Yes.

MR. BARRY:

Well, that was the thing that we were just discussing, actually, which is dealt with in 33, but the section where they deem it to be self-sufficient is dealt with subsequently, in 35, and we are coming to that now.

Before that, clause 34, subsection 3, there is a limited control there but it is subject to arbitration. I think we can let that go in the overall context.

MR. MARSHALL:

Yes, arbitration. Neither minister has the ultimate in that case.

MR. BARRY:

Section 34 we are prepared to see pass.

On motion, clause 34, carried.

MR. BARRY:

Section 35, Mr. Chairman, is where we get into the real worm in the apple, the hidden flaw, Mr. Chairman, which the minister has been trying to bury, and that is subsection 2. Recall, Mr. Chairman, that just in response to the last question he had to refer to the matter of self-sufficiency? Now, let us ask ourselves; Mr. Chairman, is there going to be a real objective test of self-sufficiency. Well, look what they are doing here in subsection "(2) For the purposes of section 34, the first period" - that is the period when the federal government has absolute power, virtually, as to how to proceed with this development - "For the purpose of section 34, the first period shall commence on January 1, 1986 and terminate on December 31, 1990 and, in respect of that period, a determination shall be deemed to have been made,

for the purposes of this Act, that self-sufficiency and security of supply do not exist." This is totally artificial, Mr. Chairman. We all know the Minister of Energy for Canada (Mrs Carney) has admitted that today Canada is in a position of self-sufficiency and security of supply.

MR. MARSHALL:

So, why is that there, you want to know?

MR. BARRY:

Well, we all know why it is there. It is there so that the minister, through the backdoor, can give the federal government the control which they negotiated away from the minister, which they shoved down the minister's throat in the course of negotiations. This is the tricky, tricky, tricky way that this minister has of trying to conceal the fact that he was snookered by his Tory friends in Ottawa. This is the consultation and co-operation this new era gave us. It put the minister in a position where the Prime Minister of Canada told him and told the Premier, 'We want control for the next five years so we can say how this project gets started.'

MR. MARSHALL:

Sit down and I will explain it to you.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

I will explain why you were so delighted to vote for the Bill because you know in your heart of hearts why we have this in. For the next five years it does not really matter. First of all there is not going to be any development

onstream-

MR. BARRY:

Careful!

MR. MARSHALL:

- within the next five years.

MR. BARRY:

What?

MR. MARSHALL:

Well, it is going to be onstream, but there is not going to be any development realized. It is going to begin but the oil is not going to flow very likely for about five years.

MR. BARRY:

Not in the next five years?

MR. MARSHALL:

All that we have given in this, Mr. Chairman, and let us be clear about this, is that for five years the federal government can determine the rate of exploration, that is the number of rigs there. We cannot reduce the number of rigs, that is really what it amounts to. As to the mode of exploration, rigs are rigs and I cannot see that we would bother with that, and, as for the rate of development, we would not bother with that either for the next five years. The more development we get in the next five years, the better it will be. Then as to our having no power, I mean, the hon. gentleman knows what power we have. Does not the hon. gentleman remember when he was in the House attempting to get us to put in the Environmental Impact Statement of Mobil, which had a certain mode of production contrary to what the Province wanted, and we operated in a certain way and because we had these very powers here is the reason why there is a gravity base



system going into Hibernia to a large degree. Anyway for the next five years, fine, we will have as many rigs out there as they want. Besides, there is another factor as well, Mr. Chairman. We know that for the next five years, the next ten years and the next fifteen years - but we did not want to give them for ten or fifteen - we know there is going to be a good government in Ottawa, one sensitive to the needs of Newfoundland, a Progressive Conservative administration that the member for Twillingate (Mr. W. Carter) tried to become a member of - it is too bad he did not become a member of it - so that we are safe and secure in the Province for the next five years.

MR. BAKER:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Gander.

MR. BAKER:

Mr. Chairman, I wonder why the minister will not get away from the bafflegab and very simply deal with this issue.

MR. MARSHALL:

I am listening. I will be right back.

MR. BAKER:

In the clause that we just gave approval to, 33 (b), it defines self-sufficiency in such a way that we can easily say now that we are self-sufficient, so self-sufficiency is attained. Yet in the clause we are talking about now, 35 (2), we agree to give us for five years control over the fundamental decisions relating to that oil field.

Now under the guise of saying that we do not have self-sufficiency

and security of supply, on the one hand we are saying that 'self-sufficiency' means a volume of suitable crude oil and equivalent substances' available in Canada, the producing capacity 'is adequate to supply the total feedstock requirements of Canadian refineries necessary to satisfy' it and so on. The agreement is that we have that. We export more crude than we import, that we have that self-sufficiency. At the same time we are saying, "No, we do not have the self-sufficiency." I would like the minister to deal with that. How can we on the one hand give a definition of self-sufficiency that means that we have already attained it in Canada, and on the other hand agree to the fact for five years to say that we do not have it? One wonders what is going to happen in the next five years if that minister is still in the position he is in now.

The other thing about this is that the minister says it does not matter for those first five years. Well, my goodness! I wonder what fundamental decisions are going to be made for those five years? The minister says, "Well, we do not care, we want as much development as possible" - he is not afraid of overheating the economy now - "we want as much development as we can possibly get." But what about the situation if the federal government decides that maybe it is in their best interest to cap Hibernia and not to proceed? What about if they decide to not proceed? Then the minister has thrown away his rights for the next five years to tell them, "You have to proceed." He has given up that right and he knows it. The problem is that he knows it. He knows there is something wrong

with this, that something stinks here, he knows that, and yet he is not willing to even consider it. He is not willing to even consider it.

Now, Mr. Chairman, I wish the minister would at least come clean on this and say, "Look, for this next five years we have given up control over fundamental decisions" That is obvious. We are not concerned if the Feds want to go right ahead, fine, let them go ahead. But they can say, "Let us slow down, let us cap the well and we will put it on hold until later on when the oil prices reach levels where we can make a lot of money off them."

Now that is something that they can say and the minister has not dealt with that. He has only dealt with the upside of it, assuming that there is going to be development, assuming the federal government is going to do exactly what he wants. But he cannot make the assumption that the federal government is going to do what he wants. What about if they do not do what he wants? Would we then, Mr. Minister, have control over the fundamental decisions during the five years if they do not do what we want? I know we can slow them down.

MR. MARSHALL:

I will respond to the hon. member.

MR. BAKER:

Okay.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

The simple answer to that is the main, fundamental decision is the right to determine the mode of

development, and we have, the fundamental decision with respect to that, and that is the basic decision with respect to any development, as the hon. gentleman knows. So we are quite happy with that and we are quite happy with the fact that after energy self-sufficiency and security of supply, that we will have complete control because we know, in the meantime, that the other fundamental decision is that we would welcome as much development as we can in the meantime.

MR. CHAIRMAN:

Shall clause 35 carry?

MR. BARRY:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

We will not belabor the point. The fact of the matter is that the provincial minister has given, by this section 35 which he has agreed to, virtually dictatorial control, to the federal minister. The federal minister is the energy czar for all of Canada, including the Newfoundland offshore under this agreement.

DR. COLLINS:

Would you not agree -

MR. BARRY:

Mr. Chairman, could the Minister of Finance just hold on for a second before he makes me forget what I wanted to deal with?

You have to look at 34 and 35 together as well as 134. I think there might be some circular language which is going to cause interpretation problems if push ever comes to shove here. Maybe

it is done intentionally in that sneaky fashion that the Government House Leader has, because if you look at section 34 it says that the federal minister may make all fundamental decisions except those in 34 (2). But then if you look at 34 (2) it refers you to subsection 134 (4) (a). Then when you look at section 134 (4) (a) it refers you back to section 34 to 40. So it would seem that the end result is that the federal government is not giving very much away in section 34 (2), and they have snookered the provincial minister again. If push came to shove they would be able to say, 'No, the Province does not have any absolute right with respect to fundamental decisions over part 1 of the development plan because it is subject to sections 31 to 40 which includes section 34'. You see the circular reasoning?

MR. MARSHALL:

I have had enough trouble, since the hon. gentleman crossed the House, following his circular reasoning.

MR. TULK:

Can you not see Pat Carney lining him up for the corner pocket?

MR. BARRY:

Oh, yes. Ms Carney used the minister as a pool cue and she sank all of the balls on the break. She got every trick shot included in this bill. I think she is a minister who has seen a few days in the pool hall, you know. When push came to shove between this minister and the federal minister, I think we can all look at the provincial minister and we know which one lost out. We know which one lost out when the weight started to be thrown around in these negotiations.

Now I cannot say that I envy the minister. Honestly, despite what members opposite say from time to time, I did not envy the minister in having to go elbow to elbow with the federal minister. The Minister of Municipal Affairs is smiling over there. I think that the provincial Energy Minister must have been suitably cowed and intimidated, I am not sure whether it was by Ms Carney or by the orders he received via Brian the Greater to Brian the Lesser to the minister.

MR. MARSHALL:

Which is which now? There you go on levels of government again.

MR. BARRY:

So the bottom line is, Mr. Chairman, as far as we can see from looking at this act, it gives by far the greater degree of control to the Government of Canada and indeed much more than they would exercise on land, for example, in Alberta.

MR. MARSHALL:

I cannot answer anymore. I have already answered, Mr. Chairman.

MR. HISCOCK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Eagle River.

MR. HISCOCK:

I want to be very brief on this. Nova Scotia claims Newfoundland got a better deal under the Atlantic Accord. And now that Nova Scotia is negotiating another deal with the federal government, one of the things Nova Scotia wants from the federal government is compensation as a result of not being able to buy into its offshore development. The federal

government, through Petro-Canada, gave up the 25 per cent of frontier lands. We gave up the right to buy into the wells and as a result now Nova Scotia is asking that they be compensated for the amount that they would have been able to claim. Could Newfoundland in any way be able to claim up to 45 per cent ownership?

MR. BARRY:

Under our regulations up to 40 per cent, but under the federal law it was 25 per cent.

MR. HISCOCK:

We gave up 40 per cent of it and then another 25. Now that that has been given away to the multi-nationals, will we be getting any money back from it?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, first of all the hon. gentleman should understand really we did not give anything away because those regulations that the hon. gentleman talks about might just as well be regulations applied to Saudi Arabia or Afghanistan or what have you, because the fact of the matter is those regulations had no effect in law. The point of the matter is, as the hon. gentleman will recall, this is an agreement that British Columbia wants, the Yukon wants, the Northwest Territories wants, and indeed Nova Scotia wants, and the House of Parliament voted unanimously for it and, lo and behold, the Legislature here voted unanimously for it.

So what did we get in return for that? I will tell you what we got. We got everything we

wanted. We got the right to assess revenues as if they were on land.

MR. BARRY:

No, we did not.

MR. MARSHALL:

Now what more, Mr. Chairman, does one want than the right to assess revenues as if they were on land? Because there is no magic in getting money by way of Crown share. Whatever we could have gotten by Crown share we can get through royalties, and more if we want to assess it.

MR. BARRY:

Further to that point, Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

For the record, Mr. Chairman, we will be voting against 35, subsection (2) at this stage of Committee. We feel that this is an artificial provision in determination of self-sufficiency and security of supply and that it would be much better that this clause would be one that were dealt with objectively, in an arbitration fashion, as are other sections of the bill.

MR. CHAIRMAN:

Shall clause 35 carry?

MR. BARRY:

No, not yet. We have an amendment to propose to that subsection.

MR. BAKER:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Gander.

MR. BAKER:

I would like to first of all inform the Government House Leader (Mr. Marshall) what we did lose. I know one thing we lost, we lost \$187.7 million for education over the next four or five years, that is one thing we lost. We lost another \$400 million or \$500 million over the next five years in health, in a cumulative effect over four or five years. I know what we did lose. I am not so sure what we gained.

This particular section 35, subsection 2, I find offensive. If in fact, according to the definitions of security of supply, that we already meet those conditions, I find that I am very reluctant to then agree to something that admits that we in fact do not have security of supply. I am very reluctant to hand over all of the fundamental decisions to the federal government that can then control the rate of development of Hibernia for the next five years.

So, Mr. Chairman, I have an amendment to section 35, subsection 2, that we delete all the words after 'December 31st 1990.'

MR. CHAIRMAN (Greening):

Shall the amendment carry? Those in favour 'aye.'

SOME HON. MEMBERS:

Aye.

MR. CHAIRMAN:

Those against 'nay.'

SOME HON. MEMBERS:

Nay.

MR. CHAIRMAN:

The amendment is defeated.

SOME HON. MEMBERS:

Divide.

MR. CHAIRMAN:

Call in the members.

Division

MR. CHAIRMAN:

The amendment reads, 'delete all the words after December 31st 1990.' Section 35, subsection 2.

All those in favour of the amendment, please rise.

The hon. the Leader of the Opposition (Mr. Barry), Mr. Hiscock, Mr. Flight, Mr. Tulk, Mr. Callan, Mr. Lush, Mr. W. Carter, Mr. Gilbert, Mr. Baker, Mr. Furey, Mr. Fenwick.

MR. CHAIRMAN:

All those against the amendment, please stand.

The hon. the Minister of Justice (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 Consumer Affairs and Communications (Mr. Russell), the hon. the President of the Council (Mr. Marshall), the hon. the Minister of Intergovernmental Affairs (Mr. Ottenheimer), the hon. the Minister of Finance (Dr. Collins), the hon. the President of Treasury Board (Mr. Windsor), the hon. the Minister of Public Works and Services (Mr. Young), the hon. the Minister of Education (Mr. Hearn), the hon. the Minister of Municipal Affairs (Mr. Doyle), the hon. the Minister of Rural, Agricultural and Northern Development (Mr. R. Aylward), the hon. the Minister of Social Services (Mr. Brett), the

hon. the Minister of Development (Mr. Barrett), Mr. Patterson, Mr. Reid, Mr. J. Carter, Mr. Tobin, the hon. the Minister of the Environment (Mr. Butt), Mr. Peach, Mr. Hodder, Mr. Morgan, Mr. Warren, Mr. Mitchell, Mr. Woodford.

MR. CHAIRMAN:

The amendment is defeated.

Twenty-five against, eleven for.

On motion, clauses 35 through 40 carried.

MR. CHAIRMAN:

Shall clause 41 carry?

MR. MARSHALL:

This clause 41, Mr. Chairman, that very celebrated clause -

MR. BARRY:

This if flow number 2.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

- gives once again another great right to this Province and protects Come By Chance. Mr. Chairman, I am going to propose a slight amendment that has arisen as a result of the joint process that this bill has gone through with the bill in the House of Commons which is really going to strengthen clause 41. I am going to move that paragraph (b) of subsection 1 of clause 41 of Bill No. 1 be amended by adding immediately after the words 'at Come By Chance' the words 'if those facilities were operating at capacity'. That is the first amendment.

The purpose of that, of course, is to be quite sure that we get the right insofar as this amendment

gives us the right to get the 100,000 barrels a day which is the full capacity of Come By Chance.

Paragraph (c) of section 1 of clause 41 is also amended by striking out the words 'to the extent that such feedstock requirements exceed', and substituting the word 'where', and by adding after the words 'and Newfoundland', the words 'have been met'. This amendment would clarify the original intention of the provision which is to ensure feedstock requirements for Come By Chance or any replacement facility once the existing requirements of the Atlantic provinces have been met.

So I move that amendment, Mr. Chairman.

On motion, amendment carried.

MR. CHAIRMAN:

Shall clause 41 as amended carry?

MR. BARRY:

No. We have an amendment to propose to this. No, not carried, just the amendment now.

MR. MARSHALL:

You have an Opposition amendment?

MR. BARRY:

We have an Opposition amendment.

MR. MARSHALL:

So you want to further amend clause 41?

MR. BARRY:

Clause 41 (c).

MR. CHAIRMAN:

The hon. the member for Gander.

MR. BAKER:

Clause 41, section 1, paragraph (c). As we read down through

clause 41 it is an attempt to guarantee under certain conditions that where we can show that there is a shortfall of petroleum deliveries in the Province that we then can lay claim to the petroleum for the Province. In subsections (a), (b) and (c) of clause 41, subsection (a) seems to be okay. Well, subsection (a), there is a small problem. Subsection (b), the minister proposed an amendment that put in a couple of words after Come By Chance that would indicate that Come By Chance would get 100,000 barrels of oil a day if the occasion arose. I cannot see anything wrong with just clearing this matter up, that Come By Chance will indeed get the 100,000 barrels a day. However, Mr. Chairman, I am not entirely satisfied with Clause (e). I realize what the refining capacity in Eastern Canada is. I think we should have a more solid claim to oil from Hibernia than is indicated in this particular piece of legislation. It is a weak situation where we have to go and have a look at now all of the other industrial capacity in the Maritimes before we can develop a new petrochemical industry in this Province. I want to make it easier for us to a develop petrochemical industry in the Province, knowing that with Hibernia there is about 150,000 to 200,000, depending on the rate of development, barrels of oil a day that will come out of it and that this is not really a lot of oil. I want to make sure that we have a better claim to developing a new petrochemical industry in the Province so I move that in Clause 41 Section 1, paragraph (c) we delete all the words after, 'Other than a facility referred to in paragraph (b).

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

We will not accept that amendment. There is no need to accept that amendment. That particular clause that is there gives us full and complete protection anyway. I am not going to go through it again. I went through it in second reading and I must have convinced the hon. gentlemen then because the hon. gentlemen voted for the act in principle, so they did not find anything really wrong with the act. I will just repeat very quickly once again that the powers we have with respect to refining, and this bogus clause that the hon. gentleman talks about, number 41, it is not giving up anything at all to have this particular clause here because if there is an excess refining capacity in the Atlantic Provinces, nobody is going to be building new facilities anywhere in the Atlantic Provinces if the refining is to occur in the reasonable proximity of the East Coast of Canada. For instance, the refinery at St. John, New Brunswick is now operating at 25 per cent capacity and crude would be run through that refinery at a much lesser cost than the cost that would have to pertain if a new refinery were built. That is not an amendment which we are prepared to accept and I do not see any reason to continue on to debate the reasons why. The powers that we have under the Atlantic Accord, the right to assess revenues if it is on land and the management rights, are the basic rights of this legislation and those rights, moreso than clause 41, will give us any rights that may pertain in the future

with respect to getting refining capacity in this Province. We will determine the way it is developed, we will determine the royalty regime and the corporate taxes, and through that whatever pressure can be asserted on a developer we can assert it. That is number one. But number two, crude oil is really no different than any other commodity. In order to really get development you cannot sell crude oil to a purchaser as any other commodity and tell that person how they are really to use. Where we get our profit is from the development, from the royalties and what have you. We get a profit from that, we get our power from that. It is a provision that we have agreed with in our negotiations with the federal government. We have strengthened that clause insofar as that clause, in itself, in isolation, can give any power and I do not believe that really you can give a whole lot of power anyway for the reasons I have already given. Our power in this legislation really lies not in the collateral rights that are there but in the main rights. Now, we have the right to assess revenues as if they were on land, and that is the biggest power that we have along with the right for management to make the fundamental decisions.

MR. BARRY:

We vote on that amendment do we not?

MR. CHAIRMAN:

Shall the amendment carry? Those in favour of the amendment 'aye.'

SOME HON. MEMBERS:

Aye.

MR. CHAIRMAN:

Those against the amendment 'nay.'

SOME HON. MEMBERS:

Nay.

MR. CHAIRMAN:

The amendment is defeated.

On motion, section 41.(1) carried.

MR. BARRY:

Section 41.1 is what is carried.

MR. CHAIRMAN:

Yes, 41.1.

MR. MARSHALL:

We have defeated that amendment the Opposition put in. We are clear on that?

MR. CHAIRMAN:

Yes.

MR. MARSHALL:

Now we are on section 41.(2).

MR. BARRY:

I would like to move an amendment to insert between section 41.(1) and 41.(2), 41.(1)(a).

MR. MARSHALL:

41.(1).1 is better. That is the way to do it. You are too old fashioned.

MR. BARRY:

Okay, I will go with the Roman Library of Congress method of notation, whichever.

To include as 41.(1).1, the following: 'There shall be no approval by the federal minister or the provincial minister of any development plan unless provision has been made for the operation of the existing Come By Chance refinery or an equivalent refining facility is constructed to replace the Come By Chance refining facility.'

So this is just a blanket,



out-and-out requirement that before oil or gas is proceeded with, before a development is proceeded with off the Coast of Newfoundland and Labrador, there must be the requirement that there shall be refining and processing onshore in this Province. Let us have a clear statement one way or the other as to whether the members opposite are prepared to put their mouths today where their mouths were a few years ago.

SOME HON. MEMBERS:  
Hear, hear!

MR. MARSHALL:  
Mr. Chairman, we are not going to accept that amendment.

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

MR. MARSHALL:  
With all the amendments the hon. gentleman is leading in I wonder why he voted for the bill in the first place if it has the imperfections that apparently it is supposed to have with these amendments that come in.

That is not a sensible amendment. That is an amendment, Mr. Chairman, that would hamstring this Province, hamstring the possibility of development. As I told the hon. gentleman with respect to the last amendment, the powers of this act come in two places, the right to management, which we have in the ultimate decisions, and the right to assess revenues as if they are on land. Those is all the rights we need, we are equal with other Canadians, and we can use that for the purpose of the reactivation of Come By Chance, the building of new refineries or what have you. Whatever is possible we will do,

but there has to be flexibility and you cannot completely tie one in with the other, Mr. Chairman. What we are interested in in this Province today is trying to get development out in Hibernia and it is not for the purpose of trying to make political games, which really this particular amendment addresses itself to.

MR. BARRY:  
Mr. Chairman.

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

MR. BARRY:  
Now, Mr. Chairman, let the record show that when it comes to having the same rights as other provinces, having that participation in management as other provinces now have with respect to their resources, note that the Province of Alberta has not given over the decision to the federal government for the next five years that this government has by that section 35 (2), nor, Mr. Chairman, by the inability to control the rate of production which flows from this agreement does this Province have the right to bargain for maximum revenues from the resource as does the Province of Alberta, for example.

Now, Mr. Chairman, as we said in February we were going to do, we voted in principle for this bill, for the principle of finalizing an agreement with the Government of Canada. We have consistently and still point out that there are serious flaws, Mr. Chairman, in this agreement as entered into. I hope that somebody in the press recognizes that we said this in February, we issued a press release on it in February, saying what we were going to do, and we

are doing it now. We are putting to the government of this Province, the administration in power, an opportunity to correct one of the most fundamental flaws for which they are going to be crucified in the next election, for which they are going to be hounded out of the Province when the people of this Province recognize that they are giving away the jobs that will come from the development of this resource.

MR. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Briefly we are not giving away anything, we have gained everything by this legislation. I say once again the powers of the Atlantic Accord lie in the equal management rights that we have, the rights to make fundamental decisions. We have already seen them exercised in the way in which we have obtained the gravity base system for the development of Hibernia. The other power comes from the inherent right that we have to assess revenues as if they were on land. For all the flamboyance of the hon. gentleman and all his protestations, he can say what he likes but he voted for this bill while it was before this House. Now if the bill had all these serious flaws, as he wishes now to paint them, if he was really interested in the people of Newfoundland and their future, why would he have voted in principle for such an important measure as this?

The fact of the matter is that this legislation, I say once again, is sought by British

Columbia, the Yukon Territories, the Northwest Territories, and by Nova Scotia; it was voted for unanimously in the House of Commons and was voted for unanimously in this House, as it should be, and there are no flaws with respect to it. That particular section 41 there with respect to refining is as strong as you would want any clause to be. But apart from that, as I say, it is only a collateral power, an important power but a collateral one, and the main rights on the Atlantic Accord are the rights to assess revenues as if they were on land and the management rights. So we are not going to vote for or accept that amendment, Mr. Chairman.

MR. BARRY:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Just briefly, I will not belabour the point but it is clear now we will have a vote on it, we will have a clear division on it so everybody will know in the future where they stood on this. I would just mention that we have already seen, minor though it may be although it could be quite important if it came to enforcing the provincial rights, the Government House Leader get up and admitted that there was a typographical error. Now I am sure that that same error is in the federal legislation. I would hope that somebody brings it to the attention of the Government of Canada that that error is there. Just as that error has slipped through the Government of Canada, so too is this particular clause slipping through the federal House

of Commons. But regardless of how the vote has gone in the federal House where the national interest is being looked at, we are looking at, Mr. Chairman, the interest of this Province in terms of employment.

With respect to fish, with respect to forest products, with respect to electricity, members opposite have consistently pretended that they are interested in getting further processing. Now, would members opposite explain what is the difference in this product, oil, and those products? Why are they so prepared to let the raw product, oil, be shipped out of the Province and lose the jobs that a requirement for further processing would bring if properly enforced?

MR. CHAIRMAN:

Shall the amendment carry?

All those in favour of the amendment 'aye'.

SOME HON. MEMBERS:

Aye.

MR. CHAIRMAN:

All those against 'nay'.

SOME HON. MEMBERS:

Nay.

MR. BARRY:

Division.

MR. CHAIRMAN:

Call in the members.

Division

MR. CHAIRMAN:

All those in favour of the amendment please stand:

The hon. the Leader of the Opposition (Mr. Barry); Mr. Hiscock; Mr. Flight; Mr. Tulk; Mr. Callan; Mr. Lush; Mr. W. Carter; Mr. Gilbert; Mr. Baker; Mr. Furey; Mr. Fenwick.

MR. CHAIRMAN:

All those against the amendment, please stand:

The hon. the Premier (Mr. Peckford); 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 Consumer Affairs and Communications (Mr. Russell); the hon. the President of the Council (Mr. Marshall); the hon. the Minister of Intergovernmental Affairs (Mr. Ottenheimer); the hon. the Minister of Finance (Dr. Collins); the hon. the President of Treasury Board (Mr. Windsor); the hon. the Minister of Public Works and Services (Mr. Young); the hon. the Minister of Education (Mr. Hearn); the hon. the Minister of Municipal Affairs (Mr. Doyle); the hon. the Minister of Rural, Agricultural and Northern Development (Mr. R. Aylward); the hon. the Minister of Social Services (Mr. Brett); the hon. the Minister of Development (Mr. Barrett); Mr. Patterson; Mr. J. Carter; Mr. Tobin; the hon. the Minister of Environment (Mr. Butt); Mr. Peach; Mr. Hodder; Mr. Morgan; Mr. Warren; Mr. Mitchell; Mr. Woodford.

MR. CHAIRMAN:

Order, please!

I declare the amendment defeated.

Shall clause 41 (1) carry?

SOME HON. MEMBERS:

Carried.

MR. BAKER:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for Gander.

MR. BAKER:  
Thank you, Mr. Chairman. Clause 41, section 2. I have an amendment here that I know the Government House Leader can entirely agree with.

This is an amendment about which I am sure all members opposite will nod their heads and say, 'Yes, that is right. We agree with that.' Because they have stated so many times during the debate on second reading of the Atlantic Accord, both debates, that this is a fact, and I refer, Mr. Chairman, to the latter part of section 2, clause 41, which deals with the fact that in general, once a shortfall has been declared, if there are existing contracts, the producers can fulfill the existing contracts before they supply the oil that is in demand because of a shortfall in the Province.

Now, the objection that I have to that, and all members on this side have, is the fact of the possibility that Mobil or any other producer could sign long-term contracts with their own refineries somewhere to ensure a supply and, therefore, we would not, even if a shortfall is declared in the Province, which is very unlikely because of the first part of clause 41, with which we disagree, we would not be able to get our hands on a drop of oil. Mr. Chairman, members opposite answered always 'that the sales contracts are only thirty and sixty day contracts anyway, and there is no possibility that there are going to be a long-term contracts.'

Well, Mr. Chairman, the amendment I propose will take care of that with a little bit of leeway, because members opposite have been using thirty and sixty day contracts and saying that the contracts are all thirty and sixty days. My amendment is simply the following, Mr. Chairman, that at the end of section 2 we add the words, "and such a sales contract is of no more than ninety days duration." That would ensure that oil companies could enter into ninety day contracts and could honour them after a shortfall in the Province has been declared, up to ninety days, but they could not honour long-term contracts and would have to supply us with the oil once the shortfall has been declared.

Now, it is extremely important, Mr. Chairman, simply because of all we have to go through to declare a shortfall. If we have a shortfall declared, it means that we want that oil for a specific purpose, for Come By Chance, for a new refinery structure or some other petro-chemical-related industry. It means that we have made the determination that we want that oil. This amendment will simply guarantee that the oil companies cannot enter into the long-term contracts, which we are worried about on this side of the House, but can enter into up to ninety day contracts and satisfy these contracts, even though a shortfall has been declared in the Province.

Mr. Chairman, I am sure that members opposite, because of their position during the debate, can easily accept the fact that the one year and two year contracts, the long-term contracts, would forever block us from getting any oil from the offshore, that that

is not what they want and that they are willing to go along with the fact that the oil companies could satisfy their thirty-sixty-ninety day contracts which members opposite claim they never exceed anyway, then I would suggest that this amendment is something that is entirely acceptable to members opposite and something that we can all get together on at this stage in this clause.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, that amendment is unacceptable as well. First of all there is no point of cluttering up legislation and putting in conditions which do not need to be there because they already pertain anyway. All of these contracts tend to be short term contracts. That is number one.

Number two, when you are inviting people to develop anywhere in the Province of Newfoundland it seems to me that it is beneficial not to prescribe conditions that you do not need to prescribe that are going to be there and they are just going to appear to be there and they are going to interfere with normal commercial transactions.

Number three is that this is a bill that is going to be a bill forever and a day and the fact of the matter is that is the present state. It has been the state for a long period of time. We expect it to be in the future. But, I mean, if somebody wanted, say, to enter into a contract for three months and one day or even four months which would not really be

all that critical, what you are doing is you are forcing yourself to get involved in the management of the commercial enterprise out there and it is just not conducive to development.

The amendment is not necessary, Mr. Chairman, it is not necessary at all because all of these contracts are short term.

MR. BARRY:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Now the Premier is very fond of saying that we should look at the mistakes that have been made in the past so that they are not repeated. Learn from the history of the Province. Learn from our history of resource development. Learn from the Upper Churchill contract. Mr. Chairman, do you know that what we have here is a recall clause. Remember where else we have a recall clause? Where was that? The Upper Churchill agreement. What is the problem? Why is it that this Province is behind the eight ball now in terms of getting electricity to use in this Province? Because the courts are saying, the Government of Canada is saying, the Government of Quebec is saying, there are contracts in place between CFLCo and Hydro Quebec which would prevent the recall from operating, the identical situation to what we will have here with respect to oil and gas if this flawed recall clause goes through the way it now stands. We will have a situation where the sales contracts which an oil company has entered into will take precedence over this

Province's right of recall of the oil and gas for use in this Province.

It is, Mr. Chairman, almost an identical situation to the Upper Churchill contract, except it was not picked up in the course of debate in the House of Assembly in the case of the Upper Churchill. Still members opposite have gotten up and hounded members on this side who were not even involved, were not even involved in politics at the time, about it. The member for Stephenville (Mr. K. Aylward) was six at the time and he is being blamed for that recall clause. Well, how much more will members opposite be blamed if they refuse to listen to and adopt the position of the Opposition put forward in the amendment purposed by the member for Gander (Mr. Baker)? What will history do to the image of members opposite? What an indictment if members opposite will not rectify that flawed recall clause when it is being brought to their attention in the House - an identical situation to the Upper Churchill contract. For Heaven's sake, all members of this House should be prepared to vote for that amendment!

MR. MARSHALL:

There is no point in responding to the hon. gentleman. This very clause protects us from that very thing. What the hon. gentlemen are doing is just playing politics.

MR. CHAIRMAN:

Shall the amendment carry?

MR. BAKER:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Gander.

MR. BAKER:

Just a final very brief comment. A number of times in the House, as I pointed out a moment ago, the Government House Leader has stated that there is no such thing as long-term contracts. Now he comes back and says that if we accept that point of view, that there is no such thing as long-term contracts, that now we will interfere with the development and the business and so on, then goes on to say that perhaps, in fact, there will be contracts that are longer than ninety days. I feel that the minister, at one point or another, is misleading the House. Either he is right when he says that they will only have thirty and sixty day contracts, when he says that and there is no such time as long-term contracts, or he is right now when he says that there could be long-term contracts and he does not want to block the long-term contracts, he does not want to make it hard for the oil companies, he does not want to make it difficult for them, so they now can go and sign the long-term contracts knowing full well that these contracts will be agreed to and they can fulfill these contracts right to the limit without any possibility of recall. That is what the minister is saying now. On the one hand he said they are all short-term contracts, all of them. There were no exceptions when the minister said this before. I pointed out to him about Holyrood but he did not even listen to that. Now he is saying there could be long-term contracts. At some point in time, the Minister responsible for Energy, the Government House Leader, is misleading this House.

MR. CHAIRMAN:

Shall the amendment carry?

Those in favour 'aye.'

SOME HON. MEMBERS:

Aye.

MR. CHAIRMAN:

Those against 'nay.'

SOME HON. MEMBERS:

Nay.

MR. CHAIRMAN:

The amendment is defeated.

SOME HON. MEMBERS:

Divide.

### Division

MR. CHAIRMAN:

Those in favour of the amendment, please stand.

The hon. the Leader of the Opposition (Mr. Barry), Mr. Hiscock, Mr. Flight, Mr. Tulk, Mr. Callan, Mr. Lush, Mr. W. Carter, Mr. Gilbert, Mr. Baker, Mr. Furey, Mr. Fenwick.

MR. CHAIRMAN:

All those against, please rise.

The hon. the Premier, the hon. the Minister of Career Development and Advanced Studies (Mr Power), the hon. the Minister of Health (Dr. H. Twomey), the hon. the Minister of Consumer Affairs and Communications (Mr. Russell), the hon. the President of the Council (Mr. Marshall), the hon. the Minister of Intergovernmental Affairs (Mr. Ottenheimer), the hon. the Minister of Finance (Dr. Collins), the hon. the Minister of Public Works and Services (Mr. Young), the hon. the Minister of Education (Mr. Hearn), the hon. the Minister of Municipal Affairs (Mr. Doyle), the hon. the Minister

of Rural, Agricultural and Northern Development (Mr. R. Aylward), the hon. the Minister of Social Services (Mr. Brett), Mr. Reid, Mr. J. Carter, the hon. the Minister of the Environment (Mr. Butt), Mr. Peach, Mr. Hodder, Mr. Morgan, Mr. Warren, Mr. Mitchell, Mr. Woodford.

MR. CHAIRMAN:

The amendment is defeated.

On motion, Clause 41 carried.

MR. CHAIRMAN:

Shall Clause 42 carry?

MR. BAKER:

Mr. Chairman.

MR. CHAIRMAN:

Clause 42, the hon. the member for Gander.

MR. BAKER:

I just want to make a point very briefly, Mr. Chairman. It is obvious from what happened a moment ago that members opposite and the Government House Leader are under instructions and will not accept any amendment to anything in this piece of legislation. No matter how wrong, they will accept no amendment because they have already agreed with their buddies in Ottawa as to exactly what goes in there. They have checked with them on a couple of word changes the Government House Leader brought in and Pat told them, okay, go ahead with it, we agree to it. They will agree with no changes at all in anything they hear no matter how sensible, how logical and how much it improves the bill. I think it is a farce and a total waste of time, Mr. Chairman.

On motion, Clauses 42 and 43, carried.

MR. CHAIRMAN:  
Shall clause 44 carry?

MR. BARRY:  
Mr. Chairman.

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

MR. BARRY:  
I do not have an amendment prepared but I would ask the minister to just consider whether that last part of Clause 44 (1) is not too broad? 'Unless the Board is of the opinion that the public hearing is not required on any ground the Board considers to be in the public interest.' This gives the board very broad discretion with respect to doing away with the requirement for a public review in relation to any potential development. Is the minister satisfied that this is not too broad?

MR. MARSHALL:  
Mr. Chairman, I am quite satisfied. This is a necessary part of the power of the board in order to be able to cope with extensions to developments and what have you, where it may be necessary technically to call a public review but they want to not have it.

On motion, clause 44 carried.

MR. CHAIRMAN:  
Shall clause 45 carry?

MR. BARRY:  
Mr. Chairman.

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

MR. BUTT:  
What a waste of time!

MR. BARRY:  
Is the Minister of the Environment (Mr. Butt) concerned that we are paying a little attention to the clauses of this act as it goes through?

We would just like to know what is the administration's position with respect to the ability of the Province to see some watered down local preference under a Canada - Newfoundland benefits plan applied. In the context of free trade negotiations, are these Canada - Newfoundland benefits subject to the threat of U.S. pressure and the desire of U.S. companies to have free access? Are we endangering potential benefits from this as a result of the free trade negotiations?

MR. MARSHALL:  
No, Mr. Chairman, most definitely not. We have the same powers really grafted in the constitution as a result of the efforts of the Premier and the government. Our main concern is really Canada benefits particularly in the employment area. Our main concern is to assure jobs for young Newfoundlanders and Labradorians. That is our main concern. But even the other was supply goods and services.

On motion, clauses 45 through 47, carried.

MR. FENWICK:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for Menihek.

MR. FENWICK:  
I do not want to do the House Leader's job, but I understand there was supposed to be an amendment to clause 47 that he just passed.



MR. MARSHALL:

Oh, I am sorry. Yes, there is. I thank the hon. gentleman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Paragraph (f) of subsection 1 of clause 47 of the said bill is amended by striking out the words 'or', and substituting the word 'and'. It is a technical amendment.

MR. BARRY:

That is 47 (1) (f).

MR. MARSHALL:

Yes, 47 (1) (f).

MR. BARRY:

Just give us a second. There is something else wrong here. We have two (f)s and two (g)s in this thing. You have two 47 (1) (f)s and two 47 (1) (g)s there.

MR. MARSHALL:

That is just technical. We have just relettered the clauses accordingly, Mr. Chairman.

MR. BARRY:

Well, it is not just technical once it is passed.

MR. MARSHALL:

Well, we will reletter it accordingly and we will make that amendment.

MR. BARRY:

So which (f) is your amendment applying to now?

MR. MARSHALL:

The first one.

MR. BARRY:

The first (f), okay.

MR. MARSHALL:

"'Former lease' means an oil and gas," instead of "or gas lease." - "an oil and gas lease under the Canada Oil and Gas Act." That is what the terminology used.

On motion, amendment carried.

On motion, clause 47 as amended, carried.

MR. MARSHALL:

Including the relettering.

On motion, clauses 48 through 50, carried.

MR. CHAIRMAN:

Shall clause 51 carry?

MR. BARRY:

Not too fast now. I think we can move along but not too fast.

On motion, clauses 51 through clause 56, carried.

MR. BARRY:

We might be able to do this in blocks to expedite things.

MR. MARSHALL:

We can go by blocks? Why do we not pass clauses 50 to 69? I have an amendment to clause 70.

MR. BARRY:

Fifty to 69.

MR. MARSHALL:

Fifty to 69 inclusive, yes.

MR. CHAIRMAN:

Shall clause 50 to 69 carry?

MR. BARRY:

Just one question on clause 68.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

I have not had an opportunity to check the Newfoundland regulations. The nine years and the four years in there, how do these compare with what we had in our Newfoundland regulations?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. BARRY:

The term of an exploration licence.

MR. MARSHALL:

Is it nine?

MR. BARRY:

Have you the regulations there? You had them there a minute ago 'Graham.' Where are the regulations? Just let me see them. If we could just have a moment, Mr. Chairman, just to check the term.

MR. MARSHALL:

I think it is five in ours, if memory serves me correctly.

MR. BARRY:

Subject to section 140 (15), the term of the lease is fifteen years. Are we talking about term here? No, that is the exploration licence.

MR. CHAIRMAN:

Shall clauses 50 to 69 carry?

MR. BARRY:

Could we just have a moment, briefly, Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Under our exploratory permit, it went three years in some zones, six years in others, seven years

in others, and eight years in others, depending upon where they were, the depth of water and the -

MR. TULK:

It is no trouble to know who wrote those regulation now, eh, Brian?

MR. BARRY:

- the hazards of operating there.

MR. TULK:

He never even saw them.

MR. BARRY:

A blanket nine years seems to be a long time to give under an exploration licence. Has the minister had a study done? What is the reason for the change from what we had in the Newfoundland regulations?

MR. CHAIRMAN:

The hon. the President of Council.

MR. MARSHALL:

Mr. Chairman, the operative words are "not to exceed" and when the board operates it can reduce it. It can, as it does, it prescribes certain conditions for the continuances of the leases as it recently did with the first round that it approved. It required a certain number, so it is up to nine. It can be one or two or three, but it is not to exceed nine.

PREMIER PECKFORD:

Mr. Chairman.

MR. CHAIRMAN (Woodford):

The hon. the Premier.

PREMIER PECKFORD:

It is the discretionary to the board depending on where it happens to be. Rather than legislate 'three', 'five', 'six' or 'seven', like we did, it is 'up to nine' and then the board

decides, in its wisdom, depending upon the geography and propsectiveness.

On motion, section 50 to 69 carried.

MR. CHAIRMAN:  
Shall section 70 carry?

MR. MARSHALL:  
Mr. Chairman.

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

MR. MARSHALL:  
There are amendments that are really technical. There is a series of amendments to sections 72, 77 and 78. These amendments provide that an application for a significant discovery declaration, a significant discovery licence and a declaration of commercial discovery may be made by the holder of a share, and the operative words are, 'of an interest as well as an interest owner.' There may be cases where shares are held in a divided rather than in an undivided basis. I want to say that these amendments were amendments that were requested by the industry of both the federal and provincial governments. We jointly agreed and kindred amendments are being made to the federal act. So in 70 (1) rather than reading as before, the amendment, the operative words you insert are 'or share interest held in accordance with section 65,' 'a holder of an interest or a share' and then in 72.(1) 'or a share therein held in accordance to section 65.' The amendments are before the Chair.

MR. CHAIRMAN:  
Shall the amendments carry?

MR. MARSHALL:  
Can we pass specifically those amendments as tabled? Clause 70.(1), 72.(1), 77.(1) and 78.(1).

On motion, amendments carried.

On motion, clauses 70 through 78 as amended, carried.

On motion, clauses 79 to 87, carried.

MR. CHAIRMAN:  
Shall clause 88 carry?

MR. BARRY:  
Mr. Chairman.

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

MR. BARRY:  
This is the one that requires at least 50 per cent Canadian content. It is regrettable that the minister is not able to have at least 25 per cent, if not 40 per cent Newfoundland content. We wonder if the minister would just briefly tell us once more how this was rammed down his throat?

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

MR. MARSHALL:  
Mr. Chairman, we are in a fairly broad area at the present time when you are talking about Canadian ownership and the capacity of people to be able to make investments and what have you.

MR. BARRY:  
I am talking about the Crown share now.

MR. MARSHALL:  
Oh, the Crown share.

MR. BARRY:

By analogy.

MR. MARSHALL:

He is on this Crown share. It is a hollow ring that he has on this Crown share.

PREMIER PECKFORD:

It is an idea which time has lost.

MR. MARSHALL:

Yes.

MR. BARRY:

Lost! Well, it is the first time that has been admitted.

MR. MARSHALL:

No, no. It is not lost at all. What the hon. gentleman cannot get through his noggin, his cranium, his dissipating intellect, is the fact that the people outside in Mount Scio or in Humber Valley or in Labrador could not care less whether the revenues come from Crown shares or from royalties or what have you. Now, can you see the people of Newfoundland rejecting an agreement purely and simply because, although the revenues are there and the employment is there and the benefits are there, we are going to tell the government to reject it because we are not receiving it by way of Crown shares? I mean, that is how ridiculous the hon. member is. As to the Crown share and Canadian ownership and all the rest, the fact of the matter is what we have as a result of the Atlantic Accord is all the elements of Newfoundland ownership that we would want in the Canadian Confederation, and that is with respect to the right to assess revenues.

On motion, clauses 88 through 91, carried.

MR. CHAIRMAN:

The hon. the member for Windsor - Buchans.

MR. FLIGHT:

I will not take very long, but the hon. the President of the Council will remember that all during debate in February on the Atlantic Accord, and subsequent debates, the Opposition was concerned about the fact that the minister caved in and gave away our right to participate, to have an ownership share out there. Now in 1977, when this government drafted An Act Respecting Petroleum And Natural Gas, and the Newfoundland and Labrador Petroleum Regulations, 1977, they included, Mr. Chairman, a participation clause. I have an amendment now, Mr. Chairman. We have maintained that the real benefit, not from a spin-off point of view, not from an employment point of view, not from the jobs that we would get out of refining or the petro-chemical plant but for the purpose of sharing in the dollars generated by oil from Hibernia, that the one sure way to guarantee income was to have ownership. Royalties are paid on profit, on the dollar made. We want a piece of the dollar before the royalties are applied.

Another thing about maintaining participation or having participation to the extent that the minister wanted it in 1977, is we would automatically guarantee Come by Chance a supply of oil, because we could take our payment in value, in dollars or in kind. We could take it in oil. It would guarantee that.

So, Mr. Chairman, having very quickly, without killing too much time, without getting offensive to the minister, as he always gets when he gets up to react to

something that I might have said, I would like to propose the following amendment and it will be 92.1.1. 'It shall deemed to be a condition of every lease that the leasee shall transfer to the Newfoundland Petroleum Directorate in the right of Newfoundland and Labrador within one year after the start of the term of the lease an undivided 40 per cent working interest in his lease. The Newfoundland Petroleum Directorate in the right of Newfoundland and Labrador will receive on a monthly basis in the manner determined in this agreement a share of the net petroleum production in value or in kind equal to the interest established in this clause! Now, Mr. Chairman, I had a great deal of helping in drafting that amendment. It is almost word for word out of Section 94, 95, 96 and 97 on participation that was included in the 1977 regulations.

MR. BARRY:

The ones I drafted.

MR. FLIGHT:

The ones the hon. the Leader of the Opposition drafted and the regulations that all Newfoundlanders wanted and believed would be the way to guarantee Newfoundland a rightful share of that oil out there. Mr. Chairman, I cannot see how anyhow on the government side, for example, the member for Bonavista South (Mr. Morgan), can vote against that particular amendment, that demands participation, that demands a 40 per cent ownership of any lease or the production of any reservoir discovered out there. Mr. Chairman, my amendment stands. I am proud to present the amendment.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, we are not going to vote for that.

MR. FLIGHT:

Why?

MR. MARSHALL:

It is, again, the Crown share. We have the revenues as if they were on land. He wants people to go out and invest some \$6 billion and we will take all the royalties and everything else; we will take all the taxes and we will tax you and, at the same time, we will take one half of the profits. Do not be so foolish! The fact of the matter is, I say again, and the hon. gentleman cannot understand it, we have the right to assess revenue as if it were on land and I am sure that people from Windsor - Buchans, Joe Batts Arm or in Makkovik are going to turn money back because we did not get not get it by the Crown's share, we got it through royalties. Do not be so foolish, boy.

MR. CHAIRMAN:

All in favour, Aye.

SOME HON. MEMBERS:

Aye.

MR. CHAIRMAN:

All opposed, Nay.

SOME HON. MEMBERS:

Nay.

MR. CHAIRMAN:

The amendment is defeated.

SOME HON. MEMBERS:  
Divide!

MR. CHAIRMAN:  
Call in the members.

Division

MR. CHAIRMAN:  
All those in favour, please rise.

The hon. the Leader of the Opposition (Mr. Barry), Mr. Flight, Mr. Tulk, Mr. Callan, Mr. W. Carter, Mr. Gilbert, Mr. Baker.

MR. CHAIRMAN:  
All those against, please rise.

The hon. the Premier, the hon. the Minister of Justice (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 Consumer Affairs and Communications (Mr. Russell), the hon. the President of the Council (Mr. Marshall), the hon. the Minister of Intergovernmental Affairs (Mr. Ottenheimer), the hon. the Minister of Finance (Dr. Collins), the hon. the Minister of Public Works and Services (Mr. Young), the hon. the Minister of Education (Mr. Hearn), the hon. the Minister of Municipal Affairs (Mr. Doyle), the hon. the Minister of Rural, Agricultural and Northern Development (Mr. R. Aylward), the hon. the Minister of Social Services (Mr. Brett), the hon. the Minister of Development and Tourism (Mr. Barrett), Mr. Reid, Mr. J. Carter, Mr. Tobin, the hon. the Minister of the Environment (Mr. Butt), Mr. Peach, Mr. Hodder, Mr. Morgan, Mr. Warren.

MR. CHAIRMAN:  
The amendment is defeated.

On motion, clause 91 as amended, carried.

On motion, clauses 92 to 95, carried.

MR. CHAIRMAN:  
Shall clause 96 carry?

MR. MARSHALL:  
Clause 96, I have just a brief amendment, Mr. Chairman -

MR. CHAIRMAN:  
The hon. the President of the council.

MR. MARSHALL:  
- by striking out the heading immediately preceding clause 96 and substituting "Environmental Studies Research Fund". The change is recommended by the Comptroller General of the federal government because that is the correct designation of that particular fund.

On motion, amendment carried.

On motion, clause 96 as amended, carried.

MR. CHAIRMAN:  
Shall clause 97 carry?

MR. MARSHALL:  
Mr. Chairman, I have an amendment

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

MR. MARSHALL:  
These are technical amendments and they occur in 97 (1), in 103 (2), 104, 106, 108 and 109, and they really strike out the caution from the bill.

These technical amendments would eliminate the right to register certain dependent rights by

striking out the reference in these clauses to caution and cautioner. These amendments were requested also by the industry. Can we move those amendments then, Mr. Chairman, to 97 (1), 103 (2), 104, 106, 108 and 109 as are before and on the Table of the House that I have indicated.

On motion, amendments carried.

On motion, clauses 97, 103, 104, 106, 108 and 109 as amended, carried.

MR. BARRY:  
Carry including 113.

MR. MARSHALL:  
I have to do a minor one on 114, too.

On motion, clause 110 through 113, carried.

MR. CHAIRMAN:  
Shall clause 114 carry?

MR. MARSHALL:  
Mr. Chairman.

MR. BARRY:  
There are a lot of changes in this perfect document.

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

MR. MARSHALL:  
Well, this document is a perfect document because this document, you see, was taken, was examined by British Columbia, the Yukon, the Northwest Territories, the Parliament of Canada, New Brunswick, and it has been examined by the industry. It has been one over in the Committee, not only has it had great examination but it has great acclaim, Mr. Chairman.

MR. BARRY:  
And I found two mistakes already this afternoon.

MR. MARSHALL:  
Oh, my! Look, now that is a measure of the man. Can I just say, and I do not want to prolong it, he found a section that was misnumbered and he found an (f) that was supposed to be a (g). Now, honest to heavens, maybe that is his lot in life, that is about the extent of the hon. gentleman's contribution.

Anyway, Paragraph h, in sub-clause 5 of 114 of the bill is amended by striking out the words "a revolving fund" and by substituting the words "an account". This amendment is consequential to the amendment in 96 that I mentioned a moment ago.

On motion, amendment carried.

On motion, clause 114 as amended, carried.

On motion, clauses 115 to 120, carried.

MR. CHAIRMAN:  
Shall clause 121 carry?

MR. MARSHALL:  
On clause 121, I move an amendment by adding immediately after subclause (2) the following, 'Subclause (3) where a form or information to be given on a form is prescribed by the Board pursuant to this Act it shall be deemed not to be a Subordinate Legislation within the meaning of the Statutes and Subordinate Legislation Act.' This technical amendment would provide that forms or information prescribed by the board under clause 121 are deemed not to be regulations.

On motion, amendment carried.

On motion, clause 121 as amended, carried.

MR. CHAIRMAN:

Shall clause 122 carry?

MR. MARSHALL:

I have an amendment here, Mr. Chairman. Again, this is a technical amendment. Clause 122 of the bill is amended by renumbering it as subclause 1 of clause 122 and by adding immediately after subclause 1 the following: new number 2, 'Where declaration of a significant discovery is made under section 44 of the Canada Oil and Gas Act and is in force on the coming into force of this section, continues in force as if it were made pursuant to section 70 of this part'; and three, 'Where, on the coming into force of this section, an exploration agreement is continuing in force, pursuant to section 4, subsection 16 of the Canada Oil and Gas Act, it shall be deemed to be a significant discovery license issued under this part, on the coming into force of this section and is subject to this part.'

Now, this is a technical amendment to clause 122 which would clarify that a significant discovery established and granted under the Canada Oil and Gas Act would be deemed to be a significant discovery declaration under the bill and that an exploration agreement under the Canada Oil and Gas Act would continue under this bill as a significant discovery license.

MR. CHAIRMAN:

Shall the amendment carry?

MR. BARRY:

If I could just have a brief second here.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

No, it is the next one. Go ahead.

On motion, amendment carried.

On motion, clause 122, as amended, carried.

On motion, clause 123 carried.

MR. BARRY:

Clause 124, Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, subsection 3, 'All rights of Petro-Canada to acquire further interest or shares in interests as a result of the operations of...the Canada Oil and Gas Regulations are abrogated'. Again, you are doing away with the Crown share. Could the minister tell us was there ever any consultation with the Province of Newfoundland before that was done?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, there was full and complete consultation. This was one of the elements in the Atlantic Accord when we were discussing it. The hon. gentleman knows that the federal government brought in a new National Energy Policy. One of the elements of the old National Energy Policy that was repugnant to most people, which was acceptable to the



federal Liberals and socialists as well, as you would expect it to be, was this concept of the Crown share. Now, when we were negotiating the Atlantic Accord, that was off the table. There were to be no more Crown shares. As I say, once again, we could not care less. We have the right to assess revenues as if they were on land and that is where we will get our revenues. So, that is the situation.

There was not only consultation, there was full and complete agreement. But in the Atlantic Accord, you will note, Mr. Chairman, we do have a clause there that in the event that a Crown share is ever resurrected again by a future government, we protected that, we would share, the word is, 'equitably' in that. So we have full and complete protection.

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

MR. BARRY:  
I wonder if the minister could explain just briefly, just in a line or two, how it was that when we asked the Premier the day the Prime Minister of Canada was giving this Crown share back to the oil companies, the Premier said that at that moment he was trying to get in touch with the Prime Minister's Office to find out what was going on. At the same moment, the Prime Minister was down in New York giving it to the oil companies, so, how could there be consultation? Is that an example of consultation? Is that what the minister means by consultation?

MR. CHAIRMAN (Woodford):  
The hon. the President of the

Council.

MR. MARSHALL:  
Mr. Chairman, the fruits of the consultation with the federal government are shown in this bill, Bill No. 1 and this bill, the federal bill, which is an enactment in the law of our rights to the offshore.

MR. BARRY:  
They are just telling you after the fact.

MR. CHAIRMAN:  
Shall clause 124 carry?

SOME HON. MEMBERS:  
Carried.

MR. BARRY:  
Nay.

On motion, clause 124 carried.

MR. CHAIRMAN:  
Shall clause 125 carry?

MR. BARRY:  
Mr. Chairman.

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

MR. BARRY:  
Can the minister just briefly explain 125.(1)?

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

MR. MARSHALL:  
It is as it says. The hon. gentleman just wants to ask questions. It says, 'Subject to sections 127 and 128, the interest owner of a former permit, former special renewal permit or former exploration agreement shall, on or before the first anniversary date

of any such interest following March 5, 1982 or on or before six months following such date, whichever is the later, negotiate an exploration licence with the Board'.

Now, I might say that these are the same rules and regulations that we have here with respect to licence holdings, as I said when I introduced the bill, that pertained under the CPR Act, Canada Petroleum Resources Act, which applies to the frontiers of Canada. This is for consistency and that is the reason for it.

On motion, clauses 125 through 133 carried.

MR. CHAIRMAN:  
Shall clause 134 carry?

MR. MARSHALL:  
Mr. Chairman.

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

MR. MARSHALL:  
I move that clause 134.(3)(a)(iii) be amended by striking out the words 'alternative production systems proposed to be used' and by substituting the words 'alternative production systems that could be used'. This is just merely a technical drafting correction that the draftspeople thought was a better way of explaining it.

MR. BARRY:  
Where is that one? I am sorry.

MR. MARSHALL:  
That is 134.(3)(a)(iii).

MR. BARRY:  
Mr. Chairman.

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

MR. BARRY:  
Mr. Chairman, this is not as innocuous as it seems, I do not think.

MR. MARSHALL:  
Which one are you on, 134?

MR. BARRY:  
Yes. Clause 134.(3)(a)(iii).

Is the minister now going to permit that a development plan need not include what production system the company intends to use, they can include a number of ones that 'could' be used.

MR. MARSHALL:  
No. Definitely, positively no.

MR. BARRY:  
Well, that seems to be what that amendment would do. "A development plan relating to the proposed development shall be set up in two parts containing" - and now it will contain a production system -

MR. MARSHALL:  
Mr. Chairman.

MR. CHAIRMAN (Greening):  
The hon. the President of the Council.

MR. MARSHALL:  
All it says is that they can propose, when they give their development plan, the production system and any alternative one.

MR. BARRY:  
Okay, I am sorry. That is alright.

On motion, amendment carried.

On motion, clause 134, as amended,

carried.

On motion, clauses 135 and 136, carried.

MR. CHAIRMAN:

Shall clause 137 carry?

MR. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

I have an amendment to this. It is the second last amendment that I will have. The bill is amended by adding, immediately after sub-clause 1, the following: "The members and employees of the Board and the Chief Conservationists are not eligible to be members of the Committee".

The next amendment says, in sub-clause 3, says, "The members of the Committee who are not employees in the public service of Canada or of the province shall be paid such remuneration as may be authorized by the Board."

Now, the purpose of this amendment, when the original bill was put together, and under the old COGLA act, it was possible for an appeal of decisions of this nature from the Board to be made by people on the Board itself. This is to assure that there is an independent tribunal to hear any appeals.

On motion, clauses 137 through 144, carried.

MR. CHAIRMAN:

Shall clause 145 carry?

MR. MARSHALL:

This is the final amendment we

will be proposing, Mr. Speaker. The bill is amended by adding immediately after clause 145 the following: "The Board may issue and publish in such manner as the Board deems appropriate, guidelines and interpretation notes with respect to the application and administration of Section 134, or any regulations made under 144. Guidelines and interpretation notes issued pursuant to sub-section 1 shall be deemed not to be subordinate legislation for the purpose of the statute Subordinate Legislation Act."

Now, this provision was inadvertently omitted from both the federal bill and the provincial bill when they were originally printed: The provision will provide that the Board may issue guidelines and interpretation notes with respect to clauses 134 and 144, and that these guidelines and notes not be in the regulations. That is the end of the amendments we have, Mr. Speaker. I want to explain the reason why there are a larger number of amendments than normally.

MR. BARRY:

Because the minister made a lot of mistakes.

MR. MARSHALL:

No, this bill has been subjected to a lot of intensive scrutiny by the industry and by interest groups. It has gone through the federal system and it has gone through the provincial system. So, as a result of these amendments, we are going to have a bill that is going to last forever and a day. Forever and a day, we get the rights to the offshore and we get the rights to revenue.

MR. CHAIRMAN:

Shall the amendment carry?

MR. BARRY:

If I could just comment on the minister's statement.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

We have seen a number of amendments proposed. I think we have just about finished the amendments that we are going to be proposing to the legislation. But, for the record, as we indicated in February, Mr. Chairman, while we consider it to be a flawed document, we will be supporting it on third reading, although the administration has failed to recognize the improvements which could be made if they followed the amendments which were proposed by this side of the House. But, let the record show - and contrary to what the Government House Leader has just said - that right after the next election, when we form the next government, we will be seeking to modify this flawed Accord to incorporate the proposals for improvement and for change that we have set out here today. So let the record show the Government House Leader is very grievously in error when he says that this flawed document is going to be enshrined in stone in this Province.

MR. MARSHALL:

Mr. Chairman, let me say -

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

- during this session and during his tenure as Leader of the

Opposition, the hon. gentleman has given the people of this Province so many reasons not to vote him in as Premier and his party under his leadership and that is another very good reason not to do it because what the hon. gentleman is doing is really saying, having voted for the Accord in principle, if he gets in, he is going to tare it apart. You know, everybody else approves of this from coast to coast in Canada and the hon. gentleman, for his own vanity, is going to want to come in and tare it apart. Do you think anyone is going to elect you? No, they are not.

MR. BARRY:

Just very briefly, Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

It is with much soul searching that our caucus has come to this position and it is because, Mr. Chairman, of the sad state which members opposite have left the unemployed in this Province and the shambles that they presently have the economy of this Province in that we are forced to adopt the position that, not a half a loaf, one-third of a loaf or one-quarter of a loaf is better than none.

MR. MARSHALL:

(Inaudible) caucus (inaudible). I am listening to the hon. gentleman.

MR. BARRY:

Mr. Chairman, the glass was not operating very well the morning that they were holding it up to eavesdrop on our caucus meeting. It was muffled. It must have been a defective glass that they were holding up.

Mr. Chairman, the minister has just said something that is probably symbolic, emblematic of the way in which the present administration is operating. They say everybody else in Canada is for this agreement, particularly the Government of Canada and the industries. The minister should harken back to the time when we started this process. I will not just say me, although I was Minister of Mines and Energy. I will give some credit to the member for St. John's East, the Government House Leader. I will give some credit to the present Premier. When we started this process, we did not just accept the oil and gas regulations of the Government of Canada because parliament had agreed that they were okay. We did not accept the existing oil and gas regulations because the industry liked them.

We developed a set of oil and gas regulations that saw the Government of Canada subsequently bring them in itself on the national scene. In other words, we set the standards, Mr. Chairman. We set the standards for a time in this Province but now we have fallen back upon the sad hard times of where the Government House Leader (Mr. Marshall) and his colleagues, including the Premier, are content to take direction from the Prime Minister of Canada and from the Tory Caucus in Ottawa. They are content to take direction from them and from industry as to what should be in these regulations. I find that to be very, very sad and regrettable.

On motion, amendment carried.

On motion, clause 145, as amended, carried.

On motion, clause 146, carried.

MR. CHAIRMAN:

Shall clause 147 carry?

MR. BAKER:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Gander.

MR. BAKER:

Thank you, Mr. Chairman.

Section 147 deals with waste and, in the short form, talks in terms of 'Waste prohibited.' It goes through a definition of waste and adds an awful lot to what is normally considered to be waste. Going on to section 148, it talks in terms of chief conservation officer and so on.

Now, Mr. Chairman, I would suggest to you that normally when you talk in terms of waste and conservation officers and so on, you do not talk in the terms that we see here. What they mean here, and it kind of surprised me, is that they do not want to see any excessive waste of the resource. Okay? They do not address the problem of the other meaning of the word waste. Now, they start off by saying, "In this Part 'waste' in addition to its ordinary meaning," but then they never deal with the ordinary meaning of the word waste.

The ordinary meaning of the word "waste" would include an awful lot of things pointed out in the Mobil environmental study. I am wondering why some of the things pointed out there in the Mobil environmental study are not dealt with in this Atlantic Accord. A little later on they talk about compensation for fishermen and so on but they never ever deal with, and the Minister of the

Environment (Mr. Butt) should be listening, they never really deal with waste in the terms of environmental waste, waste that has to be gotten rid of from the concrete platforms and that kind of waste. They talk about oil spills. They do not talk about the actual waste that has to be gotten rid of and dumped and all this kind of thing. I am wondering about a number of things.

Number one, in the compensation to fishermen, would you take into account this kind of waste? What are you talking about later on in section 158 when you talk about compensation to fishermen? If you are talking about the damage that could be caused to the fishing stock, or the damage that could be caused to gear and all that kind of stuff, if you mean that, then how come this is not dealt with at least in part in this section?

You talk about a definition of waste and there is an awful lot here open to interpretation. You talk about "the escape or flaring of gas that could be economically recovered." Who determines what is meant by economical recovery? Economically recovered, would that mean that the gas that is going to be burned off or whatever happens to it, does that mean that that gas will be burned off and wasted under this definition if, in fact, you cannot get market value for that gas? Is that what it means? Is it possible that this gas could be taken and used, I am thinking now in terms of Dor chemicals or some other company like that, taken and used, provided to a company at very, very low costs, below market value for natural gas that would be bought, could that be taken off and sold to a petrochemical company below market

value? In here it talks in terms of petrochemical products being available at market value to industries. Can we, in fact, say that any gas that is burned off is waste and perhaps could be tapped at very low cost and then used? I will let you answer that one problem first. Would the minister explain it?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

I shall temper my remarks, I will not talk about what I think in terms of waste. As far as the gas is concerned, all these elements, the elements that the hon. gentleman is concerned about and the environment, are dealt with and will be dealt with in the development plan. That development plan with Hibernia is presently very actively under consideration and very shortly, I am sure, there will be an indication with respect to the acceptability or otherwise of the development plan itself.

The matter of gas itself is a matter that has to be determined as to the best use of it, whether it can be economically used. In the early years of Hibernia I would expect a lot of it would be re-injected into the structure to increase the possibility of the recovery of oil. After that period of time, decisions have to be made as to whether it is going to be flared or re-injected or if indeed there is a market for it. These are all decisions that will be made.

MR. BAKER:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Gander.

MR. BAKER:

In connection with that, I was wondering if in discussions with Dor Chemicals, you were talking to them in terms of being able to use this gas at cost, which would be very, very low in order to develop a petrochemical industry.

MR. MARSHALL:

We entertain all those possibilities. All these possibilities are being entertained or will be.

MR. BAKER:

You say that my concerns I was going to get into are dealt with in the development plan and there will be adequate safeguards and so on in the development plan. Is that in Part 1, Part 2 or what of the development plan?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

The development plan considered by the board and presented to the governments will be released by the government in its entirety so the public will be able to see it.

MR. CHAIRMAN:

The hon. the member for Gander.

MR. BAKER:

The point I was going to make to the hon. minister is that the government of this Province, unless there is some objection, has control over Part 1 of the development plan but does not have control over the rest of the development plan, the rest of the process.

MR. MARSHALL:

What do you mean? What other part?

MR. BAKER:

Well, if it is specified in Section 134 that the Province would have control over Part 1 of the development plan, I am assuming that there is a Part 2 and a Part 3 that somebody else has control over. Is that a correct interpretation and, if so, do we really have any control over what happens to all of the sludge, the mud and everything else that is going to create this five mile dead zone that the Mobil environmental impact study talks about?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

We have control through the joint board, Mr. Chairman. Most of the questions the hon. gentleman asks will be decided on the basis of technical resolutions. They are technical questions relating to the technical feasibility or otherwise, of the economic feasibility or otherwise of these concerns and they will all be very much addressed.

MR. BAKER:

Mr. Chairman.

MR. CHAIRMAN (Greening):

The hon. the member for Gander.

MR. BAKER:

A final comment because I do not want to prolong this too much. When decisions - and the Minister of the Environment (Mr. Butt) well knows this - when decisions as to pollution in the environment and waste in the environment are left to the technical experts, to the chemists or whatever, then you very often overlook the important overview. These people are very narrow in their view as the people

who register chemicals for the Department of Agriculture and so on. The chief there happened to come from a pesticide company and happened to be a chief chemist with the pesticide company and now he registers pesticides with the Canadian government. Is this the kind of situation we are going to get into where the narrow technical people are going to be making environmental decisions where they have a vested interest?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

No, Mr. Chairman. No narrow technical people at all, very intelligent, well-motivated, well-directed people, very competent staff down at that board. I am quite sure that the decisions made will be for all of the people in Newfoundland. Of course, we have an input into that as a result of this Accord. Before this now there would be a real danger. If we -

AN HON. MEMBER:

You already said that.

MR. MARSHALL:

I am responding to the question. There is no need to be rude, really.

Mr. Chairman, your fears would be well founded if we had accepted the Chrétien or the Lalonde dictum that we were going to have. If we had subjected ourselves to the jackboots of Jean Chrétien or Marc Lalonde, then your concerns would be well founded but I never heard the hon. members there opposite when all this was going on voicing such concerns. We got them all letter perfect right here.

MR. FLIGHT:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Windsor - Buchans.

MR. FLIGHT:

I do not want, Mr. Minister, to unduly delay proceedings here but I wonder if the minister would take a second and tell us what has happened since 1981? The Province sponsored a seminar on the offshore in 1981. All the heads of the international companies, the industry representatives from the oil-producing countries, Norway, Scotland, England, were down to a seminar. Mr. Cabot Martin got up and in his delivery insulted Mobil and suggested that there would never be any production of oil coming out of Hibernia unless the gas was produced. The theory was that that gas would come ashore in a pipeline. All the technicalities were discussed. What happened in the interim, Mr. Minister? We have the same Mr. Cabot Martin now advising the minister at \$150 an hour on the way we should develop our offshore resources. What happened? Where did it go wrong and how come we forgot the gas? Is Mr. Cabot Martin giving the same advice now that he was giving at that seminar when he insulted Mobil?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Really, Mr. Chairman, shame on the hon. gentleman for attacking so savagely Mr. Cabot Martin. If the hon. gentleman had gotten up and said that when he was a younger boy in short pants, his mother would have washed his mouth out



with lye soap. So I am not going to respond any more.

On motion, clauses 147 through 154 carried.

MR. CHAIRMAN:  
Shall 155 carry?

MR. BARRY:  
Mr. Chairman.

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

MR. BARRY:  
Clause 155 provides for recovery of loss, damage or expenses. Clause 155 (1) (a) (i), 'All actual loss or damage incurred by any person as a result of a spill or the authorized discharge, emission or escape of petroleum', what is the provision in the case of a - heaven forbid any such thing should happen! - large blowout that could seriously affect the fish stocks or something that would occur on a catastrophic basis of that nature? Is there any provision for liability for the operators in that type of situation?

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

MR. MARSHALL:  
Mr. Chairman, that does raise a very serious situation and it is one of the real problems in the operation offshore and one of the real risks that we take. That is why we have to be very vigilant environmentally. There is a possibility of recovery of damages that there would be and there would be a recovery of damages against the operator because we would be able to define that the operator was negligent and

responsible for it in those circumstances. But I do not know myself really and this is one of the elements that we Newfoundlanders will have to address and they will certainly have to address it. There is that possibility and all the money in the world, as far as I am concerned, I do not think would ever compensate for the loss of fish stocks. Whether fish stocks would be lost is another question altogether because sometimes where there have been oil spills it has been reported that the fish stocks have thrived. I do not necessarily recommend injecting oil into the waters in the North Atlantic but it is a valid concern.

On motion, clauses 155 through 157, carried.

MR. BARRY:  
Clause 158 says "The board shall promote and monitor compensation policies for fishermen sponsored by the fishing industry respecting damages of a non-attributable nature." That is, damages for which you cannot find the actual person responsible for so you hold the industry libel. You cannot attribute it to a particular individual.

But this is a very wishy washy section. It just says, 'shall promote and monitor'. It does not say that the board shall insist that there shall be proper compensation policies for fishermen in place. Particularly compensation for lost time has proven to be a problem in other jurisdictions where fishermen, because their gear is snarled up by underwater debris or because for some reason they are unable to fish because their operation was interrupted by the oil industry, what is the minister going to do

to see that the lost time of fishermen, which is money in their pocket, is compensated for?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, this will be covered by the development plan and the board will do everything it possibly can. One of our main concerns here is the protection of the fishing industry and that is why we have this particular provision here because it gives the board, instead of being wishy-washy as the hon. gentleman said, it gives it general wide powers. We expect the board will enforce these powers and protect the fishing industry to the greatest extent possible.

On motion, clauses 158 through 186, carried.

MR. BARRY:

Clause 187, subsection 4 gives Provincial Court judges what could be fairly onerous authority with respect to inquiring into the need for the conservation engineer's order and for exercising the powers of the commissioner under the Public Enquiries Act. Has the minister consulted with the Minister of Justice (Ms. Verge) with respect to the heavy case load which Provincial Court judges now have and is he satisfied that our Provincial Courts have the resources to carry out this function?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Yes, we are. We realize there is a heavy case load to the

provincial bench and our provincial bench is an admirable body that is conducting itself admirably, second to none in Canada, and we are quite sure that they can carry out the duties that are imposed here.

On motion clause 187, carried.

MR. BARRY:

The remaining sections, Mr. Chairman, we are prepared to let go.

On motion, clauses 188 to 207, carried.

MR. MARSHALL:

The hon. gentleman is going to admit he was wrong and this is a great bill.

MR. BARRY:

Before the title carries, I am going to have a few words. It saves me doing it on third reading.

MR. CHAIRMAN:

Shall the preamble carry?

MR. BARRY:

I will do it on the preamble.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, I will just take a few moments because it is a significant step that is being taken here.

We have this evening granted in a brief period of time, but I think in a very efficient use of time, pointed out to members opposite some serious flaws. Actually, it has taken about two and a half hours when I look at it, Mr. Chairman -

MR. MARSHALL:

I am listening to the hon. member.

MR. BARRY:

- which is really the equivalent of a full day's session, but I think, Mr. Chairman, it is worth nothing that we have not received very much in terms of a positive response. Apart from some of the technical typographical errors that we have pointed out with respect to the legislation, we have seen very little in the way of open mindedness on the part of members opposite to consider the concerns that we have raised. We have pointed out the inadequacy of the refining and processing sections. We have pointed out the inadequacy, Mr. Chairman, of the sections dealing with the lack of a Crown's share. We have pointed out the fact that we have a flawed recall clause now left in this section, a flawed recall clause and we have gotten nothing in the way of an open minded approach by members opposite.

We are placed in the position, Mr. Chairman, where we could, if we wanted to engage in silly political games, if we wanted to go out and make political points, we could fight this, we could hold off the implementation of this Accord for a long time. We could use the money bills, the motions with respect to finance that were before this House, but, you know, Mr. Chairman, all that would do because ultimately the majority would bear it down and ram it through this House over a period of time, all that would happen in the meantime is that we see a delay. We would see a delay in seeing this development proceed, the development of Hibernia, and we would see possible delays in seeing other discoveries which have been made out there proceed

to development.

We are placed in a very difficult position here in Opposition, not as difficult, history will show, as members opposite have been placed in where they have had to get up in this House and vote against very reasonable amendments.

MR. J. CARTER:

Do not be so foolish.

MR. BARRY:

Very reasonable amendments.

MR. J. CARTER:

Not true.

MR. BARRY:

Requiring, for example, that before any development plan is approved that there be a requirement, a demand that oil companies refine and process in this Province - this is going to come back to haunt members opposite - a requirement that there be a recall clause that would put us second to existing contracts only up to ninety days, and not permit an Upper Churchill type situation to develop where the oil companies go out, enter into long-term contracts and then put this Province at a disadvantage. We have made very, very valid criticisms. We have pointed out the flaws in this document which all the minister's rhetoric, for everything that is said, all the minister's rhetoric is unable to hide these flaws.

Perhaps the most amazing for myself is the lack of participation by the Premier in this debate on the Atlantic Accord which was supposed to be the flagship, the jewel in his crown. We now see the Premier basically trying to stay as far away from this dirty mess as possible so

that in a year or so he can blame it all on the member for St. John's East (Mr. Marshall) who will not be running in the next election because of the ignominy that is going to flow on his shoulders when it becomes clear to the people of this Province that we have right now lost an opportunity, in the short-term, because we will change it after the next election -

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

- to insure that right from day one this development proceeds on the basis that jobs will remain in this Province. Again, it is amazing that members are able to separate oil from fish, from forest products, from electricity, they are unable to say why oil should be treated differently than these other products.

Let the record show, Mr. Speaker, that although we support, because we have no choice, one third of a loaf being better than none, although we support this Bill at the third reading stage, we have fought valiantly to have our suggestions for improvement incorporated into this legislation. The arrogance, the heavy-handedness, the intolerant attitude of members opposite has prevented seeing a better agreement than would otherwise be the case. We will now proceed for the next couple of years under a flawed agreement but, of course, on the basis that we are now seeing developments move, there is going to be nothing happen out there before the next election if members do not cracking in any event. We will be able to modify this agreement. We will be able to see that development proceeds

on a proper basis which, to repeat the words of the member for St. John's East (Mr. Marshall) only a couple of years ago, would ensure proper provisions so that the processing and refining jobs that would come from oil and gas would be kept in this Province.

Members opposite are going to have an awfully difficult time in the next election explaining to their constituents how they could stand up and vote against the amendments that were proposed today in the House of Assembly by the official opposition.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

I am not going to be long, Mr. Chairman. I hope for the hon. gentleman's sake that history forgets the hon. gentleman's involvement in the Atlantic Accord, I really do. I want to reiterate again in closing that nobody can under estimate the difficulties that were caused by the hon. gentleman's irresponsible resignation at the time.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

He pulled the rug out from underneath our feet and every time when the Premier, myself and other Cabinet ministers were dealing with federal counterparts in the Liberal government, namely, Marc Lalonde and Jean Chrétien - and let this be reported, I would hope

this would be reported - that every single time that we would say that the people of Newfoundland will never agree to that, will never agree to a joint management board, for instance, where there were three federal and two provincial, would never agree to you taking all of this revenues, I used to say to him time and again, that we brought these resources into Confederation with us and we have the vested right to them as any other province. Every single time he would say, 'Mr. Barry does not agree.' That would be said over and over again.

Now the hon. gentleman can talk about a flawed agreement and lack of support and all the rest of it but I want to repeat again, this, under very difficult circumstances, was negotiated and what has happened? It happens to be an agreement that is now accepted by British Columbia, it is wanted by the Yukon, the Northwest Territories, it is wanted by Nova Scotia and it is going to become the framework of federal/provincial cooperation in natural resource areas where they have problems.

SOME HON. MEMBERS:  
Hear, hear!

MR. MARSHALL:  
With all of these flaws, how can a person speak out of two sides of his mouth?

MR. TULK:  
You should know, you are good at it.

MR. MARSHALL:  
If the hon. gentlemen there opposite can get up and make that speech and he can get up and he can propose all these amendments

and say it is, to use his words, 'seriously flawed' -

PREMIER PECKFORD:  
I will take it out of my vault one day. I could have done it this evening, if I wanted to.

MR. MARSHALL:  
Yes, that is what we should do. Take it out and see what the hon. gentleman was prepared to do and the niggardly way that he was prepared to give away the rights -

PREMIER PECKFORD:  
I have a copy of it.

MR. MARSHALL:  
- for the gentleman's own ego and nothing else. That is why the hon. gentleman is over there. Let there be no mistake about it, it is not because of the people of Newfoundland, it is because of his own ego.

SOME HON. MEMBERS:  
Hear, hear!

PREMIER PECKFORD:  
I will show a cabinet document that he signed.

MR. MARSHALL:  
This bill, as I say, is wanted by all of these other provinces and territories, it has passed the House of Parliament unanimously, and here is a person who can get up in this House, and because the media are only interested in foolishness such as the hon. Minister of Public Works and Services (Mr. Young), the best minister we have ever had, and exploiting that all over the place, everywhere, because they are only interested in that, there is no meaningful publicity. Anywhere else, in any democratic society, the hon. gentleman will be hounded from public office for

what he did to this Province.

Division

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

Mr. Chairman, that is what I say and I am not afraid of the test of history or the test of time. All I just hope is that history forgets the involvement of the hon. gentleman in it because -

MR. FLIGHT:

It will never forget your involvement.

MR. MARSHALL:

- it was the most despicable action that any elected member did. He took it for his own interest and nothing else.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

So, Mr. Chairman, we will call the question. When Your Honour calls the question, we will ask again for it to be voted on division and see where the Opposition stands.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

Call in the Leader of the Opposition. Come on. Get him in.

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:

Shall the Committee report having passed the bill with amendments?

SOME HON. MEMBERS:

Division.

MR. CHAIRMAN (Greening):

Call in the members.

MR. CHAIRMAN:

All those in favour, please stand:

The hon. the Premier, the hon. the Minister of Justice (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 Consumer Affairs and Communications (Mr. Russell), the hon. the President of the Council (Mr. Marshall), the hon. the Minister of Intergovernmental Affairs (Mr. Ottenheimer), the hon. the Minister of Finance (Dr. Collins), the hon. the Minister of Public Works and Services (Mr. Young), the hon. the Minister of Education (Mr. Hearn), the hon. the Minister of Municipal Affairs (Mr. Doyle), the hon. the Minister of Rural, Agricultural and Northern Development (Mr. R. Aylward), the hon. the Minister of Social Services (Mr. Brett), the hon. the Minister of Development (Mr. Barrett), Mr. Patterson, Mr. Reid, Mr. J. Carter, Mr. Tobin, the hon. the Minister of the Environment (Mr. Butt), Mr. Peach, Mr. Hodder, Mr. Morgan, Mr. Warren, Mr. Mitchell, Mr. Woodford, the hon. the Leader of the Opposition, Mr. Hiscock, Mr. Flight, Mr. Tulk, Mr. Callan, Mr. Lush, Mr. W. Carter, Mr. Gilbert, Mr. Baker, Mr. Furey, Mr. Decker, Mr. Fenwick.

MR. CHAIRMAN (Greening):

The committee shall report the bill, as amended, carried unanimously.

Motion, that the Committee report having passed the bill with amendment, carried.

A bill, "An Act To Amend The

Workers' Compensation Act,  
1983." (Bill No. 39).

MR. CHAIRMAN:

Shall clause 1 carry?

MR. TULK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fogo.

MR. TULK:

We support the bill. There was some talk that the Minister of Labour (Mr. Blanchard), as to the effect that the Appeal Tribunal would have and how far back it might reach. As I understand it now in the legislation, the Appeal Tribunal just goes from this day on.

MR. MORGAN:

'Tom', come on over. We know you are dissatisfied, come on over.

MR. MARSHALL:

I am sorry, what?

MR. TULK:

Keep the yo-yo from Bonavista South (Mr. Morgan) quiet.

MR. MARSHALL:

They are all embarrassed now.

MR. CHAIRMAN:

Order, please!

The hon. the member for Fogo.

MR. TULK:

If I could, there was some indication from the Minister of Labour, as a matter of fact I know I have one letter where it was hoped that the people who had been brought before what is now the Commission of Appeal or the Appeal Board, would have a chance to go back to the Appeal Tribunal and restate their case again, upon, of

course, examination by the Board of Commissioners or the Appeal Tribunal itself.

I would like for the Government House Leader if he could, to clarify that situation as to how far back retroactively or, if at all, people are going to be allowed to go to appeal cases where they feel they have been treated unjustly now.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, I prefer actually to deal with it, if we could, on a clause by clause basis and the Appeal Tribunal comes in at clause 21.

There are provisions here for the Appeal Tribunal and the rules and regulations of it. It is not included in the amendments that the Minister of Labour has left, but I know it will be addressed in the regulations and I will undertake to see that it is brought to the attention of the minister.

On motion, clauses 1 through 3 carried.

MR. CHAIRMAN:

Shall clause 4 carry?

MR. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

There are a few amendments to clause 4. Subsection 2 of Section 4 of the act, as contained in clause 2 of the bill, is amended

by striking out the words 'The vice-chairman and other members of the Board of Directors' and substituting the words 'All members of the Board of Directors'; and, subsection 3 of section 4 of the act, as contained in clause 2 of the bill, is amended by striking out the words 'Chief Administrative Officer' and substituting the words 'Chief Executive Officer'; and, then subsection 4 of that same section, as included in clause 2 of the bill, is repealed and subsection 5 and 6 are renumbered as 4 and 5.

On motion, amendments carried.

On motion, clause 4, as amended, carried.

On motion, clause 5 carried.

MR. CHAIRMAN:  
Shall clause 6 carry?

MR. MARSHALL:  
Mr. Chairman.

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

MR. MARSHALL:  
Mr. Chairman, clause 6 of the bill, as included in clause 2 of the amendment, is repealed and the following substituted, 'The Lieutenant-Governor in Council shall, subject to 6.(1), appoint a Chief Executive Officer of the Commission who shall devote the whole of his or her time to the performance of duties under the act. On the commencement of this section, the term of office of the three commissioners in office, immediately before the commencement of this section expires, but the person who immediately before the commencement of this section is

the Chairman of the Commission shall be deemed to be appointed Chief Executive Officer of the Commission.'

MR. TULK:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for Fogo.

MR. TULK:  
Just a point of clarification, Mr. Chairman. Is the purpose of this amendment to now say that the present Chairman, who is Mr. Maynard remains, and the three commissioners still remain the three commissioners? Is that the purpose of the amendment? What is the term of office there?

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

MR. MARSHALL:  
There is going to be a Board of Directors, Mr. Chairman. I think the minister dealt with this in second reading, but there is going to be a revamping completely of the board and, yes, Mr. Maynard is going to be the Chief Executive Office. Mr. Maynard was appointed to that position and has carried out his duties admirably. The fair-minded member for Bonavista North (Mr. Lush) nods his head and I know all members, I think, in the House agree, that Mr. Maynard has carried out his duties admirably. The other commissioners, that is a matter that is presently under discussion. They have carried out their duties very well as well, admirably, but there is a reconstitution of the board and that is the purpose of the amendment, the purpose of the bill.

On motion, amendment carried.



MR. MARSHALL:

I move we pass clauses 7 to 9.

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

I am having a hard time with the numbering here. Is that the section 21 or is it a subsection that is being amended or what? I am not quite sure.

MR. MARSHALL:

I am sorry, I was looking at section 21. That is 21 in the main bill.

MR. FENWICK:

So is section 21 in section 6?

MR. MARSHALL:

Yes.

MR. FENWICK:

Are we on section 6 now?

MR. MARSHALL:

Yes. Yes.

MR. FENWICK:

We are. Okay. I would like to make few comments on the actual Workers' Compensation Appeal Tribunal. I have a number of comments that I have managed to get from individuals who are very much concerned with the bill and there are a couple of them.

The first is 21(3), I believe it is. 'The terms of office, remuneration, benefits and expenses of the members of the Appeal Tribunal shall be determined by the Lieutenant-Governor in Council' and so on.

The concern that I have had

expressed is that there would be a preference for a fixed period of time, sort of a review of the suitability, especially of the labour representatives on a particular tribunal. The feeling is that individuals might be put on at one time but, over a period of time, may have grown apart from the organizations and the structures that originally nominated them to go on this particular organization. For that reason, there would be a desire to see a periodic review of the individuals, especially those representing labour, on the thing. Those are the first comments.

Since it is on the same Bill, I have another comment as well, and actually a proposed amendment. One of the problems with making an appeal is the costs involved with the lawyers and so on that have to be retained. The expenses are not clear. If you look at page eleven, section 21.3.(1) -

MR. MARSHALL:

What is this about?

MR. FENWICK:

Well, I am going to propose amendments. You had better listen closely. It is 21.3, subsection (1) on page eleven.

Currently it says, "All expenses incurred in the administration of the Appeal Tribunal, including those pursuant to section 21.2" - which is employees - "shall be paid out of the Consolidated Revenue Fund and that Fund shall be reimbursed by moneys from the injury fund." What I would like to propose as an amendment is that immediately following - I have a written copy of it here if one of the Pages wishes to pick it up - 'pursuant to section 21.2' that

the words be inserted, "and those of successful appellants."

In other words, what would happen is that individuals who made an appeal to the Tribunal and were successful, were upheld by the Tribunal, would have their legitimate costs covered by this particular amendment. The reason for it, Mr. Chairman, is that it is sometimes expensive for individuals or trade unions which have limited resources, and there are a considerable number of them in this Province, to be able to afford the cost of going through these appeals procedures. The amendment that I am suggesting is not one that would be a blanket coverage for all appeals going there but if the appeal was successful, if there was merit to the case, then, under those circumstances, the injury fund itself would compensate them for the legitimate expenses of retaining counsel and so on. That was the proposed amendment that I had.

The other thing is the procedural one which I brought up before and I will mention again. I have been talking to Martin Saunders, who some of you may know is the Canadian Labour Congress representative assigned to the Province of Newfoundland and Labrador and probably one of the most knowledgeable people in the Province about Workers' Compensation and the problems with it. He was a member of the review panel, I think, five years ago that looked at the entire act.

What he was concerned about was that the draft legislation appeared in the House and started to go through the House without having been circulated in a final form to individuals such as

himself. I would suggest that in the future - it is unfortunate that the Minister of Labour (Mr. Blanchard) is not here - that the final draft of the legislation itself be made available to individuals like this - I think there are also individuals on the management side who are very much concerned with it as well - so that their input could be gotten and they could identify any problems that might be with it. Those are the comments I have on section 21. The amendment I propose is that the successful appellant would then have his legitimate costs covered by the injury fund, just as are the cost of, I think, the Chairman and other people involved with it.

MR. TULK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fogo.

MR. TULK:

Mr. Chairman, I understand that the amendment that the hon. gentleman has proposed is that those people who appear before the Appeal Tribunal and are successful in their appeal would have their expenses reimbursed. We would agree with that amendment but not necessarily for the reasons that the hon. gentleman points out because I think his concern was perhaps more with the trade union not being able to afford it than perhaps the individual concerned. The truth of the matter is, as I asked the Premier a question about this evening, there are unions in this Province who are contributing to the hon. gentleman's political party and perhaps, if he had the concern for the individual that he is now trying to pretend he has when he talks about trade unions, perhaps he would consider this

amendment in that light, rather than in the light of whether the trade union itself can afford it.

We do have unions in this Province that are collecting union dues and while, I would suggest that nobody in the union, particularly the Fishermen's Union, are against paying union dues, I would suggest to the hon. gentleman and to any other people in this House who would care to debate it that there are a great number of fishermen in particular in the Fishermen's Union in this Province who object pretty strongly to having a portion of those union dues paid as an affiliation fee or paid to support the hon. gentleman's party. So, if he is going to argue on the basis of principle, then perhaps he should stand up and say that we are concerned about the trade unions here, we are concerned about individual cases regardless of whether they are in trade unions or not in trade unions. I would suggest to him that there are people who appear before the Workers' Compensation Board who do not have a trade union to support them in any way, shape or form, and in that regard, as I said before, we have no problem supporting that amendment. Anybody who has gone before an appeal tribunal and proven their case has obviously a right to be paid their expenses for something that was wrong in the first place and they were required to go through an expense to prove themselves right. I would suggest to the hon. gentleman that he not come in here with this holier than thou attitude that he wants to protect individuals in this Province when there are individuals in this Province who are paying, and ill able to afford it, I might add. For example, I can recall an

instance in the member for Twillingate's (Mr. W. Carter) district last year, and he will agree with me, where fishermen made \$24 in one week and was forced to pay \$10 of that to a union, and a portion of that \$10 went to support the hon. gentleman's party and his activities in this Province.

MR. FLIGHT:

Which includes supporting Greenpeace.

MR. TULK:

Which includes supporting Greenpeace. A party in this country, the NDP, supports Greenpeace and we have fishermen being forced by their own union to pay a portion of their fees to support Greenpeace, which we know killed the seal hunt and would kill any other activity that goes on with regard to fur anyway.

So, if he is going to operate on the basis of principle, I would suggest to him that he not stand up in this House and all the time protect trade unions, in particular the Fishermen's Union, which is taking fees from fishermen in this Province and giving a portion of that to his political party, to finance his party and his activities as the leader of the NDP party in the Province. For example, again, we had to force the hon. gentleman to get off the fence and support the NATO base in Goose Bay.

With those few words, Mr. Chairman, I say we will support the amendment but we will support it out of principle rather out of some cheap political gimmick like the hon. member probably brought it in for.

SOME HON. MEMBERS:

Hear, hear!

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

Thank you, Mr. Chairman.

This afternoon in Question Period I think, the same issues arose at that time and unfortunately there was no opportunity to respond to the ignorant machination of the House Leader for the Liberal Party (Mr. Tulk), but there is an opportunity in this Committee debate to do it. I just want to put at least a few facts on the record about what the member said. The first thing is that I did say in my support of the amendment here that the reason was for appellants and for trade unions who could not afford it. I thought I made very clear there were the two of them there. There are trade unions in this Province who have very limited resources, some locals that are very small and it is very difficult for them to mount these appeals.

On the other allegations, that of the affiliation fees of trade unions to the New Democratic Party, I would like to at least put the information on record. I certainly do not deny that the Fishermen's Union is a an affiliate of the party, it voted to be affiliated with the party at an open convention in which absolutely all of the delegates to the convention voted to take that step.

MR. TULK:

Go do a referendum of fishermen.

MR. FLIGHT:

Did the rank and file support it, 'Peter'?

MR. FENWICK:

Just for the information of the individuals there, the affiliation fees to the federal New Democratic Party, which, by the way, is the way the affiliation is done, are twenty cents per member per month. If you want to slander us there is information there you can use, but it is twenty cents per member per month. It is also, by the way, a tenet of the party, and also of the trade union movement, that any individual who objects to that money being turned over to a political party has just to notify the union itself and the money will not be turned over.

SOME HON. MEMBERS:

Oh, oh!

MR. FENWICK:

I am telling it to you because that is the fact of the matter. If you do not wish to listen to it that is your tough luck.

The other thing is that because the Fishermen's Union obviously realizes that a large proportion of their membership, or a large number of their membership, are not now supporters of the New Democratic Party, it has only affiliated a portion of its membership, so that there is a considerable difference between what it would be if it applied to all of them.

I just thought I would let the member know that. The other thing I would like to ask the individuals in the Liberal Party, if they are so sanctimonious about taking money from trade unions, is about the amount of money that they receive from trade unions in the last provincial election, and

whether or not there was a vote among all the members of that particular union that donated, as I recall, \$10,200 to the Liberal Party. So if you want to be sanctimonious about it you have to be sanctimonious with yourself as well. I fully admit that we do get money from trade unions. I also admit that I think that the Progressive Conservative Party receives money from corporations. I do not see anybody in the Progressive Conservative Party apologizing for it. I also believe that the Liberal Party does receive money from corporations and nobody there seems to apologize for it.

The point to be made, Mr. Chairman, is that the shareholders of those corporations did not at any time vote any money to either of these parties, and yet they are sanctimoniously saying that trade unions do not have the right to do the same thing.

MR. TULK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fogo.

MR. TULK:

Mr. Chairman, the whole point that I am making to the hon. gentleman is not whether a union donates to a party or not. We have seen the hon. gentleman come into this House and tell us, for example, under a real estate bill, and try to con the media in this Province into reporting, that he had to send back \$3 that cost \$10 to the public taxpayer of this Province just to score a few political points. And the hon. gentleman now tells us, "It is only twenty cents per member." Well, following the hon. gentleman's principle a few weeks ago on the

real estate bill, then surely he should donate that twenty cents back to them.

MR. CHAIRMAN:

Shall the amendment carry?

MR. MARSHALL:

Mr. Chairman, I want to speak on the amendment.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

If the hon. gentleman from Menihek had perhaps applied and indicated he was going to put that amendment before the House now, we might be able to consider it. But I have a great deal of hesitation at the present time with accepting the amendment in the present form. There are arguments for it. Sure there are arguments for it. But there are also arguments, Mr. Chairman, the other way, that that this might be extending the principle of recovery of costs before boards and tribunals. So what I would prefer to do, and what the government will do in this particular case, is we will not be voting for the amendment but we will certainly take notice of it, bring it to the attention of the Minister of Labour (Mr. Blanchard) and see that -

MR. TULK:

Vote for it. It is a good amendment.

MR. MARSHALL:

I mean, that is fine. You say it is a good amendment. There are positive aspects of it, but it also extends this principle of recovery of costs. And I say that on the floor of this House, immediately, just like this, we are not necessarily going to make

instant laws and changes that can have repercussions that we cannot see. We are a government that operate weigh out everything and we weight the balance of the scales, and before we accept this from the hon. gentlemen we will have to do that.

But in the meantime what we will do is vote against the amendment. I want to tell the hon. gentleman that we will see that this is brought to the attention of the Minister of Labour, the government will look at it and look at it carefully, and if we feel that it is a reasonable amendment and that these repercussions will not be adverse, we will be leading in in the next session an amendment to this particular act. But for the present time we are not prepared to do it.

On motion, sub-amendment carried.

On motion, clause 6 as amended, carried.

Motion, that the Committee report having passed the bill with amendment, carried.

A bill, "An Act To Amend The Newfoundland Public Service Commission Act, 1973. (Bill No. 27)

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend The Petroleum And Natural Gas Act." (Bill No. 32)

MR. CHAIRMAN:

Shall Clause 1 carry?

MR. BARRY:

One second now. Mr. Chairman, this is part and parcel of the Atlantic Accord. This is is a

very important piece of legislation and this is one of the reasons why the development of offshore oil and gas might be important to this Province. It might supply a source of revenue, but only if that agreement is one which is a proper agreement. I hope the Minister responsible for the Petroleum Directorate is not going too far and I hope the Premier is still around because I think I should make a few further remarks, not to repeat what I said in February and on second reading again with respect to the Accord or with respect to this Bill, but to point out, Mr. Speaker, that what we have been standing up and asking members opposite to vote in favour of today on the Atlantic Accord are matter that all members opposite were supporting only a couple of years ago before their Conservative friends were elected in September of 1984. They were prepared to support Crown participation, a Crown share, they were prepared to support this Province having a back-in, they demanded it. They were prepared to insist that jobs be created in this Province from oil and gas refining and processing.

Members opposite ask why I crossed the floor when I see the principles that members opposite were supposed to hold being thrown out the window. They are completely unprincipled crowd that will do anything in their thirst to hang on to power. That report that the minister set out in 1982 contained the minister's statements in his own words with respect to the inadequacy of that clause that is now in the Accord and the importance of having refining and processing in this Province.

Now if we are talking about

resigning, Mr. Chairman, I will eat my letter of resignation word by word, letter by letter, page by page, if the minister can find one thing that I need back off on, one thing on which I have not been proven correct.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Because, Mr. Chairman, we have seen very clearly today that the result of that process, which the minister let himself become involved in, first of all changed as a result of my resignation. First of all my resignation had the effect of permitting the minister opposite to go face to face, nose to nose, chin to chin, eye to eye, cheek to cheek, jowl to jowl, belly to belly with Marc Lalonde and with Jean Chretien, look them in the eye and, as a member of Cabinet, tell them what the Province's position was or was not, which is not something that the Premier was prepared to permit before I resigned and made the whole Province aware of his stupidity, of contemplating that you could negotiate an energy agreement by one committee advising another committee which would then meet with a third committee without having Ministers of Energy involved and Premiers involved and the Prime Minister involved.

What have we seen since? We saw them all come out. We saw the Minister of Energy of Canada (Ms Carney) and the Minister of Energy of Newfoundland hold hands down at the Hotel Newfoundland. We saw the Premier and the Prime Minister of Canada hold hands and say, 'Look what we have wrought'.

Mr. Chairman, did we see an

agreement when we could take advantage of a favourable climate with respect to world oil prices? Did we see the Province in a strong bargaining position with Mobil when they came to discuss a development plan? What do we see them do now? We see them roll over and we hear talk about the need to subsidize the development. We hear talk about there being no revenue for the Province. Well, I tell members opposite that if they had had the insight, if they had had the common sense to listen to what I was telling them, they would have had a deal and Hibernia would be started by now.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

There would be Newfoundlanders working today in building a concrete platform. There would be a development proceeding and members would see their constituents working on concrete platforms. There would be an agreement that would see a Crown share, that would see this Province, Mr. Chairman, having a direct share in any development offshore and entitled to join in a share of the profits offshore. They would see an agreement, Mr. Chairman, that would require that there be a refinery operating in this Province and require refining and processing jobs stay in this Province.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

And just as happened so many time before in the history of this Premier, we see a man who was a great fighter at one time but who never knew when to end a fight and

get a settlement. He never knew until he was forced into it. He was forced into it with respect to the fisheries agreement with the Government of Canada, the restructuring agreement, when they rammed it down his throat and said we will do it without you. They gave him an agreement, finally, Mr. Chairman, that has meant great benefits for the industry as we see now with respect to the recent statement of FPI. And it was the Premier, again, who was forced into that position. We see, Mr. Chairman, a Premier, with respect to oil and gas, in the same way not able to finalize a deal until, Mr. Chairman, it was too late to get the things that really mattered, namely, jobs, namely, a fiscal arrangement that would have seen revenue come in this Province in much greater quantities than is going to come now.

MR. MARSHALL:  
Jean Chrétien.

MR. BARRY:  
Mr. Chairman, yes, Jean Chrétien. Jean Chrétien, as the minister knows, would have delivered an agreement much better than the one that is there in front of you now. As a matter of fact, the minister is on record as saying that an agreement was possible with Jean Chrétien, and we know, for sure, that the minister was going to accept nothing less than this bare minimum that is there now. So, obviously, Jean Chrétien was recommending a better deal when the minister agreed to that then what we have here now, because even the minister is shame-faced and sheepish when he gets up and votes against the refinery in this Province. Even the minister, Mr. Chairman, is sheepish when he gets up and tries to explain how there could be

consultation and cooperation on a provincial back-in when the Prime Minister of Canada was down in the United States at the very moment that this Premier was trying to reach him in Ottawa to find out what was going on. The Prime Minister was down giving our 25 per cent away, giving it back to the oil companies, and this Premier did not even know what was going on, and he has not had the courage since to admit that. But the record, Hansard, thank God, is there and speaks for itself. When we asked the Premier the question the same day that the Prime Minister of Canada was giving that 25 per cent away, he said, 'I am trying to get the Prime Minister on the phone now in Ottawa to find out what is going on.' And the Prime Minister was in New York at that very instant giving away the 25 per cent.

Now, Mr. Chairman, one thing my resignation did was put that minister and that Premier in the hot seat, because that brought the full focus of public attention on the conduct of the minister and on the conduct of the Premier. Do you know something? we would not even have had this agreement if I had not crossed the floor and exposed these members for what they were.

SOME HON. MEMBERS:  
Hear, hear!

MR. BARRY:  
We probably would even have heard a few plaintive shouts from here in Newfoundland even against the Tories if I had not resigned and come across so that we could put the pressure on them to get off the ridiculous high horse they were on, to get away from the rhetoric and get down to bringing reality back into government, to



start creating a few jobs, to start putting people to work in this Province. This nonsense that, 'Oh, we now have an agreement that sees the resource treated the same offshore as though it were on land', this nonsense that this is the greatest thing since sliced bread for this Province, this nonsense that they are now in negotiations which are going to see untold benefits is just that. And Mobil is there sitting back and looking at them and laughing and pointing to the oil and gas that Mobil can buy anywhere in the world for less than sixteen dollars a barrel, and pointing out that it is going to cost in excess of \$20 a barrel, probably in excess of \$22 to \$23 a barrel U.S. to produce from Hibernia.

Where is the Province's bargaining position now? History is going to deal very nicely, I think from my perspective, with what has taken place over the last few years. But, alas and alack, when it starts looking at what the member for St. John's East and the Premier have brought this Province to with respect to one of our few remaining resources, history will have to invent a new term, Mr. Chairman, to deal with this blatant - you cannot call it an abuse of position - you would have to call it, I suppose, sweeping stupidity. That is probably the closest thing.

MR. BAKER:

Stunned is probably even better.

MR. BARRY:

Sweeping stunneditity. Mr. Chairman, that is the way that history will be summarized as far as members opposite are concerned in their dealings with offshore oil and gas. They will look back

and they will see how the Province was poised. Hibernia was discovered in 1979. Expectations were all aroused and what did the member for St. John's East and the Premier say? We have got to avoid overheating the economy. Talk about a scorching earth policy.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

By God, were they successful in seeing their policies come to fruition! I suppose their policy reached its peak when unemployment hit 26 per cent. They are not quite as satisfied with their policy now when unemployment is only ticking along at 20 per cent since the minister's policy is not being quite as successful. The economy is overheating just a little bit now.

Mr. Chairman, I withdraw not once single word from my letter of resignation. I am proud of it. I stand by it. It is all true.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

I am only sorry, Mr. Chairman, that I cannot do it all over again.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

If it comes down, Mr. Chairman, to the test of who should resign, when we look at the great words of the Premier of this Province, when we look at the great words of the member for St. John's East before the election of September, 1984, and we see the things they were fighting for and we see the principles that they had at that time and we now see a complete

sellout of those principles, I look over and I say, 'Gentlemen, when it comes to resignations, there are two that are several years late in the coming; But come the next election there will be forced resignations of both of those hon. gentlemen.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Chairman, now if I could just briefly get back to this bill without delaying this matter, Mr. Chairman, any further, I would like to set out an amendment to section 5, so we could go and approve sections 1 to 4.

On motion, section 1 through 4, carried.

MR. CHAIRMAN:

Shall section 5 carry?

MR. BARRY:

To section 5, which incorporates into the act a new section on royalties, I would propose an amendment as follows, delete the proposed section 25, subsection (2), which talks about an agreement entered into by Cabinet as having 'the full force and effect of law as if set out specifically in this Act,' and, Mr. Chairman, I would like to have the minister - go away, 'Randy', and let him listen, boy -

MR. PEACH:

He is getting too much coverage now, 'Leo', boy.

MR. FLIGHT:

The more he gets the better.

MR. TOBIN:

We are buying an airplane and giving 'Leo' an expense account and sending him across the Island.

MR. BARRY:

Mr. Chairman, I would like to propose the following amendment, that we delete section 25 (2), which would have the effect of permitting Cabinet behind closed doors to enter into an agreement and that agreement immediately becomes law, a gross insult to this House of Assembly, a gross insult to democracy, an attack upon this very institution in which we stand -

MR. MARSHALL:

The Chairman is there, he is not down there. Address the Chairman.

MR. BARRY:

- and I ask, Mr. Chairman, that we substitute the following as section 25 (2), "Any agreement entered into pursuant to section 25 (1) shall only come into effect and have the full force and effect of law once it has been ratified by the House of Assembly". Now I cannot see how the minister could object to that.

MR. MARSHALL:

Would the hon. gentleman give me a copy of that?

MR. BARRY:

Well, I have a copy to table. There is only one copy here.

MR. MARSHALL:

I like to consider everything you do seriously, you know.

MR. BARRY:

Because the minister is creating a very large whip not just for his back but for the back of all his colleagues if he continues to embark upon this ignominious process of having Cabinet, a Star Chamber, behind closed doors, being able to enter into an agreement with Mobil, for example, and have that become law before it

ever sees the light of day in this Province. That is not good, that is not right, that is not proper, and the minister knows, and I think he has already admitted in this House, that it is not a desirable way to proceed.

MR. MARSHALL:

Propose it.

MR. BARRY:

That is proposed.

MR. MARSHALL:

Let me respond to it.

MR. BARRY:

Just let me, if I could, propose an amendment, before I give up to the minister, to section 30, subsection (1), subsection (g), at the same time, by agreement, by consent. This would have the effect of deleting that proposed section 31, subsection (g), where it proposes to authorize Cabinet to waive or vary royalties, and this, of course, would mean there would be no need to have a uniform royalty scheme if that section remains. So, could you show that to the minister? Could we have that tabled. We can have the rest of the sections go through once these amendments are accepted.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, the hon. gentleman had a few preliminary remarks and I will just make a few preliminary remarks. I want to tell the hon. gentleman once and for all that I am not concerned about the back-in. What I am concerned about is the back-out. The hon. gentleman is a living, walking back-out, who, when his Province called him and he had an

opportunity to do something for his Province, he hoisted his sails and ran. He talks about history, who cares about history, how history will judge? He mentioned history, what people are going to think of me and all the rest of it. What really matters is whether we can translate this, and this is a good basis to translate from, into jobs for the people of Newfoundland.

The real reason why the hon. gentleman left, if he really wanted to be intellectually honest, was that negotiations were starting and the hon. gentleman was absolutely terrified. Like a lot of people, he was terrified to get into it because he was terrified with his great, swollen, bulbous ego, that he would be a failure. That is really what happened and that is the bottom line with the hon. gentleman.

There was an announcement by his now retroactive new-found friend - I would like to do something retroactively with that new-found friend - Pierre Trudeau. The Prime Minister came down and he signalled the possibility of negotiations. The hon. gentleman was the Minister of Mines and Energy at the time, and the bottom line was all of his policies were falling down around his neck and the hon. gentleman was terrified, and, like a lot of people, the fact of the matter is - this is not a parliamentary word but I will say it. I do not condemn the hon. gentleman. There are lots of people like him and there is nothing wrong with the hon. gentleman - the hon. gentleman never had the guts to stay there. He never had the guts or the gumption to stay there, so he ran like a scared bunny. It is so much easier, as he has done all

the time, to criticize, so much easier; in a second you can destroy what it takes hours and years to build. That is what has happened to the hon. gentleman. He can say what he likes; he is the living, walking back-out. So let him not talk about the back-in anymore.

Now, Mr. Chairman, there is one other thing. He makes a great deal about some publication. When I took over from him I did not have the opportunity to arrest everything, but the hon. gentleman had an ego thing going in his own department that there were releases coming out and his name all over the place and the public servants were putting out this release and that release in the hon. gentleman's name. Well, the automatic, the bionic mouth that occurred through the public service, it took a 'little while to stop the diarrhea of words that went out. But I did stop it. The report that the hon. gentleman referred to might have my name on it, but, I can tell you, it was a report of the hon. gentleman. You talk about hypocrisy. I remember standing in this House, in the halcyon place of the backbenches, down where the hon. member for Humber Valley (Mr. Woodford) now sits. I was far out on the backbenches and the hon. member there was a bright and shining star in the Tory Party, and he brought in this great cure for Churchill Falls, the provision to borrow some \$130 million before he had negotiated with Hydro Quebec and, down there in the far corners, I voted against it at the time. Because I said you could not confer upon the government of this Province in Cabinet the right to borrow in Cabinet by regulation without bringing it before the House. The hon. gentleman knows

that, and he is a real hypocrite when he gets up and he talks about it. This amendment is also a part of his hypocrisy. I have said in second reading, and I will say it again, that certainly the best way to do it and the best way to do things is to have everything before the Legislature, but that is impossible in the present climate that we are in.

AN HON. MEMBER:  
Why?

MR. MARSHALL:  
Because we are entering into, for the first time, negotiations on a fiscal regime for an offshore development in the ice-infested waters of the North Atlantic. It is the first type of development of its nature on the Atlantic seaboard, it is the first such type of development in the world, and the bottom line as to whether this development is going to take place is not going to depend on the hon. gentleman's ego, not depend upon whether the hon. gentleman gets butterflys in his stomach and he cannot meet the possibility of failure, it is not going to depend upon that at all. What it is going to depend upon is sitting down and having the ability to negotiate a fiscal regime. Now, that fiscal regime will involve royalties, it will involve corporate taxes, it will involve license fees, it will involve a whole myriad of things, so the Cabinet of this Province has to be entrusted with the ability and given the flexibility, to enter into those negotiations. That is not only what we will do but that is what we are in the process of doing now, and we have provided in this Bill.

MR. OTTENHEIMER:  
Good speech 'Bill.'

MR. MARSHALL:

My ecclesiastical friend along side me is interrupting me.

This Bill provides for basic royalty, incremental royalty and gives the Cabinet of this Province the ability to be able to negotiate. After all that has been done under the Atlantic Accord and the other initiatives that the government has taken in the fishery, the forestry, the mining and its basic thrust for the interest of the people of Newfoundland, I think it is appropriate that we be given it. Having said that, in due course, when experienced, and we have the experience here. Mr. Chairman, and we have the opportunity to see what is fair and reasonable, then we will consider bringing in a royalty regime and legislating a royalty regime, but in the meantime we are going to do this, which is what is done in Norway and in many other jurisdictions in the world.

Look, the hon. gentleman has a death wish! You can tell that by everything he talks about, his own ego and history. He talks about all he wants and his hopes. He does not wish there to be, he hopes there will be no development. Hear him talking about oil prices, hear him talking about there will be no development, there will be no jobs. He has so constructed his leadership and he sucked the Liberal Party into it. He has taken the Liberal Party into a vortex and that vortex is completely and absolutely dependent upon there being failure and misery and unemployment. Well, he can exult in the unemployment if he wishes. This government, through this bill, seeks the authority of the

Legislature to be able to negotiate for the people of Newfoundland. So that is my answer. We are obviously not going to vote for any cynical amendment put in by the hon. gentleman.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, I think for the record we should underline the fact that we now have, for the first time since the Atlantic Accord was introduced - he did not admit it in the February Session, he did not admit it earlier in this debate - until he was so shame-faced today that his conscience would not let him remain silent any longer and he tries to back off now from that 1982 report. I admit, just like the regulations, it was all prepared and ready for the minister when he went in. But, Mr. Chairman, who signed the report? Who authorized its release? Who said he agreed with it? Whose report was it, Mr. Chairman? Now, that is the first thing that should be acknowledged, that, we, Mr. Chairman, have a minister, the Government House Leader, backing off now and trying to say that it was not really his statements that were contained in that report. There is a crack appearing and if we stay here for another couple of hours we may re-open the debate on the Accord and the minister might be right in what we are saying on that bill as well.

Let us go to the main issue we are discussing now in the Petroleum Natural Gas Act. Does anybody remember 1969 - 1970? Does anybody remember those terrible, shocking, scandalous - according to the Government House Leader and the present Premier - BRINCO agreements? Remember those BRINCO mineral agreements that were under lock and key down in the vault in the Registry of Deeds, the Registry of Companies, that nobody was allowed to see, that the administration of the day had signed but had never brought into the House of Assembly? Now look at the shame-facedness of the member for St. John's East. He had forgotten that. He had forgotten the vicious attack he launched on the administration of the day because they were prepared to enter into secret agreements, secret deals and not make known to the public of this Province what was contained in those deals when it was the very lifeblood, the essence, the resources of this Province that are being given away. Well, Mr. Chairman, the wheel has turned full circle! The wheel has turned full circle and, just as the administration at that time was thrown out because it had lost faith with the people of the Province -

MR. TOBIN:  
'Leo', you will never be Premier.

MR. BARRY:  
Mr. Chairman, throw him out! Just flick him out!

MR. CHAIRMAN:  
Order, please!

MR. BARRY:  
Bring in the exterminators and get rid of the gofers once and for all. Get rid of the gofers. Mr. Chairman, we do not have time for

rabbits now, we are dealing with some important issues here. We will snare the rabbits later. We will exterminate the gofers later.

MR. MORGAN:  
You are right on there. I will get the rabbits later. You can bet your bottom dollar on that one.

MR. CHAIRMAN:  
Order, please!

MR. BARRY:  
We have a matter coming up after this bill that I am sure the former Minister of Fisheries (Mr. Morgan) will have an opportunity to participate in debate on, will have an opportunity to debate.

MR. MORGAN:  
I will give you rabbits alright.

MR. BARRY:  
Mr. Chairman, talking of snaring rabbits, it is interesting to speculate about what you might be able to catch with the proper devices. But I will leave that to the now backbencher who shall remain a backbencher for a long time.

MR. CHAIRMAN:  
Order, please!

MR. BARRY:  
Mr. Chairman, I would like to get back to the Government House Leader. How is it he has the face to stand up in this House after attacking the previous administration for years on those secret Brinco mining agreements and now, Mr. Chairman, we see him coming in and seeking the same authority in this House? Except now it is not with respect to on land minerals, it is with respect to undersea minerals, because petroleum and natural gas can fall within one of the definitions of

mineral. Now perhaps the minister will stand up and say that somebody else was writing his press releases for him in 1969 and 1970, and probably even before that when he was attacking the secret Brinco mining agreements. Now will the minister get up and tell us how he can say that he has kept the principles that got him into politics when he is prepared to propose that he be given the authority to enter into a secret petroleum deal since he was attacking the previous administration on a secret mining deal? And will the minister tell us what is wrong, for Heavens sake! We are not even saying that the House should approve what the minister signs with the company before the fact, we are willing to give the minister that leeway to negotiate. What we ask is that before the agreement comes into effect it be debated in this House of Assembly, it have the full light of day, that the people of the Province have an opportunity of knowing the complete agreement, what is in it and how they are affected by it.

MR. MARSHALL:  
Mr. Chairman.

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

MR. MARSHALL:  
I want to answer just -

MR. BARRY:  
Are both of us going to do this?  
I had not quite finished.

MR. MARSHALL:  
I thought you were sitting down.

MR. BARRY:  
I will sit down. Go ahead.

MR. MARSHALL:

I think it is really time the hon. gentleman sat down. But the fact of the matter is, and I just want to reiterate this again, that the member for Windsor-Buchans (Mr. Flight) should feel very sore about the Leader of the Opposition and the member for Gander (Mr. Baker), and other members who got up and quoted that so-called publication that the hon. gentleman prepared. It had my name on it because it was a carryover when I became minister. And the hon. gentleman was responsible for it, in the event that he was responsible for anything, because he allowed the public servants to do as they would. But the fact of the matter is he has admitted that it is his, and I am glad he admitted it was his because it was unadulterated tripe, something that I was ashamed that my name should even appear on. But those things happen when you are minister from time to time. Afterwards I got control of the Petroleum Directorate and the results of it have been seen.

Now the hon. gentleman can talk all he likes and say what he wants. We are not going to vote for this. I got up in second reading and explained the reason why and explained the validity of having matters before the House. I would prefer to have it before the House. I would prefer to have a royalty regime before the House. I prefer to have total revelation and there will be total revelation of the royalty regime afterwards, preserving, of course, necessary confidentially in the industry. But insofar as possible we will give the people complete and absolute information, as we do. I would prefer it be before the public but, for what I think are

logical reasons, we are asking for this power of Cabinet.

Now I suggest to the hon. gentleman that he is embarrassing his colleagues. I am not a mind reader but I am a face reader, and I can see, when he gets up, his colleagues on the other side are justifiably embarrassed by the way the hon. gentleman is getting on. Why does he not throw in the towel now and recognize that this measure that he voted for, that the reason why he crossed the House, and the reason why he resigned in the first place, was because, like a lot of people - that is fine, there are other things he can do - the hon. gentleman was afraid of failure and he was afraid to carry the ball. That is the total reason why he resigned, because, Mr. Chairman, he did not have enough confidence to think he could bring it off. So the easiest thing was to resign. When he resigned he did the greatest disservice to this Province that any elected member has ever done, as was witnessed by the difficulty we had in bringing about an agreement which we could never do with the federal Liberals.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, not to prolong this, I had forgotten to comment on why I crossed the floor. Why naturally, Mr. Chairman, I ran away to join that tremendous, formidable force of seven lads, strong, brave and true - so I thought at the time. It was true for five of the seven. That is not bad.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Chairman, I ran across because I saw that in numbers there was strength.

MR. TULK:

In this case the smallest numbers had the greatest strength because you had truth on your side.

MR. BARRY:

That is exactly the point I am coming to. Mr. Chairman, this is the exact point that has to be made, that although there were only seven on the Opposition side it was by joining that seven that, as members here had been saying for some time, I was able to assist those members in pointing out, Mr. Chairman -

MR. TOBIN:

That is not what Steve Neary said about you.

MR. BARRY:

I do not know if you should ask him what he has in his cup, Mr. Chairman, but otherwise get him to sit down. The fact of the matter is that although there were only seven, their strength was as the strength of seventy because their hearts were pure.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

And their hearts were pure because they had adhered to their principles through thick and thin - at least five of the seven did. And there, of course, there was the jingle of silver, the thirty pieces of silver, that history has shown time and time again can attack the strongest principles.

MR. WARREN:



You are cheap! You are cheap!

MR. TOBIN:

The Liberal caucus sold out for a cheap.

MR. TULK:

According to 'Garf'. We know how much truth is in that, right? Note the source and note the mouth from which it cometh?

MR. FLIGHT:

What are you drinking there, 'Tobin'?

MR. BARRY:

Calm him down and get him out of the picture.

Mr. Chairman, any time that I have the opportunity to show lack of courage by joining a valiant troop of seven to launch forth into a vicious attack on a force of forty-five- forty-four not including myself - any time, Mr. Chairman, that I can find those odds and have individuals with the strength of their convictions and the principles that members of this side had adhered to over the last seven years, then I will be glad to show that lack of courage.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Yes, 440 not just forty-four, Mr. Chairman, as long as their hearts are pure, as long as their principles are sound and as long as they are prepared to stick to those principles, unlike the Government House Leader and unlike the Premier of this Province.

SOME HON. MEMBERS:

Hear, hear!

MR. CHAIRMAN:

Order, please!

Shall the amendment carry?

MR. BARRY:

I think we have to have a quick division on this one.

MR. CHAIRMAN:

Call in the members.

### Division

MR. CHAIRMAN:

All those in favour of the amendment please stand:

The hon. the Leader of the Opposition (Mr. Barry); Mr. Hiscock; Mr. Flight; Mr. Tulk; Mr. Callan; Mr. Lush; Mr. W. Carter; Mr. Gilbert; Mr. Baker; Mr. Furey; Mr. Decker; Mr. Fenwick.

MR. CHAIRMAN:

All those against the amendment please stand:

The hon. the Minister of Justice (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 Consumer Affairs and Communications (Mr. Russell); the hon. the President of the Council (Mr. Marshall); the hon. the Minister of Intergovernmental Affairs (Mr. Ottenheimer); the hon. the President of Treasury Board (Mr. Windsor); the hon. the Minister of Public Works and Services (Mr. Young); the hon. the Minister of Education (Mr. Hearn); the hon. the Minister of Municipal Affairs (Mr. Doyle); the hon. the Minister of Rural, Agricultural and Northern Development (Mr. R. Aylward); the hon. the Minister of Social Services (Mr. Brett); the hon. the Minister of Development and Tourism (Mr. Barrett); Mr.

Greening; Mr. Patterson; Mr. Reid;  
Mr. J. Carter; Mr. Tobin; Mr.  
Peach; Mr. Hodder; Mr. Rideout;  
Mr. Warren; Mr. Mitchell.

MR. CHAIRMAN:  
Order, please!

I declare the amendment defeated.

On motion, clause 6, carried.

SOME HON. MEMBERS:  
Oh, oh!

MR. CHAIRMAN:  
Could I have order, please?

MR. BARRY:  
You are going to fast. I proposed  
an amendment to section 30,  
subsection (l), subsection (g).  
We proposed an amendment which  
would delete that subsection which  
would authorize Cabinet to have  
other than a set of uniform  
royalties.

MR. CHAIRMAN:  
Shall the amendment carry?

SOME HON. MEMBERS:  
Nay.

SOME HON. MEMBERS:  
Aye.

MR. BARRY:  
Just briefly, we have to say, Mr.  
Chairman, that without these two  
amendments that we have proposed,  
it is impossible for this side to  
support legislation which would  
try and authorize Cabinet to go  
back to a stage which they had in  
the 1960s which, Mr. Chairman, I  
thought we had gone past in the  
1970s when we decided that mineral  
agreements were going to be  
public, that all important  
agreements affecting the public  
interest would be revealed in  
their entirety to the people of

the Province. We have a minister  
and a Premier now prepared to try  
and enter into a secret deal over  
Hibernia and give a special break  
on royalties and taxes, rather  
than treating everybody the same.  
We cannot support legislation  
without this type of amendment.

MR. CHAIRMAN:  
Shall the amendment carry?

SOME HON. MEMBERS:  
Aye.

SOME HON. MEMBERS:  
Nay.

MR. CHAIRMAN:  
The motion is defeated.

On motion, clause 6, carried.

Motion, that the Committee report  
having passed the bill without  
amendment, carried.

MR. MARSHALL:  
Order 21, Bill No. 37.

A bill, An Act To Amend The  
Memorial University Act." (Bill  
No. 37).

On motion, clauses 1 and 2,  
carried.

Motion, that the Committee report  
having passed the bill without  
amendment, carried.

SOME HON. MEMBERS:  
Oh, oh!

MR. MARSHALL:  
I cannot hear Mr. Chairman.

MR. CHAIRMAN:  
Can I have order?

AN HON. MEMBER:  
Carried.

MR. CHAIRMAN:  
That bill is carried.

MR. MARSHALL:  
Order 22, Bill No. 38.

A bill, "An Act To Revise The Judicature Act Respecting The Supreme Court And Procedure Therein". (Bill No. 38).

MR. MARSHALL:  
I move we pass clauses 1 to 56 inclusive.

On motion, clauses 1 to 56 inclusive, carried.

MR. MARSHALL:  
On clause 57, the minister has an amendment to suggest.

MR. CHAIRMAN:  
The hon. the Minister of Justice.

MS VERGE:  
Yes, Mr. Chairman. The amendment I wish to propose has been given to the Opposition. It is to add immediately after subclause 5 of clause 57 as subclause 6, the following: 'Where the court considers it appropriate, the court may order that a notice under this section be given to the Attorney General of any province.'

The purpose of this, of course, is to give the court discretion to notify other provinces of Canada of cases and arguments before our court which have Constitutional implications and which could have implications for the other provinces.

On motion, amendment carried.

On motion, clause 57 as amended, carried.

MR. CHAIRMAN (Woodford):  
Shall clause 58 carry?

MS VERGE:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the Minister of Justice.

MS VERGE:  
Mr. Chairman, I wish to propose a number of amendments to clause 58 which I will summarize. Again, copies have been given to the Opposition. The first amendment - perhaps it is easiest just to refer to the proposed new clause in its entirety - but the purpose of the changes are to make plain that the Council of Judges of the Trial Division may consider any matters which, not only the Chief Justice of the Trial Division deems appropriate, but which any of the judges deems appropriate. And secondly, to provide that the council shall meet at least once a year at the call of the Chairman and also at any other time upon the request of any three judges of the Trial Division made in writing to the Chairman upon a day fixed by the Chairman and of which the Chairman shall give notice to the judges assembled.

Subclause 3 of clause 58 is amended by striking out the words, 'and with the consent of the Chief Justice' to make plain that the Trial Division and the Council of the Trial Division operates with a collegial model.

Next, delete subclause 4 of clause 58, which is most inappropriate. Subclause 4 requires the Council of Judges of the Trial Division to report its recommendations to the Minister of Justice. That is inappropriate since many matters which the judges may discuss within their council are not matters which should be referred to the Minister of Justice. Of course, the council and the judges

are free to approach the minister with any concerns or matters which they deem appropriate to raise with the minister. So those are the amendments I am now proposing to clause 58, Mr. Chairman.

On motion, amendments carried.

On motion, clause 58 as amended, carried.

On motion, clauses 59 and 60, carried.

MR. CHAIRMAN:

Shall clause 61 carry?

MS VERGE:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Again I wish to propose an amendment to clause 61 to strike out subclauses 1 and 2 and to substitute the following as clause 61, subclause 1, "The Registrar of the Supreme Court and the associate Registrar of the Supreme Court shall be members in good standing of the Law Society of Newfoundland." This amendment would remove the requirement that the Registrar of the Supreme Court be not only a member in good standing of the Law Society but also a member with a minimum of ten years standing at the bar. It is felt that the best qualified barristers, as evaluated by the Public Service Commission, the judges and the Lieutenant Governor in Council, should qualify for the position of Registrar, regardless of the number of years at the bar. This allows for the possibility that the best qualified candidate may have fewer than ten years at the bar.

We know that many people now going to law school and being called to the bar are mature and have had other careers. For example, in recent years in this Province -

AN HON. MEMBER:

Like Mr. Neary.

MS VERGE:

Exactly. Our departed colleague, Mr. Neary, after having had a full career in politics, has gone to law school and who knows, one day he may apply to be Registrar of the Supreme Court, if that position comes open. He probably would not have ten years at the bar but perhaps his has other qualities which should be considered in a competition. He should be considered eligible for that position.

The point I am trying to make is that there are many qualities of potential applicants for the position of Registrar of the Supreme Court. Membership at the bar is a prerequisite but we should not limit ourselves in the selection by imposing what I consider to be an arbitrary number of years standing at the bar. Mr. Chairman, that is the explanation for this proposed amendment.

MR. BARRY:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

This is the only fishy one in the lot, Mr. Chairman, as far as I can see. I wonder if the minister has a particular individual in mind for an appointment here at some point in time who does not have 10 years in, I do not know. Is the current Registrar coming up for

retirement soon? Are we looking at a desire to have somebody there with less than 10 years standing come in in the next year or so. It does not seem to me as something that would be significant enough to require a special amendment at this point in time. The court has been in operation roughly 150 years and it does not seem it has impeded the progress of justice in the past to have the requirement that the Registrar have a minimum of ten years standing. There is something a little disturbing about the fact that the minister would find it necessary to come in with this amendment. So, would the minister tell us, does she have somebody in mind who does not have ten years standing?

MR. CHAIRMAN (Woodford):

The hon. the Minister of Justice.

MS VERGE:

Mr. Chairman, I certainly have no individual in mind. As I pointed out, in any future competition for the position of Registrar for the Supreme Court, and I use the word 'competition' because, in the event the position of Registrar becomes vacant, the Public Service Commission would be used to recruit applicants and to evaluate them, and in that sense, to conduct a competition. On the basis of the Adjudication of the Public Service Commission and the advice of the judges, the appointment would be made. The appointment would be the person deemed best qualified overall for the position.

In fact, the incumbent has informed me and the Chief Justice of his intention to retire at the end of this year. Recognizing the fact that in this Province the Bar is a young Bar and that there are

proportionately few members with more than ten years standing, and observing the reluctance of some members of the Bar with more than ten years standing to accept appointments to the Bench, it is felt that we should not have legislation tying our hands with respect to the eligibility of people for the Registrar's position and that we should simply leave it at membership at the Bar as a prerequisite for the position, allowing all barristers to apply, and using the Public Service Commission to select the applicant best qualified. So, Mr. Chairman, that is the explanation. There is nothing sinister, devious or hidden. It is quite straightforward and consistent with this government's policies for personnel.

Thank you, Mr. Chairman.

On motion, amendment carried.

On motion, clause 61 as amended, carried.

On motion, clauses 62 through 77 carried.

MR. CHAIRMAN:

Shall clause 78 carry?

MS VERGE:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

With everything up to and including clause 77 passed, I would like to propose a slight amendment to subclause 1 of clause 78. It is simply to correct a typographical error. To strike out words 'the Chief Justice of the Supreme Court' and substitute 'the Chief Justice of the Trial

Division.'

On motion, amendment carried.

On motion, clause 78 as amended, carried.

MR. MARSHALL:

I move we pass all clauses now up to 90.

On motion, clauses 78 through 90 carried.

MR. CHAIRMAN:

Shall clause 91 carry?

MR. BARRY:

Are ready for this one, Mr. Chairman, this is a massive change.

MS VERGE:

Mr. Chairman, it is my understanding that in that last run we did pick up the typographical error in clause 78 subclause 1. I would like to propose a small amendment to clause 91, that is to strike out the word 'thereof.'

MR. MARSHALL:

Clause 78 is amended too.

MS VERGE:

Yes.

On motion amendment carried.

On motion clause 91 as amended, carried.

On motion clauses 92 through 132, carried.

MR. CHAIRMAN (Woodford):

Shall clause 133 carry?

MS VERGE:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Mr. Chairman, I propose a small change to clause 133, that is to strike out the word 'trail', a typographical error, and substitute the word 'trial.'

On motion amendment carried.

On motion, clause 133 as amended, carried.

On motion, clauses 134 through 151 carried.

MR. CHAIRMAN:

Shall 152 carry?

MS VERGE:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Mr. Chairman, I would like to propose an amendment to clause 152. This clause deals with the transition from the present court structure to the merged court with the District Court being consolidated with the Trial Division of the Supreme Court and becoming the Trial Division of the Supreme Court. I propose that the wording be changed to the following: 'Every person holding office as a clerk, court reporter or employee of the District Court of Newfoundland in a judicial center on the commencement of this act shall be deemed to have been appointed at that time under this Act as an assistant deputy registrar, court reporter or officer of the Supreme Court.'

The original wording provides for the present District Court clerks to become simply clerks of the Trial Division of the Supreme Court. The change provides that they become assistant deputy

registrars of the Trial Division of the Supreme Court in keeping with the hierarchical structure and nomenclature now used in the Trial Division of the Supreme Court. So, with merger, Mr. Chairman, the court staff will include, at the top, the registrar, then the new position of associate registrar, two deputy registrars and then two assistant deputy registrars in St. John's and one assistant deputy registrars, two assistant deputy registrar - I am sorry - one assistant deputy registrar in all the other judicial centers.

On motion amendment carried.

On motion, clause 152 as amended, carried.

On motion, clauses 153 through 156, carried.

MR. CHAIRMAN:  
Shall the schedules carry?

MS VERGE:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the Minister of Justice.

MS VERGE:  
Mr. Chairman, I propose amendments to schedule D which is the rules of the Supreme Court, 1986.

MR. BARRY:  
Table it.

MS VERGE:  
Yes. Mr. Chairman, I think there is a copy already on the table, I just have this copy.

Basically, these amendments set out the corrections of errors and omissions from the text as set out in the bill which were picked up in proofreading and they also

correct Rule 57.02 (3) and 57.06 (1) as recommended by the Court of Appeal. The final provision, as noted, is to remove the sexist language and to have all inclusive language used instead.

MR. CHAIRMAN:  
Shall the amendments to the schedule carry?

MR. BARRY:  
Mr. Chairman.

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

MR. BARRY:  
I wonder if the minister is aware that all has not been well within the sheriff's office with respect to the situation of the fees paid the bailiffs? There is concern and tension from time to time between the sheriff and the bailiffs with respect to how they obtain their fees, what fees they are entitled to and what percentage the sheriff gets. It is still an unusual system, where the sheriff gets a certain percentage of poundage and all this sort of jazz. Have these regulations been drafted in awareness that there are these problems within the sheriff's office? Has the minister examined what is going on in the sheriff's office to ensure that this part of the judicial system, which seems to have not kept up with the modernization which has occurred in other parts of the system, is now being corrected?

MR. CHAIRMAN:  
The hon. the Minister of Justice.

MS VERGE:  
Mr. Chairman, the amendments to Schedule D, the amendments to the rules which we are now discussing

as they pertain to the sheriff and the sheriff's office, have been drafted in consultation with the sheriff.

MR. BARRY:

What about with the bailiffs?

MS VERGE:

The question of the organization and the administration of the sheriff's office is one that is now being considered by me and officials of the Department of Justice and I undertake to the House that within the next year or so there will be improvements in the operation of the sheriff's office. In the meantime, what we are dealing with is the rules of civil procedure for the Supreme Court. If there is a need to change these rules as they apply to the sheriff's office, there is a mechanism in the body of the Bill for the rules committee of the court to make changes in a flexible manner. Once this Act and the rules come into force, on September 2, the rules are basically in the hands of the rules committee of the court who may make any modifications or amendments over time, as circumstances change.

MR. CHAIRMAN:

Shall the amendment carry?

MR. BARRY:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Clause 9, 'The said Bill be further amended by striking out the sexist language', has that been dealt with?

I think what we should ask is why is this sexist language in the

original draft with the Minister of Justice being the supposedly great champion of women in this Province?

MR. POWER:

That is my job. Get your portfolios right.

MR. BARRY:

I am not concerned about who has the responsibility on a portfolio basis, I am concerned about the fact that the Minister of Justice came into politics as the champion of Women's Rights. Now, that the Minister of Justice been lulled into a feeling of security by the rhetoric that every day flows around her? Is this what happened in the drafting of this Act? Because it just confirms what we have been saying all along, that the administration, the Premier, are saying the right things but what they actually do is completely contrary to their expressed concern for promoting the concerns of women: promoting non-sexist language, promoting affirmative action, promoting homemakers' pensions and funding for day care. There is no action on any of this. So, Mr. Chairman, this brings home very graphically that we have an entire Cabinet over there now, including the Minister of Justice (Ms. Verge), which has been lulled into believing its own rhetoric.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Look who is talking, Mr. Chairman. Look who is talking! This is the first time in this entire session that the Leader of the Opposition (Mr. Barry) has even talked about women's issues.

MR. BARRY:



A point of order, Mr. Chairman.

MR. CHAIRMAN:

A point of order, the hon. the Leader of the Opposition.

MR. BARRY:

Only as recently as two days ago, I do not know but it was yesterday, I rose in this House on the pensions bill, and the minister was obviously absent.

MR. TULK:

Or asleep.

MR. BARRY:

Or asleep.

MR. POWER:

He raised it once.

MS VERGE:

Once! Once!

MR. BARRY:

Once in the last day, that is not a bad average, and I suggested that the minister and her colleagues should be fighting to see that homemakers' pensions are incorporated into our Canada Pensions Act. What is the minister doing on this?

MR. CHAIRMAN:

To that point of order, the hon. the Minister of Justice.

MS VERGE:

Mr. Chairman, what we are talking about now is the rules of the Supreme Court which, as I pointed out, were drafted by a committee of judges and lawyers.

Now, Mr. Chairman, the legal profession is slow to change. The existing rules are nineteenth century English rules. The book that lawyers and judges in this Province carry around containing the rules now in use is a 1916

volume. It is probably not hard to understand, although certainly not to excuse, why the draft rules treated in this bill contain sexist language. If the Leader of the Opposition was so preceptive, perhaps he would have commented on that earlier. It was I who initiated the amendment to remove the sexist lanaguage so that when the new rules are passed and printed in final form, they will contain inclusive language. And I am glad, Mr. Chairman, that I now can go on and say that our Legislative Counsel, who draft our legislation and regulations, are leading all of Canada in getting rid of sexist language and using inclusive language. Our senior Counsel told me only the other day that he has been consulted by the Ontario Legislative Counsel on this issue. Newfoundland is advising Ontario in this area of inclusive language, so that all language may explain that it is the entire population that is being addressed and covered.

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:

Order, please!

MS VERGE:

Mr. Chairman, this administration takes a back seat to no one in the whole country when it comes to using lanuage that respects and recognizes the position of women in this Province.

MR. CHAIRMAN:

Order, please!

MR. BARRY:

It should be for good debate.

MR. CHAIRMAN:

Order, please!

To that point of order. I let the hon. member go on a bit too long there, but to that point of order there is no point of order, just a disagreement between two hon. members.

MR. BARRY:

Was she on a point of order? We are talking on the amendment, are we not?

MR. CHAIRMAN:

No, you got up on a point of order.

MR. BARRY:

I got up on a point of order, and she went on on the amendment.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Chairman, I just rose on a point of order to correct a misstatement by the minister when she said that we had not dealt with issues relating to women. Only in the last day I had been on my feet fighting to see that homemakers' pensions were incorporated as a policy of this administration. The Minister of Finance (Dr. Collins) got up and said, 'No, we cannot support that, because it might cost us a few extra dollars in this Province'.

MR. TULK:

What are you doing about that?

MR. BARRY:

The Minister of Justice, if she is going to remain true to her principles, has to take a stand. She has to tell us if she agrees with the Care Bear Scrooge of this administration. Does she agree with this miserly approach he is taking to issues affecting women, such as homemakers' pensions? Do we not see the same philosophy of

the Finance Minister prevail throughout the entire process of that administration?

MR. TULK:

You have to learn that womens' rights mean more than words. It means more than just words.

MR. BARRY:

Yes, it has to be translated into action. The Government House Leader, naughty, naughty, naughty that he would let this sexist language go in in the first place, and naughty, naughty, naughty Minister of Justice for not picking it up. I compliment our Legislative Counsel who, as the minister has now indicated, is really the person who stumbled upon this, despite the total lack of interest of the Minister of Justice.

MS VERGE:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Mr. Chairman, I do not have to take that. I have already made it plain that it was at my instigation that this amendment is before the House. Obviously the Leader of the Opposition did not even notice the language, since he had ample opportunity to raise the issue earlier in debate and did not.

Motion, that the Committee report having passed Bill No. 38 without amendment, carried.

MR. OTTENHEIMER:

I wanted to make a comment there.

MR. MARSHALL:

I would just observe that I would like the hon. the Leader of the

Opposition to be as nice to me as he is to the Minister of Justice. I do not know why the difference.

MR. OTTENHEIMER:

I wanted to make a comment there.

MR. BARRY:

What are we doing now?

MR. MARSHALL:

We are on Order 23, Bill No. 14.

MR. OTTENHEIMER:

Just before we do that, could I ask a question?

MR. MARSHALL:

No, you cannot.

MR. OTTENHEIMER:

If the Legislative Counsel are so competent in drafting the legislation in non-sexist language, presumably soon they will start on the scripture and then we will have, 'Our person who art in heaven'.

A bill, "An Act Respecting The Assessment Of Property For The Purpose Of The Imposition Of Real Property Taxes By Councils Of Municipalities And School Taxes By School Tax Authorities," (Bill No. 14)

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend The Motor Carrier Act."

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Provide For The Implementation In The Province Of The Convention On The Recognition And Enforcement Of Foreign Arbitral Awards And The Model Law

On International Commercial Arbitration." (Bill No. 42).

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend The Matrimonial Property Act." (Bill No. 47).

MR. BARRY:

Mr. Chairman.

MR. CHAIRMAN (Woodford):

The hon. the Leader of the Opposition.

MR. BARRY:

I guess I should just point out to the Minister of Justice (Ms Verge), she was not here when this came up yesterday, but again a second example, twice in one day, that I addressed the matters of concern to women in the Province, as well as men, in the Matrimonial Property Act and I referred to a letter, which I believe the minister has received, and basically I read it into the record, where it is suggested that the minister has not gone far enough in the amendment. We support the proposed amendment, but the minister has not gone far enough in dealing with the problems arising from the decision of the Newfoundland Supreme Court which says that basically a division of assets must take place if there is an application by the estate of the deceased as well as by the spouse of the deceased.

In the case of a woman, for example, if her husband dies, an application could be made by his estate for a division of properties to which he would have been entitled under the Matrimonial Property Act and this could impose a financial hardship

on the woman who would have to maybe sell or cash an RRSP to try and get money to pay for the percentage of the pension fund to which the deceased spouse's estate was entitled under the laws of intestacy, or other assets, and there might not be money in the hands of the woman to pay the claim of the estate. I wonder why the minister stopped with this amendment and did not proceed with the other amendments which, I understand, a committee of justice and downtown lawyers had discussed and which the minister should be familiar with?

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Mr. Chairman, the letter to which the Leader of the Opposition refers is from a lawyer practicing in the Province. It is a good letter; it sets out a suggestion for a further amendment to the act. The suggestion is rather technical in nature and while I understand this lawyer raised the matter some time ago with one of the department's staff solicitors, because of a change of personnel it only came to my attention through the letter which arrived only a few days ago. It is a matter which warrants consideration and it is something that I will be looking at with a view to putting to the House, in our next Session, further amendments to the act, because I think there are issues, even other than the one raised in that letter, which warrant review and consideration and possible further amendment. The two amendments set out in this bill, however, deal with glaring problems that have been encountered by individuals, by families in the Province over the last few years, since our

Matrimonial Property Act has been in force, and are matters on which there is a broad consensus about the need for amendments and amendments quickly.

So, Mr. Chairman, over all this government concluded that it is best to proceed now with the two amendments set out in this bill and to take more time to consider the points raised in the letter I received last week, to look at other issues addressed in the Matrimonial Property Act, and to consult with women's groups and other people in the Province interested in this subject before we bring to the House of Assembly another bill with further amendments to the Matrimonial Property Act to fine tune it and make it work even better than it has worked already.

Motion, that the Committee report having passed Bill No. 47 without amendment, carried.

A bill, "An Act To Amend The Portability Of Pensions Act." (Bill No. 46).

MR. BARRY:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. BARRY:

Could we have the position of the Minister of Justice now with respect to homemakers' pensions, the portability of them?

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Mr. Chairman, obviously that question is irrelevant to this bill and to this debate.

Motion, that the Committee report having passed Bill No. 46 without amendment, carried.

A bill, "An Act To Amend The City Of St. John's (Loan) Act, 1978." (Bill No. 41).

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend The Registration Of Deeds Act." (Bill No. 44).

Motion, that the Committee report having passed the bill without amendment, carried.

A bill, "An Act To Amend The Local School Tax Act." (Bill No. 43).

MR. CHAIRMAN:  
Shall clause 1 carry?

MR. BAKER:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for Gander.

MR. BAKER:  
Earlier this afternoon, I took ten or fifteen minutes to point out the fact that school tax authorities were unjust, inequitable, led to waste of money, and led to a widening of the gap of opportunity in the educational system between the small and the large schools, and between the poorer and the richer areas of the Province.

I also pointed out, and I have a request of the Government House Leader (Mr. Marshall), earlier today that in a committee meeting, a committee of this House, the committee agreed unanimously that school tax authorities should be done away with and, in that

regard, I would like to ask the Government House Leader if he would agree to a free and open vote on this particular piece of legislation to allow members of his own caucus, who strongly disagree with school tax authorities, to vote the way their conscience dictates and not the way the Government House Leader dictates.

MR. MARSHALL:  
Mr. Chairman.

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

MR. MARSHALL:  
Every vote in the Tory Party is a free vote. Sure we have a free vote. Let us put it to the test now.

MR. CHAIRMAN:  
Shall clause 1 carry?

MR. FENWICK:  
Mr. Chairman.

MR. CHAIRMAN:  
The hon. the member for Menihek.

MR. FENWICK:  
Mr. Chairman, I have been fortunate in being able to speak on this particular bill. We were fortunate to be able to speak on second reading of this particular legislation this afternoon but, since that time, the Minister of Education (Mr. Hearn) has handed me an answer to question 3, which appeared on the Order Paper of April 11, along with his apology that he was not in the House at the time Answers to Questions appeared. The questions at that time were some questions about the school tax authority, and I think it is very appropriate to bring it up here. A lot of it is

information that we have had before. Some of the information is the same.

MR. BARRY:

Have you consulted with your caucus?

SOME HON. MEMBERS:

Hear, hear!

MR. CHAIRMAN:

Order, please!

MR. FENWICK:

Some of the information is similar to that which we obtained during the estimates debates. For example, we have a reconfirmation that the total amount collected in 1985 under the school tax authority was \$23 million, and that there was \$3.3 million in administrative expenses and so on.

But there is some new information that the minister has supplied and I think it is quite relevant to the debate here, especially to the problems that the school tax authorities have had. One of the questions we had in the Committee meetings, the member for Gander would recall, was how much is still outstanding, how much is owed by individuals to school tax authorities all over the Province? According to the figures the minister gave me this afternoon, which we should have tabled and I will table in a minute, it looks like on December 31, 1984 there was \$20,523,582 outstanding and owed at that point. That, hon. members would realize, is almost equal to the amount collected each year.

MR. FLIGHT:

That must be your share and the NDP party's.

MR. CHAIRMAN:

Order, please!

MR. FENWICK:

I will repeat the amount. As of December 31 -

MR. TOBIN:

Who wrote that for you?

MR. FENWICK:

The Minister of Education. As of December 31, 1984 the total amount of taxes receivable and allowance for doubtful accounts amounted to \$20,523,582, about \$20.5 million. Now, considering that the amount collected in 1984 was only \$22.6 million, we are talking about virtually an entire year of arrears.

MR. BAKER:

What was that, over ten years?

MR. FENWICK:

Well, the minister was very good about his figures. The portion of taxes outstanding - that would be the amount owing for the year 1984 - is not the entire \$20 million, but is \$10,331,000. So at least as have as much as what was collected during this year was still outstanding. That is a huge proportion. When you think of it, that is 50 per cent of what was collected. That indicates, obviously, that the school tax authorities are doing an abysmal job in being consistent in their collections, otherwise, they would certainly have a higher proportion than what looks like about two-thirds of the amount that should have been collected for that year.

The other interesting number -

MR. POWER:

(Inaudible)

MR. FENWICK:

I figure it is important to enter it into the record, and it is the appropriate place for it. The last figure is the arrears for 1983 and prior years. In other words, these were debts going back over several years. They amount to almost the same amount, \$10,191,942. So what we see is a consistent record of difficulty in collecting these assessments. Over \$10 million are long term debts.

MR. REID:

You knew that, did you not?

MR. FENWICK:

Well, we did not have the figures before. I think it is important now that we do have the concrete figures for it.

MR. POWER:

Who are we, your 'we' or our 'we'?

MR. FENWICK:

The House did not have the figures before, okay?

What I would like to add as the final argument to the reason that the school tax authorities are an inequitable way of raising taxes is it is obvious here that only about two-thirds of the taxpayers in 1984 paid their full taxes and another third did not. So that introduces a double argument for getting rid of it. First of all, we should use a much higher reliability tax, such as the income tax system or corporate taxes, and, at the same time, it indicates that there is a tremendous variance across the Province with each of these ones that should be done.

Mr. Chairman, since the Minister of Education (Mr. Hearn) was not available this afternoon to table this as an answer to a question,

and I think all members in the House should have access to it, I would suggest that we table the document now so that everybody in the House would be able to have a copy of it. I so table it.

MR. CHAIRMAN:

Shall clause 1 carry?

MR. BAKER:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Gander.

MR. BAKER:

Mr. Chairman, this afternoon I went through a number of figures relating to school tax authorities and the figures that the member for Menihek (Mr. Fenwick) quotes, according to what I have here, are a little bit incorrect. First of all, for taxes outstanding as of December 31, 1984, I have \$2 million more than he has, \$22,588,507. The total current revenue for school boards during that year was \$16 million, and the total taxes levied was \$26,855,051. The amounts the hon. member has do not jibe with all of the official figures that I have for 1984, and have had for some time. So, somewhere in the translation there has been a loss of a few million dollars here and there in the figures. Perhaps the minister can go back and check with the authorities, and so on, and come up with what I think are the correct figures, which I have here?

Motion, that the Committee report having passed Bill No. 43 without amendment, carried.

MR. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Chairman, I move the Committee rise, report progress and ask leave to sit again.

On motion, that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. SPEAKER:

Order, please!

The hon. the member for Humber Valley.

MR. WOODFORD:

Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report having passed Bill Nos. 40, 10, 48, 45, 27, 32, 37, 14, 23, 42, 47, 46, 41, 44 and 43 without amendment, and Bill Nos. 21, 1, 39 and 38 with amendment and ask leave to sit again.

On motion, report received and adopted, Committee ordered to sit again on tomorrow.

On motion, amendments read a first and second time, bills ordered read a third time presently, by leave.

MR. MARSHALL:

Order 3, Bill No. 17

MR. TULK:

Mr. Speaker, on a point of order.

MR. SPEAKER:

A point order, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, this afternoon, after much pressure, I suppose, from the members who sat on the Privileges

and Elections Committee, we had a report filed that dealt with the matter of privilege as raised by the member for Bonavista South (Mr. Morgan). Mr. Speaker, one of the recommendations of the Committee, at the bottom of the page, recommendation f), was, 'No further action is warranted with respect to the above matter.' That, of course, was the matter in regards to the breach of privilege of the member for Bonavista South because we could find no evidence to suggest that there was any wrongdoing.

There was another recommendation, which I would like to read it into the record. 'The failure of the member for Bonavista South to answer questions put by the Committee is an affront to the authority of the House and a deliberate contempt. It is the Committee's opinion that the Member should be compelled to answer these questions or withdraw to dispel the innuendo left by his statements in the House on May 15, 1985. Failure to comply should be dealt with in the appropriate manner by the House.'

Mr. Speaker, I raise that as a point of order because of the fact that the member did make a statement on May 15 in which he said there was a story to tell and which leaves not only an innuendo on a private member of this House but, indeed, leaves innuendo on the whole House itself.

It is very obvious that one of two actions is required here, and that is that the member for Bonavista South (Mr. Morgan) either withdraw his statements saying that he had a story to tell, otherwise he tells the story to the House or the Government House Leader (Mr. Marshall) puts the appropriate



motion. Of course, there are a number of ways that the Government House Leader could put that motion: It could be just a simple statement of confirmation for a breach of privilege, or it could be a motion to censor the individual if the individual fails to withdraw the statement he made.

I would point out to Your Honour that it is a very important matter, because if we are going to allow those kinds of statements to be made in the House about any individual, or about the House itself, and allow them to stand on the record and allow it to drag on so that members can make them and then, perhaps, three or four years afterwards have them dealt with, that is not good enough. We have said in this Committee that there is a breach of privilege and that that should be dealt with by the House immediately. It should be dealt with in whatever way it has to be dealt with, either with the member withdrawing or with the Government House Leader making the appropriate motion to see that the member does withdraw.

So there is a very real breach of privilege. The Government House Leader has attempted today to clear the Order Paper, and he might very well succeed. Between now and six o'clock tomorrow morning the Order Paper might be cleared, but, the point is, if we are going to clear the Order Paper, then let us also clear the outstanding matters that are very pertinent to this House and to its function and, I say to the Government House Leader, either the member withdraws the statement, apologizes to the House and says he made the statement either in the heat of the moment or he backs it up, or the Government House Leader puts the

appropriate motion.

Thank you, Mr. Speaker.

MR. MARSHALL:

Mr. Speaker, I want to speak to this point of order.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Regrettably, I really feel the hon. gentleman is playing politics.

MR. TULK:

No, I am not.

MR. MARSHALL:

He is playing politics with a matter involving very strong feelings and, in my opinion, warranted strong feelings by the hon. the member for Bonavista South.

If we go back over a period of time, we will find that the hon. member for Bonavista South was charged with an offence before the courts and the hon. member for Bonavista South, because the hon. member was a member of this House and a member of the government, suffered in his political career in such a way that I think people in this Province ought to examine themselves as to whether or not they should be the recipients of the type of innuendo and the type of charges that were laid against the hon. member for Bonavista South.

SOME HON. MEMBERS:

He was framed. He was framed.

MR. MARSHALL:

Now, let me tell the hon. gentleman he would be better off if the hon. gentleman addressed the decision that was rendered by

the Chief Judge of the Provincial Court of this Province.

MR. TULK:

What has that got to do with it?

MR. MARSHALL:

It has a lot to do with it.

SOME HON. MEMBERS:

It has nothing to do with it.

SOME HON. MEMBERS:

It has a lot to do with it.

MR. SPEAKER:

Order, please!

MR. MARSHALL:

It involves the privileges of all members of this House and it involved people not in this House necessarily, but people outside. Everybody was interested in condemning the member for Bonavista South and completely condemning a Minister of Fisheries accused of jiggling and what have you.

MR. FLIGHT:

Address the breach of privilege issue.

MR. SPEAKER:

Order, please!

MR. MARSHALL:

Now, Mr. Speaker, I am making a point that is a very valid point.

Nobody, but nobody, in that great enquiring press we have dared to -

MR. OTTENHEIMER:

What enquiring press?

MR. MARSHALL:

- were interested enough in promulgating the independent decision rendered ultimately by the Chief Judge of the Provincial Court of this Province. And what

that Chief Judge said, in effect, was this, that he had listened to the evidence that was adduced -

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

- that he had listened to the evidence that was adduced by the prosecution, by the wardens and he would have, having heard that, automatically dismissed the charge, and he did not even need to hear the evidence that was adduced on the part of the member for Bonavista South (Mr. Morgan), but when he heard the evidence of the member for Bonavista South he realized, in effect, if you can read between the lines, and all these people who are determined and all they want to do is just desecrate people in politics one way or the other, what he said was, Mr. Speaker, that there was not a scintilla of evidence, that the charge should not have been laid in the first place. That is all very well and fine. In the meantime, the member for Bonavista South is acquitted and that is fine, but the member for Bonavista South finds his political career has a little bit of a vibe, a backward vibe with respect to it and I am sure the people in the Province realize what really has happened. I really find it regrettable that the hon. gentleman from Fogo (Mr. Tulk) would bring this up, because the Committee has brought in its recommendations and there are strong feelings involved here. I know the member for Bonavista South, and there are equally strong feelings, I can tell Your Honour, with all of his colleagues on this side of the House about the way in which he was treated.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

I think there is a lesson to be learned from this.

Mr. Speaker, the Committee has brought in its recommendations and, as far as I am concerned, any member, particularly a member who has been scourged like the hon. member for Bonavista South, any member, has the right to disclose or not to disclose matters that affect him. This is nothing, Mr. Speaker, but a difference of opinion between hon. gentleman. I think, moreso than anything else, it evidences the sickness in this Province in the matter of the attitude towards people who are elected politically, in that you are automatically condemned and you are not given the same rights as ordinary citizens of this Province. We have seen it happen to the member for Bonavista South, I have seen it happen before, I saw it happen with Dr. Tom Farrell, when he was subjected again and again to enquiries because the press would not let up, because the public would not let up and what have you. I think, if anything, Mr. Speaker, it is a shame that the hon. member brought this up. As far as I am concerned, Mr. Speaker, I think this should be a lesson to people, that if this kind of stuff goes on in the Province - I mean, the member for Bonavista South (Mr. Morgan) has been acquitted. And not only was he acquitted, but the Chief Judge of this Province turned around and said there was not even enough evidence to bring him into court. I want to ask the question, and I think the press should enquire and the public should enquire, why was he brought into court in the first place?

SOME HON. MEMBERS:

Right on! Right on!

MR. MARSHALL:

That is the question that is before us here. I want to tell the hon. the member for Fogo (Mr. Tulk) that because of the way in which they go on with their playing politics, it could be him next or it could be anyone else next. The fact of the matter is, what happened was utterly and absolutely disgraceful. The member for Bonavista South was acquitted in a court and, not only was he acquitted, he was acquitted on the basis that the Chief Judge of this Province indicated that there was not even enough evidence to bring in the charge in the first place. We sit back, that is fine, we have you 'Jim', we got you in the backbenches and all the rest of it, so let us start off with somebody else or let us look at something else he did. I think it is time that we realize responsibility in the public, responsibility in the press and a certain amount of sensitivity to people who try to serve this Province, as the member for Bonavista South has for a long period of time.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

MR. TULK:

To that point of order, Mr. Speaker.

MR. SPEAKER:

To that point of order, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, what a red herring for the hon. gentleman to drag

into this House. A charge was laid against the member for Bonavista South in a court of law. I know the hon. gentleman is tired, but surely he is not tired enough to have lost the complete use of his senses. What we are talking about here has nothing to do with the charge that was laid against the hon. member for Bonavista South. Let me say to the hon. gentleman that if he wants a public enquiry as to why the member was brought before the court on the charge that he was brought before the court on, we will support him 100 per cent.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

MR. TULK:

If the hon. gentleman needs his memory refreshed, let me tell him that last May 15 - it is amazing how the hon. gentlemen on the other side change their minds. Where is the Premier tonight, I wonder? I can remember the Premier leaning over this desk and agreeing that the member for St. John's North (Mr. J. Carter) should put a motion asking the member for Bonavista South to answer the question, agreeing with this side, and now we see the hon. gentleman standing up and saying something about a court charge. We are not talking about a court charge, we are talking about this House, this Legislature, a breach of privilege. We are talking about a committee report which three of his colleagues from the other side, the member for St. John's North, the member for Port au Port (Mr. Hodder) and the member for Humber Valley (Mr. Woodford) signed, in which we stated that there had been a

breach of privilege by the member for Bonavista South. That is what we are talking about. We are talking about the story that was supposed to be told. His statement was that he was going to tell us a story as to why there was the destruction of his files, leaving all sorts of innuendo and, I might add, pointing a finger, perhaps, at the top echelon of the administration. Not me! Not me! But as a parliamentarian, I have to say to the hon. gentleman that that is not allowed. As the Premier so happily stated last year, it is not allowed. If you make those kinds of statements, you have to back them up. I am disgusted that the hon. gentleman, the member for St. John's East, the man who is supposed to be the purest of pure would come into this Legislature and not only does he come in and question a judge, he gets up and he praises a second judge of the court. What is he saying about the first judge? What is he saying about him? Was he in some way corrupt? Is there no end to which the hon. gentleman will go to play politics? And he accuses me of playing politics! The report is here. The hon. gentleman has been asked to do something. If he wants to clean the House as well as clean the Order Paper, then I would suggest to him that he do one of two things: First of all the member for Bonavista South be required or, at least, requested to answer the question or withdraw it, if he does not, then I would say to the hon. gentleman let us put the appropriate motion and let us have the appropriate debate. Let us have it done.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

I will tell you what the appropriate motion is. The appropriate motion, which I now move, is that the House receives and notes the report of the Committee. That, Mr. Speaker, is all that we need. I have sat in this House for sixteen years and I have seen some travesties that occurred. What happened to the member for Bonavista South probably heads them all, but heading them as well is Dr. Farrell. I have never in my life seen - and I sat in the backbenches when it occurred - such a travesty of justice, a man exposed to double jeopardy not once but twice and three times. He was acquitted on a preliminary enquiry which, as anyone knows in this House, Mr. Speaker, means that there was not even evidence to bring the matter to trial. But that did not satiate the thirst of those people who are constantly bent on destroying our institutions, and what have you, because they think they have something better to offer. The man was persecuted beyond belief. The member for Bonavista South was persecuted beyond belief.

I suggest, Mr. Speaker, to this House that the appropriate motion, which I present to the House now, is that this House receive and note the report. That is enough. It is sufficient and it is complete, as far as this House is concerned. But as far as what has happened to the member for Bonavista South and other people who preceded him, and others who will go in the future, it is an enquiry, I think, that the public and the press and the various people that involved - when

somebody gets involved in public life, Mr. Speaker, as people have from time to time, and everyone in this House has, on the Opposition and in the government, it is not a license for people on the outside to try to tear them apart, try to destroy them in every area that they have been operating in. That is really what has happened.

So I do not need, I do not think, to say anymore except to move that this House receive and note the report.

I say to hon. gentlemen there opposite, and I just caution them as well, and I am doing this, I hope, with good will -

MR. BARRY:

Is this a threat?

MR. MARSHALL:

I am not threatening at all. All I am saying is that it could be the hon. gentlemen, themselves, who could be in this position tomorrow. The fact of the matter is, this was a matter that was very, very sensitive to the hon. member. The hon. member for Bonavista South, obviously, had very strong feelings with respect to it. The Committee has met. It has deliberated over a period of time. Unless the hon. gentlemen want to invite this kind of activity in the future, what I think we should do is just quietly pass the resolution and let the thing be gone.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

Order, please!

We are still speaking on this point of order.

MR. TULK:

No, it is a motion to the House.

MR. SPEAKER:

I have not ruled on the point of order. I must rule there is no point of order.

MR. MARSHALL:

What point of order? I made a motion, Mr. Speaker.

MR. SPEAKER:

I was ruling on the point of order that was raised.

MR. TULK:

Mr. Speaker, I wish to debate the motion.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I do not intend -

MR. MATTHEWS:

You do not intend to stay here all night.

MR. FLIGHT:

We will stay here as long as we want to to debate this motion.

MR. TULK:

There is a motion before the House, Mr. Speaker, to which I want to speak.

MR. SPEAKER:

You are speaking on the motion?

MR. TULK:

Yes.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

As soon as we can have it quiet here, I will speak to the motion. Mr. Speaker, the hon. gentleman on the other side has just, perhaps,

tried to carry out what I would have to call one of the most damning cover-ups that has ever been carried out in this Legislature. As the member for St. John's North (Mr. J. Carter) knows, we, as a Committee, were charged in this House last year, at the insistence of the member for Bonavista South, and he was totally right, to investigate what he considered and what the Speaker established was a prima facie case of breach of privilege.

MR. BARRY:

Who raised the matter? Did we raise it?

MR. TULK:

The matter was raised, as it should be appropriately done, by the member for Bonavista South, in connection with the destruction of his files.

MR. PATTERSON:

Who framed him?

MR. REID:

He was framed by

MR. HISCOCK:

That is what we want to find out.

MR. PATTERSON:

Tell us who framed 'Morgan'.

MR. SPEAKER:

Order, please!

MR. TULK:

Mr. Speaker, either the hon. gentleman will have to be quiet or the Speaker will have to ask to have him removed, because I am trying to make a speech here.

MR. SPEAKER:

Order, please!

MR. TULK:

The Government House Leader rose

in his place and asked that a Committee be struck to investigate certain allegations that were being made. On May 15 the member for Bonavista South rose in his place - and, I might say to this House, the aspersions were not cast upon the Opposition, they were not cast upon myself. As a matter of fact, if there was a finger being pointed, it was being pointed at none other than the senior minister of this government. That was the feeling that was in this Legislature. The Premier surely had that feeling as well as I did, that indeed that was being done. I can recall, at one of our Committee meetings, the member for Bonavista North (Mr. Lush) coming in and putting a motion on the Order Paper that the member for Bonavista South (Mr. Morgan) be required to answer the question. I can recall the Premier of this Province standing over at his desk and saying to the Leader of the Opposition (Mr. Barry) and myself, 'That is the appropriate way to handle it. He should be made to answer the question.'

Mr. Speaker, if I am going to be allowed, or any member is going to be allowed to come into this Legislature - and I do not want to talk about the member for Bonavista South in relation to his court case, that has been dealt with, it has nothing to do with it. Now if somebody wants -

MR. BARRY:

Ask him to get up and explain what he is saying about me framing him.

MR. TULK:

We have heard allegations, for example, tossed across here this evening -

MR. BARRY:

And before.

MR. TULK:

- we heard allegations from the member before, when we were making our way out of this House, that the Leader of the Opposition had been engaged in framing him.

MR. MARSHALL:

I rise on a point of privilege, Mr. Speaker.

MR. SPEAKER:

Order, please!

A point of privilege, the hon. the President of the Council.

MR. MARSHALL:

I want to advise the hon. gentleman that His Honour the Lieutenant-Governor is coming in here at 10:30 p.m., because I had assumed we would get through third readings. In a few moments he will be here, so cannot we put through the third readings, get His Honour to assent to the bills and then carry on this debate afterwards? I mean, I do not want to keep His Honour up until however long it may be.

MR. TULK:

Mr. Speaker, we will, of course, try to accommodate His Honour the Lieutenant-Governor.

MR. MARSHALL:

Can we adjourn this debate now, Mr. Speaker?

MR. BARRY:

He just wants to finish the point he is making.

MR. TULK:

Before I do that, I want to finish a point. We have been subjected -

MR. REID:

That point may go on forever.

MR. TULK:

If the hon. gentleman keeps going the way he is, it will.

In the last couple of days, we have been subjected to accusations being thrown at the Leader of the Opposition that somehow or another he was engaged in framing the member for Bonavista South. About what we are not sure.

MR. BARRY:

We do not know why. We heard it again today.

MR. TULK:

We have heard this evening that somebody on that side wants a public enquiry as to why the member for Bonavista South went to court. At this point, we will do what we have to do. We say to the hon. gentlemen opposite, let us have the public enquiry. Then, again, if the member for Bonavista South has no story to tell, perhaps he will stand up and apologize to the Leader of the Opposition.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

May I say something, Mr. Speaker?

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Maybe we will have a public enquiry, I do not know. At this hour, at 10:30 in the night, His Honour is coming in.

MR. BARRY:

He is here.

MR. MARSHALL:

I feel myself that there are fairly serious infringements of

the rights of the member for Bonavista South and what have you, but I am not going to get into that. Maybe we will, maybe we will not, but I suggest that we are not going to do it tonight. I suggest that we are not going to do it tonight, but why do we not just receive the Committee's report, have the third readings and allow His Honour to assent.

DR. COLLINS:

His Honour is here.

MR. MARSHALL:

Well, I mean, we cannot stop debate if the hon. gentlemen want to debate. But I do not see the point of continuing. I mean, this is the kind of position, I will tell the hon. gentleman, the hon. gentleman or myself or the Minister of Finance (Dr. Collins) or anybody could be in tomorrow. I do not think debate is going to serve myself any real purpose, but I am only one member of a fifty-two member House and we will see. But, first of all, let us get through the third readings and let us not keep His Honour up past twelve o'clock tonight.

MR. BARRY:

But we are coming back to this.

MR. MARSHALL:

Well, that is all right. If that the wish of the House, that is what we will have to do. Do not look at me as if the hon. gentleman is going to throw a karate chop at me or something. This is the House of Assembly and the hon. gentleman -

MR. BARRY:

All that would be needed would be a breath of fresh air and you would be gone.

MR. MARSHALL:



I know that. But, I mean, this is the House of Assembly. Despite the fact the hon. gentleman may think I do, I do not control the House of Assembly, I am only one of fifty-two, okay?

MR. BARRY:

Calm yourself! Calm yourself! We want the undertaking 'Beaton', before doing this, that we will come back to it.

MR. SPEAKER:

Order, please!

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

I stopped the debate because His Honour was waiting and let us have a firm undertaking from the hon. gentleman that we will go through third reading, that we will invite His Honour in to do the business that has to be done, and then we will come back to debate. Otherwise, I am going to continue my debate. Is that agreed?

MR. BARRY:

Is that all right?

MR. MARSHALL:

If the hon. gentleman will sit down, I will respond. Sit down! Sit down!

MR. TULK:

Do not take too long, His Honour is waiting.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

I feel uneasy when the hon. gentleman is standing up.

MR. TULK:

You should, too.

MR. MARSHALL:

Mr. Speaker, I did not make the rules of this House. The rules of this House were made 400, 500, 600 years ago. Mr. Speaker, I am not able to control the rules of this House. I would hope, when we go through the third readings that they will reflect on the realm of good taste in this, but I cannot dictate that to them. But certainly we will come back -

MR. OTTENHEIMER:

Under the rules.

MR. MARSHALL:

- under the rules. What I want to do now, as a courtesy to His Honour the Lieutenant-Governor, the hon. W. Anthony Paddon, is have these bills read a third time, get His Honour in to assent to the bills, and we will do whatever we have to afterwards. Okay?

MR. TULK:

After His Honour has assented to the bills, as Government House Leader you are telling us that this order of business will be called back?

MR. MARSHALL:

Mr. Speaker, I want to tell the hon. gentleman -

MR. TULK:

Do we have that?

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

I do not know whether the hon. gentlemen see Marshall crawling up the wall as a, God help me, wasp or something in the nighttime,

whether they have nightmares -

MR. TULK:

You make a few buzzes.

MR. MARSHALL:

- but, Mr. Speaker, if I had the power that the hon. gentlemen think I have in this House, I will tell you I would exterminate them. I mean, I would utterly exterminate them. But I have to recognize that it is a democracy, that people in the various districts who elected them elected them and I have to respect it. So we will respect that. So, I mean, do not ask me, it is the rules of the House and all that. Let us get on with third readings.

On motion, the following bills were read a third time, ordered passed and their titles be as on the Order Paper.

A bill, "An Act To Amend The Newfoundland And Labrador Housing Corporation Act". (Bill No. 17).

A bill, "An Act To Amend The Social Assistance Act, 1977". (Bill No. 16).

A bill, "An Act To Amend The Marine Institute Act". (Bill No. 19).

A bill, "An Act To Provide For Payment Of Financial Assistance For Students Attending Post-Secondary Educational Institutions". (Bill No. 2).

A bill, "An Act To Amend The Prisons Act, The Royal Newfoundland Constabulary Act And The St. John's Fire Department Act, 1972". (Bill No.12).

A bill, "An Act To Amend The Income Tax Act". (Bill No. 4).

A bill, "An Act To Implement The Convention Between Canada And The United Kingdom Of Great Britain And Northern Ireland Providing For The Reciprocal Recognition And Enforcement Of Judgements In Civil And Commercial Matters". (Bill No. 26).

A bill, "An Act Respecting The Power To Approve By-laws And Regulations Passed By Various Associations Of Professionals". (Bill No. 34).

A bill, "An Act To Amend The Public Service (Pensions) Act". (Bill No. 35).

A bill, "An Act To Amend The Pippy Park Commission Act". (Bill No. 40).

A bill, "An Act To Remove Anomalies And Errors In The Statute Law". (Bill No. 10).

A bill, "An Act To Amend The Leaseholds In St. John's Act". (Bill No. 48).

A bill, "An Act To Amend The Labour Standards Act". (Bill No. 21).

A bill, "An Act To Revise The Law Respecting Insurance Adjusters, Agents And Brokers". (Bill No. 45).

A bill, "An Act To Implement An Agreement Between The Government Of Canada And The Government Of Newfoundland And Labrador On Offshore Petroleum Resource Management And Revenue Sharing". (Bill No. 1)

A bill, "An Act To Amend The Workers' Compensation Act, 1983". (Bill No. 39).

A bill, "An Act To Amend The

Newfoundland Public Service  
Commission Act, 1973". (Bill No.  
27).

A bill, "An Act To Amend The  
Petroleum And Natural Gas Act".  
(Bill No. 32).

A bill, "An Act To Amend The  
Memorial University Act". (Bill  
No. 37).

A bill, "An Act To Revise The  
Judicature Act Respecting The  
Supreme Court And Procedure  
Therein". (Bill No. 38).

A bill, "An Act Respecting The  
Assessment Of Property For The  
Purpose Of The Imposition Of Real  
Property Taxes By Councils Of  
Municipalities And School Taxes By  
School Tax Authorities". (Bill  
No. 14).

A bill, "An Act To Amend The Motor  
Carrier Act". (Bill No. 23).

A bill, "An Act To Provide For The  
Implementation In The Province Of  
The Convention On The Recognition  
And Enforcement Of Foreign  
Arbitral Awards And The Model Law  
On International Commercial  
Arbitration". (Bill No. 42).

A bill, "An Act To Amend The  
Matrimonial Property Act". (Bill  
No. 47).

A bill, "An Act To Amend The  
Portability Of Pensions Act".  
(Bill No. 46).

A bill, "An Act To Amend The City  
Of St. John's (Loan) Act, 1978".  
(Bill No. 48).

A bill, "An Act To Amend The  
Registration Of Deeds Act". (Bill  
No. 44).

MR. MARSHALL:

Order 30, Bill No. 43.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Just briefly, Mr. Speaker. I will  
not prolong debate but, just for  
the edification of those members  
who are new to the House, I think  
it is worthy to note that apart  
from the motion relating to the  
Committee report that we are  
coming back on, this is the first  
occasion since the 1985 election,  
despite the fact that we have had  
a number of sessions of this House  
- we are into our fourth session  
now - that we have seen the  
administration stick to the  
process long enough to complete  
the matters that were on the Order  
Paper. And it is only that we  
decided to show a little sympathy,  
and really just to give our new  
members on this side of the House  
the experience of that delight of  
having that process that we saw  
today, that we have arrived at  
this point. We saw the  
administration, in the past three  
sessions, head for the hills as  
soon as we put the heat on. We  
have decided to co-operate and  
reduce the heat for the moment  
just to let our new members see  
what is meant by finishing the  
Order Paper, finishing the order  
of business in the House of  
Assembly.

We hope that when we come back  
into our Fall session that we will  
see an Order Paper that is not  
just dealing with these routine  
measures.

MR. MARSHALL:

A point of privilege, Mr. Speaker.

MR. SPEAKER:

A point of privilege, the hon. the President of the Council.

MR. MARSHALL:

We are on third reading and there is no debate on third reading except under the prescribed rules of the House. What the hon. gentleman is doing is entering into a general debate. He is obviously out of order, and he has to be asked to take his seat.

MR. BARRY:

Mr. Speaker, to that matter there is no point of privilege. I will not belabour the point. I have a few brief remarks to make, if you want to get the point of privilege out of the way. There is no point of privilege there.

MR. MARSHALL:

There is a point of privilege.

MR. SPEAKER:

There does not appear, to me, to be a point of privilege. We are on third reading of Bill No. 43, and the hon. the Leader of the Opposition seems to be straying very much.

MR. BARRY:

Straying slightly from the topic of the bill, but only to set the context for my remarks, Mr. Speaker, as is normally the case. We understand His Honour is waiting, and we will not prolong the debate. I just want to make the point that when we come back this Fall, we hope that we will see a proper Order Paper. We hope that we will see a schedule of business that will deal with the priorities that should be facing this House, starting with job creation, starting with implementation of the recommendations we hope to see from the Royal Commission on

Employment and Unemployment, starting with legislation -

MR. SPEAKER:

Order, please!

I think the hon. member is not speaking to third reading of this bill, he is making a speech.

MR. BARRY:

I thought it was a pretty good speech, too, Mr. Speaker.

Mr. Speaker, I am closing off my remarks just to say that when we come back for the Fall session, for heaven's sake let us see some legislation. Let us not have the tatters of an Order Paper that has been hanging around now for four sessions, let us let us see a programme of action. I cannot say let us see another five year plan, they are not going to be there long enough, so let us just see a two year plan of job creation for this Province when we come back here in the Fall.

SOME HON. MEMBERS:

Hear, hear!

On motion, A bill, "An Act To Amend The Local School Tax Act", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 43).

SERGEANT-AT-ARMS:

Mr. Speaker, His Honour the Lieutenant-Governor has arrived.

MR. SPEAKER:

Admit His Honour the Lieutenant-Governor.

SERGEANT-AT-ARMS:

It is the wish of His Honour that you all be seated, please!

MR. SPEAKER:

It is my agreeable duty on behalf

of her Majesty's dutiful and loyal subjects, Her Faithful Commons in Newfoundland, to present to Your Honour Bills for the appropriation of Interim, Main and Supplementary Supply granted in the present Session.

A bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred And Eighty-Seven And For Other Purposes Relating To The Public Service. (Bill No. 18).

A bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred And Eighty-Seven And For Other Purposes Relating To The Public Service." (Bill No. 36).

A bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One thousand Nine Hundred And Eighty-Six And For Other Purposes Relating To the Public Service." (Bill No. 49).

Hon. W.A.Paddon  
(Lieutenant-Governor):

In Her Majesty's Name, I thank Her Loyal Subjects, I accept their benevolence, and I assent to these Bills.

MR. SPEAKER:

May it please Your Honour, the General Assembly of the Province has at its present Session passed certain Bills, to which, in the

name and on behalf of the General Assembly, I respectfully request Your Honour's Assent.

A bill, "An Act To Amend The District Court Act, 1976". (Bill No. 9).

A bill, "An Act To Amend The Justices And Other Public Authorities (Protection) Act". (Bill No. 8).

A bill, "An Act To Amend The Queen's Counsel Act". (Bill No. 13).

A bill, "An Act To Amend The Law Society Act, 1977". (Bill No. 11).

A bill, "An Act To Amend The Department Of Justice Act". (Bill No. 7).

A bill, "An Act To Amend The Department Of Environment Act". (Bill No. 3).

A bill, "An Act To Authorize The Raising Of Money By Way Of Loan By The Province". (Bill No. 29).

A bill, "An Act To Revise And Reform The Law Respecting Corporations". (Bill No. 20).

A bill, "An Act To Amend The Farm Development Loan Act". (Bill No. 15).

A bill, "An Act To Amend The Real Estate Trading Act To Provide For The Establishment Of The Real Estate Foundation". (Bill No. 25).

A bill, "An Act To Amend The Embalmers And Funeral Directors Act, 1975". (Bill No. 22).

A bill, "An Act Respecting An Increase Of Certain Pensions". (Bill No. 24).

A bill, "An Act To Amend The Land Development Act". (Bill No. 5).

A bill, "An Act To Amend The Labrador Linerboard Limited Agreement Act, 1979 In Order To Ratify, Confirm And Adopt An Amending Agreement Entered Into Between Her Majesty The Queen In Right Of The Province Represented By The Honourable The Minister Of Forest Resources And Lands And Abitibi-Price Inc.". (Bill No. 6).

A bill, "An Act To Amend The Tobacco Tax Act, 1978 And The Tobacco Tax Act, 1986". (Bill No. 28).

A bill, "An Act To Amend The Retail Sales Tax Act, 1978". (Bill No. 33).

A bill, "An Act To Amend The Loan And Guarantee Act, 1957". (Bill No. 30).

A bill, "An Act To Amend The Local Authority Guarantee Act, 1957". (Bill No. 31).

A bill, "An Act To Amend The Newfoundland And Labrador Housing Corporation Act". (Bill No. 17).

A bill, "An Act To Amend The Social Assistance Act, 1977". (Bill No. 16).

A bill, "An Act To Amend The Marine Institute Act". (Bill No. 19).

A bill, "An Act To Provide For Payment Of Financial Assistance For Students Attending Post-Secondary Educational Institutions". (Bill No. 2).

A bill, "An Act To Amend The Prisons Act, The Royal Newfoundland Constabulary Act And The St. John's Fire Department

Act, 1972". (Bill No. 12).

A bill, "An Act To Amend The Income Tax Act". (Bill No. 4).

A bill, "An Act To Implement The Convention Between Canada And The United Kingdom Of Great Britain And Northern Ireland Providing For The Reciprocal Recognition And Enforcement Of Judgements In Civil And Commercial Matters". (Bill No. 26).

A bill, "An Act Respecting The Power To Approve By-laws And Regulations Passed By Various Associations Of Professionals". (Bill No. 34).

A bill, "An Act To Amend The Public Service (Pensions) Act". (Bill No. 35).

A bill, "An Act To Amend The Pippy Park Commission Act". (Bill No. 40).

A bill, "An Act To Remove Anomalies And Errors In The Statute Law". (Bill No. 10).

A bill, "An Act To Amend The Leaseholds In St. John's Act". (Bill No. 48).

A bill, "An Act To Amend The Labour Standards Act". (Bill No. 21).

A bill, "An Act To Revise the Law Respecting Insurance Adjusters, Agents and Brokers". (Bill No. 45).

A bill, "An Act To Implement An Agreement Between The Government Of Canada And The Government Of Newfoundland And Labrador On Offshore Petroleum Resource Management And Revenue Sharing". (Bill No. 1).

A bill, "An Act To Amend The Workers' Compensation Act, 1983". (Bill No. 39).

A bill, "An Act To Amend The Newfoundland Public Service Commission Act, 1973". (Bill No. 27).

A bill, "An Act To Amend The Petroleum And Natural Gas Act". (Bill No. 32).

A bill, "An Act To Amend The Memorial University Act". (Bill No. 37).

A bill, "An Act To Revise The Judicature Act Respecting The Supreme Court And Procedure Therein". (Bill No. 38).

A bill, "An Act Respecting The Assessment Of Property For The Purpose Of The Imposition Of Real Property Taxes By Councils Of Municipalities And School Taxes By School Tax Authorities". (Bill No. 14).

A bill, "An Act To Amend The Motor Carrier Act". (Bill No. 23).

A bill, "An Act To Provide For The Implementation In The Province Of The Convention On The recognition And Enforcement Of Foreign Arbitral Awards And The Model Law On International Commercial Arbitration". (Bill No. 42).

A bill, "An Act To Amend The Matrimonial Property Act". (Bill No. 47).

A bill, "An Act To Amend The Portability Of Pensions Act". (Bill No. 46).

A bill, "An Act To Amend The City Of St. John's (Loan) Act, 1978". (Bill No. 41).

A bill, "An Act To Amend The Registration Of Deeds Act". (Bill No. 44).

A bill, "An Act To Amend The Local School Tax Act". (Bill No. 43).

Hon. W.A. Paddon

(Lieutenant-Governor):

In Her Majesty's Name, I Assent to these Bills.

Mr. Premier and hon. members of this House, I should just like to wish you a pleasant Summer holiday, a fruitful Autumn and to thank you for the many courtesies shown to me over the past five years.

[Applause]

MR. MARSHALL:

A point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. MARSHALL:

Mr. Speaker, I want to advise the House and advise Your Honour, as Your Honour well knows, that Standing Order 8 provides that "At 11 of the clock p.m., unless the closure rule be then in operation" - of course, there is no closure rule in operation - "the proceedings of any business under consideration shall be interrupted and Mr. Speaker shall adjourn the House without question put, provided that all business not disposed of", etc.

Mr. Speaker, the hon. gentleman has raised a point of debate. I think it is regrettable that he has. There is a motion before the House, the undealt with motion that the report of the Committee of Privileges and Elections be received. Now, I have to choose

my words carefully, but I say that we have rights in this House, the members of government as well as the Opposition, and we are prepared to stop the clock until 11:30 p.m. if there can be agreement from the Opposition that there will be a debate only until 11:30 p.m., and that there will be fifteen minutes given to the Opposition and fifteen minutes given to the government. I am not pushing it down hon. members' throats, and I refer to what I said before: These are rules that have been passed down to us by our forebears many years ago. The hon. gentlemen are entitled to not agree with it and, if they do not agree with it, we will ask Your Honour to leave the Chair at 11:00 p.m. and we will come back tomorrow. But that is the position.

MR. OTTENHEIMER:

We will adjourn until tomorrow.

MR. MARSHALL:

I want to say that every time the Government House Leader gets up they get paranoid and say, 'He is threatening us.' I am not threatening them, I am just saying that we have had a long day and that we have passed the business of the House, and if there is more debate that the hon. gentlemen want, that is fine. But hopefully we can agree civilly to a half hour, we will stop the clock at 11:00 p.m., then at 11:30 p.m. it will still be 11:00 p.m. and we can dispose of the matter. If not, we can come back tomorrow, if that is what the hon. gentlemen want.

MR. TULK:

Mr. Speaker, to that point of order.

MR. SPEAKER:

The hon. the member for Fogo, to that point of order.

MR. TULK:

I do not know what time zone the hon. gentleman is living in, but, as I recall, the clock was stopped at 6:00 p.m. so, really, as the rules of this House go, we are still operating with a stopped clock. I do not know where he has been. There has been nothing to say that the clock was to go on. As far as this House is concerned, it is not now one minute to eleven o'clock, it is still one minute to six, or 5:59 p.m. I do not know what time zone the hon. gentleman is in.

MR. BARRY:

He is five and a half hours off, for one thing.

MR. TULK:

He is five and a half hours off schedule. Having said that, Mr. Speaker, let me say to the hon. gentleman -

MR. BARRY:

He forgot that.

MR. TULK:

You forgot that, did you? Having said that, let me say to the hon. gentleman that this matter is not a matter to be treated lightly.

PREMIER PECKFORD:

We can come back to it.

MR. TULK:

Is the Premier saying that we should come back whenever the House reconvenes and debate this motion again?

PREMIER PECKFORD:

We can spend a couple of weeks on it right now.

MR. TULK:



Will we?

PREMIER PECKFORD:

Do not forget our deal, though.

MR. TULK:

Mr. Speaker, we were about to tell the Premier that we would agree to an eleven-thirty stop but, if you want to go on, fine.

PREMIER PECKFORD:

No, we will come back tomorrow.

MR. TULK:

You will come back tomorrow.

PREMIER PECKFORD:

And the next day and the next day and the next day, if we have to.

MR. TULK:

That is perfectly alright with me. Mr. Speaker, let it be noted that we were about to co-operate with the hon. gentleman and tell him that eleven-thirty we would close off the debate.

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

He wants to come back tomorrow. Come back tomorrow now.

MR. MARSHALL:

Can I interrupt?

MR. TULK:

I am saying we were about to agree.

MR. MARSHALL:

May I sit the hon. gentleman down?

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

The hon. the President of the Council.

MR. MARSHALL:

What I propose is that we stop the clock until eleven-thirty. It is as simple as that. The hon. gentlemen want to debate it and we will debate it. We will debate it on the basis that we will stop the clock until eleven-thirty and provide equal time. The Peckford administration is totally and absolutely for parity, equal time, Mr. Speaker, for the Opposition and equal time for the government.

MR. SPEAKER:

To the point of order, I am inclined to agree that the clock has not been rewound.

MR. TULK:

Let us put the clock ahead five hours. It is now two minutes after eleven. Let us start her up again and we will not stop her at all. We will let her go on for thirty minutes. Then, at the end of thirty minutes, we will put the motion. Is that it? Fifteen minutes each.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, if the hon. gentlemen will be quiet on the other side, fine and dandy, we will have a debate.

MR. SPEAKER:

Order, please!

MR. TULK:

Mr. Speaker, I want to use the ten or fifteen minutes or whatever amount of time I am going to speak to point out to the government, in the hope that we can bring them to their senses, the very seriousness of this matter. It is a serious

matter.

When the Committee met, I can tell this House that we went through some twenty-nine or thirty meetings. The report says twenty-eight meetings but I believe we had a couple even after the first draft of our report. We went through some thirty meetings, some of them late at night, and we called witnesses. I have to say to Your Honour, I have to make this statement, that the conduct - I am not saying anything that is unparliamentary - of the witness for Bonavista South, as every member on the Committee would say, if they stand in this House and tell the truth, left a great deal to be desired. Not only did the hon. gentleman refuse to answer questions, he continually, from the sidelines, made certain comments to witnesses that were already before us. We felt, as a Committee, that that was inappropriate.

I have to say to Your Honour that this Committee is not signed by the member for St. John's North (Mr. J. Carter) and the member for Fogo, it is signed by the five individuals who sat on that Committee. In other words, we have a unanimous report. It took us some time to get that unanimous report, as it should, but we did it.

We ruled, first of all, that the member for Bonavista South's privileges have been breached because of certain tendencies and the destruction of files. We divorced the individual himself, in the case, as had to be done, and we have recommended that no further action be taken in that regard because we could find no evidence that there was intent to destroy the files. As a matter of

fact, one of our great debating points was whether we should name people who were obviously involved or not, but we did.

We did, as parliamentarians, come to the conclusion that you cannot stand in this House, regardless of whether you are the member for Bonavista South, the member for Fogo, the member for Ferryland (Mr. Power), the member for St. John's East (Mr. Marshall), or the member for Green Bay, the Premier, and make statements that cast shadows over members; you cannot stand in this House and cast an innuendo by making a statement which is in Hansard. The member for Bonavista South made this statement:

Speaking of what he perceives as his breach of privilege he said, 'It is the most serious matter I have come across in my years of politics. I know why the files are missing and the story will unfold as to why the files are missing.'

Mr. Speaker, a question was put to the member for Bonavista South and I believe I was the first person to ask the question. It was asked on a number of occasions by the Chairman and it was asked on a number of occasions by other people on the Committee. 'What is the story as to why your files are missing?' The witness refused to answer the question, quite simply refused.

As a matter of fact, at the time that this was going on, there was a great spat going on. It was not a spat. The Chairman was right in his insistence that the member for Bonavista South answer the question. The Chairman was right. Now, we brought this report in the House and it should

be dealt with and we have recommended - the five of us - that if the member for Bonavista South is asked to reply to the question and does not reply, then the House should deal with the matter with the appropriate motion. That is the unanimous report and I would ask other members on the other side to stand by it.

The Government House Leader (Mr. Marshall) this evening came in and started talking about a court case that the member for Bonavista South was involved in. I have to say to the Government House Leader that I know nothing about that court case. The most I know about it is that I saw the member for Bonavista South on television one evening saying that he had tendered his resignation to the Premier as Minister of Fisheries because he felt that to stay on would be an embarrassment to the government. I think those were his words.

Now we have the Government House Leader coming in and telling us that that is somehow connected with what went on here. Now that, in itself, is a form of innuendo. In fact, it has nothing to do with what went on here, absolutely nothing. It is a red herring that the Government House Leader (Mr. Marshall) cannot use to cover up the facts because of what has gone on in the last year. We might as well call a spade a spade. What has gone on in the last year?

The member for Bonavista South (Mr. Morgan) last year was in a fury with the Premier. This year he is trying to get back in his good graces and they are trying to cover up the political rift that was there last year. That is fine. If they want to cover up

their political differences, that is fine. It is nothing to me. But it is not fine for the Government House Leader to come in here and for the member for Bonavista South to be allowed to make that statement and to get away with it, to take a Committee on Elections and Privileges and throw it to one side and then to say, "Let us forget it, let us bury the hatchet." It cannot be done. It should not be done. Of course, it can be done.

The motion that is before us now, when it is voted on by the majority of government members, will carry and that will be the end of the report. But the fact of the matter is, and the member for St. John's North (Mr. J. Carter) knows this as well as I do, the Government House Leader will have done not only a disservice to the member for Fogo and the member for Windsor-Buchans (Mr. Flight), he will have done a disservice to three members on the other side, the member for St. John's North, the member for Port au Port (Mr. Hodder), and the member for Humber Valley (Mr. Woodford) who concurred in this report. Even more importantly, he will have done a disservice to this House by allowing a member to stand in this House and not substantiate charges that he made. That is shameful and should not be allowed to happen.

Mr. Speaker, the member for St. John's North used this last year in presenting his motion. If you want to use it, in Beausheve on page 200 there is a clear indication that every witness that is called before a select or a special committee of the House must answer questions put to them, and the member for St. John's North last Fall or last Spring,

whenever it was, when he put his motion, clearly indicated that that was the case. So I find, I have to say to you, that the defence that was given for the member for Bonavista South this evening was disgusting and disgraceful. It was not worthy of any member of this House, let alone the person who proposes to be the Government House Leader.

We cannot allow members to come in and make the kind of statements that were made on May 15 in this House last year. It cannot be allowed! We have heard from the same member the same kind of comment made within the last week when he accused the Leader of the Opposition of being somehow involved in a frame up. He accused him of framing him, for what, we have never been told. We heard it again this evening in this House, members saying, "What part did you have in the frame up?" We heard it from several members on the other side.

Mr. Speaker, that cannot be allowed to continue.

MR. BARRY:

Let us have an enquiry.

MR. TULK:

Somebody on the other side said, 'Let us have a public enquiry.' We would welcome it. If the member for Bonavista South is going to again be allowed to make that kind of statement, then we say, yes, let us have a public enquiry because it is very obvious that a committee -

MR. MARSHALL:

Sit down 'boy'.

MR. TULK:

Go back under your rock, 'William'! It is very obvious

that if you are going to have any justice or if you are going to have any order in this place, you cannot leave it to the Government House Leader. You cannot leave it to government because their own members are now being told that what you have said here should not have been said and that we will take no action on this breach of privilege that we, as a committee, have said exists for the member for Bonavista South. We want to bury the hatchet for political reasons, and while politics is the game of everybody in this House, Mr. Speaker, there is also another role for people in this House and that is to be a parliamentarian.

Mr. Speaker, I would say to the Government House Leader and I would say to the member for Bonavista South that if the Premier believes or if the government believes, as said by the Government House Leader this evening, that in his case in court last year he was so miserably charged and that he was done a great injustice, then I would say to the Premier that the proper place for him now to put the member for Bonavista South is back in the Cabinet, if he wants to live up to that. Put him back in the Cabinet, if he was done such an great injustice.

I have no personal axe to grind with the member for Bonavista South and I do not believe any other member of the Committee has. The Committee has made a representation to this House which goes to the very core of this House. The government should deal with it, forgetting the individual for Bonavista South, forgetting the person. We are talking about a breach of privilege and it cannot be allowed to go on.

The next time that we meet in this Chamber with the Minister of Forest Resources and Lands (Mr. Simms), if he wants to, if this is allowed to go on, he can stand in his place and say to any member of the House, 'I know why you did what you did. It was rotten and one of those days the story will come out.' That cannot be allowed to continue.

I could stand up tomorrow, if we were in this legislature, look at the Minister of Education (Mr. Hearn) and impute any kind of motive about his character that I wanted to impute, if we are to follow the line of the Government House Leader. If precedent means anything, I would be allowed to sit in my seat after a Committee on Elections and Privileges had reported and say nothing, do nothing. That is what this charade that was put on by the Government House Leader this evening means.

Mr. Speaker, I will tell you that I feel sorry for this government because I think they will carry the motion on the report they received and that will be the end of it. I say to the hon. gentleman from St. John's East that that will not be the end of it, that there will be rulings that Your Honour will have to make, that the Chair will have to make, that will be clearly tied to what this committee recommended be done and that he is tying the hands of Your Honour on in so doing.

I ask him, as a member who has served in this House and as a member, I suppose, who hopes to keep serving in this House, to reconsider, to take the appropriate action and to take it now.

Thank you, Mr. Speaker.

MR. BARRY:  
Excellent! Excellent!

SOME HON. MEMBERS:  
Hear, hear!

MR. MORGAN:  
Mr. Speaker.

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

MR. MORGAN:  
Mr. Speaker, first of all, may I say that I guess when I stood some months ago, a year and a half or two years ago, and raised a point of privilege in this House, I think history was established because it was the first time in this Assembly, despite all the points of privilege ever raised in this House, that it was established as a prima facie case of a breach of privilege. That is history in the making in this Assembly.

I recall saying at the time that I was speaking not only as an individual member but for the sake of the protection of all members in dealing with the protection of files of individual members of the House of Assembly.

I asked for an investigation by the House and the House chose, Mr. Speaker, through Your guidance, to appoint a Committee to investigate the whole matter. That Committee filed its report today and its report and a motion to deal with it are now before the House.

What I have to say as a politician I have always said outside the House, as well as inside the House. That has always been maintained.

MR. TULK:  
You are a liar.

MR. PEACH:  
He is not.

MR. MORGAN:  
The record will show that.

MR. BARRY:  
What is the reference?

MR. SPEAKER:  
Order, please!

MR. MORGAN:  
Mr. Speaker, I ask for silence. The hon. gentleman may smart a little while in his chair wondering what I am going to say tonight. He may sit there and try to interrupt what I am going to say. He has good reason to wonder what I am going to say tonight. He has good reason to wonder why tonight!

AN HON. MEMBER:  
Give it to him.

SOME HON. MEMBERS:  
Oh, oh!

MR. MORGAN:  
Mr. Speaker, I ask for silence.

MR. SPEAKER:  
Order, please!

MR. MORGAN:  
Now, Mr. Speaker, the fact is that a precedent was set, a Committee established and the report has now said that they are dealing with a precedent-setting situation. It is unknown to them. Never before have they had to make a ruling dealing with the loss of files of an elected member of Parliament anywhere in the Commonwealth, in fact, anywhere in the world. So it is precedent-setting.

They have made a report. They have said that my privileges as a member of the House of Assembly were indeed breached. They said also that there was no indication or evidence of wrongdoing and they made recommendations. All of that, Mr. Speaker, as I said through the media, I accept. I accept there was no evidence of wrongdoing, I accept the fact that my privileges were indeed breached, as I maintained when I rose some months ago on a point of privilege and it was established, as I mentioned, as a prima facie case.

But, Mr. Speaker, any member of this House - and we are all peers in this House - one of these days may have to go through what I have gone through as a politician for the last two years. And let us face it, let us look back at the facts. I was wrongly charged, I say, by the court, wrongly charged, no evidence to charge me.

SOME HON. MEMBERS:  
Oh, oh!

MR. SPEAKER:  
Order, please!

MR. MORGAN:  
It all linked into my personal role as a politician and a member of this House. Wrongly charged! Wrongly charged!

The Opposition, well, they attempt is to try to further humiliate the member for Bonavista South and try to destroy him. Now, Mr. Speaker, I chose to resign as a minister of the Crown in this government and I made the right decision at the time, later to be proven through the courts and acquitted, vindicated, because I was wrongly charged.

MR. BARRY:

Is that relevant?

MR. MORGAN:

Then I learned, Mr. Speaker, that my files were destroyed as well. My files were all gone. Did I not have the right to ask in this House why my files were gone? And I did, Mr. Speaker. The Committee has answered the question. There was indeed a breach of my privileges. They dealt with the issue.

Mr. Speaker, let not the Opposition try to hide behind a curtain by saying, 'Oh, let us have a public enquiry as to all the doings of the hon. member for Bonavista South and what has happened to him in the last year and a half, two years'. Oh, they have the nerve to stand and say, 'Let us have a public enquiry'!

Why was I brought to the courts and wrongly charged? Who was involved in the process?

MR. FLIGHT:

A point of order, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. MORGAN:

Let me pose some questions of my own tonight.

MR. FLIGHT:

A point of order, Mr. Speaker.

MR. MORGAN:

You hear me out now. You cannot take it.

MR. SPEAKER:

A point of order, the hon. the member for Windsor - Buchans.

MR. FLIGHT:

Mr. Speaker, I was a member of that Committee and the member's first conviction or his later acquittal has nothing to do with the debate on the floor, Mr. Speaker, and he knows it. We are debating the recommendations in the report, Mr. Speaker, and it has nothing to do with the member's conviction or his later acquittal, which we were all pleased about.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

I want to respond to that. There has been no more serious motion before this House than is before this House right now. For fifteen minutes we sat in this House and we listened to the member for Fogo, which was his prerogative, make a speech. I think that this is a very sensitive matter. It is a matter that I have already expressed myself on and I am sure I have expressed myself on on behalf of the government. I really feel, Mr. Speaker, that it is not a point of order and I really feel, in all fairness to the member for Bonavista South - I hope it is not the member for Mount Scio (Mr. Barry), the member for St. Barbe (Mr. Furey) or the member for Bellevue (Mr. Callan) - that he is entitled to respond and he should respond without interruption. What he may say may not please the hon. gentlemen but he should be able to express himself without interruption.

MR. FLIGHT:

It is irrelevant.

MR. MARSHALL:  
Never mind that. Never mind that. Come on now.

MR. SPEAKER:  
Order, please!

There is no point of order. I think it was agreed that one side would speak for quarter of an hour and the other would speak for another quarter of an hour. There was not any limitation on the particular type of debate.

SOME HON. MEMBERS:  
Oh, oh!

MR. SPEAKER:  
Order, please!

The hon. the member for Bonavista South.

MR. MORGAN:  
Mr. Speaker, I will try to control the emotions that have built up for the last eighteen months or more inside of me as a politician. I will try to control that emotion. The fact is that the Opposition's attempt tonight is for me to answer questions, and the motion put forward, in their opinion, is that I should be compelled to answer these questions. Well, Mr. Speaker, in what has been happening to me in the last year or two there are many compelling questions to be answered - not only about my files - but many compelling questions to be answered, begging to be answered: Who was involved and to what extent, in wrongly charging me and bringing me to court? What was the process taken in laying wrong charges against me? Nobody has bothered to pursue the decision of the courts and to read the Chief Judge's decision and what he had to say about the whole matter.

I said, Mr. Speaker, last week, and I say it again, I am never going to stand inside the curtain of immunity as a member of this House. Whatever I say as a politician I will say outside the House if it involves an individual member in the Opposition -

MR. BARRY:  
When are you starting, tonight?

MR. MORGAN:  
- or two or three or four or however many, I will say it outside the House. What I said last week, Mr. Speaker, I said outside of the confines of this sitting Assembly. The hon. Speaker had left the Chair. I said it fully knowing the consequences. What I said I will say again, and when I say it I will say it on my terms as to when and where.

SOME HON. MEMBERS:  
Hear, hear!

MR. MORGAN:  
To members of the Opposition over there tonight, many of whom who are my good friends - I can look in their faces and know they have been friends of mine over the years - I can tonight, before I sit down, gentlemen, one of these days I am going to call to talk to you individually. I am sure, as members of this House of Assembly, the actions that were taken and the actions employed by certain Opposition members of this House, as it pertains to my charge of illegal salmon fishing, many of you good Newfoundlanders would frown on, number one, and be ashamed of, number two.

MR. BARRY:  
Nobody over here.

MR. MORGAN:



I am sure of that, I am confident of that. Any member of this House who was involved in trying to discredit another member of this House of Assembly, through the means of trying to destroy them in that way when they could not destroy them openly in the open fields of politicians, but had to go behind the kind of tactics used to try to destroy them not only as a politician but almost destroyed me as an individual, Mr. Speaker -

MR. CALLAN:

A load of tripe!

MR. MORGAN:

I chose not to. Mr. Speaker, for a while a number of months ago -

MR. BARRY:

A point of privilege, Mr. Speaker.

MR. SPEAKER:

Order, please!

A point of privilege, the hon. the Leader of the Opposition.

MR. BARRY:

On a matter of privilege, Mr. Speaker. We are running out of time tonight and I see the tactic of the member for Bonavista South, which is the sneaky innuendo that he has become a master of.

MR. TOBIN:

He cannot hold a back seat to you though.

MR. BARRY:

The member made certain accusations with respect to me. I, Mr. Speaker, honestly thought that he was overwrought and had lost control of both his emotions and his senses when he made them, or else somebody is playing a very cruel game with that member. Now, if the member believes he is not protected by parliamentary

immunity, he would have no reservation about repeating that statement outside this House. But, Mr. Speaker, let me say for the record in this House believing that I should resign if I say anything untruthful in this House, unlike members opposite, if the member thinks for some strange perverted reason that I or any other member on this side of the House -

MR. PATTERSON:

He is taking up your time, 'Jim'. You are afraid of him.

MR. SPEAKER:

Order, please!

MR. BARRY:

I will give him extra time. If the member thinks for some perverted reason that I, or any other member on this side of the House, had anything to do with charges being laid, the member should go see a psychiatrist because it is untrue. Mr. Speaker, the member went on for a long time with respect to another leader of this party, where he engaged in the lowest form of innuendo and never had the courage, Mr. Speaker, to say what he was saying in public where it could be dealt with publicly. But let me say, Mr. Speaker, that the member is engaging in a similar tactic right now, but he should know, Mr. Speaker, that he will not -

MR. MORGAN:

A point of order.

MR. PATTERSON:

A point of order, boy. You are taking up the man's time.

MR. MORGAN:

You are wasting my time.

MR. BARRY:

We will give you extra time. Let the member know and let him have the courage to say what he has to say -

MR. PATTERSON:

You are scared. You are yellow.

MR. SPEAKER:

Order, please!

MR. PATTERSON:

And if, Mr. Speaker, the member wishes to stand and ask for an enquiry into his allegations, as I have said, as the Opposition House Leader (Mr. Tulk) has said and I confirm, we will be happy, Mr. Speaker, to enter into any such enquiry because the member is totally out to lunch.

MR. MARSHALL:

To that point of privilege, Mr. Speaker.

MR. SPEAKER:

To that point of privilege, the hon. the President of the Council.

MR. MARSHALL:

I really do not know why the hon. the Leader of the Opposition should get so exercised and why he should get -

MR. MORGAN:

Did I mention his name?

MR. MARSHALL:

I do not think the hon. member mentioned his name at all. Now I am going to say that the hon. gentleman may think he is on the griddle every time, every moment, over every word that is exhibited in this House. But the person who has been affected mostly by this matter that is before the House, in a matter that I think requires certain enquiries - if not public enquiries certainly enquiries by

people publicly - is the member for Bonavista South. I keep referring to him as a minister and I think that is prophetic. Because the fact of the matter is the member was a minister but because he was unjustly accused, although he was acquitted, he is no longer a minister, and that in my mind, Mr. Speaker, is a tragedy.

MR. BARRY:

But we expected to see -

MR. MARSHALL:

Never mind, King Leopold. The fact of the matter is that all the media in this Province was concerned with was frying the member for Bonavista South, and I have not yet seen any analysis of the decision of Chief Judge Scott, and I would like to see an analysis of it. And perhaps we could, in this Province, enquire as to whether or not you are going to get people in public life if the process of it all is to fry them and to condemn in the way that the member for Bonavista South has been condemned and has been shown to be condemned. Now, to the hon. gentleman. It is not a point of order, it is 11:30 p.m. I think we can go on for another two or three minutes but I think we agreed to call it 11:00 p.m.

MR. MORGAN:

Mr. Speaker.

MR. SPEAKER:

Order, please! Order, please!

To that point of privilege, there is no prima facie case. The hon. the Leader of the Opposition took the opportunity of explaining his point of view. The hon. the Leader of the Opposition suggested that the member should have ample time. If that is agreeable I will

suggest that the hon. member has five minutes left.

The hon. the member for Bonavista South.

MR. MORGAN:

Mr. Speaker, I will not take up the time of the House and I will give you the reason why: As I said earlier, anything I am going to have to say with regards to members of the House of Assembly I will have the courage of my convictions and say them outside this House and they will be said.

SOME HON. MEMBERS:

Hear, hear!

MR. MORGAN:

So, I am not going to waste the time of this House. I merely close up by saying, Mr. Speaker, next month or next year or five years it could be any member of this House of Assembly who finds themselves standing to try to establish a prima facie case of a breach of privilege, so it is a very important matter. So, I think I am at least entitled to comment on the results of the investigation. I will say again, as I say this afternoon publicly, I have accepted the report of the Committee. I have accepted that. Anything further I have to say on that matter, and other matters that involved me personally for the last two years, will be said outside the immunity of this House and I will suffer the consequences accordingly.

Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

Order, please!

The hon. the President of the Council.

MR. MARSHALL:

In accordance with the agreement, Mr. Speaker, I move that the motion be now put.

On motion, report received.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Now, Mr. Speaker, I have a motion to put for the adjournment of the House, and it is as follows: -

MR. BARRY:

It is debatable, I think, is it not?

MR. MARSHALL:

If the hon. gentleman wants to debate it that is fine he can debate it tomorrow. It is now 11:00 p.m. In accordance with the rules: Be it resolved that when this House adjourns today it stands adjourned until the call of the Chair. It shall be understood that the call of the Chair shall be conclusively evident when it appears to the satisfaction of Mr. Speaker, or in the case of his absence from the Province the Chairman of Committees, after consultation with Her Majesty's government that the House shall meet the Speaker, or in his absence the Chairman of Committees, may give notice that he is so satisfied and thereupon the House shall meet at the time stated by the notice.

The reason, Mr. Speaker, for this particular type of notice is this: As far as the government is concerned we may have a Session in the Fall. Obviously, you do not have a Session for the sake of a Session, but you have a Session if it is necessary for the transacting of government business. So, we will have one in the Fall, Mr. Speaker, if it is necessary. But, in the meantime, the way the House shall stand adjourned is not in the normal way at all. The way in which it will be adjourned is that we have gotten through that magnificent Atlantic Accord, we got through the Corporations Act, we got through the Judicature Act, which reforms the Supreme Court, we have got through the Real Estate Trading Act, we got through forty-eight pieces of legislation. I thank the hon. gentlemen for their assistance, I wish them well for the Summer.

That is the motion, Your Honour, before the Chair. So if the hon. gentlemen wish to debate it they can debate it, but I would think it should be debated on tomorrow.

MR. BARRY:

Just briefly, Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

It is obvious that as far as government business is concerned there was very little debate and very little to debate. We saw for the last four Sessions of this House a total shambles of an Order Paper.

MR. MARSHALL:

There has only been two Sessions.

MR. BARRY:

Let us see now. We met right after the election, within a few weeks after the election, and we ran for several months, and then we came back in the Fall, Mr. Speaker.

MR. MARSHALL:

But it was the same Session.

MR. BARRY:

Oh, yes. The same Session, but we are talking 'sitting' Session. The members should check their Standing Orders. The members should look at the Standing Orders, Mr. Speaker, and look at their definitions.

We sat last November. Now, in both of those Sessions they cut and they ran, they hoisted their tails and ran, Mr. Speaker, brought in closure to cut off debate in this House. Then February they called a special Session to do the Atlantic Accord, a special Session, and then they cut and ran to try and cut their losses. Mr. Speaker, they discovered that they could run but they could not hide. Then we come back into the House but we come back again with a very puny Order Paper. We come back with an Order Paper which consists of the Atlantic Accord and the Petroleum Bill, which was on in the February Session, which was debated extensively in February, and nothing else, virtually, except routine house-keeping matters. Now, we put the administration on notice that there will be an Order Paper ready for debate in the Fall, Mr. Speaker. Because if there are no ideas to come from the administration, if there are no ideas left on that side of the House, they will come from this side of the House and we will set the agenda.

SOME HON. MEMBERS:  
Hear, hear!

MR. BARRY:  
We are going to start, Mr. Speaker

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

MR. SPEAKER:  
A point of privilege, the hon. the President of the Council.

MR. MARSHALL:  
Apart from the fact that it is eleven o'clock, I have to say there is a great divergence between myself and the Premier. I have told the Premier that really what we should do is we should sit all Summer, all Fall and all Winter, and have the hon. the Leader of the Opposition exhibit himself the way that he has before the public and we would not have, Mr. Speaker, to wage a campaign. Why do you not sit down and give it up, 'Leopold'?

MR. SPEAKER:  
That is not a point of privilege.

The hon. the Leader of the Opposition.

MR. BARRY:  
Mr. Speaker, as I was saying, if the administration is not able to put together a better Order Paper than they have put together for this session we will probably have our own printed, Mr. Speaker, and pass it to them. We will pass it in, I would say, mid-October. During the Summer, Mr. Speaker, we are going to start off with a task force on small business and we are going to see ideas, Mr. Speaker, generated for job creation utilizing the entrepreneurial spirit of small business in this Province.

SOME HON. MEMBERS:  
Hear, hear!

MR. BARRY:  
When we get that one done, Mr. Speaker, we should be ready to put forward our proposal for the commencement of Hibernia, because I am sure we are not going to hear members on that side proceed with that.

SOME HON. MEMBERS:  
Hear, hear!

MR. BARRY:  
When we finish with that, Mr. Speaker, we are going to be ready to have our proposal for the development of Labrador power, because, again, we are not going to see it from members on that side of the House.

SOME HON. MEMBERS:  
Hear, hear!

MR. BARRY:  
We are going to be ready to implement the recommendations of the Royal Commission on Employment and Unemployment, Mr. Speaker.

SOME HON. MEMBERS:  
Hear, hear!

MR. BARRY:  
We are going to be ready to make proposals for those issues that directly affect women in this Province that have been ignored.

SOME HON. MEMBERS:  
Hear, hear!

MR. BARRY:  
We are going to put forward recommendations for jobs for young people, Mr. Speaker.

SOME HON. MEMBERS:  
Hear, hear!

MR. MARSHALL:

A point of privilege, Mr. Speaker.

MR. SPEAKER:

Order, please!

A point of privilege, the hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, it is eleven o'clock. I do not know whether we have to be subjected to the rantings of the hon. gentleman, but could he give us a time frame of how long he is going to get on with this?

MR. BARRY:

A couple of minutes.

MR. MARSHALL:

Oh, a couple of minutes. Okay. We will allow the hon. gentleman to go with one or two rants, and then, Mr. Speaker, we will get the little fellow with the nets to come and take the hon. gentleman away and give a blessed relief to the House and the people of the Province.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, we are going to come back in the Fall and fight for justice for those NAPE employees who have been shafted.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker, we are going to come back and fight for jurisdiction for this Province in fisheries management.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

We are going to point out that the Government of Canada, Mr. Speaker, several weeks ago issued a press release indicating that they were giving the Inuit people North of 60 -

MR. MARSHALL:

Come on!

MR. BARRY:

Members should listen to this. The Government of Canada has given the Inuit people North of 60 the right to participate -

SOME HON. MEMBERS:

Come back tomorrow!

MR. SPEAKER:

Order, please!

MR. BARRY:

Just briefly, Mr. Speaker.

MR. SIMMS:

How briefly is briefly?

MR. BARRY:

Well, it will take a little longer, then, I guess.

MR. SPEAKER:

Order, please!

MR. BARRY:

The Government of Canada has given the Inuit people North of 60 the right to participate in management decisions affecting the fishery. The question that should be raised by this administration, which we were waiting for, were amazed they have not raised, is why would the Government of Canada not give similar rights to the Province of Newfoundland as they give to the Inuit North of 60 to participate in management decisions with respect to the offshore fishery? Why would they not do that and why has the Newfoundland Minister of

Fisheries (Mr. Rideout) not been fighting for that same involvement in fisheries management that the Inuit people have North of 60?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

MR. BARRY:

Mr. Speaker, I would like to end on this positive note. There should be, in fact, a bouquet thrown over to certain ministers on that side of the House. I think one should go to the Minister of Labour (Mr. Blanchard), and we should not let the session close without giving credit where credit is due. The Minister of Labour in the last session got up and acknowledged that the Liberal Opposition made a good point for having an independent appeals tribunal for the Workers' Compensation Bill.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Remember our private members' resolution? The minister got up and said he would act on it and came in in this session and acted on it and that was progress.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker, some credit should be given to the Premier of the Province. The Premier, only in the last couple of days, got up, Mr. Speaker, and acknowledged that he would listen to the argument of the Opposition with respect to approaching negotiations on Labrador power as a package deal.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Again, Mr. Speaker, progress is being made slowly. We have got to fight inch by inch and row by row, Mr. Speaker, but we finally get the message through and they listened and we have to compliment members -

MR. MARSHALL:

A point of order, Mr. Speaker.

MR. SPEAKER:

Order, please!

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

MR. MARSHALL:

I do not know how long the hon. gentleman is going to speak, but I would like to know whether the adjournment motion is going to overtake him before the little fellows with the white coats and the nets.

MR. BARRY:

There is no point of order.

MR. SPEAKER:

I understood the hon. Leader of the Opposition was cluing up.

MR. BARRY:

I am.

MR. SPEAKER:

There is no point of order.

MR. BARRY:

Mr. Speaker, some credit, very, very little because he was not given much choice, should be given to the Minister of corporate affairs for finally listening to the member for St. Barbe (Mr. Furey), the Opposition consumer critic, and acting on the recommendation that an enquiry

with respect to petroleum prices be set up.

SOME HON. MEMBERS:  
Hear, hear!

MR. BARRY:  
Some credit, Mr. Speaker, should be given to the Minister of Fisheries (Mr. Rideout), before he leaves for finally accepting - I knew that would get him out of his den - for finally listening to the Liberal Opposition and adopting our position that there should be better surveillance for the offshore fishery to protect our fishery resources.

SOME HON. MEMBERS:  
Hear, hear!

MR. BARRY:  
Mr. Speaker, some credit should be given to the Minister of Fisheries for adopting our recommendation that we should ensure a better quota for vessels over sixty-five feet.

And finally, Mr. Speaker, credit should be given to the Premier, most of all, for finally acknowledging that what we have been saying on this side of the House is absolutely correct and that he was bluffing and misleading the people of the Province with respect to the constitutional protection of the railway for the last seven years.

SOME HON. MEMBERS:  
Hear, hear!

MR. TULK:  
What a speech! What a speech!

MR. SPEAKER:  
Order, please!

The motion is that we adjourn.

All those in favour, "aye".

SOME HON. MEMBERS:  
Aye.

MR. SPEAKER:  
Those against, "nay".

Carried.

The House stands adjourned.