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VERBATIM REPORT
(Hansard)

Speaker: Honourable Patrick McNicholas

Wednesday

19 March 1986

The House met at 3:00 p.m.

MR. SPEAKER (McNicholas):
Order, please!

Statements by Ministers

MR. WINDSOR:
Mr. Speaker.

MR. SPEAKER:
The hon. the President of Treasury Board.

SOME HON. MEMBERS:
Hear, hear!

MR. WINDSOR:
Mr. Speaker, I am pleased to announce to the hon. House that a tentative agreement has been reached with the Newfoundland Association of Public Employees covering correctional officers, or warders, employed in penitentiaries across this Province.

SOME HON. MEMBERS:
Hear, hear!

MR. WINDSOR:
The tentative agreement will be now presented to the membership for ratification, after which further details will be made available.

I believe it is important to note that this agreement has been reached with NAPE, notwithstanding the current labour dispute and the unlawful work stoppage by NAPE employees. When the details are made public, Mr. Speaker, it will show once again that government is quite able to reach reasonable collective agreements with its employees. As I have noted on previous occasions, this government has had some

considerable success in negotiating collective agreements in the public sector over the past several months.

I would like to take this opportunity once more to request that Maintenance and Operational Services and General Service employees cease their unlawful work stoppage and return to the work place and to the bargaining table so that the normal job of negotiating an agreement can resume.

SOME HON. MEMBERS:
Hear, hear!

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

MR. FLIGHT:
Mr. Speaker, I first want to thank the minister for his decency and courtesy in passing me a copy of his statement before he made it. However, I would like to tell the House, Mr. Speaker, through you that this side welcomes the news that a settlement has been reached with that particular unit of NAPE. I would say to that minister who just made the statement that if, when the MOS strike started, his comments were as conciliatory as the ones he just made, we may now have a settlement in the NAPE and MOS situation. If we had not had inflammatory comments coming from that particular minister, Mr. Speaker, and other ministers of the administration, we may not have the demonstrations that we are seeing around this Province today. Somebody may be very critical of my making this comment but I think it needs to be said, it is indicative and it is very, very coincidental that the settlement which has been made has

been made with the jails of this Province, when this past three or four days we have seen police out arresting strikers, while the media and people who are concerned are wondering where these people are going to spend their time. Maybe, Mr. Speaker, there is an ulterior motive in making sure we have a settlement with the jailers.

Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

Before calling for Oral Questions I would like to make a few comments. I think all hon. members would agree with me when I say that the House cannot properly conduct its affairs unless members are prepared to conduct themselves in an orderly fashion. Since we are beginning a new session, I think it appropriate to call on all hon. members to reacquaint themselves with the rules governing the conduct of the business of the House, and I would like to say that I intend to enforce our rules more strictly than I did in the last session.

I would just like to make a few comments on Oral Questions. It is the time, as we all know, for the Opposition to ask questions and for the government to answer. A few observations from Beauchesne, Page 132, section 359 (1) and (2): "It must be a question, not an expression of an opinion, representation, argumentation, nor debate." Number (2): "The question must be brief. A preamble need not exceed one carefully drawn sentence. A long preamble on a long question takes an unfair share of time and

provokes the same sort of reply. A supplementary question should need no preamble."

Our own Standing Order 31 (d), page 10, states, "Oral Questions must not be prefaced by the reading of letters, telegrams, newspaper extracts or preambles of any kind."

Finally, I would like to point out that on occasion replies by ministers have been inordinately long. I would ask hon. ministers to confine their answers strictly to the question asked. If a minister feels that a lengthy statement is required to answer a question, there is a mechanism in our Standing Orders, Statements by Ministers, to deal with it under the ordinary routine procedures, or tabling a written answer. I would ask the co-operation of all in this matter.

SOME HON. MEMBERS:

Hear, hear!

Oral Questions

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, we have just seen one labour dispute settled, and I have a question for the Premier regarding the ongoing strike. There seems to be some very inconsistent actions taking place in this strike, namely, the arrests. For example, we know there were no arrests made this morning, and no arrests, I understand, being made outside of St. John's.

I would ask the Premier to clarify to this House just who is directing the law? Is it the Premier? And is he using the law to evade his own responsibilities in this strike?

PREMIER PECKFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I am not directing the law enforcement officers of this Province. I do not have that responsibility. As the hon. member knows, it would be very wrong for me to do so, and I have not done so and will not do so. There have been, as I understand, certain arrests outside of St. John's. I think there have been arrests in Lumsden and Musgravetown, the Clarendville area. I do not have access to how the law officers act in any one detachment of the RCMP or how many people they have on staff. So I do not order or have anything to do with that side of the dispute. And I do not think that the hon. member would want me to, nor would the people of Newfoundland want me to. The law takes it own course in its own way. And for me or anybody else to intervene I do not think would be very appropriate.

MR. TULK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Fogo.

MR. TULK:

Let me ask the Premier, then, how does he explain the inconsistencies? And would he not agree that what is happening, the type of selective arrests that are

being made - for example, the Higgins Line entrance to this place has been the focal point - is that situation not a method to provoke strikers into some sort of action that can perhaps help this government rather than to see a settlement to this strike? Is the law being applied equally in this case or is it just being used to provoke? It is our belief that it is being used to provoke. Mr. Speaker, why?

PREMIER PECKFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

No, Mr. Speaker, we have no control over that. The law enforcement officers do the best job that they can. And the answer to the hon. member's questions is no, we are not involved in provocation, and that is the only thing I can say to the hon. member. The hon. member will have to talk to the Chief of Police or the Superintendent of the RCMP or whatever.

MR. FLIGHT:

What about the Minister of Justice (Ms. Verge)?

PREMIER PECKFORD:

You know, the police react, I suppose, to activities when they occur. If there is a blockage across a road so that other people are not allowed to freely move, I suppose, that is the way they operate. I cannot speak for the police on that. They are doing their job as best they can as far as I can understand it.

MR. TULK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, the injunction to start those arrests in the first place was asked for by the government and it is obvious to us that the arrests that are being made as a result of that injunction are being used as a means of provocation and so on.

Let me ask the Premier a very much more important question. It is important to this Province that the strike end, and I would point out to him that obviously injunctions and the thirty day suspensions that have been passed out by the President of Treasury Board (Mr. Windsor) are not working. Will the Premier now agree that as a sign of good faith he will lift all suspensions and threats of suspensions so that we can get back to the bargaining table and get some negotiations rather than confrontation going on in this Province? Will he ask the Attorney General (Ms Verge) to see that the people are treated equally under the law in this Province?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, first of all, once a court injunction is put in place then it is between the courts and the law enforcement officers and has nothing to do with the government. There is a court injunction and the police act under that court injunction. We do not get involved as a government after that injunction or court order is issued. So the activities that have occurred over the last number of days are

activities by the law enforcement agencies in their responsibility to carry out the court injunction, which is a court matter, not a government matter. As it relates to the other part of the hon. member's question, obviously I am not going to negotiate with the hon. member.

MR. TULK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Fogo.

MR. TULK:

It is obvious that the Premier has been doing quite a bit of negotiation and quite a bit of confrontation in public so I ask him again, since this is an urgent situation, would he answer the question in this House as to whether he is willing to even consider lifting the suspensions and all threats of suspensions? Would he now make that concession so that this situation can end, or perhaps allow his Minister of Labour (Mr. Blanchard) to carry on some sort of mediation and consultation with the union so that their strike can end? Will he now attempt to try and lift the suspensions or make some attempt to get the people back to the bargaining table and get that strike ended, or is he indeed going to carry on this confrontationalist attitude that he has been carrying on with with the union to have it his way or no way?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, you had just given a ruling earlier on, you did not interrupt the hon. member, but he

had a preamble to his question, which was a supplementary.

MR. TULK:

Now you want to run the place.

PREMIER PECKFORD:

No, I do not want to run the place, Mr. Speaker. That is in the Speaker's hands. I just listened to the Speaker give some rulings for the new session and then the hon. member violated those rulings by having a preamble to a supplementary question, which the hon. the Speaker had addressed earlier. The hon. member alleged in his preamble, so I can respond to that seeing that he was allowed to have his preamble, that, number one, I had provoked. I said nothing about the situation until yesterday. Now, how my silence can be construed as being some kind of provocation I would like to know, Mr. Speaker. If I say something I am provocative, if I say nothing I am provocative, so it is a pretty difficult piece of business. You cannot win for losing either way.

The answer to the other part of the hon. member's question, Mr. Speaker, is that I will not as Premier, nor will any of the ministry, negotiate an end to this dispute with the hon. member.

MR. BAKER:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Gander.

MR. BAKER:

Will the Premier inform the House whether the \$150,000 recently spent on his own inner office was included in the approximately \$800,000 of original expenditure on the Eighth Floor or was this in addition to this particular

expenditure of close to \$800,000, making the total cost of renovations on the Eighth Floor come close to \$1 million? I ask him if he would tell the House if this is his idea of parity or is this his idea of restraint?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, the answer to that question was given a long time ago in this House and the details were given. Let me just say to the hon. member, he is a part of a party that wanted to implement all the aspects of the Select Committee report which would have amounted to \$4 million or \$5 million.

MR. FLIGHT:

He did not want to give car allowances to Torngat Mountains where there are no roads.

SOME HON. MEMBERS:

Hear, hear!

MR. PATTERSON:

Your leader got a car.

MR. PEACH:

Your leader did not mind taking one.

MR. SPEAKER:

Order, please!

PREMIER PECKFORD:

He did not get one.

MR. SIMMONS:

Do not mislead the House, 'Brian'. You got your comeuppance at the University. Do not mislead the House.

MR. SPEAKER:

Order, please!

MR. BAKER:
Mr. Speaker.

MR. SPEAKER:
A supplementary, the hon. the member for Gander.

MR. BAKER:
The amount mentioned previously was only \$500,000, for the Premier's benefit, and I am trying to establish whether if in fact there was \$1 million spent rather than \$500,000. I ask the Premier if he, in connection with the present strike, is aware if any members on the government side of the House are in some way benefiting from this strike and the continuation of the strike?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
If the government is benefiting from the strike?

MR. BAKER:
Yes.

PREMIER PECKFORD:
No, I do not think we are, Mr. Speaker.

MR. BAKER:
Government members.

PREMIER PECKFORD:
I do not know what is behind the hon. member's question.

MR. FLIGHT:
Never mind that. Answer the question.

PREMIER PECKFORD:
I just answered it. I am just saying that I do not understand the hon. member's question. I do not know that anybody is benefiting financially from the strike.

MR. BAKER:
Just to explain -

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

MR. BAKER:
- as a supplementary question, does the Premier know if any members on the government side of the House are taking over some of the work that was done by some of the striking employees in a business proposition and therefore profiting from a continuation of the strike on the road equipment and so on?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
I do not know, Mr. Speaker. I am not aware.

Just to answer the other comment that was made about the member for Torngat Mountains (Mr. Warren), the member for Torngat Mountains is a Parliamentary secretary, the Parliamentary Secretary for the Minister of Rural, Agricultural and Northern Development (Mr. R. Aylward) and travels on his behalf around the Province where there are roads.

MR. BAKER:
I will make it clear in a supplementary to the Premier.

MR. SPEAKER:
A supplementary, the hon. the member for Gander.

MR. BAKER:
Is he aware that the member for Trinity - Bay de Verde (Mr. Reid) has a business that is now receiving money for machinery that would normally be provided by the Department of Highways and so on?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, number one, I am not aware of that. Number two, the member for Trinity-Bay de Verde (Mr. Reid) is not a member of Cabinet. As I understand it, he is not a member of the government and therefore is a private member and, in the same way as members opposite, can practice business.

And, number three, the Transportation Department goes out to a range of contractors looking for offers and picks the one which is best for government.

MR. BAKER:

A supplementary, Mr. Speaker.

MR. SPEAKER:

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

MR. BAKER:

Thank you, Mr. Speaker. Does the Premier consider it proper that an elected member of this House, who is in on the decision-making process with regard to these situations, should profit from this situation. Is this proper?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, how low can you go? The hon. member is not in on the decision-making process. The hon. member for Gander does not understand the British Parliamentary system. There is a Cabinet and then there is a caucus and the Cabinet decisions and decisions by ministers is one thing, but the caucus is not in on the operations of government. That is the operations of the party the caucus is involved in, not of government. The government

is the ministry.

So I would point out to the hon. member that the premise of the hon. member's question is completely irrelevant because the hon. member for Trinity-Bay de Verde is not in on the decision-making process.

MR. SPEAKER:

The hon. member for Menihek.

MR. FENWICK:

Mr. Speaker, my question is for the Minister of Justice and Attorney General (Ms. Verge). My question has to do with the court injunction that is currently in place with regard to picketing in this strike. Is the court injunction that is in place now covering those individuals who are on the picket lines around the Confederation Building this morning?

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, that is a matter of interpretation. I will take notice of the question and if appropriate provide a precise opinion to the hon. House tomorrow.

I do not have a copy of the injunction with me now but I will be able to get one and review it later this afternoon and provide a precise opinion tomorrow afternoon.

MR. FENWICK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Menihek.

MR. FENWICK:

It may or may not be, in that situation, a violation of court

injunction. My next question is in regard to the Public Service (Collective Bargaining) Act as amended in 1983. Are the picket lines that are around the building now a violation of that particular piece of legislation?

MR. SPEAKER:

The hon. Minister of Justice.

MS. VERGE:

Mr. Speaker, again that is a fairly complicated question. I would not attempt to give an off-the-cuff opinion. I will take the question as notice and if I consider it appropriate to attempt an opinion I will provide it to the House tomorrow afternoon.

MR. FENWICK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

The hon. member for Menihek, a final supplementary.

MR. FENWICK:

Mr. Speaker, the fact that no arrests did occur this morning, when there may be two particular pieces of legislation or two particular grounds under which the arrests would occur, indicates to me that there has been a moving back by government. My question to the President of Treasury Board (Mr. Windsor) is, is the fact that this is happening an indication now that we are pulling back from the direct all-out confrontation we have been seeing over the last week and that indeed there may be some grounds now for finding a way to settle this particular dispute? Do you wish me to repeat the question?

MR. WINDSOR:

If you would, please.

MR. FENWICK:

From looking at it, the fact that there were no arrests this morning when there are two probable grounds for it, indicates to me that there is a pulling back from the hard-headed positions that we have had over the last week or so. Does that indicate now, from the President of Treasury Board's perspective, that there may be new grounds opening up and a new atmosphere being created in order to allow for some sort of settlement of what are now several disputes occurring at the same time?

MR. SPEAKER:

The hon. President of Treasury Board.

MR. WINDSOR:

Mr. Speaker, as the Premier has already indicated activities undertaken by the courts and by the police are not within the jurisdiction of government, and particularly not within the jurisdiction of Treasury Board. That has no bearing on anything that we are doing in relation to negotiating. We are more than willing to negotiate and we would be delighted to get back to the bargaining table.

MR. FENWICK:

Mr. Speaker, I do not know where we are going here.

MR. SPEAKER:

The hon. member for Menihek.

MR. FENWICK:

My question to the Minister of Justice and Attorney General (Ms. Verge) now is, you have already indicated you will be discussing whether or not the grounds can be taken this way, and we now have a decision from the President of Treasury Board that it is totally out of government's hands. Now

which is the case? Do you have control over this strike or not? Would you please give us an answer there?

MR. SPEAKER:

The hon. Minister of Justice.

MS VERGE:

Mr. Speaker, the earlier questions as posed to me by the hon. member for Menihek (Mr. Fenwick) had to do with the application of the existing interim injunction of the Supreme Court to the picketers today, and the other question had to do with an interpretation of a section of the Public Service (Collective Bargaining) Act. Now, Mr. Speaker, I said I would take those questions as notice. I am sure all members can appreciate that these questions involve fine legal points, they are probably open to differing legal interpretations, and I would like some time to consider the questions, to consult the relevant documents. I do not happen to have a copy of the court injunction in my hand now. If it is appropriate I can offer opinions on those questions when the House sits tomorrow afternoon. I do not see any inconsistency with that reply and the reply given by the hon. the President of the Treasury Board (Mr. Windsor).

MR. BARRY:

Mr. Speaker.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

I recognized the hon. the member for Menihek for a final supplementary that time, so I am now recognizing the hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I would like to ask the Premier whether he participated in the decision and agreed with the decision to make the initial application for the court injunction?

PREMIER PECKFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I am just trying to remember now. I think the Department of Justice -

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

There is nowhere to hide, 'Brian', on that one.

MR. SPEAKER:

Order, please!

PREMIER PECKFORD:

I am not trying to hide, especially from the Leader of the Opposition (Mr. Barry).

MR. BARRY:

Answer the question.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

I have no need to hide from the Leader of the Opposition.

I am just trying to remember. A couple of weeks ago I was advised by the Minister of Justice and the Attorney General (Ms Verge) at the time that an illegal activity had occurred, and that it was the intention of the Department of Justice to proceed to go to the courts. Obviously I agreed with

that procedure because an illegal activity had occurred.

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 he is aware that once an application for an injunction is made that there is a commitment on the part of the one applying to see that the injunction is observed? Now I would ask the Premier if the Minister of Justice, although she should, does not know the terms, is the Premier aware whether there is anybody aware of the terms of that injunction on the other side of the House?

PREMIER PECKFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, the Leader of the Opposition, some of the other questioners, and the member for Menihek (Mr. Fenwick) are asking the question whether in fact the present court injunction applies to the General Service that left their workplace this morning. We have not taken any action, as the Minister of Justice has said, to look up that particular court injunction to see whether technically it applies to the General Service or not. We have deliberately this morning not pursued whether in fact the General Service technically apply under that court order for the expressed purpose of trying to demonstrate to the people who have

now withdrawn their services that our first inclination would be to ask them to go back to work and to begin negotiating. We have no intention of trying what may be perceived by the work force as provoking another unit that went out this morning by taking any action. So we have deliberately remained silent on the issue of whether the court injunction applies to the General Service in the hope that such silence by us will demonstrate our eagerness to solve the whole dispute.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Will the Premier indicate whether he has consulted with the courts, with the Chief Justice, as to whether the Chief Justice is prepared to have the Province, the government, the Premier, turn a blind eye to the injunction which has been obtained? And would the Premier indicate whether this state of affairs that the Premier has now set forth does not indicate that the Province and the Premier went too quickly to bring the burden of the courts on the backs of the workers of this Province who are trying to exercise a democratic right?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, there was a law broken and there was a court injunction broken. We did what we thought was the proper thing in the circumstances. Now the Leader of the Opposition, to further reinforce what I am saying, is

asking why have we not suddenly technically done something to ensure that the workers who went out this morning also got arrested and also got thrown in jail or taken down for questioning. What I am saying, Mr. Speaker, clearly and unmistakably, is that in the last number of hours we have withheld from taking any action to determine whether technically that court injunction applies to the General Service in an effort to demonstrate our desire to get people back to work.

MR. BARRY:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the Leader of the Opposition.

MR. BARRY:

Would the Premier confirm that what he is saying is that he supports an unequal application of the laws of this Province and that the laws will be enforced with respect to certain individuals and not with respect to others? There should have been nobody arrested in this Province for what was done, Mr. Speaker. Nobody!

MR. SPEAKER:

Order, please!

MR. BARRY:

But will the the Premier explain why some people are being arrested and others are not for the same activity?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

My answer is, Mr. Speaker, does the Leader of the Opposition (Mr.

Barry) want to see an end to this dispute or does he want to see it continue so he can make political points?

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, the Premier has not answered the question. I ask the Premier, one more time, is he now saying he has not agreed to take out the injunction, he has not made the commitment to enforce it? Is he now saying that he intends to have the laws of this Province apply unequally to the people who live here for his own political advantage? Is that what he intends to do?

PREMIER PECKFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I am trying to do the best that we can in a very difficult situation where a large number of workers in the public sector have walked off the job illegally. We have taken certain actions that we want to demonstrate to the people who have stopped work that we want them back to work, and we want to demonstrate that we are desirous to have an end to this dispute and to see everybody back working and the collective bargaining process go forward. If that somehow rubs against the grain, at this point in time in the progression of this

dispute, of the Leader of the Opposition, I am sorry. What I am trying to do here today is to say to the people opposite and behind me and in front of me who are part of the work stoppage that we are trying to demonstrate at this moment that we want people back to work, we want this dispute over, and we want to negotiate in good faith, and we are doing it in the manner that I have just said.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

I ask the Premier will he explain why he will not commit himself to lifting those suspensions? And why he is more prepared to bring the laws of the land and the courts into disrepute than he is to lift that arrogant action of the Minister of Treasury Board (Mr. Windsor) in saying that workers, by agreeing to be reasonable and by agreeing to go back to work, will be suspended? How can the Premier expect the workers of this Province to believe that he is acting in good faith when he is going to see they are suspended if they go back to work?

PREMIER PECKFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Another speech, Mr. Speaker, of course. Now the Leader of the Opposition has changed his tack,

now he is on to the suspensions, as was the member for Fogo (Mr. Tulk) earlier. Number one, I have said what I said about whether technically the injunction applies to the General Service. We have in the last few hours done nothing to determine whether in fact that is true for reasons which are honest in trying to get an end to the present problem. Number two, in my answer to the member for Fogo, and I say now in answer to the Leader of the Opposition, I cannot in this House of Assembly negotiate on individual items, and I will not. We will see what happens over the next few days.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, will the Premier now commit himself to going into court next Tuesday, March 25, and explain to the Chief Justice of this Province that Mr. Fraser March, and other union members who have been arrested on the picket line, are entitled to be treated equally with others who are on the picket line today? Will the Premier commit himself to go in and ask the Chief Justice not, Mr. Speaker, to send Mr. March to jail, to send the other union members to jail, but will the Premier commit himself to see that justice is done for everybody who has been involved in this dispute brought on by the Premier's arrogance and intolerance and provocation?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, will the Leader of the Opposition take the reasonable approach that I am taking today to see an end to this dispute rather than take an approach which he in his own mind would like to see continue for three or four more weeks for his own political benefit? Will the Leader of the Opposition be reasonable in his approach to this matter now in the same way I am being reasonable in it?

MR. EFFORD:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Port de Grave.

MR. EFFORD:
Mr. Speaker, my question is to the Premier. It is quite obvious that this Province is facing a very serious labour dispute and the reason given by government is the lack of money to give the workers the money that they need for equal parity. I would ask the Premier did he find it necessary yesterday, or was it the Tory thing to do, to give the management personnel of his department a 6 per cent raise?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Mr. Speaker, the management, the same way as with the Waterford workers - not the Waterford workers, the warders, have entered into an agreement for a certain wage increase. We are now into negotiation with the Waterford workers, as I understand it. There are negotiations going on all the time and various agreements are reached. I just assume that this is another agreement that has been reached by

Treasury Board with another sector of the Public Service.

MR. EFFORD:
A supplementary, Mr. Speaker.

MR. SPEAKER:
A supplementary, the hon. the member for Port de Grave.

MR. EFFORD:
It is obvious, Mr. Speaker, what the Premier is saying, but those people who received that amount of money yesterday on their cheques did not even know that they were going to get it yesterday.

A supplementary, Mr. Speaker. Would the Premier tell me if the \$3,600 and the \$5,000 that the Executive Assistants received recently was a raise in pay?

SOME HON. MEMBERS:
No. answer.

MR. EFFORD:
Mr. Speaker.

MR. SPEAKER:
A supplementary, the hon. member for Port de Grave.

MR. EFFORD:
Would the Premier tell me why they received the \$3,600 to the \$5,000 increase?

MR. PECKFORD:
Pardon?

MR. EFFORD:
Would the Premier tell this House why did they receive the \$3,600 and \$5,000 increases?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Why does anybody receive increases, Mr. Speaker?

MR. EFFORD:
It is not a salary, you said. Why?

MR. SPEAKER:
Well, there are benefits in every organization, as I understand it. In union organizations, in this organization, as I understand it, you know. Which one are you talking about? The car allowance?

MR. EFFORD:
Yes.

PREMIER PECKFORD:
Yes, of course.

MR. FLIGHT:
Are you going to build some roads in Torngat?

PREMIER PECKFORD:
No. Because the member also operates on behalf of the minister all around this Province where there are roads.

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

MR. SPEAKER:
A final supplementary, the hon. the member for Port de Grave.

MR. EFFORD:
If it is a car allowance that the executive assistants and the different assistants in different departments have received, up to \$5,000, will the Premier tell this House why some of the assistants who do not even own a car have received the \$5,000?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Because now and then they rent one.

MR. SPEAKER:
Order, please!

The time for Oral Questions has elapsed.

At this stage I would like to welcome to the gallery Mr. Hubert Sibley and ten high school students from St. Simons and St. Jude's School in Francois.

SOME HON. MEMBERS:
Hear, hear!

Petitions

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:
Thank you very much, Mr. Speaker.

This petition is one that I wish to present today primarily because it hopefully will mean some input into the Budget that will be presented next Tuesday. I know the Minister of Finance (Dr. Collins) has chided me before for involving him in anything a week or so prior to the budget but I think it is important to make this point again.

Mr. Speaker, the petition is with regard to cable service in rural areas of the Province. As hon. members may know, cable service is now, in fact, in place in something like 100,000 homes in Newfoundland and Labrador. There are proposals that are before the CRTC presently which would add something like 20,000 or 25,000 more homes but, these are all in extremely sparsely populated areas which are very expensive to service properly.

As a result, Avalon Cablevision

here in the St. John's area has a basic charge of \$11 per month for its service. The rural areas, under one of the proposals, would be charged as much as \$20.95 per month for their basic service. On top of that, unfortunately, there are two additional taxes. One is a 7 per cent tax the federal government levies and the other is our own 12 per cent sales tax. What this means is that in rural areas the sales tax is almost twice as high as it is in urban areas. Instead of \$1.25 or \$1.50, in that area, we are taking \$2.50 or \$3.00.

Since it is very important to keep the price per month of cable service down, I have been in contact with a number of communities. In this case, the petition, which is signed by 179 people, comes from the district of Ferryland, Lewisporte, Embree, Loon Bay, and Norris Point on the West Coast. I believe in subsequent days there may be additional petitions since we only sent out the forms a week or two ago. There has been an excellent response by communities all over the place.

The prayer of the petition says: "We, the undersigned, petition the provincial government to either eliminate the 12 per cent sales tax on cable service in rural areas or else find some way of lowering it so that we do not pay a much larger amount in sales tax on our cable service than do people in urban areas such as St. John's."

That is the prayer of the petition. I think it is a very reasonable request and I am hoping the Minister of Finance (Dr. Collins) will stand up and say "just wait about five or six days

and the budget will show this particular feature being implemented in it." If not, I am hoping that he will reconsider over the next couple of days. I would not even mind seeing a few pencil corrections in the budget when it comes down next Tuesday.

Mr. Speaker, I speak in support of the petition to lower the sales tax to either an even amount or reduce it for rural services. I hope that we will have members on both sides supporting the prayer of this petition.

Thank you very much.

Orders of the Day

MR. SPEAKER (McNicholas):

This is Private Member's Day and there is a motion by the hon. the member for Fogo (Mr. Tulk).

The hon. the member for Fogo.

SOME HON. MEMBERS:

Hear, hear!

MR. TULK:

Mr. Speaker.

MR. J. CARTER:

A point of order, Mr. Speaker.

MR. SPEAKER:

A point of order, the hon. the member for St. John's North.

MR. J. CARTER:

Mr. Speaker, I have had the opportunity of reading the hon. gentleman's resolution and I submit that it should be ruled out of order for the following reasons: In the first place it is argumentative. It presents some incorrect statements. I think it is worded in an insulting and

malicious manner and also it violates the rule of sub-judice. I will read the various submissions that I have.

From Beauchesne, Page 39, citation 120: "Foremost among his many responsibilities, the Speaker has the duty to maintain an orderly conduct of debate by repressing disorder when it arises, by refusing to propose the question upon motions and amendments which are irregular," and so forth. I submit that this is a most irregular motion. It will do nothing to lower the temperature of the present dispute and it should be ruled out of order on those grounds.

Further on page 79, citation number 239: "The Speaker decides questions of order only when they actually arise and not in anticipation. He is bound to call attention immediately to an irregularity in debate or procedure and not wait for the interposition of a member." Now, Your Honour has shown, as always, great restraint but I do not believe it is improper for me to call Your Honour's attention to that particular citation.

Mr. Speaker, on page 103 there are quite a number. I do not think they all apply to the hon. member's resolution but several of them do. Citation 316, subsection (f): a member must not "make a personal charge against a member." I think that the argumentative nature of this resolution could certainly be construed in that manner.

MR. TULK:

There is nothing wrong there.

MR. J. CARTER:

It only takes a few seconds to see

how irregular the hon. gentleman's resolution is.

Then further, Mr. Speaker, and probably most importantly, is page 118 of Beauchesne, citation 335, The Sub-judice Convention. There have been arrests made as a result of the dispute. Whereas I do not believe for a moment that any of our justices would pay any attention to debate by the hon. gentlemen opposite, nevertheless, it is quite improper for comments to be made or emanate from this House on something that at the present time is before the courts.

So I would submit those to Your Honour and suggest that the hon. gentleman's resolution should be ruled out of order. At the same time I would say that if he would take the trouble to clean up or omit the offending phrases from his resolution, I would be the first one to grant him leave to debate the central issue which he seems to be concerned about. I suggest that he is playing politics with it and that the resolution, as worded, should be disallowed.

MR. TULK:

Mr. Speaker I am not even going to speak to that. It is just a waste of my time.

MR. SPEAKER (McNicholas):

To that point of order, I have only had an opportunity of briefly reading through this motion from the hon. the member for Fogo (Mr. Tulk) and it appears to me to be in order.

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, that member is a typical example of what this government is made up of. He is

slightly right of Attila The Hun and the only thing that he would like to see is no labour movement at all in this Province.

Mr. Speaker, let me get to my resolution because that was an attempt to use up four or five minutes of the twenty minutes that I have. Mr. Speaker, when you present a resolution in this House, it is usually a pleasure to stand and make a certain point about certain things that happen in this Province. But, Mr. Speaker, that is not true in the case of this particular resolution.

I cannot say that I find any particular pleasure at all in introducing this resolution in this House. I say that in view of what I say in the resolution because I believe, Mr. Speaker, that what we are looking at in this Province is a dangerous situation. It is dangerous from a number of points of view. You have to ask yourself "how dangerous is it?"

Mr. Speaker, it is very rare in Newfoundland that you will find any group of people who feel that they cannot obey the law and that they have to disobey the law or the ruling of the courts.

It is a long-standing tradition in Newfoundland that Newfoundlanders and Labradorians are a law-abiding people. They are so law-abiding, Mr. Speaker, that at times the law has perhaps been used against them.

Today I firmly believe, and I know that all people on this side of the House believe that what we are seeing is a law, Bill 59, passed in this legislature -

MR. FLIGHT:
That is shocking.

MR. TULK:
The present Minister of Labour (Mr. Blanchard) was then the Deputy Minister of Labour and I would say he wrote it. He has a facade on him, Mr. Speaker, that covers up something that goes on behind his mind. He had to write it because the Minister of Labour at the time, the member for Pleasantville (Mr. Dinn), I believe, surely could not have written it himself. Mr. Speaker, let us put the Minister of Labour aside. He will get his just deserts. The people of Bay of Islands will take care of him. He will speak in the debate.

The people of this Province are totally frustrated with a law that is being used against them. I can say to the hon. Minister of Labour that I believe that Mr. March and NAPE are gaining the sympathy of the people of this Province not because there are not getting equal pay for equal work, not because they perhaps do not have the right to strike even, but because a government that was elected by the people of this Province to see that justice is done and is supposed to be done is now using the statutes and the laws of this Province to keep down the very people they were elected to serve.

Mr. Speaker, what we are seeing is an example of people who are totally frustrated with a law that is being used to keep them from gaining what? What are they trying to gain? If the Minister of Labour (Mr. Blanchard) really lived up to his title, I believe he would have to resign from the government of which he is a part. What are they trying to gain?

They are trying to gain something that the Premier of this Province has always said he wants for Newfoundland in Confederation, equality, because the word 'parity' means equality. It means equal pay for equal work. Of course they are frustrated. The laws are being used as well to keep them from having the right not only to strike but the right to even vote for a strike.

I want to ask the government a question, Mr. Speaker. The people on those picket lines are breaking the law and they know that. I would like to ask the Premier and his government and, if the Premier is not here, the Minister of Labour or the President of Treasury Board, if they believe in their own mind and in their own soul, does the Premier of this Province and the government believe that Fraser March last week wanted to break the law? Do they believe that? Do they believe that the people who are on the picket lines today and who were arrested yesterday or the day before have a desire to break the law? Do they believe that? No, Mr. Speaker. If they believe that then all of them should resign because they have lost faith in the very people for which they were elected to serve. Fraser March and his union are acting today, as I said, out of total frustration.

I know, Mr. Speaker, that on that side of the House there are people who believe the same thing that we believe and believe the same thing that Fraser March and NAPE believe, that this law is unjust and must be changed.

Mr. Speaker, as I said, why this dispute is so dangerous perhaps has very little to do with Bill 59

or parity at this point in time. It has gone further than that. It is no longer a case of whether those people are making a living, and, Mr. Speaker, they are not. I can assure the hon. gentlemen and I can assure the people who just got the raises on the other side that the people who are in NAPE, many of them with two of them working, husband and wife, are not making a living.

I happened to have lived for the last three years with a young fellow and his wife who work under that umbrella. I can tell the hon. gentlemen and the Minister of Labour (Mr. Blanchard) there is no waste in that house. I can also tell the hon. gentleman that those people have had a terrible time just paying a mortgage on a three-bedroom house and you wonder why they are down on the street. You wonder why when you see \$5,000 car allowances, \$3,600 car allowances, when you see \$1 million worth of renovations to the Premier's Office, you wonder why people are upset! Those are the people we are talking about.

We are not talking about people who are out making \$40,000 a year or \$50,000 a year. We are talking about homes where two people are working and barely making ends meet. Mr. Speaker, those people are not making a living but, more than that is the insidiousness of this government's actions.

What is happening in this strike is that those people are asking themselves certain questions. They are asking themselves questions like, as human beings, do they have certain rights in a democracy? Do they have certain rights in a democracy? Do they have the right to assemble? Did you ever see anything worse on a

television camera as a Newfoundlander? I ask the Minister of Labour (Mr. Blanchard), since he is the only person here concerned with it, did he ever see anything worse in his life on a television station than when he saw a Newfoundland Constabulary man - no reflection on him - walk up to a car where Fraser March was about to drive to NAPE Headquarters, pull him out of his car - he was not even on the picket line - take him to another car, take him downtown and arrest him with a cigarette sticking out of his mouth? Did you ever see anything worse? Where are we living in this Province? What kind of a province are we living in?

Mr. Speaker, people are asking a question of this government, and it is a question that unless they address it right, unless this government backs off its confrontationalist attitude, the road that it is on - and the Minister of Labour may want to leave, but I say to him he should stay.

MR. BLANCHARD:

I was not leaving.

MR. TULK:

Good. Sit down and listen.

Mr. Speaker, they are asking themselves the question, do they have the right as Newfoundlanders any more to assemble? Or they are asking themselves another question, Mr. Speaker, the people in this Province are about to ask themselves another question. Is there only one law in this Province that you do things 'Brian's' way or no way at all? Is that what we are looking at? Are we looking at one law, 'Brian's' law, the Premier's law,

is that what we are looking at?

Mr. Speaker, I have to ask the question is the so-called champion of the little guy, as the Premier of this Province calls himself, the great fighter for equality for Newfoundland and Canada, really a scared little emperor who is hiding behind the Premier's Office and the law? Because you see, Mr. Speaker, the Premier has a real problem, nobody in this Province believes the Premier when he speaks to them any more.

What has caused that? What has caused the situation that we find ourselves in today? As I said, I would suggest that even though those people need the income, even though Bill 59 is unjust, what we are seeing in this Province today, Mr. Speaker, I believe is a result, first of all, of this government's arrogance. It is the most arrogant government that Newfoundland has ever seen and is known for its intolerance of other peoples opinions. The Premier is known for the fact that he cannot accept somebody else's opinion. There are totally anti-democratic roots in this government, Mr. Speaker.

What we are seeing in this Province is the reward, and the Premier is seeing this, of a government modelled by the Premier and built by him. It is best summed up in a few little words, Mr. Speaker, and the Premier is this type of individual: 'my way or no way.' That is what we are seeing happening in front of us today. We are seeing the results of that type of government.

Mr. Speaker, I can give you example after example. I had either the good fortune or the misfortune to come into this House

the day that the Premier was elected Premier of the Province. A year or so after there was a by-election in Bellevue involving the present member for Bellevue (Mr. Callan). You talk about arrogance and anti-democratic! The Premier goes out the last night before polling day in that by-election and puts out a letter to the people of Bellevue saying to them, "Either you vote for my man or you get nothing." That was the first example of this Premier's arrogance.

Let me give you another example of the type of arrogance. The member for Port au Port (Mr. Hodder) knows well what I am talking about. He was in that by-election. The Minister of Transportation (Mr. Dawe) -

MR. HODDER:

You have done nothing like that yourself, have you?

MR. TULK:

Made threats to people? Are you crazy? The Minister of Transportation (Mr. Dawe) got on television -

MR. HODDER:

I know too much.

MR. TULK:

Do not tell all you know because we may have to tell all we know.

The Minister of Transportation (Mr. Dawe) gets on television and says, "I can only give money to my friends. I cannot work with, say, the member for Stephenville (Mr. K. Alyward) because he is not my friend." He is spending taxpayers' money. What arrogance!

Election after election after election we have seen this Premier

go out in the Province and say, "Vote Tory or else!" "My way or no way!" Brian's law is Brian's way or no way.

We saw the very member for St. John's North (Mr. J. Carter) stand in this House when he thought somebody was disagreeing with him on his position on offshore oil call the member then for the Strait of Belle Isle, Edward Roberts, who is no longer here, a traitor because he would not agree with the Premier. He would not agree with the Premier. The teachers' strike is another example of the pure arrogance of this government.

Mr. Speaker, what we are witnessing today are people of Newfoundland saying to this government, and they would be wise to wake up to it, and I believe that the President of Treasury Board would like to, the essence of what we are seeing around this building and around this Province today, what people are protesting perhaps more than anything else is the very arrogance and high-handedness of this government. That is what we are seeing, Mr. Speaker.

The Premier came in here yesterday and said that because there is not parity in the civil service, the unions as well as the government are to blame. Mr. Speaker, some two years ago the Premier introduced wage restraints in this Province. Do you know something, Mr. Speaker, I would venture to say that at that point in time Newfoundlanders and Labradorians believed him. They believed that the Premier was a very honest fellow and they accepted that restraint. They accepted a wage freeze even though they had the highest taxes in Canada, the

highest unemployment and a climbing public debt like we have never seen before in our history. They accepted it. They took the punishment. They bit the bullet so to speak, as another former Tory Premier of this Province was fond of saying.

Mr. Speaker, Newfoundlanders are a fair-minded people and to them restraint meant restraint for everyone. If you are going to have restraint for one, have it for us all. Mr. Speaker, it seems what is happening in this Province is that restraint as far as this government is concerned and as far as the Premier was concerned, applied only to the rank and file people of this Province. There is no other way for the Premier to look at this. There is no other way for any fair-minded person in Newfoundland to look at it. We have seen example after example of the expenditure of government money for the benefit of the Premier and for his comfort. We have seen hundreds of thousands of dollars, probably over \$1 million, spent on his office.

Mr. Speaker, we have also seen another development that is insidious as a result of those kinds of things. It seems that there is a deliberate attempt by the Premier of this Province to keep the higher echelons of the civil service on his side. He figures that if he can keep the big bosses on side, he can probably keep the lid on it. We are seeing re-classification so that people can get high raises. We are seeing, recently, the rubbing of peoples' noses when they are trying to get just a decent living for their families. We have seen those car allowances come forth. We have seen that all thrown up.

Mr. Speaker, I have only gotten half way through what I wanted to say. Mr. Speaker, what we have seen the President of Treasury Board (Mr. Windsor) do in this Province - I think, Mr. Speaker, he must be somewhat leery about his actions today - we saw him, when those people broke the law, and they broke the law, they know that, but what did we see him and the Premier do, in the very style of Napoleon, is give them a whiff of grape-shot and shove them in jail. Right off the bat, let us get an injunction, let us give them thirty day suspensions, let us fire them and bring in the police.

You have to ask yourself the question that was asked in Question Period today, if indeed the Premier of this Province is using the justice system of this Province for his own political purposes. You have to ask yourself that question.

MR. FLIGHT:

He suggested we replace them with unemployed Newfoundlanders.

MR. SPEAKER:

Order, please!

MR. TULK:

Yes, replace them with unemployed Newfoundlanders.

Mr. Speaker, I will conclude my remarks by saying to the President of Treasury Board and the Minister of Labour (Mr. Blanchard) that Newfoundlanders want equality within Canada but, they want equality within Newfoundland as well and they have a right to equality. They have the right to live in a democracy. You see, the power of having seats in a Legislature can be as bad as the power of an army in some foreign

country if you misuse it. The misuse of power is a misuse of power.

I would say to the President of Treasury Board and the members on the other side, as I conclude, that in front of them we have put a resolution that we believe can end this strike but, it will require some good will and that is the first step that has to be taken. Mr. Speaker, if the actions of this government are anything but that, I fear, to be quite frank with you, what is going to happen in this Province in the next three or four weeks.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. OTTENHEIMER:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. OTTENHEIMER:

Mr. Speaker, I will be brief on this and will cover certain aspects of the resolution. I will not read it through. It is obvious that it is worded in a quite extreme manner, and an emotional manner, and does sort of make imputations of bad faith etc., but I guess it is everybody's right to handle these things the way they wish to.

What I would like to do would be to review some of the positions and to get at what I consider to

be one of the most fundamental questions which is involved here, and there are a number of them. I plan to deal, really, only with one. It was in 1973, I believe, that the Conservative Government, for the first time in Newfoundland history, gave the right to collective bargaining to public employees, to the public service of Newfoundland. With that right to collective bargaining went and must go the right to strike. So in 1973, the Conservative Government, after twenty-three years of Liberal rule, finally - and it was their first year of office - gave the right to strike to the public service and collective bargaining. That was after twenty-three years of Liberal rule, the same Liberal Party which today is conceding its place and is now wearing the colours of the NDP and, indeed, may well soon be taking directions from my hon. friend from Menihek (Mr. Fenwick). But I think all hon. members and brothers and sisters who are in the audience are aware that in 1973, the first time in Newfoundland's history, the right to collective bargaining and the right to strike was brought in.

I recall speaking to that debate, I recall its passage, I remember there were a number of union leaders here and a number of them disagreed with certain restrictions. I believe Lofty MacMillan, whom I had known before, was here in the gallery, he came down for that particular debate.

So we created the right to strike. Now, we, also, as a government, must realize that there is an obligation on government to provide for the health and safety of citizens and,

I would add as well, the security of public property. I suppose it could be argued, 'Well, property is property even though it is public property,' but I think most reasonable people would agree that the health and safety of citizens and the security of public property, these had to be provided.

You have, therefore, a balance of competing interests, a balance of legitimate considerations, a balance of rights and obligations. All these things are not black and white, they are fairly complex. Because a government must ask itself, and I think we all have to ask ourselves, is every right totally equal? Is every right equal or is there a priority of rights, is there a hierarchy of rights? Again, it is obvious, I think, that there is a hierarchy of rights. Outside of the collective bargaining process and the subject under discussion now, it is obvious that the right to life is way ahead of the right to property. The right to any number of things ranks higher than another right and they have to be balanced and sometimes, if you wish, there has to be a limitation in the exercise of that secondary right in order to meet an overriding or higher priority of obligation, and obligation and right are really two sides of the same coin. Because with the right to collective bargaining and with the right to strike in the Public Service, there is also the right of the citizens of Newfoundland, that the public authority will provide what is necessary for their health and safety. That is a right, too, and, in my opinion at least, they are not equal. The fact that both are rights does not mean that they are at the same level, that they have the same

priority.

Obviously the right to people for their health and safety - I would add as well security of public buildings - takes priority over the right to strike. So when you have the necessity to balance competing interests, you have to acknowledge a priority. Different people may acknowledge them a different way. Some people might say the right to strike is absolute, it will take precedence over everything under any circumstance, it is sacrosanct. It is at the very essence. If so, let them say so.

Others will say, 'No, that is not true, but when it comes to determining a mechanism to establish that balance, we will not agree with any mechanism.' They will agree with the principle that the right to life and safety comes ahead of the right to strike - they are both rights, agreed - but then there has to be a means of applying a principle. It is not automatically applicable. It does not come out of the Holy Grail. There has to be a human mechanism for that balancing of interests. The mechanism that this government has found is in the process of designation of essential employees, a process which is probably not welcomed - I am not talking about welcomed - but accepted and implemented by CUPE, the Newfoundland Nurses Union, PARN, and AAHP, Association of Allied Health Professionals. The provisions with respect to determining essential employees under the legislation now existing have been implemented with those bargaining units whom, I suggest, are perhaps not more - it is not for me to say more or less, but are they not equally as zealous in the protection of the rights and

the development of the welfare of their members as any others?

I do not say that they agree with the legislation, but they have provided -

MR. FLIGHT:

Why is it (Inaudible).

MR. SPEAKER:

Order, please!

MR. OTTENHEIMER:

I did not interrupt the hon. gentleman's colleague and I do not wish to be interrupted by him.

Are these organizations any less sensitive to the needs of their membership? I suggest not. But there is also an awareness of the hierarchy of rights and what the law now says, so, therefore, it has been necessary to balance these rights.

We have heard a great deal also, of course, about, 'Oh, internationally this is a terrible piece of legislation and the International Labour Organization is totally critical of it and will not accept it in anything at all.' We heard a great deal about that until the International Labour Organization came in and had meetings here, and then the report was really quite different than what we had heard their reaction was. Their report, of course, was in letters, in black and white. It was written. It was tangible. It is there. The Premier read some of it yesterday, and I do not know that it is necessary to go over it again. But it is quite, quite clear.

I would point out, for example, one section, section 144 of the report: "The Committee would emphasize the importance which

should be attached to full and frank consultations taking place on any questions or proposed legislation affecting trade union rights. It would express the firm hope that government and the union will, in the light of the problems which have emerged from the procedure used to introduce Bill 59, engage in systematic and genuine discussions and negotiations with a view to resolving the problems that have arisen in the present case." There have been attempts to have such meetings, and one party has not wished to continue meetings.

The report goes on and says, "In view of the problem and the climate of suspicion to which the above provision in Bill 59 has given rise, the Committee would urge the government to reconsider the question of exclusions in full consultation with the union. Only several months ago, after consultations and discussion, nine bargaining units were excluded from the provision of designation of essential employees, and that would cover some hundreds of employees. The Committee considers that while the method of designating essential employees is not inconsistent with the principle of freedom of association, the government should nevertheless review the relevant provisions in such a manner as to facilitate access to independent arbitration in the event of a dispute."

Toward the end of it, the Committee's recommendations and the Committee's findings: They found that the modalities which were operative in the legislation were not inconsistent with freedom of association.

So we have there the ILO. We were

told the whole international community, almost the whole civilized world was aghast at the provisions of this piece of legislation which attempts to balance those interests. When the ILO, in fact, did make its study and did make its recommendations, we never heard a squeak about it later, not a squeak, I do not think, until it was mentioned yesterday by the Premier.

I think there is another aspect of this as well. I think the most important one is the need to balance competing rights and interests and obligations. I think that is the most important one, that the right of a citizen to safety and health and the perservation of public property ranks higher than the right to strike. I think that is the first one.

There is another one, as well. When people disagree with a law, as they are entitled to do, there are two ways of opposing it, and I think the way that it is done should be related to the place where one is. For example, if one is in a place where one disagrees with the government but the government is democratically elected, brothers and sisters, where the government is accountable in free elections - people might not like the result of the election, but nobody says, they are not free - where there is a constitutional obligation for the government to be accountable through other elections, is the way of disagreeing and opposing the law in those circumstances the same as it is in Haiti where there are no elections, in the Philippines where elections are rigged, in El Salavador, in Guatemala and Honduras? Is it the same?

I suggest that it is not the same, that where you have democratically elected governments, where the elections are free - whether one dislikes or not the outcome of them, nobody seriously says that the elections are rigged - where you have that and where you have an accountability of government to people, then the methods of opposition - some people call it Liberation Theology for some reason or other, which has references to various approaches which may well be necessary in areas of military regime where there are no elections, where elections are rigged, where there is no accountability of government. It is quite different when you are in a society where there are elections, they are free, whether you like or dislike the outcome, where government by constitution is accountable, where they have to come up again, then you get out and oppose in every manner possible. If you disagree with any basic principles of a government, you oppose them at the ballot box. That is the way it has traditionally been done in societies where the rule of law and the accountability of governments is established. It cannot be done in areas where there is no accountability, where elections are not free, or where there is the rule of the military.

MR. BARRY:

Mr. Speaker, I wonder if the minister would permit a question?.

MR. OTTENHEIMER:

No. No, I will not.

MR. SPEAKER:

Order, please!

MR. OTTENHEIMER:

No, Mr. Speaker, we had the

Question Period. I do not intend to now, I am just about to wind up, because I am sure hon. gentlemen opposite will have some very important comments to bring into this resolution.

As I said, I only intended to cover one aspect of it, and I think it is a very important one, and that is the balancing of rights. No doubt the right to strike, which goes with the right to collective bargaining, that was brought in by the Conservative Government - the hon. Leader of the Opposition (Mr. Barry) was a member here when it was brought in - and concomitant with that, of course, is the obligation to provide for the health and safety of citizens and the security of public property. You have to find a mechanism to balance them. And there is, at least in our opinion, a hierarchy of rights, they are not all equal. The right to life and health is not of the same range as the right to strike.

These are the things which have to be borne in mind. A government has the obligation to see that the health and safety of its citizens and security of public property is maintained, and when that means limitations on the right to strike, then, in the opinion of this government at least, those limitations are valid.

The other point, the method of opposition to a political philosophy in a country or a province with assured elections, free elections, accountability of government is not the same as it is in Latin America, it is done in the democratic process which is assured by our constitution.

So I hope hon. gentlemen and hon. women, brothers and sisters, will

give some consideration to those remarks.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (Hickey):

Order, please!

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I wonder if the minister would hang on for a minute and just deal with this particular point at some other time when he rises in this Assembly? What he is saying, basically, is that civil disobedience has no place in a democracy. I would like to have him explain the situation with respect to Martin Luther King in the United States, where there was a rule of law, where there was a democracy, where there were elections, but where it was generally accepted and understood that when people's backs were put to the wall, Mr. Speaker, when the frustration imposed by an uncaring government did not respond in a fashion that improved their lot, they were entitled, as a matter of conscience, to resort to civil disobedience.

In terms of balancing rights, again if we go on the argument of the Minister of Intergovernmental Affairs (Mr. Ottenheimer), then that means that all health workers, all workers engaged in any area where health and safety and order is involved, have to condemn themselves to lower wage rates than other elements of society. He mentioned nothing about putting in safeguards to

make sure that wage increases continue at the same level for those individuals as for other areas where people have the free right to strike.

I am informed that even within the public sector, where you have in the one case warders who have a very great responsibility for preserving order, in that they have to keep individuals in jail who have broken the law, warders saw, before the wage freeze that was brought in in this Province, I think it was a 32 per cent increase. The general service that is out on the picket line here now, before the wage freeze was brought into place, the last contract gave them 5 per cent and 4 per cent. Now they are being asked to accept the same as the warders, 6 per cent and 6 per cent on a 5 per cent and 4 per cent base, when the warders had a 32 per cent base. When is somebody over there going to address the fact, when is the Premier going to address the fact, that the situation we have today is the direct result, the direct consequence of the Premier bringing in a wage freeze two year ago without consultation with labour leaders in this Province? That is what has led to the inability of union members to get parity, because you had different bargaining situations go on and all of a sudden, zap, you are frozen. Some groups were frozen at a relatively affluent level, others were frozen at a very low level, and it is inequitous, it is unfair, it is not right for these individuals to be now told that they have to accept the same level of increase as those who got higher increases before the freeze was put into effect. And that is the root cause of the frustration. Now, that is not the

only cause. That frustration has been fueled and fueled very well by the provocation of members opposite when they get up and say, 'Oh, it is hard times, we have to have restraint.' Restraint! Like hell restraint. Restraint in renovating the Premier's Office? I invite everybody in the gallery to press the eighth floor button as they go by and look in.

MR. PATTERSON:

What about your car?

MR. BARRY:

I do not have a car.

MR. PATTERSON:

You do so.

MR. BARRY:

I do not have a car.

MR. SPEAKER (Hickey):

Order, please! Order, please!

MR. BARRY:

Fifteen members of the Opposition were given a car because you would not give us a messenger service, which was all we wanted. You took away our messenger service.

MR. PATTERSON:

You have a car.

MR. BARRY:

The member for Placentia (Mr. Patterson) does not know what the hell he is talking about again today. He does not have the guts to get up in this House and give a debate from his own seat.

Mr. Speaker, we see members opposite say hard times and therefore we must have restraint, and then they whack it to the renovation of the Premier's office, they whack it to the car allowances, the ADM, the Deputy Minister, on the higher salary

level given an increase by the back-door, together with the political hacks in the back rows over there, Mr. Speaker.

I know why the member for Placentia (Mr. Patterson) is mauling and bawling over there because he did not get his nose in the trough because they recognized he does not have the capability to even make it to a parliamentary assistant, much less a Cabinet minister. He has been there since 1975 crying, bawling and whinning to try and get attention when somebody steps up in this House to say something because he does not have the guts to get up and make a speech. As long as he continues to show that incompetence, he will never make it into Cabinet.

MR. PATTERSON:

A point of order, Mr. Speaker.

MR. SPEAKER:

The hon. the member for Placentia.

MR. PATTERSON:

It is a bit amusing that the galleries have emptied now since the Leader of the Opposition (Mr. Barry) got up there.

MR. BARRY:

Unlike you, some people have to work.

MR. PATTERSON:

I would like to ask the Leader of the Opposition if he does not share in twelve trips to his district extra? Did you and your colleagues over there ask for increases in your trips to your district? Did you not ask for a raise? Answer that question. Do you have a car the same as other ministers?

MR. SPEAKER:

The hon. Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I will answer that question. I do not get any trips to my district, Mr. Speaker, not one! No, I do not have a car. The office of the Opposition for fifteen members was given a car after one year of our fighting saying we do not want the bloody car, we want a messenger service so that we can do our work and you would not give us a messenger service and leaving us with no choice.

MR. PATTERSON:

Do you not have a car down there now?

MR. BARRY:

No, I do not have a car.

MR. SPEAKER (Hickey):

Order, please!

The hon. the Leader of the Opposition is speaking to the point of order.

MR. BARRY:

There is no point of order, Mr. Speaker.

MR. SPEAKER:

Order, please!

The Chair has taken the prerogative over the last little while to interject on behalf of members who were speaking. This is a highly emotional issue and each member who has spoken thus far was heard in silence. The Chair would ask hon. members to respect that and to apply the same rules to all hon. members, including the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I specifically asked for the protection of the Chair because I have remarks to make and

the member is trying to eat into my time. He is not going to make it into Cabinet. He is not going to make it to a parliamentary assistantship to get his nose in the trough. He is not going to make it because he is a total incompetent, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

The hon. member has asked to be heard in silence and the Chair wishes to provide that opportunity.

MR. BARRY:

Mr. Speaker, I ask that he be kept quite.

The Minister for Intergovernmental Affairs (Mr. Ottenheimer), the Premier and other members opposite have engaged in an arrogant and deliberate provocation of the public employees of this Province who have to pass up and down in the elevators and look in and see the Premier's office and then they are told 'restraint, we must have restraint.' The bottom line is restraint for everybody except members opposite and that is a direct provocation to everybody in this building and everybody in the public service. Mr. Speaker, on those car allowances, on the same day that workers were being arrested on the picket line out back of this building, there was an Order in Council signed. You talk about insensitivity! On the same day that they were hauling Newfoundlanders into court, they were giving themselves a hidden salary increase of from \$3500 to \$5000. That is despicable, that is shameful and that will not be forgotten by the people of this Province.

Mr. Speaker, another point I would like to deal with is the unprecedented statement we have gotten from the Premier today where he admits, and I would submit it is the first time in the history of this Province that we have had a Premier admit to a deliberate and an improper interference with the administration of justice, where direction has been given to the office of the Director of Public Prosecutions, Mr. Speaker, to turn a blind eye to breaches of a court injunction, to breaches of a law in this Province. That is improper. It is political interference with the operation of the justice system. It would not be accepted, Mr. Speaker, in any democratic society in the world and it will not be accepted here.

DR. COLLINS:

It is also untrue, of course.

MR. SPEAKER (Hickey):

Order, please!

MR. BARRY:

No, Mr. Speaker, it is not untrue. The Premier, himself has said in his own words, 'We have decided that we will not clarify the contents of the injunction.' Who is he to tell the Director of Public Prosecutions not to clarify the contents of that injunction? Mr. Speaker, the consequences of that action to me are inevitable. The Premier has no choice but to instruct the Minister of Justice (Ms Verge) to go down to the courts when the people who have been arrested are brought in next week and to ask the court to dismiss all charges laid against anybody who has been arrested on a picket line in this Province because to do otherwise is to have an unequal application of the laws of this Province to people who

have done the same acts and are covered by those same laws.

Mr. Speaker, we have spoken about the decline of democracy in this Province, and if we need a more obvious example, I do not know where you would find it when you have a Premier and a Minister of Justice rising in this House to confirm that they are going to have the laws of this Province applied unequally and unfairly and unevenly to individuals doing the same thing. What have we come to? What have we come to in this Province?

Why has that unprecedented and very serious step been taken? Do you know something? It is purely and simply a matter of face. The Premier of this Province does not have the guts to get up and say that a mistake was made in going down and applying for that injunction when they did. He is not man enough to get up in this House and say, 'I have made a mistake; I have started a process of events which inevitably, then, takes its course,' and which is outside, or supposed to be outside the hands of the Premier at that point in time. When he applied for that application, the Chief Justice of Newfoundland said, 'Before you get your injunction, will you undertake to uphold the law and uphold respect for the courts, and enforce this injunction for everybody?' That is the commitment that the Premier and members opposite had to give to the Chief Justice of Newfoundland. They are more prepared, Mr. Speaker, to break that commitment to the Chief Justice of Newfoundland, they are more prepared to bring the courts into disrepute, they are more prepared to see the laws of the land applied unfairly, than they

are to admit that they made an horrendous mistake and that they engaged, Mr. Speaker, in a course of action that led directly to hundreds of Newfoundlanders being hauled off to jail. When they realized the matter was escalating out of control because of their stupidity, their arrogance, their attempt to run roughshod over the workers of this Province with hobnail boots; when they saw that that did not work; when they did not get the public support, Mr. Speaker, that they were hoping for; when they saw that the public came out four-square behind those individuals who had the courage to say, 'My God, I have had enough!' And then they have the audacity to say, 'Well, we stayed at the bargaining table and we welcome them back to the bargaining table.' In order to get to the bargaining table now, they have to be suspended for thirty days. In order to get to the bargaining table now, they have to go back and accept the same process that has been going on over a year, a situation of take it or leave it. They walk in, the government representatives on the other side of the table say, 'Here is our offer, take it or leave it.' They walk back again, 'Here is our same offer, take it or leave it.' Bargaining! And I hear that the last meeting the only government representative there was the secretary serving the coffee and that is the bargaining table they are invited back to! The pure audacity! The pure gall! It is the concept of a big lie, the Hitler propaganda, Goebbels propaganda technique, if you say the same big lie over and over long enough, time after time, then maybe you will get enough people to believe it, and make it big enough and make it brassy enough and make it bold enough.

Mr. Speaker, there should be some interesting national headlines on this strike today. We should really see the administration of justice conveyed in a favourable light to people across Canada tonight. Yes, it is going to be a dandy. It is going to be a dandy. "Premier recommends treating one group of citizens one way under the law, and another group of citizens another way." "Premier refuses to lift the suspension which is the real barrier to getting workers back to work." "The Minister of Labour has swallowed his tongue."

MR. TOBIN:

In 1975, Barry locks Confederation Building doors.

MR. BARRY:

Mr. Speaker, Your Honour was not in the Chair. I would ask for quiet in order to make these points and we have had, Mr. Speaker, time after time members opposite attempt to shout down members on this side when they make effective points. The time has come, you know, it used to be they could get away with shouting, "Traitor", shouting "Radical", when anybody dared to disagree with them, but all of a sudden the Premier got his in a ringer on this particular occasion because you know something, he had to start calling these Newfoundlanders who were out on the picket lines radicals, and traitors and wild men and women and all of a sudden he realized he was probably going to have to go through - I was going to say 580,000 - 580,000 minus the 36 over there - he would probably have to fling them all in jail before it was all over.

But now, Mr. Speaker, I mean anybody can make a mistake and God

knows we have seen - they should have good practice in getting out of their mistakes over there, they have made enough of them. They have made enough of them over the last few years but anybody can make a mistake. If the Premier and the President of the Treasury Board wanted to come in and really show an initiative to get back to the bargaining table what would you do?

MR. TULK:

Lift the suspensions.

MR. BARRY:

Of course! Who brought in the suspensions? Would they be interfering with the administration of justice?

SOME HON. MEMBERS:

No.

MR. BARRY:

Has the court ordered them to suspend these workers?

SOME HON. MEMBERS:

No.

MR. BARRY:

Is there anything to prevent them from lifting the suspensions?

SOME HON. MEMBERS:

No.

MR. FLIGHT:

Yes, their pride.

MR. BARRY:

Does the suspension put any money in the pockets of workers?

SOME HON. MEMBERS:

No.

MR. BARRY:

Do the suspensions do anything other than blackmail and threaten and intimidate?

SOME HON. MEMBERS:

No.

MR. BARRY:

Mr. Speaker, we are seeing a Premier afraid of losing face. He does not realize it is the face of a robber's horse who anybody would be proud to lose. That is the essence of it. He is afraid to admit that he made a serious mistake, afraid to admit, Mr. Speaker, that he misjudged the people of this Province, he misjudged the fairness and the sense of justice that exists. Do you know something? A lot of people as I went around the Province two weeks ago were saying, "Boy, that Fraser March is a bit of a radical, a bit of a wild man. I do not know about him." But you know when the television cameras zoomed in on Fraser March being slung by the slack of his arse into the paddy wagon, and then day after day you saw the others being hauled away and arrested, you know something, then as I travel around the Province what I am getting is, "what an arrogant bunch, what an intolerant bunch, what an inflexible bunch, what a brutal bunch."

MR. FLIGHT:

That is true.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (McNicholas):

Order, please!

MR. BARRY:

Mr. Speaker, what a group of individuals, trying to put in jail ordinary Newfoundlanders who have their backs to the wall, nowhere to turn, and want to exercise a basic democratic right to go out and protest their conditions of

employment! Do they not look proud over there? Do they not look proud?

Mr. Speaker, I would ask the Premier of this Province tomorrow to come into this House, stand up in this House and say that the suspensions are immediately lifted. No conditions! That the suspensions are lifted. I then ask that the Premier agree, as the President of Treasury Board (Mr. Windsor) - and I have to commend the gentleman - he has indicated he is prepared to look at and have government look at Bill 59 and to reconsider the impact of Bill 59. Now that is a positive move and the President of Treasury Board has to be commended for that positive move. Let the Premier come in and make that commitment, Mr. Speaker. Let him commit himself to an industrial inquiry into the state of collective bargaining in the public sector in this Province and, Mr. Speaker, let him indicate clearly to the public employees of this Province that if they return to work, after the suspensions have been lifted, then there will be a commitment to review Bill 59, reform Bill 59, an industrial inquiry, and then he will see there is a proposal put on the table that will lead to parity in the public sector in this Province.

If that is done, Mr. Speaker, then we, on this side of the House, will stand and we will applaud the Premier for having the courage to admit that he made a mistake, to admit that his arrogance led him on to a course of action that turned the people of this Province sick against him, that caused them to find his policies revolting in their arrogance and, Mr. Speaker, that has led to his administration being viewed as an administration

of oppression in this Province.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Minister of Transportation.

SOME HON. MEMBERS:

Hear, hear!

MR. DAWE:

Mr. Speaker, I am always reluctant to have to speak in the Legislature when you have to follow the buffoonery that has gone on from the two individuals opposite.

I remember, Mr. Speaker, that when this Legislature opened after the election the Leader of the Opposition stood on his feet on the other side and he said that it was his intention, as Leader of the Opposition, to conduct the affairs of this House, from the Opposition's point of view and from his own personal point of view, at a very high level to make sure that he and his group did not get involved in just wasted partisan politics, but that he would try and stick to the issues.

Mr. Speaker, I would have to agree with my colleague, the member for St. John's North (Mr. J. Carter), who believed that this particular motion was out of order because of the structure and the way in which the motion was put forward. I think it was epitomized in the member who introduced the particular motion and also the Leader of the Opposition who, Mr. Speaker, throughout the process of his few words tried to shout down not only this Legislature but, I am sure, he was trying to speak perhaps to the people in the rest

of the building. He shouted. He used profanity, Mr. Speaker, which incidentally through the context of it, the kind of language and the way he presented his arguments, I do not believe I have had occasion in the six years or so that I have been in the Legislature to hear that kind of language used continuously throughout his speech and the context in which he used it. I think it was a shame and it causes me some alarm, Mr. Speaker, as a member of this Legislature, to sit here and have to listen to the manner in which members of the Opposition try to take a very serious issue which is facing this Province and the people of this Province in the past few days, to try to take a very serious situation and treat it in the ridiculous partisan manner in which they are trying to do, inciting, Mr. Speaker, as opposed to trying to assist in rectifying the situation. I would suggest, Mr. Speaker, maliciously have they put forward this particular resolution because it deals with a number of untruths and it is just not valid. Most of the WHEREASES, if not all of them, are completely invalid because they are not true.

The mover of the motion, Mr. Speaker, indicated again, as he is prone to do, and the Leader of the Opposition said, "Selective arrest by the law enforcement agencies." I would respectfully submit, Mr. Speaker, that the Opposition is subject to selective hearing because it hears and interprets what it thinks it hears to suit its own political ends.

The members opposite are led by the member for Fogo (Mr. Tulk). He indicated that on an occasion I said it was easier to deal with

your friends than deal with your enemies. Mr. Speaker, that is a valid statement. The Opposition chose to interpret that as meaning that somehow the Department of Transportation, under my direction, caused more money to be spent in Tory districts than in Liberal ridings. Mr. Speaker, again selective hearing on the other side. I did not say it, Mr. Speaker. They have said it. The truth, in reality - the facts speak for themselves - is that over the five or so years that I have been with the department and previously to that, Mr. Speaker, although I have not checked into it in great detail, the percentage of money that is being spent in ridings, Liberal ridings versus Conservative ridings or NDP ridings, as they are included now in the Opposition, is dead on. There is no more money spent in Conservative ridings than in Opposition ridings.

As a matter of fact, Mr. Speaker, last year the percentage of Opposition members is just over 30 per cent of this Legislature when, in fact, the amount of capital expenditure from the Department of Transportation that was spent in Opposition districts totalled better than almost 33 per cent, 32.9 per cent. A far cry, Mr. Speaker, from the allegations. Again, it is the selective hearing and the selective interpretation of what they think they hear. It causes overall confusion, Mr. Speaker, which is the reason this particular resolution is wrought with confusion and is wrought with inaccuracies. It has no bearing on the situation other than a perceived opportunity on behalf of the Opposition to try and somehow score political points.

Mr. Speaker, I would look forward

to other members opposite perhaps getting on their feet and addressing the situation and, as poor as it is, perhaps trying to address the motion itself and put into the debate a little bit of substance, unlike the two previous speakers opposite.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. DAWE:

Mr. Speaker, could the minister on the other side responsible for partridge please be quiet?

MR. W. CARTER:

Would the minister permit a question?

MR. SPEAKER:

Order, please!

MR. DAWE:

No. Mr. Speaker, in the debate the member for Fogo (Mr. Tulk) indicated that the government was not only involved in selective this and selective that but also selectively deciding which public servants got reclassified and who did not.

As in the inaccuracies quoted in the expenditure of capital money on highroads, the same inaccuracies are there with regard to the expenditure or the reclassification of public servants in that there is a procedure - hon. members know what the procedure is - that operates under the direction of Treasury Board which looks at applications from various individuals and various groups in the public sector. If because of a different context, or a different way in which their work is performed, or

additional responsibilities, they look for reclassification, there is a board which decides, and I would like to point out, Mr. Speaker, that in most cases they decide against rather than for the reclassification. As a matter of fact, on some occasions the reclassification has gone in the opposite direction.

And the balance is exactly the same right through the system, Mr. Speaker. The percentage of people outside of management, or below management, who seek reclassification and get reclassified to a higher category, is about the same percentage as the people who get reclassified in the management positions. There is absolutely no difference. The reclassification of the Public Service operates on a standard basis at every single level from the General Service to management. So again, Mr. Speaker, they indicate that and it is just not valid.

I would like to point out, Mr. Speaker, that they also talked about the inequality, or the wage restraint, or the general financial restraint not being applied across the board, and they point out some individuals.

Let me point out, Mr. Speaker, that the member for Fogo (Mr. Tulk), the member for Windsor - Buchans (Mr. Flight), and other members opposite, in lobbying Cabinet ministers who eventually had to make the decision, lobbied them very forcefully to make sure that MHAs got a 23 per cent to a 25 per cent increase.

MR. TULK:

Not true. Not true.

MR. DAWE:

Mr. Speaker, these are the same individuals who now -

MR. TULK:

Not true!

MR. SPEAKER:

Order, please!

MR. FLIGHT:

On a point of order, Mr. Speaker.

MR. SPEAKER:

Order, please! A point of order, the hon. the member for Windsor - Buchans.

MR. FLIGHT:

The minister just implied, Mr. Speaker, that the member for Windsor - Buchans lobbied with him and other ministers for a 25 per cent increase. That is not so, Mr. Speaker. That is a deliberate lie. That is not so. I speak for myself. I lobbied with no minister for a 25 per cent increase. That is a misrepresentation of the facts, and the minister should be asked to withdraw it, Mr. Speaker.

MR. OTTENHEIMER:

To that point of order, Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

The actual question which originated the point of order was whether hon. gentlemen, all or some on the opposite side, lobbied -

MR. FLIGHT:

The one he specified.

MR. OTTENHEIMER:

Okay, an hon. gentleman - lobbied for a 23 per cent increase or

not? Obviously, whether he did or he did not is a difference of opinion between two hon. gentlemen. But the hon. member in raising that point, which in my opinion is not a point but a difference of opinion between two hon. gentlemen, said the hon. gentleman had deliberately lied. Obviously one cannot say 'deliberately lie' or, indeed, 'lie', because you can only lie deliberately. So that should be withdrawn.

MR. FLIGHT:
Mr. Speaker.

MR. SPEAKER:
Further to that point of order.

MR. FLIGHT:
Mr. Speaker, I have no problem withdrawing the words the minister refers to. I wonder if the Minister of Transportation (Mr. Dawe) is man enough to withdraw what he said, which he knows to be untrue. I withdraw, Mr. Speaker.

MR. SIMMS:
That is not unparliamentary.

MR. SPEAKER:
Order, please!

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

MR. SPEAKER:
Order, please! There is a point of order. Do you wish to speak to that point of order?

MR. TULK:
Yes. Mr. Speaker, I will not say that the Minister of Transportation lied.

MR. DAWE:
That is right.

MR. TULK:

I will not say that. I am not allowed to say that in this House. I am not allowed to say that.

MR. DAWE:
You cannot say it anyway, because it is true.

MR. TULK:
But let me say to him that the member for Fogo has never in my life, as far as I know, spoken to a minister about getting a raise in pay for myself.

MR. SPEAKER:
Order, please! I have heard enough on that point of order to rule on it now. It is a difference of opinion between two hon. members. There is no point of order.

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please! The hon. Minister for Transportation.

MR. DAWE:
Mr. Speaker, members opposite have difficulty in taking it. They are hypocritical in their approach to this, based on their political objectives. It is very difficult for them, I know, Mr. Speaker, to accept criticism in reverse. I indicate again, Mr. Speaker, that members opposite lobbied myself directly, in the presence of others, to accept the package presented by the Select Committee on Member Services, Accommodations and Benefits. Now, Mr. Speaker, in that total package there was some 23 per cent or 25 per cent attributable to improvements in the wage package. Now, I am led to believe that if they were supporting it, and indicated to that they wanted me to support the

total package as a government member, that that meant, Mr. Speaker, that they were asking me to support the 25 per cent increase in their wages.

MR. TULK:

A point of order, Mr. Speaker.

MR. SPEAKER:

Order, please!

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

MR. TULK:

Mr. Speaker, I think Your Honour will recall that the hon. gentleman just used the word 'hypocritical'. Your Honour will see, on page 107 of Beauchesne, that that is an unparliamentary word and I would ask Your Honour to ask the hon. gentleman, for want of a better term, to withdraw it.

MR. SIMMS:

To that point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

To that point of order, the hon. the member for Grand Falls.

MR. SIMMS:

Mr. Speaker, if the hon. member was prepared to present a proper case to Your Honour, he would also see on page 112 that the word 'hypocrite' has been accepted -

MR. TULK:

Yes, but not the word 'hypocritical'.

MR. SIMMS:

- since 1958 and has been ruled parliamentary, and so has the word 'hypocrisy'.

MR. SPEAKER (McNicholas):

To that point of order, I have

heard enough, I have heard the comment, and I am quite prepared to rule on it. I think what the hon. member said was 'a hypocritical approach' and I move there is no point of order.

MR. TULK:

So, can you use any of those words now.?

MR. SPEAKER:

The hon. the Minister of Transportation.

MR. DAWE:

It is obvious again, Mr. Speaker, as I indicated at the beginning of my few short remarks, that members opposite, because there is no substance in what they have presented, tried to shout the issues across the House and through the whole building, tried to use borderline profanity in their presentation, particularly the Leader of the Opposition (Mr. Barry), and on four separate occasions he used that. I suppose in some forums the use of vulgarity emphasizes a particular point, but I would suggest, Mr. Speaker, that in this particular forum in which we are operating, the use of language in that particular manner does not do any advantage to any member of this particular Legislature.

On the particular aspects of Bill 59, Mr. Speaker, and as they relate to overall government direction with regards to that bill, I think the Minister of Intergovernmental Affairs (Mr. Ottenheimer) explained fairly adequately the history of Bill 59, the intent of Bill 59, and the practical application of that particular piece of legislation. I think, Mr. Speaker, it is very important to highlight the remarks made by the Minister of

Intergovernmental Affairs as it relates to not only the obligation but also a desire on behalf of this particular administration, and certainly an obligation on behalf of governments generally, to protect the health and safety of the people they represent. This is the intent of this particular legislation, Mr. Speaker.

It might be interesting to point out, and I am sure later in the debate as others get up to speak they can be a little more specific as it relates to numbers, that essential employees in the public sector generally, Mr. Speaker, amount to - it has been difficult to determine the actual numbers because the particular union involved has not seen fit to address itself to the legislation and come forward with an alternate list of names so that it could be negotiated or, in the event that it could not be negotiated, the process would go to binding arbitration through the Labour Standards Board. That has not been done. Mr. Speaker, it is also important to note that the Leader of the Opposition said, "Well, what would happen in the health sector is everybody would be subject, because they would not be able to go on strike, to lower wages." Mr. Speaker, obviously the Leader of the Opposition, as is his wont, has not read or completely thought out the process in its entirety, because if over 49 per cent of a particular bargaining unit is declared to be essential, then the matter will go before binding arbitration.

It is a well known fact, Mr. Speaker, that through a binding arbitration procedure in more cases than not the arbitration awards higher wage increases than

would normally have been the intention of the employer. So binding arbitration in those instances is not an unacceptable way to go, and does not dictate a lower wage settlement, but, in fact, indicates that there would be probably be a higher wage settlement. But that is not the case, because none of the people in the bargaining units will be subject to this 49 per cent provision, Mr. Speaker. Outside the health sector, I think that perhaps, in the Wintertime, the Department of Transportation represents one of the higher percentage numbers, and that is somewhat less than 35 per cent. That would be government's intention. Obviously that percentage point may come down lower if the people on the other side, the union involved, would present what they think is an acceptable number of essential employees and we would negotiate the difference.

SOME HON. MEMBERS:

Oh, oh!

MR. DAWE:

Mr. Speaker, what is going on on the other side again now is an indication of the general attitude that members opposite have with regard to this particular piece of legislation. They jumped with glee yesterday because they perceived falling oil prices as being somewhat of a disincentive for the development of Hibernia. They could not contain themselves, Mr. Speaker. They jumped up and down in their seats, but they will be fooled, Mr. Speaker, because they will not have an opportunity to jump up and down too much longer.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the member for Gander.

MR. BAKER:

Thank you, Mr. Speaker. I do not know if I should stand up here.

SOME HON. MEMBERS:

Oh, oh!

MR. HODDER:

A point of order, Mr. Speaker.

MR. SPEAKER:

A point of order, the hon. the member for Port au Port.

MR. HODDER:

I made a point when the Minister of Transportation was speaking that the noses of the two members over there might grow, because they had been lobbying for excess salaries. Now, Mr. Speaker, they have been keeping this up. I have never, while I was in Opposition or in government, taken a cent behind anybody's back or did anything like that. If that is what the members are referring to, take your comments outside the House. Neither have I lied.

MR. FLIGHT:

You protest too much.

MR. SPEAKER:

Order, please!

That is not a point of order the hon. member is making now.

The hon. the member for Gander.

MR. BAKER:

Thank you, Mr. Speaker. In light of the fact, Mr. Speaker, that the hon. the member for Port au Port is so angry today, I do not know if I should even stand up here to speak. I understand, Mr. Speaker, that he is angry about something that was said in this House a

little earlier today and it indicates to me that he believes that there is something wrong that has happened, something underhanded, something even false. I would suggest, Mr. Speaker, that that indicates to me that the general area of questioning that I started is getting into an area that is quite acceptable to the member for Port au Port (Mr. Hodder), that he feels that really there is nothing wrong with what happened.

Because, Mr. Speaker, it has to do with this particular resolution, I would like to very briefly outline what it was that I was talking about in a very sensible, cool and calm manner. My problem is that I wonder if indeed it is proper, and we have been through conflict of interest guidelines, legislation and questions in the past, I wonder if it is proper for a member of a government, and by government I mean the elected people opposite, whether they be backbenchers or cabinet, because I assume that everybody has an input into policy, I assume that is the way a party will operate, I am assuming that is the way it operates opposite, that all members have an input in policy, they have an input into the direction that government is taking and, if they do not, then what are these backbenchers doing? If they have no input into any decisions, what are they doing? I assume government backbenchers have an input into government policy. Now, then, let us assume that is true. If that is in fact true, Mr. Speaker, then my question was to the propriety of one of the members, through his business, receiving income as a result of the situation created in the labour force at the present time. The fact that there are

highway workers who went on strike, and the reasons have been outlined a number of times already today as to why they went on strike and felt they had to go on strike, they were pushed into it, and an elected member who has a channel through the decision-making process, that elected member would, as long as this strike continues, profit from the situation, profit from the fact that the workers are out. It seems to me that in using any logic this is a very reasonable question to ask and I would expect that any member would have the same attitude. It seems to me, Mr. Speaker, that there is a difference in attitude as you go across the floor of this House. It seems to me that over there the attitude is, 'Oh, that is all right', it is all right for an elected member, through a business, to profit from something that is going on in government that he -

MR. SPEAKER:
Order, please!

I have to remind the hon. member that he is on very thin ice. When he applies wrongdoing on the part of another hon. member without producing facts and substantiating his charge, he is on very, very thin ice. I do not wish to interrupt him, but I have to remind him of that.

MR. BAKER:
Thank you, Mr. Speaker.

I understand what you are saying. I am not implying any legal wrongdoing or anything like that, I am asking if it is considered to be proper on the part of an elected member.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:
Order, please!

The Chair wishes to afford all hon. members the same courtesy as has been applied to two other hon. members, and that is the right to be heard in silence. The Chair has taken this initiative of its own prerogative. Now, I would ask hon. members to use the rules of the House. They have the privilege of standing on a point of order, of raising a question, or of challenging anything an hon. member says, but, please, I believe it is fair to afford this hon. member, as in the case of all hon. members, the right to be heard in silence in what is an important debate.

MR. BAKER:
As I was going to say, Mr. Speaker, if you interpret these remarks to mean that I am suggesting there is an illegality, that was the furthest thought from my mind at the time.

Now, then, I was pointing out a difference in belief in philosophy as I go across the floor of the House. Members opposite apparently assume that what I was talking about should never have been mentioned. When it was mentioned, I simply asked the Premier if this in fact was happening, or if he would look into it and so on, and because of being pressured to explain what I was talking about, that was the point at which I put it forward.

However, Mr. Speaker, the difference in attitude is very striking. The member for Port au Port (Mr. Hodder), the member who recently received his \$5,000 salary increase -

MR. HODDER:

A point of order, Mr. Speaker.

MR. SPEAKER (Hickey):

Order, please!

The hon. the member for Port au Port, on a point of order.

MR. HODDER:

In my remarks made a few minutes ago I said that I have never taken anything that I did not take up front. I have never taken anything. My attitude has never changed, when I was over there or since I am over here. But I will tell the hon. member that when I was over there I did not stand up, look over here, point at people and cast innuendo on a person who has a piece of machinery. Is he supposed to tell people if somebody comes and hires it? Is he supposed to do that because he is a member of the Legislature? Is he supposed to do that? That is the kind of dirt that is over there right now.

MR. BAKER:

To that point of order, Mr. Speaker.

MR. SPEAKER:

On that point of order, the hon. the member for Gander.

MR. BAKER:

Mr. Speaker, to that point of order, there is an example of why I would totally support the introduction of television into this House.

MR. SPEAKER:

There is obviously no point of order, it is a very serious difference of opinion between two hon. members.

MR. BAKER:

Mr. Speaker, because time is

limited, I would like to get along to a couple of other points that I feel I should touch on. First of all, the Minister of Transportation (Mr. Dawe), who just spoke, did, I suppose, what is the accepted thing in these private members' bills. The members opposite get up and they say, 'Well, there is not a word of truth in this, not a word of truth. It does not say anything.' Then they proceed to talk for twenty minutes and not really deal with the particular issue that is under consideration.

He mentioned about MHAs wages and the package and so on that was proposed. What a red herring to bring in. We are talking about something else here, we are talking about the situation in this Province right now. Members opposite were members of that Committee and helped develop this particular proposal. It was not accepted and that is all there is to it. Nothing else to it. What a red herring.

The Minister of Transportation talked about everything else except what is on everybody's mind in this Province today. He talked about a variety of things having nothing to do with the very serious situation in the Province with regard to the Transportation workers' strike and the subsequent strike of other workers in support of the people at the Department of Transportation.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Mr. Hickey):

Order, please!

I have to insist that silence be maintained. The hon. member is now being interrupted by members

on his own side.

The hon. the member for Gander.

MR. BAKER:

My first introduction to the reality of this strike, Mr. Speaker, was when I saw on television what was happening outside Confederation Building. I knew what was going on, obviously. Everybody knows what is going on and everybody knows that the police came and took people away and booked them and so on, and released them three hours later. We all know what happened. But when it was seen on television, here is what people saw: They saw some peaceful protestors, concerned protestors holding their signs, they were not stopping traffic, they were not interfering with people, they were not being rough, they were not being abusive, they were not being loud, they were peaceful protestors.

Now, Mr. Speaker, what happened to these peaceful protestors? What I saw was police wading into their midst, taking them to the cars and carting them off and arresting them. That is what I saw and all of a sudden it struck me, if I am working at a job and I do not show up, I will probably get fined or fired. However, if I am working at a job and do not show up and protest peacefully, why should I get put in jail? Why should I get carted off and arrested? In what part of the world would you expect that to happen? Looking at it, Mr. Speaker, it seemed to me that this could not happen in our Province. We could not have peaceful protestors getting carted off to jail - that is impossible! - but there it was in front of me on the television screen and it happened the next day and the next

day, peaceful protestors getting carted off to jail. I began to wonder what is it that we are doing? Why would we carry people off to jail? Peaceful protestors, not violent protestors.

I tell you that in the statements by the Intergovernmental Affairs Minister (Mr. Ottenheimer), I understand why this happened. We had a discourse on the law and during that discourse on the law he went on to talk about elections and what is possible. His attitude, it seems to me, is summed up in this way: we have a democratic form of government, therefore, once every so often, people go to the ballot box, make decisions and a government is created in this Province. Once that decision is made, then they should do the sensible thing and wait until the next election before they can protest. In between they should accept the decisions of the government. Could it be that that is the attitude of governing that members opposite have? I hope that all of them do not have that attitude but could it be that this is the mentality that accepts the fact that peaceful protestors are carted off to jail? Is that what is happening?

Are we to the point where we have to say to people "if you disagree with us, you cannot do those things." As a matter of fact, their were a couple of people arrested that had nothing to do with the illegal strike that presumably were not even covered under the injunction, that visited people on the picket line and got taken off and arrested. Is this the mentality that we are not allowed in this Province to now protest and buck this government? We have to wait until the next

election.

I can assure members opposite that whatever the fall out from this affair, there will be repercussions at the next election, certainly. However, in the meantime, they are supposed to suffer for three years waiting for an election. It seems to me that my concept of what happens in a democratic country is a little bit different. My concept would allow for protest, especially peaceful protest like this, and it would allow people to express their opinions, in whatever way they could, as long as it was in a peaceful manner. Apparently members opposite do not believe in this.

MR. J. CARTER:

You know very well this is not a peaceful demonstration.

MR. SPEAKER (Hickey):

Order, please!

MR. BAKER:

Well it depends on the definition of peace.

Anything that goes against the decision the hon. members make is unpeaceful.

MR. BARRY:

Or anything that involves anything more than tugging the forelock.

MR. BAKER:

Anything that goes against an opinion the hon. member has is violent. I would say to the hon. member that that kind of oppression is the worse kind of violence that we can have.

In reviewing the resolution there are a number of points have to be dealt with. I suppose that we will eventually get a chance to

deal with them all. One thing that comes out is not only the fact that people were arrested but the provocation that these people have had to suffer. The provocation in terms of other people receiving lots of money while they are getting carted off to jail. I refer to, of course, what is referred to in the resolution, first of all, the car allowances of the deputy ministers, assistant deputy ministers, executive assistants of ministers, members of the Premier's personal staff and a lot political flunkies that do one job or another for some members opposite. That has to be provocation in the extreme in the middle of a strike.

What happened yesterday is also provocation. All of a sudden, senior management in some departments, I do not know if all because I have not checked, automatically received a 6 per cent wage increase, automatically. As far as I know they did not ask for it. This was given to them at a time when people are under thirty day suspensions, under threats of jail, some of them in jail, and when people are getting arrested. They are not allowed to protest peacefully. When all this is happening, all of a sudden, the money flows for the higher paid people, not the lower paid people.

I would like to point out that maybe the Minister of Transportation should talk to some of those people who are on strike. Maybe he should have talked to them some time ago. Maybe he should have realized what some of his actions caused. I was talking to a crew that is working on the Loop around Bonavista North - Fogo, that area, from Gambo back

around to Gander Bay. I was talking to a person there. He phoned me and he said, "Look, three or four years ago, we had a crew of forty in my area here. We had three shifts. Of course we were not getting much pay and we are still not getting any pay. Now," he said, "there are only eleven." This over the years has been reduced because of the layoffs in the Department of Transportation and there have been a high level of layoffs in the Department of Transportation. Nobody has mentioned this yet. That is a contributing factor to this situation, the fact that there has been a high level of layoffs. All of the sudden, one shift has to be on twenty-four hour call to do a section.

This gentleman who phoned me talked about a mechanic who works there. One of these eleven men is a mechanic. His job is to fix up the machinery and so on. He is on twenty-four hour a day call. He has to work on the machinery in the snow. There is no garage for him to work in. He has to work in the elements on all the machinery on twenty-four hour a day call. Yet his wage scale was six something an hour. He has been working there for a number of years as well. Six something an hour, that was the remuneration he was getting. He had a family of four. I said to him, "You are not making much money. You cannot have saved any money. You cannot have any money. How come you are out on strike?" He said, "Well, it is this way. They suspended me for thirty days. I do not really lose anything, I suppose. I am not making enough to worry about. If I were to lose my job, I would get almost as much on welfare. So, what have I got to lose? The working conditions are horrible.

The hours are horrible. The staff has been reduced so much I just cannot keep up with it and we cannot keep up with it. What have I got to lose by going on strike?"

I would suggest that an awful lot of those people - I know that all of them are not that bad off - feel that they have got nothing to lose by doing what they did. I would suggest that that is a sad state of affairs in this Province.

I would also like to point out that there seems to be an attitude, and this came through in a couple of speakers from the opposite side, that members opposite, the government, are the only ones concerned about the health and safety of the people in this Province. They have to make sure that the people are safe and their health is secure and all this kind of thing, and the unions do not care about this. This is the implication, that the unions do not care about it. It is up to those people opposite to look out to the -

MR. SPEAKER (Hickey):

Order, please!

I am advised that the hon. member has one minute left.

MR. BAKER:

Thank you, Sir. That the union does not care about the health and safety of the people of this Province. I would say to members opposite that this is again part of the attitude that is causing the problem right now, that the unions do care about the health and safety of the people in this Province, that they do care that in the event of a strike that they have to get ambulances to hospitals and that they have to provide basic services. They do

care about that and they will ensure, under any ordinary circumstances, that these emergency situations are taken care of.

I would suggest that the unions themselves will ensure that these conditions are met and that the health and safety of the people of this Province are looked out to during a strike. It is not simply members opposite who are concerned about that.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:
Hear, hear!

MR. POWER:
Mr. Speaker.

MR. SPEAKER (Hickey):
The hon. the Minister of Forest Resources and Lands.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
My apologies, the hon. the Minister of Career Development and Advanced Studies.

MR. POWER:
Mr. Speaker, there are days when I would like to go back to my old job, I have to say.

Mr. Speaker, the last speaker from Gander brought up the crux of the matter in the last sentence that he made, the fact that the highroad workers and some other persons in this Province will supply essential services at certain times if they think it is necessary. The member for Gander was acknowledging in a very real way that highroad clearing when there are ambulance cases and hospital cases, in the case of the

hospital itself, in the case of some of the workers that we are trying to designate as essential, that sometimes those workers are absolutely essential to the public good and to the public safety and they cannot be done without.

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please!

MR. POWER:
I usually sit in this Legislature, Mr. Speaker, and am very quiet. I do not usually interject a lot. I have ten or fifteen minutes to make a few comments and I would like to be able to make them.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
The Chair will repeat what it said before, that the hon. members have the right to be heard in silence and the Chair has already used its own prerogative to insist on that, so I would ask hon. members to co-operate.

MR. POWER:
Mr. Speaker, another point that the member for Gander brings up that I just have to comment on is the fact that he appears to believe that because we have an election in these democratic places that we happen to live, where we are lucky and fortunate enough to live, where we do have access to a democratic process, that it appears to some people, maybe the member for Fogo (Mr. Tulk), and the member for Gander (Mr. Baker) who said it, that once a government is elected in Newfoundland anyway, because we are Tory instead of Liberal - if we were Liberal or NDP, he would

not say it I suppose - but because we are Tory and elected in Newfoundland in a democracy, then somehow or other every three or four years we become very concerned about public interest and public wishes and then, as soon as we are elected, we absolve ourselves of all care, concern and responsibility.

Mr. Speaker, what really happens is that members opposite cannot accept the wishes of the people of Newfoundland and Labrador. They were shocked last year in April when they were not going to be the saviours of Newfoundland. They were not accepted with open arms by 51 per cent of the population. Therefore, somehow or other, any government that is elected has to be wrong, has to be corrupt and it has to be uncaring.

Mr. Speaker, we, as a duly elected government after Bill 59 was introduced, after the majority of Newfoundlanders decided to support this side of the House and supported these members, we had a duly elected government brought in after Bill 59. Bill 59, Mr. Speaker, I believe is the crux of the problem.

The Minister responsible for Intergovernmental Affairs (Mr. Ottenheimer) outlined it extremely well in his comments a little bit earlier today. He outlined the idea of the rights of people, the right to life, the right to health, and the right to strike and tried to compare in a real logical, sane and sensible way how all of those rights that we have sometimes come in conflict with each other, and sometimes you have to choose between one and the other. Hopefully, a person will choose the higher right and the higher goals, rather than the

lower ones.

Mr. Speaker, how do you get an essential employee? Is there any such being as an essential employee? Where does this designation and this problem that we are in today with the labour unions and government employees in this Province come from? How do you get an essential employee? It developed, Mr. Speaker, if I understand the history of it, after a strike in 1981 where laboratory and x-ray workers went on strike and where, after a week or so, after the strike, we were notified by various medical institutions in this Province that the strike itself was seriously endangering their ability to operate and provide essential medical treatment. What happens in a free country?

The Leader of the Opposition (Mr. Barry) was in the Cabinet, I think, at the time when the decision was made, to legislate certain essential health care employees back to work, because it became obvious to everyone, even the persons in the union who immediately called off the strike after the essential designation was made and went back to work. It was obvious to every single person in this Province that you have to have certain essential people in order to run the democratic social system that we have.

Mr. Speaker, in 1983 in order not to get back into the problems of 1981, in order to not have strikes, legal or otherwise, where people would walk out and we would find that property of government or others, that health and safety of individuals in this Province would never again be jeopardized in that manner - now it may sound

that that is not important but, if you happen to be the person in 1981 on the Burin Peninsula who almost died, and I would suspect, Mr. Speaker, although it has never been documented, the stories were around the back-door at the time that maybe certain lives were lost because certain essential services were not provided during a week's period. That may not be important to some persons who say 'one person died or one person lived or one person was sick and suffered a little bit extra because they could not get to hospital' but, what happens if you happen to have an emergency situation during the Winter months? Does a government, in a democracy, have the responsibility to supply highroad services, ambulance services and access to hospitals during those times of emergency?

If someone can convince me that government does not have that responsibility or we should, somehow or other, remove that responsibility from government and give it to NAPE, the Newfoundland Association of Public Employees, who says, "If there is an emergency, if you really need something, if you think you are going to die or your child is going to die on the way to the hospital, give us a call and we will see what we can do for you." Mr. Speaker, that is not the kind of province that I want to live in. I want to live in a province where I am absolutely guaranteed at all times, 365 days of the year, that I have access to hospitals, that I have access to ambulance services, and that I have good road clearing in the Winter months when it is sometimes the only way to get to hospital.

I contend, Mr. Speaker, that the crux of this problem has to center

around essential employees. Some of the executives, not all of the executives, and most, certainly not all, of the Newfoundland Association of Public Employees agree with my comment. I have had members of the executive who have said to me in private, "Yes, you have got to have certain essential employees." Listen, the problem is that it is not accepted. Mr. March has said many times that he is never going to accept Bill 59 because it removes the right to strike for some of his employees and he is not going to believe it. He did not believe it after the election last year when we were duly elected, after Bill 59 was brought in and, therefore, somehow, I suppose, supported by the majority of persons in this Province. Bill 59 is not going to be workable in Frazer March's terms.

I know a large number of members of NAPE who have come to me and said, "I know that my job as truck driver in the Winter months is essential. I know that my job in the hospital service is essential. Therefore, if anything, I should not have the right to strike." But because we live in democracy, Mr. Speaker, and because we will not arbitrarily say large numbers of people are not going to be allowed to strike and not going to have free collective bargaining, we have put in a very fair and just process whereby it can be determined that in certain bargaining units at certain times in the year certain persons are going to be essential. NAPE has acknowledged that themselves by putting an ad in the paper, as the member for Gander (Mr. Baker) quoted, saying that if you have an emergency, then we will supply an essential service to you. I say

that is not NAPE's prerogative. It is the prerogative of the people of this Province who were elected to govern on this side of the House and we are going to live up to that responsibility.

Mr. Speaker, if we were being really dictatorial, arrogant, oppressive, uncaring to NAPE or to other persons in the Province, we would just very simply say, "Highroad workers have no right to strike." Good old Liberal philosophy! The Liberals had them for twenty-three years. There is not a highroad worker in this Province who went on strike for twenty-three years in Joey Smallwood's reign. Why did they not? They did not go on strike because a government just arbitrarily said, "We are going to treat -

SOME HON. MEMBERS:

Oh, oh.

MR. SPEAKER:

Order, please! I would ask hon. members to afford the hon. member the privilege that other hon. members had, to be heard in silence.

MR. POWER:

Mr. Speaker, if what I am saying is not factual, if workers during Joey Smallwood's Liberal regime in Newfoundland were allowed to go on strike in the highroad depots, then someone can stand up afterwards on that side and tell me I am wrong. But they know I am not wrong. They know I am telling the truth and they know that this government, which brought in collective bargaining for government employees and we amended a system in 1983 so that we could protect people on one hand and give as many people as was humanly possible the right to

strike in free collective bargaining in this Province. That is where Bill 59 came along, in 1983.

Now if we were really, really arrogant and uncaring then we would say, all the highroad workers, every single one of you have got to go either on strike at the one time or not be allowed to go on strike and we would remove the right to free collective bargaining, if we were arrogant. But, Mr. Speaker, we are not. We are caring not only about the safety of people in the Province but also the workers who are our loyal servants most of the time and many of them are very loyal and good servants to this Province and the people of this Province, so we are not being uncaring to either group.

What we tried to do in Bill 59 was to say, "We want to designate a certain number of employees as essential at certain times of the year." Now, did we say we want to have 51 per cent of all highway workers every day of the year? No. Did we say we wanted to have 51 per cent of all firefighters in the Province every day of the year? No. We worked out a system, Mr. Speaker, and in the Bill there is a system whereby if there is not agreement between the government and the union, then it can go to the Labour Relations Board which is a neutral judicial body, binding on both parties, and we will come to terms. We submitted, I think in July of 1984, a list of people to NAPE that we thought might be essential. I will acknowledge, Mr. Speaker, that we have not had any experience with strikes in the Wintertime to determine exactly how many people are essential. So we are not absolutely sure but,

there is a system for negotiation and discussion. We submitted the list to NAPE and the NAPE executive said, "We are not having anything to do with Bill 59. There is no such thing as an essential employee, unless you want to call my number during a storm when somebody is dying then you are essential."

So we submitted a list of I guess positions to NAPE for some kind of negotiation and they refused to negotiate. The figures, Mr. Speaker, just to show you that we are not as arrogant as another regime was in this Province at one time, that we do care and we are trying to be fair, in MOS there are 2,424 workers. We have asked that during the Winter months when there may be conditions that would prevent somebody from getting to hospital, getting the medical services or protecting their homes if the road is blocked and you cannot get a fire truck to that house, that in the Winter months we would like to have a little less than 600 of 2,424 deemed essential for a couple of months of the year. In the Summertime, when there is no problems with road clearing or storms, then we say we will drop that back to about 10 per cent because in the Summertime we do not need a highroad operator to the same degree that we need him in January, February and March.

MR. SIMMS:

And that is not final.

MR. POWER:

And that is not final. We are only suggesting this to NAPE to discuss with us, to negotiate in a reasonable sane fashion and if we cannot come to terms, then there is a labour board which will adjudicate on our behalf.

In the General Service there are 4,000 workers, the workers who are on strike today. There are 4,000 workers in General Service. Do you know how many, Mr. Speaker, we wanted to deem essential? A little under 12 per cent, about 475 or 480 people out of 4,000, and we only want them during certain times of the year. I mean you have got to be able to, as the Minister for IGA emphasized earlier, balance off certain rights. If a person has the right to strike, they are going to use that power to get as much as they can and they are going to do it when the government is weakest. What do you do in Newfoundland?

I was Minister of Forest Resources and Lands for four or five years and we had some serious forest fires, a couple of major ones in Labrador, what do you do if firefighters in the forest service decide that the very best, most opportune time for me to bargain happens to be just as a large forest fire is raging in a Province? Do we as a government have the responsibility to make sure that during that forest fire when life and property is threatened that we cannot have a strike in that given unit. That is all we decided. The basis of trust and the system is there.

All I am saying, Mr. Speaker, is that if in this Province we are somehow or other going to be held up to ransom, going to be blackmailed into absolving ourselves of what are very fundamental social responsibilities in this Province to supply health care, to supply decent roads, to make sure that the property, whether it is a forest or housing is protected, then I have to say, Mr. Speaker, that I would not want to be in a

legislature that would allow that to happen. I would not really want to live in a province where I could not be assured of those fundamental services which are standard all across North America.

I will say, Mr. Speaker, I was elected ten years ago to serve in this House and to serve all the people of my district. I have tried to do it very well but I will say that in matters such as this, where people's safety, health and property is threatened, we have to have essential services. Because NAPE has refused to negotiate the number of essential personnel, because the Labour Standard Board has not been able to deal with the problem because NAPE is appealing it to the Supreme Court of Canada, we are stuck in a very difficult situation today. It is a situation which none of us on this side wants. It is a situation which works to the benefit of some persons in the Province, some political groups who may be able to say, 'Look, you had better vote for us next time because that government caused you to be on strike.' They are political opportunists who will get on any bandwagon.

Mr. Speaker, it is not a coincidence that the first resolution on the Order Paper is a resolution about Bill 59, MOS and the strikes that we have in the Province because it is a bandwagon. If there was another bandwagon in the Province today, the members opposite would get on it. How sincere they can be as legislators who make laws and who serve the people I have to really question because, from my point of view, any government that refuses to give those basic rights to the

citizens of this Province is not doing what the people asked for and demand.

Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Hickey):

Order, please!

MR. DECKER:

Mr. Speaker.

MR. SPEAKER:

The hon. member for the Strait of Belle Isle.

MR. DECKER:

Thank you, Mr. Speaker.

MR. BARRY:

Mr. Speaker, on a point of order.

MR. SPEAKER:

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

MR. BARRY:

Before the member for the Strait of Belle Isle (Mr. Decker) proceeds with his remarks, it should be noted that the government is seeking to have the House close on next Tuesday after the Budget Speech. Whether or not it does happen is not clear yet but, it would be unfortunate if the Minister of Labour (Mr. Blanchard) is not given an opportunity to speak in this debate before the House resumed after the Easter recess. I am sure the member for the Strait of Belle Isle would be happy to defer to the Minister of Labour and permit him to have an input into this debate on a matter that is very crucially important and of great interest to the workers of this Province. We would gladly defer now to the Minister of

Labour.

MR. SPEAKER:

Order, please!

Firstly, I am not aware of whether the hon. minister wishes to speak or not or to take up the opportunity, number one. Number two, if it is his wish to participate at this point in time, it will require the unanimous consent of the House. I recognized the hon. member for the Strait of Belle Isle (Mr. Decker) because he stood before but the hon. member for Menihék (Mr. Fenwick) was standing and, therefore, it would require leave by the hon. member for Menihék.

MR. BLANCHARD:

A point of order, Mr. Speaker.

MR. SPEAKER:

The hon. Minister of Labour and Manpower.

MR. BLANCHARD:

I do not need the Leader of the Opposition (Mr. Barry) to tell me when I should speak in the House. We are not restricted on this side of the House. I will speak when I want to, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

The hon. Leader of the Opposition.

MR. BARRY:

I think it should be noted and the message should go out loud and clear to the public employees and other workers in this Province that the Minister of Labour (Mr. Blanchard) is attempting to chicken out and attempting to hide on this very basic issue.

MR. BLANCHARD:

To that point, Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, labour in this Province knows exactly where I am coming from but I cannot say the same for you in the four or five months that you were there and did nothing.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

Hon. members might as well get it through their heads that we are going to apply the rules. Every hon. member has a right to be heard in silence.

The hon. member for the Strait of Belle Isle.

MR. DECKER:

Mr. Speaker, I am not going to ask for silence. No way am I going to ask for silence. I do not want silence.

SOME HON. MEMBERS:

Oh, oh!

MR. DECKER:

If members opposite want to treat this in a frivolous manner, sobeit, Mr. Speaker.

I am reminded, Mr. Speaker, of the second worst thing ever I saw happen in my life in this Province.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Hickey):

Order, please! Both sides.

MR. DECKER:

It was in the 1970s, Mr. Speaker, in St. Anthony, which is a part of my great district. I saw some of my fellow Newfoundlanders, some sealers, men who for 500 years had followed the traditions of earning their living by harvesting the seal herd; and I saw the RCMP parade in, barrage in on those people and arrest them and lead them away into captivity.

MR. TOBIN:

Did they ever move in on you?

MR. DECKER:

If you want a Bible passage, I will refer to the Philistines and the Israelites, the Israelites taken by the Philistines. That, Mr. Speaker, until a few days ago, was the first worst thing that ever I saw happen in my life.

AN HON. MEMBER:

And you are the wrost first.

MR. SPEAKER:

Order, please!

MR. DECKER:

A few days ago, Mr. Speaker, when this second worst thing happened, I could at least console myself by saying it was done by the RCMP, who are mostly mainlanders anyway.

SOME HON. MEMBERS:

Oh, oh!

MR. DECKER:

In our weakest moments we could rationalize it by saying, Mr. Speaker, they were mainlanders anyway. They did not have the same empathy towards Newfoundlanders that I had, towards Newfoundlanders that the Constabulary has. Mr. Speaker, the worst thing that ever I saw happen in my lifetime happened just a few days ago -

MR. TOBIN:

You should have been here in 1975 when your leader (inaudible).

MR. SPEAKER (McNicholas):

Order, please!

MR. DECKER:

- when I saw Newfoundlanders possibly forced and manipulated by an arrogant, uncaring government. It has become evident from statements made by the Premier in this hon. House today that there was indeed intervention, that by some strange coincidence, when one particular group "breaks the law" - and I put breaks the law in parenthesis, Mr. Speaker - if it is not right then they are rushed off to jail, and when another group of Newfoundlanders breaks the law, they are allowed to go free, and the only explanation that I can get is that the Premier tipped someone off and said, 'Do not enforce the law here but enforce it there,' Mr. Speaker. The very worst thing that ever I saw happen in my life was the Newfoundland Constabulary, a police force that I have come to respect down through the years and that I have said many times, Mr. Speaker, should be policing the totality of this Province. And many people on both sides of the House, I am sure, from time to time have taken that stand. But the worst thing ever I have seen was the manipulation, the interference by government into the justice system that forced Newfoundlanders - and I will tell hon. members that I know some members on the picket line and I know some members of the Constabulary, and I know that it was a soul-rending thing for them to have to do, to go in and arrest peace-loving, law-abiding Newfoundlanders, Mr. Speaker.

MR. MITCHELL:

But they are not law-abiding.

MR. DECKER:

They say they are not law-abiding.

I wish the hon. the Premier were here, because he is probably the only one over there who has got any knowledge of some of the great writers and great essayists and great poets of America. I refer to Henry Thoreau and Walt Whitman, Mr. Speaker. Henry Thoreau refused to pay taxes to the American government because at that time America was involved in what Henry Thoreau, and a good many people like him, considered to be an unjust American/Mexican war. Henry Thoreau refused to pay taxes, Mr. Speaker, and consequently he was taken and put in jail. While he was in jail, Walt Whitman, another great American writer, visited Henry Thoreau, who had broken the law, an unjust law, and consequently was thrown in jail, Walt Whitman who, rather than go through the hassle, paid his taxes. Walt Whitman said, 'Henry, what are you doing in prison?' Henry said, 'Walt, what are you doing out there?' Mr. Speaker, there comes a time in the life of every person when he has to say what are you doing out there? How can I lie down any longer under what is clearly and absolutely an unjust law.

The hon. the Minister of Career Development (Mr. Power) said that under Joey Smallwood people were not allowed to strike, and I agree with what the hon. gentleman said. Under the Tory Government today, Mr. Speaker, we have 5,000 people on strike who are not allowed to strike, just as under the Liberals they were not allowed to strike. Those 5,000 people

today, Mr. Speaker, are so desperate - they have been trodden into the ground - that they are prepared to break the law, they are prepared to stand up for something that they believe in. They were never put on that spot, they were never put in that situation under Premier Smallwood and that is why, Mr. Speaker, they never had to go on strike. To strike under Smallwood would have been illegal, the Tories are saying that this strike is illegal, but you can only drive in so many nails, you can only oppress so long. We saw this happen in the Philippines not too long ago. People will only take so much. We saw it happen in Poland. We saw it happen in Czechoslovakia, Mr. Speaker. Mr. Speaker, what we are witnessing today is bigger than Bill 59. I am proud, I suppose, to be a member of this House of Assembly at this time, because we are presiding over the dying days of an arrogant Tory Peckford Government. History is being made in this Province today.

SOME HON. MEMBERS:

Hear, hear!

MR. BAKER:

We have a government which has adopted a bunker mentality, Mr. Speaker. They have bombarded themselves out of sight of the people, and we cannot even force the hon. Minister of Labour (Mr. Blanchard) to get and make a statement. The first statement that the hon. the Premier made was in reply to a speech made by the hon. the Leader of the Opposition (Mr. Barry). We could not get the hon. the Premier to break silence, because they have adopted a bunker mentality. In the last, dying days of any administration, the most typical, the most logical

thing for them to do is bury themselves under tons of concrete and totally ignore what is going on around them out there. This is what we are seeing, this is what we are witnessing. And I am proud that I will be able to tell my grandchildren, when I write my memoirs, that I was present in the House of Assembly, in Newfoundland, over the last, dying days of an arrogant Peckford administration. Bill 59 came out of arrogance, the arrest of Fraser March came out of arrogance, the arrest of my fellow Newfoundlanders is nothing but arrogance. A tired, worn-out, stupid administration which is totally unaware of what is going on in the Province, they bar themselves into a bunker, Mr. Speaker, they do not care what is going on, they do not know what is going on and they are just provoking the situation and driving law-abiding, peace-loving, innocent men and women to break the law. That is what they are doing. They are forcing, they are provoking, Mr. Speaker. The hon. the Premier gets up and says, Look, it was the Tory Government who gave MOS the right to strike in the first place. It was the Tory Government who gave those civil servants the right to strike. I agree with what he said because I respect Premier Moores for bringing in this right to strike, because it came from him, Mr. Speaker. What the Premier failed to say was that the Tory gaveth and the Tory taketh away, Mr. Speaker. Because Bill 59 essentially took away what the Tory Government allegedly had given.

I would venture to say that in some weak moment we had a brief period of democracy in this Province and it was acknowledged

that there are people who have the right to bargain, Mr. Speaker. But the Tories today have realized what they had done and they do not have the guts to come out man fashion and take away the right to strike, but they manipulate, they bring down unjust legislation, and they have taken away that right to negotiate and the right to bargain which was there.

Mr. Speaker, what we are seeing in these last closing days, these failing days of a tired, callous, unconcerned government, is that we still have a Premier who likes to fight. I pity the poor hon. Premier, because his desire to fight is so great he just has to fight someone. He has nobody left in Ottawa to fight with. He cannot fight with Mr. Mulroney, therefore, Mr. Speaker, he turns on his own people. The lowest paid, the ones who are the complete downtrodden in this Province, he turns on them and he fights his own people, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. DECKER:

He fights his own people because he is a fighter. He does not care about winning, all he cares about is fighting. And if he cannot fight Ottawa, Mr. Speaker, he will fight his own people.

Mr. Speaker, my time has practically run out, so I will adjourn the debate.

SOME HON. MEMBERS:

Oh, oh!

MR. SIMMS:

He said his time is up, Mr.

Speaker.

MR. SPEAKER:

Order, please!

The time is now 6:00 o'clock and
the House is adjourned until 3:00
p.m. tomorrow.