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VERBATIM REPORT
(Hansard)

Speaker: Honourable Patrick McNicholas

Thursday

8 May 1986

The House met at 3:00 p.m.

MR. SPEAKER (McNicholas):

Order, please!

Statements by Ministers

MR. YOUNG:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Public Works.

SOME HON. MEMBERS:

Hear, hear!

MR. YOUNG:

Mr. Speaker, I am pleased to announce that, as a result of the public tendering process, the lease on the banking facilities at Confederation Building has been awarded to the Bank of Montreal. The lease is for a five year term, commencing, January 1986 and the rental rate, under the new lease, is much more favourable than under the old lease. Revenues from the lease over the next five year will be in excess of \$400,000.

The Bank of Montreal plans to undertake modernization of the premises and, of course, will be upgrading their services to meet the anticipated increase in business arising from the relocation of government departments back to Confederation Building.

Mr. Speaker, I am sure that the continuation of banking services by the Bank of Montreal will be welcome news for the many public servants who deal with the Confederation Building Branch.

Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. KELLAND:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Naskaupi.

MR. KELLAND:

Thank you, Mr. Speaker. Just a brief comment. I thank the minister for providing this side with a copy of his statement with reference to the awarding of the banking facilities to the Bank of Montreal. I must confess that I just received it, but he did pass it to our side in advance of his actual statement.

I am pleased to see that the minister is continuing with the public tendering process in the light of some previous criticisms and so on, and some questions raised in this House, and I think that if we continue along these lines, that we do go to the public tendering process on every occasion which offers, it would perhaps remove various public criticisms from the Department of Public Works which they have been subject to from time to time.

I do anticipate a good relationship with the minister in my role as his shadow, or the official Opposition spokesman for his department, along with the one I have had the pleasure of working with over the past year. Mr. Speaker, I thank the minister again for the statement. I look forward to good service being provided by the Bank of Montreal, which I am sure they are certainly capable of, and it will be of benefit to all concerned. Thank you very much.

MR. BARRETT:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Development.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRETT:

Mr. Speaker, I am pleased to announce today that Marystown Shipyard Limited and Moss Rosenberg Verft of Norway have concluded an agreement to establish a joint venture company to pursue business opportunities related to the development of the Hibernia oilfields on the Grand Banks. The formation of the joint company, Vinland Industries Limited, consummates the arrangement outlined in a letter of intent signed between Marystown Shipyard and Moss Rosenberg in October of last year.

Moss Rosenberg is an internationally established offshore contractor specializing in mechanical outfitting of concrete platforms, module fabrication, assembly, hookup and commissioning of topside facilities for large North Sea platforms. The expertise, the management systems, skilled personnel and experience of Moss Rosenberg coupled with that of Marystown Shipyard all combine to make the new company an extremely well positioned entity with regard to procuring major offshore work.

The objective of Vinland Industries will be to qualify for the award of contracts relating to the construction of the Hibernia production facilities. Marystown Shipyard has agreed to consider the expansion and upgrading of its existing physical facilities into a totally modern plant, oriented

towards offshore work, and to upgrade the skills of its experienced workforce to the standard required for offshore work.

To this end, the shipyard has already placed personnel in a technology transfer program with Moss Rosenberg at the Rosenberg Verft facilities in Stavanger, Norway, in order for the company to acquire the know-how and experience required to develop systems, procedures and expertise to the standards expected by the Hibernia developers, as well as qualifying for fabrication of offshore structures such as modules and pre-assemblies for mechanical outfitting of the gravity-base structure.

Vinland Industries will undertake marketing, engineering, construction contracting involving work inside and outside yard facilities, subsea installations, hookup and maintenance. The first objection for the joint company will be to qualify for the G.B.S. mechanical outfitting work for Hibernia. Both partners in the company are being given equal opportunity to provide services to the joint company. Fabrication work, to the extent possible, will be carried out at competitive prices at the facilities of the Marystown Shipyard.

I have said it before, and it bears repeating, Mr. Speaker, that we have to move rapidly in Newfoundland to avail of the opportunities presented by Hibernia. We have to be aggressive in accessing international expertise and technology.

Certainly the efforts of Marystown Shipyard in entering into this

joint venture with a major Norwegian company should be seen as an example of the measures that must be taken to prepare Newfoundland industry for offshore petroleum development.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, first of all, in responding, I thank the minister once again for the courtesy extended me in letting me have a copy of the statement. Secondly, I say without tongue in cheek, that other ministers should take a page out of this minister's notebook, in that when he rises to make a statement he has something to say, sticks to the facts and then sits down. I shall attempt to do likewise in responding to him.

We welcome the announcement involving Vinland Industries Ltd. The statement has a few holes in it, perhaps understandable ones, perhaps he cannot answer those questions but I will put the questions to him and in time I am sure he will want to inform the House, questions like where the corporate headquarters of the new company will be, whether here, in St. John's, or in Marystown; at what stage the mechanics of putting the company together are; if a chief executive office has been appointed or has been identified? The House would want to know that kind of important detail as it becomes available.

The minister made reference to the technology transfer agreement between Moss Rosenberg and the

Marystown Shipyard. I was very delighted, during the recent trade mission to Norway, to talk to a number of the workers from Marystown, most of whom, of course, I would know in my earlier capacity as a federal member for the area, and also to talk to the people at Moss Rosenberg about the subject of the technology transfer. The signals I got all around - and I think my friend from Burin - Placentia West (Mr. Tobin) will want to be associated with this - are that it is a programme that is a good programme, a programme that is working extremely well. I want to report to the House that I heard nothing but commendation and good words from all sides, both the workers over there as part of the programme, and from the Moss Rosenberg management about the undertaking.

Further to the minister's statement, the Marystown Shipyard at this particular time, of course, is involved in a bit of a downturn, about 175 employees, I think, there at the moment. It looks like these numbers might drop off.

MR. TOBIN:

That many?

MR. SIMMONS:

Well, a couple of weeks ago about 175, I believe, of 650 capacity.

I understand they are in for tougher times if there is not much on the horizon. I want to raise with the minister the issue of the layoffs. There is some concern in the area, concern that the Leader and I picked up during a recent visit to Marystown, about the degree to which the Termination of Employment Act provisions are being adhered to in relation to

the numbers of persons given notice at any particular time.

Finally, Mr. Speaker, in responding to the statement, the one crucial issue that is missing from the statement, and then again perhaps understandably so, is there is no indication here of what is happening to the Hibernia project itself.

MR. SPEAKER:
Order, please!

The hon. the member's time has elapsed.

MR. SIMMONS:
I am sure it is something they do not want to hear, Mr. Speaker, but we would like to know and the Province would like to know if Hibernia is about to go.

MR. W. CARTER:
By leave. By leave.

SOME HON. MEMBERS:
No.

MR. SIMMONS:
That is fair ball.

MR. MATTHEWS:
The Premier told you that yesterday, boy. Sit down!

MR. SPEAKER:
I would like to welcome to the visitor's gallery eighteen Grade XI students from Stella Maris School, Trepassey, with their teacher, Ted Winger.

I would like to recognize the member of Parliament for Humber - Port au Port - St. Barbe, Mr. Brian Tobin.

I would also like to welcome a group of Grade X students with their teacher, Raymond Parrot,

from Long Island Academy, Green Bay.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
Before we move to Oral Questions, I would like to deal with some matters that arose yesterday.

I do not believe that the fact that an Honourable Member makes statements, whether in the House or outside, that may be inconsistent with one another or that may appear to conflict with one another constitutes a matter of privilege. In my opinion the fact that the statement of an Honourable Member may be inconsistent does not necessarily mean that they constitute an attempt to mislead or to deceive the House.

I must rule, therefore, that the hon. the Leader of the Opposition did not establish a prime facie case of breach of privilege yesterday.

On the matter of the use of unparliamentary language by the Honourable Member in rising on a point of privilege, I must rule that doing so constitutes a breach of the rules of the House.

I am certain that Honourable Members' facility with the English language permits them to make their point by using words that are temperate and do not lower the level of decorum that we all wish to see maintained in this Chamber.

To permit an Honourable Member who rises on a point of privilege to state that another member has lied to the House or has deliberately misled the House would seem to me to permit that Member to say

indirectly against another Honourable Member what according to the rules he could not say directly.

I would also point out that 'to allege that a Member has misled the House is a matter of order rather than privilege and it is not unparliamentary...To allege that a member has deliberately misled the House is also a matter of 'order' and is indeed unparliamentary.' The above statements are derived from Maingot's Parliamentary Privilege in Canada.

I would also like to quote at length from that work because it is directly on point and I quote from pages 205 and 206. It says, 'In the Canadian House of Commons, however, members attempt to get such matters before the House on a 'question of privilege' when there is merely an allegation of contempt rather than an admitted matter (as the Profumo case), and the problem arises because the use of unparliamentary language is not permitted in the House and therefore questions of privilege and motions in support must be purged of such language.

'If the conduct of the member is to be formally discussed or debated in the House of Commons, such as a charge of entering into a contract with the federal government for a fee or deliberately misleading the House, it cannot be done on a 'question of privilege' because until admitted, or, so found by the House, such allegations are unparliamentary and cannot be uttered and the fact that the accused member denies that it is irrelevant.

'The conduct of a member may only

be discussed in the House of Commons by way of a substantive or distinct motion, i.e., a self-contained proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House. Such a motion may contain the 'abusive accusation' that would otherwise be unparliamentary language.'

That is the end of Maingot quote.

There was also considerable discussion about the use of the word 'falsehood' and whether it was parliamentary or unparliamentary.

There may well be occasions when the word is permissible in debate. However, I do not believe its use by the hon. the Leader of the Opposition (Mr. Barry) in Question Period yesterday was acceptable.

I am satisfied from an examination of Hansard that those Honourable Members making unparliamentary remarks withdrew them yesterday.

I think these comments dispose of the matters left outstanding from yesterday's sitting.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
With respect, Your Honour, we have to appeal that ruling because it tears up the rules of this House.

MR. TOBIN:
It has to be your way or no way.

MR. YOUNG:

You are taking the House on your back.

MR. TOBIN:

Do not be such a big baby.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

All those in favour of upholding the ruling of the Chair, please say 'aye'.

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

Those against, 'nay'.

SOME HON. MEMBERS:

Nay.

MR. SPEAKER:

The ruling is upheld.

MR. BARRY:

Division.

MR. SPEAKER:

Call in the members.

Division

MR. SPEAKER:

All those in favour of upholding the ruling of the Chair, please rise:

The hon. the Premier, the hon. the Minister of Career Development and Advanced Studies (Mr. Power), the hon. the Minister of Forest Resources and Lands (Mr. Simms), the hon. the Minister of Health (Mr. Twomey), the hon. the Minister of Fisheries (Mr. Rideout), the hon. the Minister of Mines and Energy (Mr. Dinn), the

hon. the Minister of Intergovernmental Affairs (Mr. Ottenheimer), the hon. the President of Treasury Board (Mr. Windsor), the hon. the Minister of Public Works and Services (Mr. Young), the hon. the Minister of Transportation (Mr. Dawe), the hon. the Minister of Education (Mr. Hearn), the hon. the Minister of Labour (Mr. Blanchard), the hon. the Minister of Rural, Agriculture and Northern Development (Mr. R. Aylward), the hon. the Minister of Social Services (Mr. Brett), the hon. the Minister of Development (Mr. Barrett), Mr. Baird, Mr. Greening, Mr. Patterson, Mr. J. Carter, Mr. Tobin, the hon. the Minister of the Environment (Mr. Butt), Mr. Peach, Mr. Warren, Mr. Mitchell, Mr. Woodford.

MR. SPEAKER:

All those against upholding the ruling of the Chair, please rise:

The hon. the Leader of the Opposition (Mr. Barry), Mr. Flight, Mr. Tulk, Mr. Callan, the hon. Mr. Simmons, Mr. Lush, Mr. Carter, Mr. Efford, Mr. Furey, Mr. Kelland, Mr. Fenwick.

MR. SPEAKER:

Order, please!

The 'ayes' have it. The ruling of the Chair is upheld.

MR. BARRY:

A point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. BARRY:

Mr. Speaker, we on this side of the House respect the Chair, respect the Office of Speaker, but we also respect the Newfoundland

Legislature and the fact that the Opposition has to have the opportunity of operating in a fair and impartial manner.

Now, Mr. Speaker, we have a couple of problems with what has been happening in this House over the last several months. Number one, we have the fact that certain language has been approved for use on that side of the House but we on this side are not allowed to use it. And the second point, Mr. Speaker, is that we have now apparently the procedure of the British House of Commons being put before the procedure in the Canadian Parliament.

The procedure in the Canadian Parliament is as set out in Beauchesne, and where our rules are silent we are supposed to go to the rules of the Canadian House of Parliament before we go back to colonial days, to the British Parliament. And, Mr. Speaker, in Beauchesne it sets out the law of contempt of parliament is a question of privilege and it also sets out that a prima facie case must first be established before a substantive motion is put to this House.

Now how can the Opposition operate if we no longer have -

MR. BAIRD:

I do not think we ever got anything substantive from you.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Again we see, Mr. Speaker, how the rules are applied to avoid interruption when we are speaking. Again, Mr. Speaker, we see it. We see the members abiding by and observing the rules

on the other side of the House scrupulously. They do not say a word when we are speaking on this side. They are immediately cut off if they happen to interrupt.

Now, Mr. Speaker, what do we operate under? Do we throw away Beauchesne? What is the book, Mr. Speaker, that we now have to rely on in this House? How do we establish what it is we are entitled to say and not say? Would Your Honour please prepare a list for the Premier and his cohorts to establish what they can say on that side of the House that we are not able to say on this side of the House?

MR. OTTENHEIMER:

To that point of privilege, Mr. Speaker.

MR. SPEAKER:

To that point of privilege, the hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

Mr. Speaker, I will not try to better the act of the hon. the Leader of the Opposition, but in my own quite, soft-spoken manner I shall attempt to reply.

Number one, as a question of fact the authority quoted by the Chair substantiating the ruling of the Chair is a Canadian authority, it is not a British authority.

A gentleman, Mr. Maingot, who was one of the officers of the Table of the House of Commons, was the authority quoted by the Chair. That book, Parliamentary Privilege in Canada, was written by a gentleman named Maingot who was an officer of the Table of the House of Commons. It is a Canadian authority. He is a Canadian authority. That is a

Canadian publication.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. OTTENHEIMER:

If the Profumo case is referred to in The Clarendville Pilot or The Clarendville Pacquet, or whatever, does that mean that The Clarendville Pacquet has become The London Times?

SOME HON. MEMBERS:

Hear, hear!

MR. OTTENHEIMER:

Getting away from Pilots and Pacquets and trying to come back to the point under discussion, number one, the authority is a Canadian authority. The fact that en passant he refers to an English experience does not mean that the gentleman is not a Canadian, an officer of the Table of the House of Commons and a recognized Canadian authority. That being said, it certainly appears totally reasonable, when one uses common sense, to examine that ruling because when a matter of privilege comes up - as it is quite clear there is no need to read it in Beauchesne - the Chair does not decide whether there has been a breach of privilege or not. That is decided by the House and as a consequence of a vote on a specific motion. What the Chair does is decide what in shorthand is called whether there is a prima facie case, which really means whether the matter is of such a nature that a motion, which the hon. member raising the question of privilege, if it is ruled to be of that nature, would take priority on the Order Paper for immediate debate and resolution.

But it is only -

MR. BARRY:

(Inaudible) is not -

MR. SPEAKER:

Order, please!

MR. BARRY:

(Inaudible) at his word.

MR. SPEAKER:

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

MR. OTTENHEIMER:

I say to the hon. gentleman that attempting to shout someone does not necessarily mean outreasoning him. I do not doubt it could well be the hon. gentleman can outreason me in a number of matters. That could well be. But he does himself and his power to reason a disservice by substituting the shouting for the outreasoning.

SOME HON. MEMBERS:

Hear, hear!

MR. OTTENHEIMER:

What the ruling means - and I guess it was explained by the Speaker, there is nothing new or revolutionary about it - is that if and when the Chair rules that there is a prima facie case, which means that the matter is of such a nature that the Chair agrees that it should, when incorporated into a motion, receive priority and be called immediately for debate and resolution, if the Chair rules it is prima facie, it is within that motion that the substantive part which may well be allegations of impropriety, untruthfulness, any number of things, it is within the substantive motion to be determined by the House and the House determines whether there has been a breach of privilege. That

is where it is incorporated, not in the general submissions before the Chair for the Chair to decide whether there is a prima facie case or not. That is what it comes down to.

SOME HON. MEMBERS:

Hear, hear!

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

The hon. member for Fortune-Hermitage.

MR. SIMMONS:

Mr. Speaker, it is on that last point that the gentleman for Waterford-Kenmount (Mr. Ottenheimer) articulated that the rub comes, the concern comes from this side. If it is only at the stage that you put the motion down, at the stage that Mr. Speaker has said there is a prima facie case and therefore we will have the appropriate motion, if it is only at that stage we can identify what the offending words were, what the offending action was, if you cannot allege in your submission to the Chair, then how can the Chair have the full benefit of the argument in making its decision? That is the bind and it is not a matter of semantics. That is the bind that we put ourselves in with this particular ruling, that hereafter to honour this ruling, to abide by the constraints imposed by the ruling we have just heard, I am going to be in a situation - I say I as one member of this House, but any of the fifty-two are now going to be in a situation where we will see what I believe to be an unparliamentary action as described in Beauchesne, but I will not be able to articulate it. I will not be able to say,

Mr. Speaker, I would like you to check into this to see if my allegation is true, because the ruling says I cannot mouth the allegation. And as long as I cannot mouth it, how does Mr. Speaker know which of the several pages of unparliamentary language I am talking about? If I cannot, in the process of asking him to check into the matter to see whether there was a prima facie case, cite for him which is the one, I have to get up and say, now, Mr. Speaker, I have a secret for you. It is our secret. Somewhere between the pages of So-and-So and So-and-So, that fellow over there just said a word he should not have said. I want you to look through all those pages, find what word it was and gang up on him. Mr. Speaker, that is no way to run the affairs of this House. And I would ask, in the interest of the functioning of this House, to hear once again, or to analyse once again the conundrum that I have just summarized and which I summarized yesterday, which I repeat in a sentence: You cannot expect Mr. Speaker to make a ruling as to whether there is a prima facie case unless we give him the allegation, and if I cannot mouth the allegation then it becomes a vicious circle. I am left here, victimized by people who do unparliamentary things, but I cannot seek the protection of the Chair because in the process of seeking that protection I myself infringe a rule, thanks to the ruling that the Chair has just given this House.

PREMIER PECKFORD:

Mr. Speaker, just for a brief second.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

What the member has just said is you are allowed the break the parliamentary rules governing language to establish a prima facie case, and then, afterwards, when the motion is put on the Order Paper and debated, then you abide by the rules of parliamentary language. Now it seems to me that is total inconsistency. There are rules laid down and, therefore, they must be followed not selectively, and not apply the rules of parliamentary language in order to establish a prima facie case but then, yes, you can apply them when you are into the substantive motion, that obviously is illogical and crazy.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

To that point of privilege, the hon. the member for Fogo.

MR. TULK:

A point of order, Mr. Speaker. If indeed we, the Opposition in this House -

MR. SPEAKER:

You are speaking to the point of privilege?

MR. TULK:

I understood it was raised as a point of order. Is it a point of privilege, Mr. Speaker.

MR. SPEAKER:

A point of order. I am sorry. I beg your pardon.

MR. TULK:

Mr. Speaker, if we in this House are to function as an Opposition, in a democratic fashion, then obviously it is the Speaker of this House who must decide as to

whether there is a prima facie case of privilege against any member of this House. Otherwise what we will see, if that has to be done in a substantive motion, and if the character of a person has to be treated in a substantive motion, then obviously what we will have here is a case where the Speaker is placed in a very neutral position, a nuted position if you want, cut off, where the government by its majority will decide on what is right and what is wrong and what is to be said and what can be said in this House, and will decide on whether the person so accused has passed out to him, his legitimate desserts.

Now, Mr. Speaker, hon. gentlemen on the other side can argue all they like, but the whole point is, and this was established yesterday by the Leader of the Opposition (Mr. Barry) and quotes were given to prove it, that the Premier of this Province was inconsistent, the people of this Province know that the Premier has been inconsistent, that he has misled them, and has been posturing. He himself admitted the other day to political posturing. And the whole point is, Mr. Speaker, that they can try to use their majority if they wish, and use the rules of parliament if they wish, but the truth of the matter is that the Premier has misled this House.

MR. SPEAKER:

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

Oral Questions

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, for a number of years now the Premier has been stating that this Province should be treated equally with other provinces. Would the Premier explain how that statement can square with his position on the railway, or was that so-called equality fight a bluff also?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I have been very consistent. The Government of Newfoundland's position on the railway is we want it retained and significantly upgraded.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I would like to ask the Premier has he determined whether other provinces will be asked to give up their railways? Will Nova Scotia be asked to give it up for the Cape Breton subsidy, PEI for its power subsidy, New Brunswick for its regional development grants, Quebec for the Mirabel Airport subsidy, Ontario for its dairy farming subsidy, Manitoba for the Port of Churchill subsidy, Saskatchewan for its farming subsidy -

MR. SPEAKER:

Order, please! Order, please!

I remind the hon. the Leader of the Opposition this is Question Period.

MR. BARRY:

I am just about finished, two more provinces, Mr. Speaker.

- Alberta for its farming and oil subsidy, and BC for its Prince Rupert subsidy? Are these provinces being asked to give up their railways in order to get these matters?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, we have not been asked to give up our railway.

MR. BARRY:

A supplementary, Mr. Speaker.

MR. SPEAKER:

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

MR. BARRY:

No, Mr. Speaker, he has been asked to sell out the railway.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

I would like to ask the Premier is he aware that the newly elected Premier of Prince Edward Island, Joe Ghiz, today announced that he would be suing the Government of Canada if it attempted to follow through with increasing the rates on the Gulf ferry? Is this not an example of what the Premier should be doing, showing some backbone to protect that constitutional right we have to a railway?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, number one, we are not selling out the railway. We have not been told that we must sell out the railway, that is completely untrue. Secondly, on the freight rates and the ferry service, we have indicated that if the CRTC or the Transport Commission, whoever the agency is, does something to change the rates here different from the Maritimes, we will take the federal government to court.

MR. BARRY:

A supplementary, Mr. Speaker.

MR. SPEAKER:

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

MR. BARRY:

The Premier stands up in this House and pretends that there is a difference between the Gulf ferry, the Gulf ferry rates and the railway. Will the Premier tell the people of this Province, when the Sullivan Royal Commission, when his own Attorney General, when the Government of Canada has said that the railway is every bit as constitutionally protected as the Gulf ferry system, why is the Premier treating them differently?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, if the hon. the Leader of the Opposition wants to talk about the freight rates and the ferry system, I have a telegram that some time ago was sent to the hon. Don Mazankowski

by the Minister of Transportation (Mr. Dawe) of this government which says the following: 'I have attempted in the recent past to arrange a meeting with you to discuss the CTC decision into the CNR freight rates issue. We have been unable to ascertain what the CTC decision and order will mean in respect of rate increases. We assume, however, that the implementation of the order will have negative impacts upon the viability of the railway and the consumer prices, in general. It is mandatory that the issue of the Terms of Union versus Section 276 of the Railway Act be resolved prior to the CTC's decision being implemented. Newfoundland should not and must not be required to pay higher freight rates relative to those in force in the Maritime Provinces. I must insist that we meet to discuss this complex situation in order that we can address possible alternatives to resolve the TerraTransport container rate issue. It is the intention of government to request a review of the decision and pursue the matter through the courts if ultimately required.'

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

A supplementary, Mr. Speaker.

MR. SPEAKER:

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

MR. BARRY:

Mr. Speaker, the offshore case was not based upon a constitutional provision referring to the offshore. The Premier was prepared to follow up all recourses, every avenue open - apparently he was.

Now will the Premier indicate why he is taking a different position with respect to the railway and being much weaker and having no backbone as far as the railway is concerned? And why is he weakening his case, in public, before he has a commitment from the Government of Canada to treat this Province fairly?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, we have a proposal before the federal government to retain the railway and significantly upgrade it, and we are waiting to hear back from the federal government. As it relates to various court issues, I have to inform the hon. gentleman, even though he does not like to hear it, that the legal advice that we received on the Upper Churchill and upon the Reversion Act and upon other provisions, and the evidence that we have from our legal advisors as it relates specifically to the railway, is quite different.

MR. FLIGHT:

Mr. Speaker:

MR. SPEAKER:

The hon. the member for Windsor - Buchans.

MR. FLIGHT:

Mr. Speaker, the Premier has just indicated, as he has indicated before, that we do not have a strong legal case relative to the railway. Now the fact is, as the Premier will know, that he had the same advise relative to the offshore, but he ignored that advise. He chose to fight for the offshore and he chose to go to court. Why has he soldout our case in the media and in public

instead of going to court? Is it because he has not got the stomach for it, he is not prepared to fight with his Tory buddies in Ottawa, and he is prepared to put politics ahead of our right to a Newfoundland Railway?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, we are prepared to fight, as we have been fighting since the PCs got in power in Ottawa, for more Northern cod, and we are fighting for more jurisdiction over the fishery, and we will fight them on the freight rates and we are now fighting them on the railway to get significant money to upgrade it, and we will continue to do that. Anything the hon. member says about the legal opinions we had on the offshore or hydro, he does not know, he does not have access to the information.

I can only say to the hon. member that on the offshore and hydro and some of these other issues, we had a mountain of evidence in our favour as it relates to trying to prove that point in the courts of Canada. But we will continue to fight on freight rates and Northern cod and all the other things which are important to this Province. Right now we have a proposal to the federal government to retain the railway, but do not do like the Liberals did, just have the railway retained but no money spent on it. We want it retained with hundreds of millions of dollars of upgrading money.

SOME HON. MEMBERS:

Hear, hear!

MR. FLIGHT:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Windsor - Buchans.

MR. FLIGHT:

Mr. Speaker, the results of the offshore court case prove the mountains of evidence that the Premier had all right. Now, Mr. Speaker, how does the Premier justify, how does he reconcile his contradiction in approach in that he was prepared to go to court over an issue for which we had no basis in the Constitution, yet he is not prepared to go to court over an issue in which we have a clear constitutional right, namely, the Newfoundland Railway?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I do not take my legal advise from the hon. the member for Windsor - Buchans, thankfully, Mr. Speaker. I take it from legal experts who are hired by the Government of Newfoundland in the Ministry of Justice and from other lawyers outside the Ministry of Justice. That is where we get our evidence and that is where we get our advise. Fortunately, and I am happy, we have not hired the hon. the member for Windsor - Buchans. Otherwise Newfoundland would have been down the drain ten years ago.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, the Premier has indicated that he has a proposal before the federal government. Can he indicate to the House whether he or any member of his

administration has actually discussed that proposal with representatives of the federal government, either discussed or formally negotiated the matter?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, in November when Mr. Mazankowski was down here and we reviewed a whole bunch of transportation issues, that was one of the things that was discussed and we put before the Minister of Transportation at that time, that our position on the railway was retention with significant upgrading.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Fortune-Hermitage.

MR. SIMMONS:

The Premier has indicated, Mr. Speaker, that the proposal has then been before the federal government for more than a year.

MR. DAWE:

November.

MR. SIMMONS:

Well, in other words, the earlier discussions a year ago could not have been in response to the proposal if the proposal has only been up there since November. So may I ask the Premier what response he has had to the proposal? Are they in Ottawa going to go along with the proposal or have they come back with a counterproposal? Or is the counterproposal the one that is contained in the Nielsen Task Force that the railway be done away with?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

No, we have not gotten anything back from the federal government yet. It has been in their system both in the Ministry of Transport and before their various Cabinet committees, and that is where it still is today.

MR. SIMMONS:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Fortune-Hermitage.

MR. SIMMONS:

Would the Premier want to confirm for the House that indeed he himself has talked to at least one of the Federal Cabinet Ministers, namely Mr. Crosbie, and that among other things the Premier indicated in that discussion with Mr. Crosbie that if the federal government was contemplating doing away with the railway they ought to announce it on their own, without his active co-operation, but nevertheless with his silence on the matter?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

No, Mr. Speaker, that is not true.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

Thank you very much, Mr. Speaker.

My question is for the Minister responsible for Housing (Mr. Dinn) and it has to do with the eighty

families living in mobile homes in the Glenvilla Trailer Court. My question is since these individual families seem to be facing the prospects of being evicted from their trailers with really no place else to go, is the minister aware of this situation? Are there any actions that the minister, through the Housing Corporation, can take in order to alleviate the problems here?

MR. SPEAKER:

The hon. the Minister of Mines and Energy.

MR. DINN:

Mr. Speaker, I thank the hon. member for his question. As a matter of fact, there was a meeting held last evening at seven o'clock down at the Commodore Club on Torbay Road. I could not attend the meeting myself but I sent a resource person from the Housing Corporation to listen to that meeting and he is to compile a report for me. I have not received that report yet but when I do I will take whatever actions need to be taken that are certainly within my jurisdiction to take.

MR. FENWICK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Menihek.

MR. FENWICK:

One of the problems with these individual residences seems to be that there are no other trailer courts in the immediate area available to take them. I would like to ask does the minister have any plans, or is there anything that the Newfoundland and Labrador Housing Corporation could do to establish a trailer court for

these individuals so they would not have to put in the enormous sums of money that would be required if they have to buy a lot themselves?

MR. SPEAKER:

The hon. the Minister of Mines and Energy.

MR. DINN:

Well, Mr. Speaker, I have not approached that problem as yet. I would rather wait for the report that I am to get from the official who attended the meeting last night, as well as from my colleague, the hon. the member for St. John's East Extern, Mr. Hickey, who was at the meeting as well.

MR. W. CARTER:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, my question is to the Premier. If the Premier, Mr. Speaker, as he has admitted publicly, considered it expedient and in Newfoundland's interest to pull a bluff or to posture in 1980 with respect to Terms 31 and 32 of the Terms of Union, why is he now prepared to do an about-face and refuse to fight for Newfoundland's rights under Terms 31 and 32 as it applies to the railway?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, let us describe a little irony here. The hon. the member for Twillingate gets up and talks about an about-face. He was with a Liberal government, then he went with a P.C. government, then

he went back to the Liberal Party. Here is the hon. gentleman talking about an about-face. I mean, it is incredible! The hon. the member for Twillingate has a trench dug across this floor from running back and forth when it is expedient for him to get elected! I just do not believe that the member for Twillingate could say that. I mean, you know, it just boggles the mind that the hon. gentleman could get up and ask such a question.

MR. W. CARTER:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, I can tell the Premier I am in good company and I have never sold out Newfoundland in my positions. I have never sold out this Province.

SOME HON. MEMBERS:

Hear, hear!

MR. W. CARTER:

And I have never been afraid to fight for the Province, as the Premier now is. I am asking the Premier again, Mr. Speaker, would he tell the House and the people of Newfoundland what has changed in Newfoundland? Are we so much better off now that he does not have to fight for Newfoundland or to posture or pull a bluff, or has he been bought over by his friends up in Ottawa?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, you know, it is almost sickening to hear the hon. the member for Twillingate get on like that when he has been skirting back and forth across the floor when he could not get a P.C. nomination. He was not long wanting to sell Newfoundland out on the offshore when it was expedient for him to get elected by another party that did not want us to have one single cent from the offshore.

SOME HON. MEMBERS:

Hear, hear!

MR. FUREY:

Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please! Order, please!

MR. FUREY:

Mr. Speaker, I want to ask the Premier was it his Justice Minister who gave him the legal advice that we had no case on Term 31?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I think I answered that question already, Mr. Speaker. We get advice on constitutional legal matters from the Department of Justice, from the people who work for the Department of Justice, and from other people outside whom we contract from time to time to give us that advice. So we get legal advice on constitutional matters and other important matters dealing with the Province from many sources, the Department of Justice and the people who work there, who spend their time giving opinions to all departments of

government, and also to the government as a whole on big issues, and also from time to time we contract out legal services to get another opinion as well. So that is the way we go about our business of getting legal advice.

MR. FUREY:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for St. Barbe.

MR. FUREY:

I wonder could the Premier tell us how the Justice Minister's (Ms Verge) advice squares with her own words when she attacked the federal government, Mr. Speaker, and asked them to honour its promise to Newfoundland at the time of Confederation, set out in Term 31, assuring the operation of the Newfoundland Railway? How does that advice that he has recently got from his Justice Minister square with her comments attacking the previous federal government to protect that same term which she advised him on?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

We want the federal government to do that, and that is why we are asking for them to retain it and to upgrade it, Mr. Speaker.

MR. HISCOCK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Eagle River.

MR. HISCOCK:

My question is to the Premier. In view of the fact that the Premier said that we do not have a strong

constitutional case with regard to the railway, could the Premier tell me and this House if he also asked the Department of Justice to look into the constitutionality of the fact of CN Marine and whether CN Marine will now be in a position of trading off coastal boats on the South Coast and Labrador? If the railway goes, does that mean that the next step is that the CN Marine service in this Province will also be traded off?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

No, Mr. Speaker, we are not trading off anything. We are not trading off anything. We are looking for an upgraded railway, not a railway that is going to continue to deteriorate like the Liberals wanted it to do.

MR. FENWICK:

Mr. Speaker.

MR. FUREY:

Mr. Speaker, I have a question for the Premier but I need to be recognized first.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

Thank you, very much, Mr. Speaker.

My question is for the Minister of Career Development and Advanced Studies (Mr. Power), who is back in the House. My question has to do with the funding for Memorial University. The minister, in a previous Ministerial Statement, indicated that the Memorial University received something in excess of 14 per cent additional funds this year from last year. The University, however, has laid

off a number of people and has cut back on some positions and dropped Channel 13 and so on. In looking at the statement I would like to ask the minister is it not true that if you look at the operating amounts that instead of a 14 per cent increase you are actually looking at less than half of that, somewhere in the range of 6.86 per cent, and does that not indicate that the University still is in a tight financial position?

MR. SPEAKER:

The hon. the Minister of Career Development and Advanced Studies.

MR. POWER:

Mr. Speaker, that is a fairly short question but the answer is reasonably complicated. This year we gave the University the largest percentage increase of any government department. Last year Memorial had an operating grant of \$72 million. This year they have an operating grant of just about \$80 million. They also have an increased amount in what we call small capital and an increased amount in large capital, which the University transfers from current to capital because their budgeting process is different than that of the government.

To say that the University is hard pressed is again, Mr. Speaker, somewhat of an overstatement of what actually happens at our University. Every university in Canada is in serious financial trouble. This University in Newfoundland has a larger percentage increase than any of the universities in Atlantic Canada this year. The kind of cuts that Memorial has made more or less tells the government that they are not in all that much of a serious financial position. What they have dropped at Memorial,

some Extension Services people, Channel 13 and certain things like that, is not going to materially affect in any real way the education of the students at Memorial.

MR. FENWICK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Menihek.

MR. FENWICK:

The next question I would like to ask the minister is in line with that 6.86 per cent increase in operating funds. The fact is that Memorial last year took \$2 million from its pension fund in order to continue on its operations. When that is factored in the actual increase in funds that the University has to work with is somewhere around 3.9 per cent. Considering that they have an extra 1,000 students registering for their third semester, would not the minister agree that a 3.9 per cent increase in their operating budget, which is all they have to work for with additional students coming on board, puts them in an extremely difficult position in terms of operating?

MR. SPEAKER:

The hon. the Minister of Career Development.

MR. POWER:

Mr. Speaker, I hope the member for Menihek is not saying that this government should take an active role in the actual daily administration of the University. We give the University a very large grant. This year the University is going to get, from the citizens of Newfoundland through this government, just

about \$100 million if you combine their capital amount, their current amount and the money that goes into the School of Medicine. We do not go over on a daily basis, and I have no intention as a minister of going over and deciding what the University's priorities should be. We would be accused by any sensible minded person, in this Province or outside, that we would be interfering in the autonomy of the University to pass on the educational services that it provides. We have no intention of doing that.

Just let me say again, Mr. Speaker, that the amount of money that we contribute, whether the University takes it and gives a \$2 million increase to its professors or faculty, or whether they take \$2 million and decide that they are going to upgrade their laboratories or do some retrofitting to their buildings, those are University decisions. We as a government have found, in our very tight budget again this year, a very, very substantial increase for Memorial University. It will be Memorial's decision as to how the money is spent on a daily basis.

MR. SPEAKER:

The hon. the member for Bonavista North.

MR. LUSH:

Mr. Speaker, I have a question for the Premier, but -

MR. SIMMONS:

He ran out.

MR. LUSH:

- I do not know if the Premier is going to return. Well, I will direct the question to the Minister of Transportation (Mr.

Dawe). I wonder, Mr. Speaker, if the Minister of Transportation can rationalize the vastly different approach used by the Premier with respect to offshore negotiations, a situation in which the Province had no constitutional protection, as compared to the rather weak and feeble stance by the Premier now with respect to the railway where the Province does have clear constitutional protection. What is the reason for the vastly different approach?

MR. DAWE:
Mr. Speaker.

MR. SPEAKER:
The hon. the Minister of Transportation.

MR. DAWE:
Mr. Speaker, with some little verbiage changes, that is exactly the same question that the member for Windsor - Buchans (Mr. Flight) asked and the question was very adequately answered by the Premier.

MR. LUSH:
Mr. Speaker, a supplementary.

MR. SPEAKER:
A supplementary, the hon. the member for Bonavista North.

MR. LUSH:
Mr. Speaker, again I wonder if the Minister of Transportation can explain why it was, when we were debating the offshore and the Premier was negotiating for offshore ownership and other related topics, that the Premier continually asked for and got the support of the Opposition? Why is it that the Premier is not now asking for support of the Opposition with respect to the railway when indeed all hon. members voted against maintenance and improvement of the railway

system in Newfoundland here yesterday?

MR. DAWE:
Mr. Speaker.

MR. SPEAKER:
The hon. the Minister of Transportation.

MR. DAWE:
Mr. Speaker, I would just like to point out to the hon. member, I think it was perhaps in his absence, voluntarily as it was, from this Legislature for a very short period of time, that on a number of occasions I did ask for the support of members opposite as it related the Province's position on the railway. And we have consistently asked for support from members opposite, from the public generally and everyone else as it relates to our position with the railway. And, Mr. Speaker, we have unanimous agreement from the various interest groups with the government's position on the railway, from unions, town councils and others as it relates to this government's position.

What members on this side voted against, Mr. Speaker, and it is important again to explain it to the Opposition, that was a very feeble amendment to a resolution that called for a continuation of the railway, a mausoleum in the context of what is happening to the railway. Mr. Speaker, members opposite, and others, should join with this administration, with the Premier and with others, to to and make sure that enough money is spent on the railway, hundreds of millions of capital dollars of expenditure, to make sure that the railway becomes a viable and important transportation entity in this Province. That is the reason we voted against the feeble

resolution, but I would ask members opposite to join with the people on this side, as I have before, with regard to supporting the Province's position on many, many dollars of improvements to the railway and for the continuation of that as a viable transportation link in the Province. Come on side at last.

MR. HISCOCK:

Mr. Speaker.

MR. SPEAKER:

The hon. member for Eagle River.

MR. HISCOCK:

My question is for the Minister of Intergovernmental Affairs (Mr. Ottenheimer). A statement was made by the wife of a member of the Farmers Association in this Province, who said that the Minister of Agriculture said that he was willing to sign an Agricultural Agreement but what was holding it up was that the province wanted more money for roads, which in itself shows to the press, to the media and to the people of this Province that the Province is willing to trade off the railway and get more money for the roads. The fact has been proven by the federal minister who says that he is willing to sign the Agricultural Agreement but the Province is holding out for more money for roads.

MR. SPEAKER:

Order, please!

The hon. the member is beginning to make a speech.

MR. HISCOCK:

The question I want to ask the Minister of Intergovernmental Affairs is with regard to the Rural Development Agricultural Agreement, the Extension of the

Coastal Labrador DREE Agreement and the Secondary Roads Agreement in this Province: Which is the top priority of this government? Are all of them being traded off with regard to trying to get more money for the railway?

MR. SPEAKER:

The hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

Mr. Speaker, I have a bit of difficulty following the hon. gentleman's question because it started of about the wife of a farmer of a constituent of a friend of his who had talked to him on the phone about something that he had overheard when flying down from Ottawa to St. John's. I think the operative part of the question was what is the priority with respect to the various agreements. All I can answer to that is that in the entire area, with respect to resource development and with respect to the necessary services which are in Newfoundland, all of those are important and they are all being negotiated with the federal government. They are not being negotiated with the hon. gentlemen opposite and I do not think we would be doing a service to the process of negotiation to get into that. If the hon. gentleman's hon. colleague to the left, who wants a report on the report he heard from the wife of a constituent who heard something on the plane coming down from Ottawa would now just keep from interfering! Actually in the past year the amount of federal money spent in Newfoundland is very, very considerable, and more than the year before. A Forestry Agreement was just signed a couple of weeks or ten days ago, and these matters with respect to the

extension of the Coastal Labrador Agreement, the extension to the Rural Development Agreement and other agreements are ongoing matters between the Province and Ottawa.

MR. HISCOCK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Eagle River.

MR. HISCOCK:

These agreements, the Rural Development Extension in Labrador and the Secondary Roads Agreement, not all being held up from the point of view that the federal government is putting pressure on the Province to trade away the railway so that extra money can be put into all these agreements? Is this the tactic that the federal government is using, saying we will give you more money for agriculture, we will give you more money for roads, we will give you more money for rural development, but in the meantime you have got to give up the railway and we will give you all the money that you want?

MR. SPEAKER:

The hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

Mr. Speaker, I can say categorically that is certainly not the policy whatsoever. This government has not come across - I have not and I am sure no other minister has - any mention, in terms of discussing a federal - provincial agreement, of tying in, say, rural development, but now what about the railway, or fisheries, but now what about the railway, or Coastal Labrador, but what about the railway. There has

been no connection whatsoever suggested by the federal government or entertained by anybody in the provincial government or ever even put forward by the federal government.

All I can say is that I am not even sure if that is a rumor. I think it is a rumor of a rumor which the hon. gentleman is now creating.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

There is just time for a very short question.

The hon. the Leader of the Opposition.

MR. BARRY:

Yes. I would like to ask the Minister of Intergovernmental Affairs, is it only on the railway issue that the Premier was politically posturing for the last seven years or has he also been politically posturing with respect to the Upper Churchill contract and with respect to a greater degree of jurisdiction over the fisheries and Northern cod? Is this political posturing as well and just a bluff?

MR. SPEAKER:

The hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

Mr. Speaker, I think the evidence of the Premier's dedication to the interests of Newfoundland and the effectiveness of it, not only the dedication, is seen in the offshore agreement - the hon. gentleman forgot to mention that one - the FPI agreement, when hon. gentlemen on the other side willing to sacrifice the plants on

the South Coast, the Forestry Agreement recently signed, the Secondary Roads Agreement signed last year, the Ocean Industries Agreement and numerous other agreements. They are the evidence of the effectiveness of the policies of this administration.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

The time for Oral Questions has elapsed.

Notices of Motion

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, I think this is as good a time as any. Because of the fact that members on this side of the House will be attending a function or a meeting in another part of the Province commencing tomorrow evening, it is the intention of government to ask that the House, when it rises today, adjourn until Monday rather than tomorrow morning. So if I may, I will make the motion now that when Your Honour rises after the Late Show today, at the end of the sitting, that the House stands adjourned until tomorrow, Monday, at 3:00 p.m.

MR. POWER:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Career

Development and Advanced Studies.

MR. POWER:

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

Petitions

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

I have two petitions, Mr. Speaker. The prayers are identical so I will enter them both today.

One is from the Town of Badger, the other from Seal Cove in White Bay, and there seems to be several hundred signatures on them. I will not go into too much detail but I will read the prayer of the petition.

"We, the undersigned, petition the provincial government to either eliminate the 12 per cent sales tax on cable television 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, Newfoundland."

Mr. Speaker, although I have presented a number of petitions similar to these, I present these now because I was hoping that the Minister of Finance (Dr. Collins) would be in the House in order to give us an update. Since the last time I entered the petitions, he

indicated that the government was looking at the problem and was working on it in his department. I felt that this would be an opportune time to ask for an update and see if the Department of Finance had made some sort of arrangements so that we can lower this sales tax on cable service in rural areas so that they do not pay an inordinately high amount.

I do not see the Minister of Finance here but if anybody else in the government is going to see to it, to indicate whether or not any action has been taken, I would be -

AN HON. MEMBER:

With respect to what?

MR. FENWICK:

The 12 per cent sales tax on rural cable service and the lowering of it. That is all I have to say on it, Mr. Speaker.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, as the Minister of Finance indicated, that matter is in the process of being looked into. That is all I can say.

Orders of the Day

MR. MARSHALL:

Order 21, Bill No. 25.

Motion, second reading of a bill, "An Act To Amend The Real Estate Trading Act To Provide For The Establishment Of The Real Estate Foundation." (Bill No. 25).

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I want to pass on just a few remarks on this bill. I do not propose to speak for half an hour, which is allocated to anybody who wants to speak in this House, but I do want to address some of the misunderstandings that I think have been created by the member for Menihek (Mr. Fenwick). I do not want to accuse the hon. gentleman unjustly. I will say Your Honour that the misunderstanding that he has created in the public mind through the press of this Province, the feeling that he is pushing the consumer to the hilt here and that he is talking about a great saving to the consumer, perhaps, comes from a misunderstanding or no understanding of what this bill proposes to do.

The member for Menihek (Mr. Fenwick) has created the impression in the Province, I think, that there are vast sums due the consumer in the Province which come about as a result of some real estate transactions, and that indeed the Real Estate Foundation should be put in place to see that those funds get back into the hands of the consumer in the Province. He is giving the feeling to consumers that they are being ripped off with respect to the Real Estate Foundation Bill that is presently before the House, and I would suggest to him that that is a gross exaggeration, and he either misunderstands the real estate business or he is simply being mischievous.

The understanding seems to have

been developed that what we are talking about here is that the consumer, the person who is purchasing a house is putting in a great deal of money and he is losing a great deal of interest because he is making some sort of a downpayment. Now, I am talking about the misunderstanding of the member for Menihek.

MR. J. CARTER:

Would the member permit a comment?

MR. TULK:

Sure.

MR. SPEAKER:

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

MR. J. CARTER:

I think I can anticipate what the member is about to say, if I might just have thirty seconds to discuss it. When an offer is made for a house, say about \$500 is put down.

MR. TULK:

I am getting to that.

MR. J. CARTER:

Some people have mentioned to me that they think the amount of money that is tied up is the downpayment.

MR. TULK:

Is the downpayment, exactly.

MR. J. CARTER:

That is the misunderstanding.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

That is exactly the point I was going to make. I suspect that is where the serious misunderstanding of this bill and perhaps the misunderstanding of the member for

Menihek is coming into place. Most people perceive as a result, I guess, of the push by the member for Menihek to get his face in the paper and on television, that what we are talking about here is really the downpayment for a house, a downpayment for a piece of real estate, when in actual fact what we are really talking about is an offer to purchase.

MR. J. CARTER:

The option.

MR. TULK:

The option, or the offer to purchase, or whatever. There is, in actual fact, a great deal of difference in the amount of interest that accrues in the sense of a downpayment and in the sense of a purchase.

As a matter of fact, I suspect that most of the interest that would accrue in an offer to purchase is about two to three dollars a consumer, a person; every person buying a house would probably lose two to three dollars. Of course, you can make the other point as well, that if I give you \$1,000 of my money to purchase something, what right do I have to expect the interest anyway? Because it then becomes your money rather than mine, once I have given you the \$1,000 as an offer to purchase. So in actual fact it may not belong to the individual concerned.

The point I want to make here is that there is today in the Province a great deal of misunderstanding as to what we are talking about here. The member for Menihek has made the point that indeed we are gouging the consumer when in actual fact I see very little gouging going on.

MR. MARSHALL:

I see within the precincts of the House somebody who I understand the Opposition is lusting after for a position of leadership. The Question Period was so ineffectual today, if he wants to come in and take the place of the Leader, we will give him a dry run, if he so wishes.

MR. OTTENHEIMER:

By leave! By leave!

MR. TULK:

Oh, he cannot have the position of the leader, but certainly he could have any seat on that side. He will probably win it.

MR. MARSHALL:

Oh, the Brian that you like not the Brian that you dislike.

MR. BARRY:

Brian the better.

MR. MARSHALL:

You will not like any Brian.

MR. TULK:

However, Mr. Speaker, having said all that, I have to say to the member for Menihek that the funds from offers to purchase become meaningful only in their totality not in the sense of one individual consumer. As a matter of fact, there were some people who thought the \$5 million being referred to by the minister the other day was the \$5 million that was going to be in place in the Foundation every month. I do not think the member for Menihek spread that around, but there was that misunderstanding.

However, we do believe on this side that there is a weakness in the bill, in that the people in drafting the bill, or the people who put forward the purposes of

the bill should have perhaps demonstrated some real collective benefit for the consumer. That is, if you take the whole foundation in totality rather than as the member for Menihek (Mr. Fenwick) did, on an individual basis gouging the consumer, then perhaps there is a collective benefit that could go to the consumer and that collective benefit should be more substantial than educating and training real estate agents. We believe it should be more than that.

For example, Mr. Speaker, we would have liked to have seen the establishment of a scholarship fund, or a commitment that each year a substantial contribution would be made from the foundation to a charitable organization, to the handicapped or, indeed, to a hospital. I would like for the Government House Leader (Mr. Marshall) to consider this as perhaps an amendment. We are going to be proposing an amendment.

We believe, as I was saying, that the objectives of the foundation and what it does with the funds that it has may be somewhat too narrow. As I understand it, the bill says the funds are just going to be used for educating and training real estate agents. We believe that the bill should perhaps be somewhat broader than that and, as I was saying, perhaps put in place scholarship funds, and that there might be some substantial contributions from the foundation to a charitable organization, to the handicapped or to a hospital. But to suggest that individual consumers should be given interest in a normal offer to purchase is preposterous, I would suggest to the member for Menihek. I think it can be safely said that it is taking advantage

of a general lack of public understanding with respect to the whole matter of just what a purchase offer is. I would suggest to him that it would perhaps cost the consumer more in terms of administration to get the \$2 or \$3 or \$4 or \$5, perhaps even up to \$10, back to the consumer than at least the member for Menihek says he earned on the amount of his offer to purchase.

So, as I said, Mr. Speaker, we believe that this bill is not broad enough and we are therefore going to bring in an amendment and we are asking that it become 53 (d). When we get to the Committee stage we will be proposing this amendment of which we want to give notice and perhaps that will give the Government House Leader a chance to think it over, and perhaps his colleagues, as well, as to whether we should broaden the mandate or the interest that the foundation might serve and it, of course, will say something like this: 'That we apportion a substantial amount of this fund on an annual basis which will have a direct benefit to the people of this Province, such as for the establishment of a scholarship fund or for annual contributions to some charitable, health or consumer organization.' In other words, what we are saying is that we see it needs to be changed. The Liberal party can support the bill with very little problem, except we believe that the benefit, if you want, of the foundation itself should be broadened to do more than just educate and train real estate agents and perhaps do some of the things that I understand other foundations have as their mandate. Having said those few words, Mr. Speaker, I do not believe there is anybody else on

this side who wants to say anything. The minister might want to close the debate.

MR. MARSHALL:
Mr. Speaker.

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

MR. MARSHALL:
I am going to close the debate if nobody else is going to speak, on behalf of the Minister of Consumer Affairs and Communications (Mr. Russell). If anybody else wants to speak they can, but I gather there is no one.

Mr. Speaker, the Minister of Consumer Affairs has asked me to respond. First of all, I can say to the member for Fogo (Mr. Tulk) if he will let us have the proposed amendment we would consider it between now and Committee to be in a better position to deal with it at that time.

MR. BARRY:
Does it not sound reasonable? Is the sky about to fall?

MR. MARSHALL:
There are all sorts of reasons. I want to tell the hon. gentleman that if he looks at the -

MR. BARRY:
The minister is even starting to sound reasonable.

MR. MARSHALL:
For those who listen, the minister is reasonable all the time.

Part 2, Section 53 of the new part of the bill, I would suggest to the hon. member, may well cover what the hon. gentleman indicates, the purposes of the foundation.

MR. BARRY:

It is too general.

MR. MARSHALL:

Well, if it is too general, if the hon. gentleman will give me his draft amendment I will see that the Minister of Consumer Affairs (Mr. Russell) gets it so that the Minister of Consumer Affairs will be prepared to look at it. Of course, the government will be prepared to accept any amendment that comes in on a bill which is an improvement. So if the hon. gentleman could give it to me, I would appreciate it.

I do, when the member for Menihek is here in his seat, want to say that I think it is unfortunate that he went a little bit too strongly in his views. I wonder whether he still adheres to the statements that I have written down? I think he was reported as saying that this bill represents stealing from consumers and lining the pockets of real estate agents.

This is a forward piece of legislation. It is not unique to this particular organization. Other organizations have monies in trust that are put in foundations and the interest accruing on them from the banks and from investments, and what have you, are used for purposes of furthering the particular organization itself. The Real Estate Foundation itself and the Real Estate Association in the Province is beneficial to all consumers, is beneficial to everybody.

So I really feel it unfortunate the member for Menihek used that terminology. The hon. gentleman grew up in the same areas, I am sure, and in the same way that we all grew up. I think really that

the Minister of Consumer Affairs said it all on the radio, as I heard it on the radio, and said it all in the papers when he said, 'Unfortunately, the only ones the member for Menihek seems to be prepared to trust at all, at any time are the union leaders and sobeit.' As a former Leader of the Opposition once said, 'If that is his bent, that is fine'. But I think it was rather unfortunate for him to make those particular statements.

MR. FENWICK:

A point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. FENWICK:

My point of order is that the minister responding here has indicated he is willing to accept a proposed amendment from the official Opposition. Will he be willing to accept a proposed amendment from myself, as well, since I intend to introduce one at the Committee stage? He can go on with the rest of his stuff. I will not object.

MR. BARRY:

To that point of order.

MR. SPEAKER:

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

MR. BARRY:

Mr. Speaker, the comments of the Government House Leader are very well taken. It is unfortunate that the member for Menihek shot off unprepared in all directions and caused a lot of anxiety and concern amongst the people in this Province because of the misleading statements that were being made. Now, if the member for Menihek has

an amendment - at some point in time he has to learn the rules of the House and understand how this process works. He has been in here now - what? - a year and a half, almost two years, and is still periodically getting up and -

MR. BAIRD:

He only has another two.

MR. SPEAKER:

Order, please!

MR. BARRY:

He has another two at the most. I suspect we might see him leave mid-term, because some of the supporters amongst the union leadership are getting a bit concerned. But, Mr. Speaker, there is a procedure to be followed and the member for Menihek, when he is speaking in debate, can indicate his proposed amendment. I am sure that the new government House Leader we see here this afternoon, the new, reasonable, non-partisan Government House Leader, will give very serious consideration to the proposal by the member for Menihek.

MR. MARSHALL:

Mr. Speaker, to that point of order.

MR. SPEAKER:

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

MR. MARSHALL:

Mr. Speaker, I tell the hon. member for Mehihek (Mr. Fenwick), as I said to the Opposition, and he should not try and put us in bed with the Opposition, official or unofficial, that this is the legislative process and the government is prepared - the leader of the official opposition is the one who puts words in your mouth from time to time but you

should not try to put words in my mouth. I did not say we would accept their amendment but, being the reasonable government that we are, we said we would consider the amendment and I asked him to pass it. I say to the hon. gentlemen there opposite, as well, that if the hon. gentleman wants to give us in writing some amendment that he thinks would improve this bill, we will certainly consider it, we will consider it from any member. I think in all fairness, if he wants to address a bill which is a positive piece of legislation, that he should consider between now and Committee stage withdrawing and apologizing to a large segment of our society, in the real estate industry, for insinuating that they were lining their pockets. That is pretty strong stuff. The hon. gentleman goes on the wing! The hon. gentleman the other day, and I did not get up on a point of privilege because it does not make any difference to me one way or the other what the hon. gentleman says, and in the next breath, on the Newfoundland and Labrador Hydro statement - he goes off, and his friends in the socialist media, the public media report it, great fun - says that 'Marshall was deceiving, was being deceptive because he never filed the financial statement.' In actual fact, I can tell the hon. gentleman, I got it on a Wednesday, there was a kerfuffle in the House as their normally is now before Question Period, we got right up to Question Period, it was not called, and the very next day, at the first available opportunity, I put it before the House. As I say, the hon. gentleman sees ants crawling up the wall.

I think probably the most

descriptive statement that any member of this House has made was made by a former Speaker - his picture hangs there. He is not here now - the Minister of Consumer Affairs (Mr. Russell), when he said, 'Unfortunately, the only ones the hon. gentleman is prepared to trust, everybody else is deceitful, are the union leaders.' He marches to Fraser's drum, and he marches to this one and that one from time to time. He trusts them and that is his prerogative, but there is a broader spectrum of people in this Province than one can trust. Having said all that, I suggest to the hon. gentleman that he apologize to the real estate agents and to the people in this Province. Regardless of that, we will accept and consider whatever amendment the hon. gentleman wants to make. The only thing I would suggest is that he address the bill in a positive way. Now, I was absolutely amazed when I heard the member for Fogo (Mr. Tulk), because I have never yet heard a Liberal address anything positively or do anything in this House except in a partisan manner, but the way he dealt with this today seemed to have some substance and we will consider it.

The member for Fortune - Hermitage (Mr. Simmons) made an exceptionally good point when he was speaking. He asked a question about the purpose of the funds. The purpose of the funds are set out in Section 56 (1) (d) and in the objects of the foundation itself. Obviously it is a trust fund in nature, and it will be dealt with as a trust fund by the people who are appointed to the board. The member for Twillingate (Mr. W. Carter) asked a good question as well when he asked, Are these going to be political appointees?

as if there was anything wrong with political appointees. The member for Twillingate has been a political appointee from time to time.

MR. W. CARTER:

No, no, no.

MR. MARSHALL:

Yes, indeed, the hon. gentleman has, and there is nothing wrong with the hon. member for Twillingate. In the Act itself it says the appointment is going to be made by the Executive Council but the nominees are going to be three industry appointees, one from the Department of Consumer Affairs and one from the general public. I feel, in recommending that this bill now be read a second time, Mr. Speaker, that this is a very forward, positive piece of -

MR. W. CARTER:

A point of order, Mr. Speaker.

MR. SPEAKER:

The hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, the hon. minister made reference to the member for Twillingate being a political appointee. I am wondering he would consider what I am saying? Would you consider a political appointee a person of one political stripe who was appointed to a position by a government of another political stripe? Is that being a political appointment?

MR. MARSHALL:

I do not want the hon. member to take offence. I mean, the hon. member was, obviously, whatever he was ever appointed to. He is a very competent person. I do not want to hurt the hon. gentleman's

feelings, but the hon. gentleman was a political appointee at one period of time. I suppose we all were. We all have been from time to time. What is wrong with politics and being a political appointee from time to time? There is nothing wrong with it at all.

For instance, the hon. gentleman could be eligible for appointment to this board. He has tremendous experience in the real estate industry and maybe the industry would nominate him, or maybe he would be appointed from the general public.

The member for Windsor-Buchans (Mr. Flight), what did he say? I think the member for Kilbride (Mr. R. Aylward) answered the member for Windsor-Buchans very well. The minister had a few comments with respect to our friends at the Canadian Broadcasting Corporation and the way that they reported it. Well, we have become used to that. Our skin is hardened. I think most people, when they hear the reporting now, particularly of Here And Now, treat it with the humour which such reporting is due. There is really no need to respond to that.

I will just conclude by saying once again it is as the member for St. John's North (Mr. J. Carter) and the member for Fogo (Mr. Tulk) indicated.

MR. SIMMONS:

Would the hon. member permit a question?

MR. MARSHALL:

Certainly.

MR. SPEAKER (Greening):

The hon. the member for Fortune-Hermitage.

MR. SIMMONS:

I thank the minister for hearing a question from me. It relates to, I believe, clause 53, the one about the objectives of the bill. While he is undertaking to look at the amendment proposed by my colleague from Fogo, would he in general terms, I do not expect him to adjudicate on the matter of the detail of the amendment now, but would he in general terms indicate to the House whether or not the administration supports the idea or is partial to the idea of broadening the objectives so that the consumer is seen to more directly benefit from any proceeds flowing from this legislation?

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

That is a general question. The government, through the Minister of Consumer Affairs and Communications, will look at the amendment. I do not want to get boxed into a corner and the hon. gentleman get up and say - the hon. gentleman would not get up and say I deceived the House or anything like that. I know the hon. gentleman would not.

MR. SIMMONS:

We are not allowed to do it now.

MR. MARSHALL:

I would not want the hon. gentleman to be writhing in frustration because he is not allowed to do it but be wanting to say it. As for the consumer, there is one thing that has been missed by our friends in the socialist media and our friends from the socialist party, and that is what the member for St. John's North said; most of these are not made as down payments, they are

made as deposits and under the Real Estate Trading Act they do not really belong there. They are, themselves, put in trust as between the vendor and the purchaser. So really you cannot just earmark the consumers.

Also, I would draw to the attention of the hon. member for Menihek (Mr. Fenwick) and his friends in the socialist media, the public socialist media, Section 61 (1), which is to the effect that there can be independent agreements between clients and real estate agents, or real estate brokers, to pay them the interest anyway.

There is wide, wide latitude in this bill but instead of - now the hon. member for Menihek will like this aspect of it - the large multi-national corporations that the hon. member's party bans, the banks and what have you, taking the money and paying no interest, those large multi-national corporations will now have to pay the interest, and they will not be paying it to shareholders in Ontario and Quebec and where have you, but they will be paying the interest into a fund here that will be used for the betterment of the real estate industry in the Province of Newfoundland.

So what is wrong with that? Is that not a good bill? And does not the hon. member feel like getting up and apologizing to the real estate agents whom unfortunately - inadvertently but he did - he insulted and he insulted very unjustly by saying they were lining the pockets of the real estate agents, that this was what the bill was doing?

So having said that, Mr. Speaker, I think I have covered all bases

and I move second reading.

On motion, a bill, "An Act To Amend The Real Estate Trading Act To Provide for the Establishment of The Real Estate Foundation", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 25).

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:
Have we voted on the bill yet?

AN HON. MEMBER:
Yes.

MR. FENWICK:
Okay. I would like to have a standing count on it, quite frankly, or a division on it.

MR. MARSHALL:
Mr. Speaker, you need three for a division. You know that.

MR. FENWICK:
There are two standing now, Mr. Speaker.

MR. MARSHALL:
Would one of my colleagues stand?

MR. FENWICK:
There is another one standing over there.

MR. MARSHALL:
Now we have three standing. We want to record, Mr. Speaker. The hon. gentleman now is either going to vote for the bill or he is going to vote against it. So we will have a standing vote to show whether he continues his comments against the real estate agents.

MR. FENWICK:
Thank you very much.

MR. SPEAKER:
Call in the members.

Division

MR. SPEAKER:
All those in favour of the motion please stand:

The hon. the Minister of Forest Resources and Lands (Mr. Simms), the hon. the Minister of Health (Dr. Twomey), the hon. the President of the Council (Mr. Marshall), the hon. the Minister of Finance (Dr. Collins), the hon. the Minister of Public Works and Services (Mr. Young), the hon. the Minister of Transportation (Mr. Dawe), the hon. the Minister of Education (Mr. Hearn), the hon. the Minister of Labour (Mr. Blanchard), the hon. the Minister of Rural, Agricultural and Northern Development (Mr. R. Aylward), Mr. Baird, Mr. Patterson, Mr. J. Carter, the hon. the Minister of the Environment (Mr. Butt), Mr. Peach, Mr. Warren, Mr. Woodford, the hon. the Leader of the Opposition (Mr. Roberts), Mr. Flight, Mr. Tulk, Mr. Kelland, Mr. W. Carter.

MR. SPEAKER:
All those against the motion please stand:

Mr. Fenwick.

MR. SPEAKER:
I declare the motion carried.

MR. MARSHALL:
Mr. Speaker, the next order of business will be of particular interest to both the official and the unofficial Opposition. It is

Order 22, Bill No. 22, "The Embalmers and Funeral Directors Act."

MR. SPEAKER:
The hon. the Minister of Health.

DR. TWOMEY:
Let me explain, Mr. Speaker, the purpose of introducing Bill 22, "An Act To Amend The Embalmers And Funeral Directors Act, 1975". This bill has still in it of the original bill a grandfather's clause. The purpose is to delete that grandfather's clause. I do not think there is anything more to say about the bill except that bills of a similar nature have a grandfather's clause and after about a six month period that clause is no longer valid.

MR. SIMMONS:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Fortune - Hermitage.

MR. SIMMONS:
I want to say a few words about this important bill. The bill would remove the grandfather provision. It is important to note that if the House votes to approve this bill, then we would remove the provision. If we voted to defeat this bill, we would keep the provision in. I say that by way of example to my good friend from Menihek (Mr. Fenwick), since he just unwittingly voted for the banks. Because, you see, the bill that we just passed in this House about real estate matters has some imperfections in it and we are going to deal with those in Committee, particularly in terms of the objectives of that bill.

But the overall principle said, "take this matter out of the hands

of the banks and put it into a foundation where there is some more local control over what is done with the money".

MR. CALLAN:

That is what the bill said.

MR. SIMMONS:

We know the gentleman is against that. Now he has forged the most unlikely alignment. He is now voting for the banks. I know he did it unwittingly, like he does so many other things unwittingly, but he voted for the banks. I just use that as a passing example.

Here it is a matter of voting for grandfathers or against them, you cannot have it both ways. You can make up your mind on this one. Do not unwittingly be placed in a position of doing something that you will regret later on.

Mr. Speaker, this grandfather provision has served the purpose. I know of one particular individual -

MR. BARRY:

Would it apply to members opposite politically? They have already been killed, now, should we embalm them politically?

MR. SIMMONS:

I say to my friend, the Leader of the Opposition, the answer is an unequivocal no because to be a grandfather you must first have legitimate offspring, and then they must have legitimate offspring. I say there is nothing legitimate about the product of this administration, nothing at all that is legitimate.

Mr. Speaker, I happen to know one individual who was caught for some time in this grandfather

provision. It since has been resolved insofar as he was concerned. However, the point that I wanted to make to you is that it is my understanding from talking to some people in the industry during the past few days that this grandfather provision, and I think my friend for Harbour Grace (Mr. Young) can probably concur in this, has served a very worthwhile purpose over the years. But now, the feeling of the people in the industry is that the purpose has been served and the time has come to remove the provision. That is the understanding I have from some people directly involved in this particular business. So, we on this side have no difficulty with the principle of the bill.

MR. FENWICK:

Mr. Speaker, on a point of order.

MR. SPEAKER:

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

MR. FENWICK:

We just had a recorded vote. I thought it was the customary procedure to announce the results of the vote and I did not hear the results announced. I know there was no question about which way it went, but the results were not announced.

MR. SPEAKER:

The results were 21 in favour, and 1 against.

MR. FENWICK:

21 to 1.

MR. SPEAKER:

Before recognizing another member, I would like to welcome to the gallery Mrs. Sadie Poplavitch-Penny, President of the Labrador Inuit Development

Association.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Greening):

Also, we have four questions for the Late Show, three of which are similar and are directed to the Premier with regards to the answer given on the Newfoundland Railway. One each comes from the hon. the member for Windsor - Buchans (Mr. Flight), the hon. the Leader of the Opposition (Mr. Barry), and the hon. member for Twillingate (Mr. W. Carter). The other question is to the hon. the Minister of Career Development and Advanced Studies (Mr. Power) with regards to funding for Memorial University and that question is presented by the hon. the member for Menihek (Mr. Fenwick).

MR. SIMMONS:

Have we disposed of the point of order?

MR. SPEAKER:

To that point of order, the point of order was answered.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, having said that we have no difficulty with the grandfather provision being removed, the bill does give us an opportunity to say one or two other things that need to be said on this overall issue. It is not every day we get a chance to talk about the whole subject of funeral directors and embalmers.

We can treat this subject very

lightly and nervously, if that would accommodate the feelings of the gentleman for St. John's North (Mr. J. Carter) better, but we have a couple of serious points we want to make relating to this bill. It is one of the few opportunities we will get to make it.

Mr. Speaker, being buried after you die is becoming a very expensive undertaking in this Province. Now, in many, many cases the burial or funeral costs are being underwritten by some coverage that an individual has through insurance or employment or whatever, but there is still a number of people out there who are being unwittingly victimized by the process.

I have in mind, just by way of example again, a gentleman who was left just some months ago. His wife died rather suddenly after a reasonably short illness. That gentleman is left with eighteen children at home. That gentleman, obviously caught in the throes of grief, caught up in the events which tend to automatically take over once there is a death in the family, did not really realize until the day after the funeral, when he had time to collect his thoughts and try and pull together his affairs in the absence of the mother, who had managed the household all those years, he realized, among other things, that he now had a funeral bill for \$4,000.

MR. J. CARTER:

Surely, he can qualify for assistance, no matter what he does for a living, if he has 18 children.

MR. SIMMONS:

I say to the gentleman from St.

John's North (Mr. J. Carter) he qualified for some, but not nearly enough. The overall point I want to make in this respect is that because the system triggered in, the deceased had to be transferred from a hospital in St. John's back to the community for burial and the preoccupation, of course, at the family level at that time is, 'Let us do the best we can for the loved one who has just gone,' and questions of how much do not get asked often enough. When he got to ask the question, he found that it was \$4,000 and was much more than his budget can bear. He and I have spent a fair amount of time since wrestling with that one, trying to find ways out of his dilemma.

Mr. Speaker, I am not sure that it can be done through legislation, but I believe there is a need in this Province for some education on the subject; there is a need for people in that circumstance to be aided and to be counselled. Maybe there ought to be some mechanism that triggers. When a person dies, somebody ought to be saying to the next of kin, immediately, 'Now, do you know the ramifications of this? You can go this route, you can go this route or you can go this route but here are the financial ramifications.' I am not, Mr. Speaker, indicting anybody; I am not saying that anybody is at fault here except all of us, collectively. We are at fault in the sense of a sin of omission. We have not done this.

I recall, Mr. Speaker, a number of years ago being called with my wife to go to British Columbia to attend the funeral of a family member, her brother, who, in his thirties, had died quite suddenly. I had only met my brother-in-law on one or two

occasions before so I was not particularly, certainly not as emotionally, involved in the matter as the immediate family members were. I wound up making the arrangements for the funeral. I remember going to this funeral home and the time came to choose the casket. The funeral director, or his representative, took me into this rather plush lay out and there were five or six particular caskets. Obviously, I was to choose whether it was going to be that one or that one or that one. The thing I noted very quickly is that there was neither casket in the room under \$3,500. I said to the person, almost half jokingly, "I hope there is another room." Sure enough, without blinking a lash, he then opened a door and took me to the next room where there was another price range lower than the first. I am sure by his actions that he had no intentions of taking me to that second door had I not asked.

Mr. Speaker, people, because of the particular draining circumstances of the moment, get involved in unwittingly making commitments far beyond their means in cases like this. My point, and I repeat it, is that there ought to be something for all people who are just bereaved to have made available to them to show what the options are.

In some cases, some people who are intent in these matters, know the details of their will, know their financial situation and know right off the top exactly what is involved. But I say to the minister there is a large body of people out there who do not know what is involved. I cite to you the case of the gentleman a few minutes ago. He does not have the financial means. The funeral home

cannot be directly blamed. They performed a service for him. They are now billing him for that particular service. I say the fault, if you want to pin it down, was the lack of information for that particular man. That is the fault, if you want to lay fault. How can he be directly blamed for not having that information at his fingertips? He had been preoccupied in the preceding months with a wife who was on her last legs. So the point is not a complicated one but it is one that deserves some attention.

We ought to see to it that there is access to information for those people when they choose the coffin or when they make the selection as to whether a funeral home will transfer the deceased from the hospital to the site of the funeral. There are other options. There are many families today who elect to have the arrangements made to transfer the deceased without engaging the services of a funeral home or of a hearse. They ought to know what those particular options are.

Mr. Speaker, the other point I make, and this will not ingratiate me to the funeral directors in this Province, is that there is in this Province a monopoly on caskets or coffins. I remember a number of years ago when I was involved with the Green Bay Development Association, we had the old Department of DREE in Ottawa do a study for us. The study showed two things, among others. It showed that it was quite a sensible proposal to manufacture caskets in this Province. The study showed that. It showed that it was a sensible proposal economically.

It showed also that there was a

market - I do not have to convince anybody of that - there was a market for caskets in this Province in theory, in practice there would be no market because the funeral directors are locked into marketing arrangements outside this Province. I had one funeral director say very bluntly to me in a particular meeting in relation to this proposal, "If you people manufacture, we will under-sell you for ten years, if necessary." Mr. Speaker, that is my second point.

My first one is that many people, without the financial means, are not aware in that moment of trauma what they are getting themselves into financially and they are left to wrestle with the issue after.

My second point is that when the services are provided by licenced funeral directors, funeral costs in this Province are horrendous and ought to be investigated. It is an issue that very few people think about except when they have to, and then, when they have to, they are too emotionally drained for other reasons to give any real thought to it, but it is an issue that bears some investigation.

When a woman dies in a St. John's hospital and has to be transferred 100 or so miles to her final resting place, there is something wrong with a system that dictates that that business of taking her from her hospital bed or a morgue in St. John's to her final resting place should cost \$4,000. There is something shamefully wrong about that, Mr. Speaker. There is something there that does not stack up.

Now, if that lady is a millionaire and she wants whatever the Cadillac coffin is made of, metal

or whatever, that is her family's choice. I am not talking about that case. I am not saying to the rich out there, if they want to cater to their own particular whims on this matter and put their own unlimited money into it, that is their business.

I am talking about the kind of case I have mentioned, and I run into it again and again and again. It is an issue not too many people will want to talk about, because somehow they think they are cheating the memory of their departed loved one or something. But the fact is that somebody should speak out and do something about it. Funeral costs in this Province have gotten well out of hand and I repeat, Mr. Speaker, there is no justification why a family on very limited means should be saddled with a bill of \$3,000 or \$4,000 in order to commit to a final resting place a loved one. It should not have to happen. It is happening every day in this Province. It is happening, I suppose, partly because it is that unspeakable subject that people do not focus in on very much.

So these are my two points, Mr. Speaker. Number one is the need for some information so that person, though bereaved, though caught in a moment of real trauma, can make the right financial decision. If he wants to go with a \$4,000 funeral, that is his choice, but let him make the decision up front rather than find out after the fact that he has committed himself to \$2,000 or \$3,000 more than he can really afford or really be covered for under some programme.

My second point is that I think, in general, funeral costs in this

Province have really gotten out of hand and it is time for somebody, maybe the Minister of Consumer Affairs, or somebody, to have a close look at the issue with a view to bringing them more in line with what they ought to be.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. YOUNG:

Mr. Speaker.

MR. SPEAKER (Hickey):

The hon. the Minister of Public Works.

MR. YOUNG:

Mr. Speaker, I think I should say a few words about this. I would like to respond to some of the questions asked by the hon. member.

First, I would like to congratulate the minister for bringing in this bill. It has the full support of the Funeral Directors' Association. But, Mr. Speaker, the hon. gentleman was saying -

MR. SIMMONS:

On a point of order, Mr. Speaker.

MR. SPEAKER:

On a point of order, the hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Just a quick point of order. I am appreciative of the fact that the minister, because of his particular knowledge of this industry, is going to respond to some of the points I have made. It is my understanding - and I stand to be corrected - that the minister is actively involved in this particular business and, therefore, the requirement is that

when he rises to speak in this debate, he should have first declared his interest in the matter. He should bring to the attention of the House the fact that he has an interest in the matter before the House.

MR. YOUNG:

Mr. Speaker, I presume that everyone for the last fifteen years has known I am a funeral director.

MR. SPEAKER (Hickey):

Order, please!

The point has been made. There is no point of order. I think the hon. member has brought the matter to the attention of the House.

MR. YOUNG:

I must say some things about the comments of the hon. member. In the case of sudden deaths particularly people find themselves in one of the situations that the hon. gentleman is speaking about.

I have a feeling, Sir, that since this Funeral Act was brought in in 1975, the quality of service in the funeral business in this Province has been upgraded tremendously. There are bad apples in every society but I feel that funeral directors do not put much pressure on when anyone goes in to make a purchase or make funeral arrangements in this Province.

The funeral director, lots of times in this Province, has to bear costs sometimes and, really and truly, he does not get paid for his services. I wonder if you can go into any business in the Province and ask for \$2,000 or \$3,000 worth of merchandise with no down payment. I doubt if there

is a funeral director in this Province who asks anyone when they come in for a down payment or cash before it is done. I bet the debt load carried by the funeral directors in this Province is fairly heavy.

He also spoke about a monopoly. There is no monopoly on caskets in this Province, Mr. Speaker. I buy from whom I like. I have no allegiance with anyone. I usually try to shop around and get the cheapest prices. I know there is a casket manufacturer here in this Province but there are only about 3,000 funerals in the Province every year and to get the quality and the variety here, you must import. I know for a fact that some of the larger manufacturers have gone bankrupt in Quebec and Quebec manufactures caskets for all Canada.

The hon. gentleman spoke about costs. I would say, Mr. Speaker, that in the Province of Newfoundland a funeral costs less than in any province in Canada. The difference in the cost between a funeral here in St. John's compared to a funeral around the bay or anywhere is quite reasonable. I travelled to attend Funeral Directors' Association meetings around different provinces and even the cost of a funeral in PEI is about one and a half times what it is here.

When it comes to transportation, if a person should pass away here in one of the hospitals and they want to go to Burin or somewhere, it is up to the family if they want that person transferred in a pick-up or a truck and the remains carried to their homes, or if they want it done in a hearse. The cost of that hearse is tremendous and what I usually do is charge, I

think, sixty-five cents a kilometre, which is the cost that social assistance pays.

When funeral directors provide services for the Department of Social Services quite a bit of the cost of that funeral is borne by the funeral directors. We receive the lowest payments for funerals from the Department of Social Services of any province in Canada.

Mr. Speaker, I feel that I do want to stand up for the funeral directors in this Province. I feel that they are doing a great service to the Province. When one goes in to buy a casket, it is like going to Hickman Motors to buy a car. I can go buy a Chevette and I can buy a Cadillac, whatever the person wants to purchase.

It is in the act that you must have a certain number of caskets on display. I must congratulate the Minister of Health (Dr. Twomey) and his department because today we have some of the most up-to-date funeral homes in this Province which we never had before. We have toilet facilities. I must say, Mr. Speaker, I congratulate the minister. Thank you.

DR. TWOMEY:

Thank you, Mr. Speaker, and I thank the hon. member.

MR. SPEAKER (Hickey):

Order, please!

Would the minister take his seat for a moment.

I wish to announce the Late Show. We have three items. The first one is from the hon. the Leader of the Opposition (Mr. Barry) who is

dissatisfied with the answer from the hon. the Premier on the railway. The second item is from the hon. the member for Menihek (Mr. Fenwick) who is dissatisfied with the answer given by the hon. the Minister of Career Development and Advanced Studies (Mr. Power) regarding funding for Memorial University. The third one is from the hon. the member for Twillingate (Mr. W. Carter) who is dissatisfied with the answer from the hon. the Premier in regards to the railway.

If the minister speaks now he closes debate.

MR. FLIGHT:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Windsor - Buchans.

MR. FLIGHT:

Mr. Speaker, I would like to add a few words to this debate. As the Minister of Public Works (Mr. Young) indicated, it is a very sensitive debate. I would say to the minister who just spoke that I have had some experience in dealing with the directors of funeral homes. At this point in my life I have been responsible on four or five occasions, as a result of being an executor to an estate or that kind of thing, to make the arrangements for various funerals, mostly family related. I have no problem with the professionalism of the funeral directors or the funeral homes in this Province. I have no problem with the ethics of the people that I have dealt with.

I do have a problem with this type of legislation though, Mr. Speaker. It concerns me on the basis that this society is

becoming too structured. There are too many vested interest groups being recognized by law and laws brought in to protect them. I am very much concerned. We have the Newfoundland land surveyors, you cannot crack that society. We have the Pharmaceutical Association. We have, to a lesser extent, the Law Society. Now we are going to have the Funeral Directors and Embalmers Society.

The minister suggested that they were very pleased. I am not pointing a finger at any one particular funeral director. They were very pleased and in support of the legislation.

Well, why should they not support the legislation? They know that what this legislation is doing is shoring up their position in this society. This legislation may be the thin end of the wedge that will make it very difficult for a young, aspiring embalmer or funeral director who wishes to establish a funeral home in Leading Tickle, for instance, or in Buchans Junction.

What happens? He makes his application. It comes to the registrar. The registrar who is appointed by the owners of the funeral homes in Newfoundland today takes a look and says, 'Well I better get the opinion of the major funeral operators in Grand Falls or in Corner Brook or in Deer Lake'. What happens? Mr. Speaker, the word comes down that, for whatever good reason, 'we are not, at this point in time, prepared to approve your application' or prepared to set up another funeral home in a rural part of Newfoundland. That is what I fear in this legislation, Mr. Speaker. It is a piece of legislation that is moving to

support vested interest groups in this Province. There is a real danger. It is a real consideration, Mr. Speaker. It is happening.

The people who are in the particular business, whether it is the land surveyors, whether it is the pharmaceutical group, whether it is the embalmers, they have it made. They will support any legislation that strengthens their hand and why should they not? But it is the people who are outside, the aspiring people who maybe want to go into business in a certain professional practice in this Province who will find they are up against a solid wall of legislative rules and statutes that will make it very difficult for them to break into that particular trade.

It is protectionism, Mr. Speaker, it is nothing less than protectionism. If it is not monitored by the minister, these people will protect themselves. That is the way it is, Mr. Speaker. I am not suggesting if I were a member of the funeral association that I would not welcome this legislation for these very reasons. But there are a great many people out there who are concerned about just how it is structured, just how many vested interest groups we have in this Province and what they are doing, Mr. Speaker. There comes a situation where there is no competition. So, Mr. Speaker, that is a concern I have.

Another concern I have is, again, the responsibility lies with the embalmers and the funeral directors, whether it is a national organization or provincial, but I am concerned about the kind of advertising that

we have seen over the past ten years by various funeral homes.

We have come to a point in Newfoundland where an individual, regardless of his financial capabilities in this Province, is ashamed if he does not spend \$3,000 to bury a relative, he is ashamed.

Mr. Speaker, this particular legislation by making sure the funeral directors and the embalmers in this Province set the rules and the prices. It will guarantee that that person will suffer the shame and he will suffer the debt, rather than be seen as someone who is prepared to bury a loved one, as the hon. member said, under circumstances that are not quite as great as somebody who could afford it. That is a very serious consideration.

Let me suggest to the minister that up until the mid fifties in the Town of Buchans, the American Smelting and Refining Company operated a carpenter shop. When a person died, they took it on themselves - it may have been an unwritten agreement with the union - that they would build a casket. They brought in the three-quarter plywood and a first class carpenter in the carpenter shop built the casket and they had velvet to cover it with. In those days, with labour rates and everything, it could not have cost over \$100. But that funeral was just as dignified and the loved ones and the family members were just as proud of that particular funeral as people today are proud of a funeral that costs \$6,000, for which they are forever indebted.

So, Mr. Speaker, the minister, in

his capacity, should recognize these concerns and pass these concerns along to the funeral directors in this Province and the embalmers who, in their own better interest, are using the electronic media and every other means at their disposal, to convince the average Newfoundlander that it is blasphemous not to have a \$3,000 or \$4,000 funeral. So, Mr. Speaker, that is another concern I have.

The Minister of Public Works (Mr. Young) raised another interesting point. I recall when I was elected in 1975 that the Department of Social Welfare set aside a figure that a person was allowed to have in his bank account for the purpose of burying, if one can be so crass, but that is a fact of life. The Department of Social Services would not provide social assistance to anyone in this Province who had in excess of \$750 in their bank account. That \$750 was there for the purpose of a funeral.

Now, I would ask the minister what the figure today is that the Department of Social Services allows a social service recipient in this Province to hold in abeyance, to have in his bank account to provide for the cost of burying someone? It was \$750 in 1975. A bargain basement cost today is \$3,000. That is the poorest of the poor.

When we look at the cost of funerals, the hon. Minister of Public Works talked about the cost of caskets. A lot of the funeral directors in this Province, as the minister may well know, do not price the cost of a burial as such. You go into the funeral home. The funeral director

assumes that you are going to use his services, as he has right to assume, I suppose, and he says this casket here cost \$1,900, but that includes everything, it includes the hearse, it includes the casket, it includes the service of that church, it includes the burial, it includes everything. He does not say now this casket is \$600, and it is \$300 or \$400 or \$500 or \$600 for the auxiliary services.

So, Mr. Speaker, it is very difficult to debate what the minister is talking about, whether or not there is a monopoly, whether or not a Newfoundland company can make a go of it producing caskets. Some funeral directors certainly that I have dealt with, and I said I am not for a second questioning their principles or their ethics or anything else, but I was surprised to find that the cost for that particular funeral would have been \$2,000, but with this particular casket, the cost for that particular funeral would have been \$4,500. I had to assume that the difference must be in the price of the casket. One would never know it when one was standing at the graveside that the difference in the cost of the funeral was \$2,000 because of the difference of the price of the casket. These are the kinds of things, Mr. Speaker -

MR. OTTENHEIMER:

The person inside the coffin would not know.

MR. SIMMONS:

You would be surprised.

MR. FLIGHT:

Let me tell the minister, if the minister thinks this is not cutting across lines and it is not a concern, I have had very dear

relatives of mine who are now approaching the day when they know they will be buried. They have said to me, 'Look, I want this to happen. I do not want \$4,000 or \$3,000, spent on my funeral.' His worldly wealth maybe \$8,000 or \$10,000 altogether, and instead of spending \$3,000 to bury him, he would prefer to see \$2,000 is left to whatever descendants he might have, as opposed to spending \$3,000 on a funeral. They say, 'look, bury me in a very simple manner, in a very simple casket and do not waste any money.'

So if the minister thinks that the issues covered by this legislation are not a very grave concern, and I am sure he knows, because if there is any member in this House of Assembly who have dealt with people, who relates to people in their thoughts on the problem, it is that minister.

The great majority, the rich, as the member said, I have no problem with the rich, if they can afford \$10,000 or \$20,000 funeral, fine. I would hope that one day I will be in that position. What we are saying though is the poor that should be protected here. We should not be setting up a situation where the poor in this Province feel obligated to take on a debt for the rest of their lives. The heads of the families, the old man now is telling his wife and telling his sons, if possible, do not waste the kind of money that funerals are costing in this Province today. The minister should take that under consideration.

Obviously, the legislation is going to pass but the word should go out to funeral directors to be considerate of the kind of issues and the kind of concerns that I

have just raised here. The word should go out to other vested interest groups to be weary of when we are vesting in them all kinds of authority, when we are setting up monopolies, when we are giving them lobbies, when we are protecting what is really a monopoly, when we give them that kind of power and they will have that kind of sway and will be a position to take advantage of the bulk of the population of this Province, they should be warned that the legislation was never meant for them to abuse for their own better interest.

Mr. Speaker, whether the minister agrees or any other minister agrees, it is a real problem in this Province today, that the kind vested self-interest groups that we are not only permitting but we are propping up now with legislation, are, indeed, getting in a position where, if the right ethics is not there and the concern for humanity is not there, they can make it awful difficult on the ordinary people of this Province who do not have the ability to protect themselves against this kind of monopoly.

So, Mr. Speaker, I suppose one could go on and be repetitious but I do not wish to be repetitious. I have made the few points I have wanted to make. I would like the minister to answer the direct question on social services.

With that, I thank the House for its considerate attention. The Minister of Forest Resources and Lands (Mr. Simms), I noticed, was wrapped in my comments.

Thank you, Mr. Speaker.

MR. SIMMS:

When we get our copies from

Hansard, I will send out your comments.

MR. FLIGHT:

I wish you would, Sir. It will be well received by the people I represent.

MR. SIMMS:

Unfortunately, it had nothing to do with the bill.

MR. FLIGHT:

That is right, but it was very important.

MR. CALLAN:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Bellevue.

MR. CALLAN:

Mr. Speaker, I just wanted to have a few words on this bill without, as the member who just took his seat has said, being repetitious. Well, it is unnecessary to repeat the arguments that have already been made by my colleague here from Fortune - Hermitage (Mr. Simmons) and my colleague from Windsor - Buchans (Mr. Flight) or anybody else who has spoken in this or any other debate.

Sometimes you have to repeat something over and over and over and over again and you have to resort to petitions to the Legislature and so on in order to accomplish anything.

I remember last year when the announcement was made about the opening of provincial parks around the Province that one of the provincial parks in my district was left out and, of course, there was a big fuss kicked up about it. Petitioners from St. John's and all over wanted to visit the Bellevue Beach Park as they had

traditionally, but the government, in its wisdom, to try and save some money, I suppose, decided not to open Bellevue Beach Park and, of course, we saw what happened.

I am very happy today to notice in today's paper that Bellevue Beach Park will be opened this year as it was in all other years except last year. So, it took a long time to get the message through and it took a lot of hard work on behalf of a lot of people.

What the member for Windsor - Buchans has been saying about Bill 22, and what the member for Fortune - Hermitage has been saying, as well, about this bill is very much in order, Mr. Speaker. I want to comment on one point only.

We talk in this Province about lack of employment opportunities and the lack of jobs. Now, the minister can correct me if I am wrong, the Minister of Health (Mr. Twomey) or any other minister, perhaps the gentleman from Harbour Grace (Mr. Young) who is in the funeral business himself as he said when he spoke, perhaps he can correct me.

The member for Fortune - Hermitage (Mr. Simmons) alluded to this when he said that he was president of a Rural Development Association out in Green Bay. We have at least fifty-two Development Associations around this Province and they are scratching their heads at meetings trying to come up with ideas to create some employment in their areas rather than just being dispensers of Canada Works and Section 38 and all that stuff.

From what the member for Fortune - Hermitage said, Mr. Speaker, he was challenged, he was threatened

and he was told as president of that Rural Development Association that even though the study that was done through funds provided by the old Department of DREE had proven that the building of caskets in this Province was very viable, they would be undercut. Of course, it is labour intensive and it uses up a lot of the softwoods in our Province like birch, for example. I worked in the lumber woods a few years back when I used to go to university and I know what happened when we were in cutting pulp for A and D Company and Bowaters at the time, Abitibi-Price and Kruger now. The birch was just left there to rot in the forest.

Apparently, Mr. Speaker, the member for Fortune - Hermitage tells us today that in that study that was done it was proven that birch and other products could be used for building caskets and creating employment. As I understand it, no caskets are built in this Province and the man who spoke to my colleague when he was president of that Rural Development Association threatened him: "If you try to start building caskets in this Province through your Rural Development Association, we will undersell you for ten years just to drive you out of business." Why? For what reason, Mr. Speaker? So that the vested interest of companies in Quebec who build caskets are protected. A large number of them that come to this Province apparently are manufactured in Quebec and, of course, the funeral directors are very selfish about the role that they play because they receive a large commission. There is a monopoly. There is no competition. Why can it not be?

The member for Waterford -

Kenmount (Mr. Ottenheimer) seems to be very interested in this debate and seems to be also, Mr. Speaker, quite confident that he is going to be around for a long time, judging by the smile on his face. He thinks this matter is rather humorous. He did make a wisecrack earlier when my colleague from Windsor - Buchans (Mr. Flight) was saying that a lot of people in this Province who really cannot afford it bury their dead in expensive caskets. Why? To keep up with the Joneses perhaps because they do not want the neighbors around to know that they buried their father or grandfather or loved one, whoever it may be, in a cheaper casket than somebody else was buried in a month or two or a year before.

The member for Waterford - Kenmount made the comment, 'Well, at least the person inside the casket does not know whether it is expensive or cheap.' A humorous point and he has been humorous all afternoon. But, as the Minister of Intergovernmental Affairs, I hope that the minister will take that into consideration. I hope that it will be passed along to anybody who thinks that money and jobs can and should be provided in this Province so that we can have our own local industry.

That was the only point I wanted to make, Mr. Speaker. If I am wrong, if there are manufacturers of caskets in this Province that create local employment, then I am not aware of it. I checked with my colleague from Fortune - Hermitage and he said he was not aware of any. As far as he knows they are all imported.

MR. OTTENHEIMER:

The vast majority of caskets are imported but I do know that in

some small communities they are made.

MR. CALLAN:

In some small communities, that is correct.

There is a joke that I could tell but this is not appropriate for jokes, even though the minister is smiling.

Since the Minister of Forest Resources and Lands (Mr. Simms) insists, the story is told, it goes back a few years, of course, about when people built their own caskets. This old gentleman built his own casket and he had it ready. Old people today, Mr. Speaker, are ready. The old age pensioners all over the Province are setting aside their money for the day when their loved ones will have to bury them. Well, this old gentleman built his own casket as a lot of people did around Newfoundland say twenty-five or fifty years ago. This fellow's friend up the road died and the friend of the loved one came down and wanted to use his casket, the one that he had built for himself to bury the loved one in. He said, 'no, I built it for myself.' It was sitting in his shed probably for several months. Anyway, finally he was nagged so much by the neighbour down the road who wanted the casket to bury the loved one that he finally gave in. His words were, 'yes, my friend, go out in the store and take it because I do not suppose I will live to want it anyway.'

That, Mr. Speaker, is similar to what the Minister of Intergovernmental Affairs (Mr. Ottenheimer) had to say earlier about burying the dead. It is a topic, Mr. Speaker, that we do not often talk about, as other members

have mentioned but perhaps there should be more education dispensed to people, especially the elderly, about some alternatives. As I say, my colleagues, other speakers have made these points and I just wanted to make that point.

If there is some employment that can be gotten from this particular aspect of our life, or death, as you may see it, then, Mr. Speaker, I think it should be investigated and it should be encouraged. Entrepreneurs and Rural Development Associations and any others who think that here is a way to do something to create some jobs in our Province should be encouraged, rather than discouraged and threatened as this Development Association down in Green Bay was several years ago.

Mr. Speaker, with these few words, I take my seat.

MR. HISCOCK:

Mr. Speaker.

MR. SPEAKER:

The hon. member for Eagle River.

MR. HISCOCK:

Mr. Speaker, I just want to talk very briefly on this and reiterate what was said by previous members on it. We have in our Province, because of status, people wanting to keep up with their neighbours. They end up spending a lot more money. People do not realize the alternatives that exist for a funeral.

The member for Bellevue (Mr. Callan) mentioned that he was not aware of any companies in the Province building caskets. There used to be one in Carbonear who used to do a half decent job. I do not know if they are in existence any longer but there is

a new company now that is going to be building four concrete holders for caskets in Conception Bay South and they expect to have a market for that. What happens with people who get into extremely expensive burials is that they not only buy the casket but they buy a steel vault. They get the casket, at great expense, and then get a vault and put the casket in the vault because while people are alive, they do not particularly like insects and x number of other things.

I remember, in actual fact, a colleague of mine teaching in Bonavista who was in a car accident. He spoke, I am sure, very briefly, to his parents in his lifetime about death. He was only a young man. They ended up going to the great expense of getting a vault. There are about ten or fifteen vault burials each year in this Province. So what some construction company is going to be doing is building concrete vaults so that caskets can go into them.

I agree with the member for Bellevue, who will be shortly, in the next election, a minister, that we do need an education process in our Province which deals with the idea of cremation and the idea of other, alternate burials. Also, Mr. Speaker, as the member and other members on this side have said, we should have an industry in the Province so that we do not have to get into \$5,000, \$6,000, \$7,000, \$8,000 caskets.

I remember two friends of mine got killed in a motorbike accident. One of them had a casket from Carbonear bought for them made of maple which cost \$1,500. I would reaffirm what the members on this

side have said, that you have a company that uses Newfoundland hardwood that is still an in existence, hanging on by its teeth. It does use birch, maple and other woods. We have many, many people in this Province who are excellent first-class carpenters and we should encourage small businesses in this Province. But unfortunately, due to red tape, due to the bureaucracy, many of these people cannot get to first base. If we add a lot more initiative to small business, we would be able to do that.

I am sure if one checks the number of people who die in this Province each year, one would be surprised because there will be more funerals in the future since we have an aging population. I would go so far as to say the majority of the older people who are dying, of course, are probably Conservative, dying of fright over what is happening with the economy in this Province.

In the meantime, we are developing a society that is afraid of death. With regard to getting into vaults or concrete vaults or getting into the high cost of funerals, the Ministerial Associations with the different churches throughout the Province are concerned about the escalating cost of funerals.

When a loved one dies and you go to a funeral home, you really are part of a captive audience. They are often not giving alternate programmes to them and saying, 'Okay, we have this package and we have that package'. I have had the opportunity, with friends dying, of going and helping pick out the caskets. It is not a nice thing but when you do go in, of

course, the expensive ones are right as you go in through the door and the inexpensive ones are against the wall or in another room altogether.

I do not think there are too many people who, when they are burying their loved ones, ask, 'Is this casket locally made'? I think that we did find out that there was a casket company. I do not know if they are still in existence in Carbonear. Beautiful work at \$1500 - \$1700! Excellent! I would go as far as to say that more of our people in the Province should ask those questions when they are burying loved ones. It is cheaper and since it is born, bred and growing up on the Island, I am sure it would give some consolation to those being buried, as well as the loved ones, that they are being buried in a product that has grown in this Province like themselves and now finally finds its rest in a cemetery.

So I would say that we do need an education process in our Province for people so that when ones loved ones pass away, they should not be taken advantage of by a company and end up going the most expensive route because the most expensive route, of course, has nothing to do -

MR. SPEAKER (McNicholas):
Order, please!

It is now 5:30.

MR. HISCOCK:

In concluding, Mr. Speaker, I would just say that I think we do need to reinforce local businesses but we also need to have an education process in our Province. I am sure the member for Placentia (Mr. Patterson),

when he passes away, will be looking for a Newfoundland-made casket and I will help contribute towards that cost.

Thank you.

MR. SPEAKER:
Order, please!

I now call on the hon. member for Menihek (Mr. Fenwick). He is not satisfied with the answer to his question on the funding of Memorial University.

The hon. the member for Menihek.

MR. FENWICK:

Thank you very much, Mr. Speaker. I am very pleased to follow the entreaty by the member for Eagle River (Mr. Hiscock) to have Newfoundland-made caskets. Actually, I did see some Newfoundland-made caskets in the member for Terra Nova's (Mr. Greening) district a number of years ago where they were made out of the cases that the coffins actually came in.

Mr. Speaker, the answer we got from the minister responsible for Memorial University was that they had gotten the most generous increase of any university in Canada and this may be true. But the fact of the matter is we still have a massive problem at Memorial University, one that promises to get worse over the next year or two and one that we have to pay better attention to than we have here.

For example, if you look at the list that the minister tabled when he answered a question about a week or so ago, he indicated that the funding went up by 14 per cent. Yet if you look at it, the major part of the funding increase

is in capital. There is, for example, \$2 million more in furnishings and equipment and I have yet to see any furnishings or any equipment able to teach any students at the university. There is another \$4,500,000, partly federal funded, for the Centre for Earth Resources, as part of the Offshore Development Fund. I have yet to see any building like that able to teach any university students. There is another \$1 million for the school of business grants and subsidies as well. In other words, there is a whole bunch more on capital, from \$6 million to \$12 million and whether that is necessary or not, I do not want to go into, but the fact of the matter is that the minister, when he answers that theirs was the biggest increase, is looking mostly at the capital account.

On the current account, if you look at that in contrast, you will see that the amount of the increase is only marginal. You go from \$68 million and change in 1985/86 to \$73 million and change for a total of a \$4,721,000 increase and that works out to 6.86 per cent. If that was the only things to take into account, it might not be a problem. But there is considerably more pressure on the university that I think justifies looking at a considerably higher increase.

For example, and I list them, last year the university overran its current account budget by \$2 million and took the money from its pension fund. It was evidently legal but it certainly smelled considerably to me that they would do that and, possibly, destabilize the pension fund that they have there. But there was an additional \$2 million put into operating at that time that they

do not have this year. So if you look at the \$4.7 million increase and deduct \$2 million that they had last year from the pension fund, you are only talking about a 3.9 per cent increase, which is even less than the inflation rate.

If you also look at a number of other factors, you see some other problems as well. For example, this semester there is anticipated to be 1,000 to 1,200 extra students coming into the third semester, all of which will require additional professors, larger classes, and a lot more strain on the educational system.

If you look at another factor, the faculty at Memorial University, by some estimates, are paid on average \$10,000 a year less than any other university in this country. Whether those figures are accurate or not, I do not know but, I do know that they are considerably underpaid and it seems to me there is an obligation to bring them up as well. However, there is nothing in the budget here that would give them a possibility of doing it.

Another factor is we are looking at a bulge of students going through our educational systems today. The babies of the baby boomers I think is the way they are described and these individuals are going through our university system, putting a tremendous strain on it now so that we will see over the next couple of years additional loads on our university and they need more than just an increase due to inflation. At the same time we have always had a lower than average participation rate in post-secondary education. Hopefully, we are trying to improve that. I would think that

the minister would be the first to agree that it should be improved, that we need a higher participation rate in post-secondary institutions. Therefore, we are also interested in seeing more people at University and that will mean a more of a demand.

What is the result? Much bigger classes where educational standards cannot help but fall as a result. We may even see restricted enrollment in the next year or two, where students who apply to University and meet the minimum standards are not allowed in, and that would be a horrible thing considering our very high unemployment rate. Finally, we may even see a number of faculties severed from the University and the kinds of education that is now offered no long applicable.

So, Mr. Speaker, there is a major crisis there now, it is going to get worse in the future and this kind of penny-ante increase in the budget is not going to do the problem any good at all.

MR. POWER:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Career Development and Advanced Studies.

MR. POWER:

Mr. Speaker, the member for Menihek (Mr. Fenwick) is becoming a master of overstatement. Usually he does his homework, usually he does his little bit of investigation and he knows a little bit of what he is talking about. Today he just has not done his homework, he has not investigated, he actually has not looked at the budget. He was not at the Estimates Committee for my

department and did not get a lot of the detail and the explanation of why this system is as it is, and why our University has been served and treated extremely well by this government in this particular budget.

Mr. Speaker, I could spend a lot of time on the post-secondary system that the member just mentioned. Do you know how much money the of Trades and Technology gets per year? \$5.9 million. The Institute of Fisheries and Marine Technology, \$9.6 million. Does anybody know how much Bay St. George costs the citizens of the Province? \$5.9 million this year. The vocational school system, without the major changes that are about to come in, spend \$17.4 million. The University gets directly in operating grants \$80 million. Now the member for Menihek is making his point based upon the figures that he looked at very superficially and, as I say did not do his homework. He looks at last year's budget that says \$68.1 million in operations, which went to \$74 million this year, and he calls it change but, it is still \$6 million and that is a lot of change. But it goes from \$68 million to \$74 million.

Then there is another estimate, which I will gladly give him copies of so he will have some more detail, that says last year in the budget they allowed for \$5 million and spent actually \$3.2 million in furnishings and equipment, and this year that is going to \$5.4 million. In effect, as I tried to explain during Question Period reasonably briefly, the University has a different accounting system than does the Government of Newfoundland and Labrador. They actually have three sections;

there is operations, for which they are getting \$74.6 million, then there is furnishings and equipment, which they call 'small capital' in their own internal budget for which this year they are getting \$5.4 million, and that small furnishings and equipment is in effect part of the operating grant and they switch it from one to the other.

So if we add the two figures together from last year, \$69 million and \$3 million, this year \$74.6 million and \$5.4 million, they have gone from \$72 million operating to \$80 million operating.

Then if you want to go on and look at what they call large capital, to show that we are in this case spending government money very wisely on education in this Province, that grant last year was budgeted at \$103,000, that spent \$223,000 revised, and this year it has gone from \$223,000 revised to \$2.1 million. That \$2 million, Mr. Speaker, is going to the Fine Arts facility in Corner Brook, something which this Province never had before, something which has almost gone unnoticed except in the Western part of the Province where some people are close to the Sir Wilfred Grenfell College and appreciate what it has done. But in many other parts of the Province it really has sort of gone unnoticed that we are going to have a Fine Arts degree granting facility in this Province for the first time in our history. It is going to cost the people of Newfoundland in excess of \$5 million to complete, and there is \$2 million in this year's budget for it which was not there last year. That is a substantial increase.

Last year they spent \$950,000 on

the School of Pharmacy and Nursing, this year it is going to be \$1.8 million. The Centre for Earth Resources is getting \$4.5 million this year. The Design Facility in Engineering is getting \$1 million, and the School of Business is getting \$1 million. The School of Business is one of the better parts of the University.

MR. TULK:

They need more classrooms to operate.

MR. POWER:

More classrooms, more space, better facilities. Mr. Speaker, obviously the University has to live within the means that we gave it. And as I mentioned also today, even though we designate some of the large capital grant, we do not designate any of the small capital or the operating grants. So in effect the university has \$80 million, as opposed to \$72 million last year, to do with what they think are the priorities of the university. I do not think anyone in this House would, for a minute, encourage me as a minister, or this administration to go over to the university and start deciding whether you keep Channel 13 and drop a course in anthropology, whether you keep the technicians programme in Labrador and drop a course in physics or chemistry. We have no intention, Mr. Speaker, as an administration, in getting involved in reducing the autonomy of the university to, in its intellectually pure sense, deliver university education to the students of this Province.

Now let me say, Mr. Speaker, in the last moment or so that I have, that besides doing all of this for Newfoundland education, for the sake of our students, this year,

even though our economic and fiscal problems are still major with the Newfoundland Government, we kept in place the best student aid programme in Canada. We put in just about \$10 million directly to students not counting the bursaries and scholarships that we have which adds up to another substantial amount. So besides putting major money into operations, major money in capital improvement, we also have a student aid programme which facilitates young students getting an education in Newfoundland as inexpensively as possible. Mr. Speaker, we will be making major changes in the vocational school system in the few months ahead. At the same time I think this administration is very proud of what we have done for Memorial University and the other post-secondary institutions this year.

SOME HON. MEMBERS:

Hear, hear!

Debate on the Adjournment
[Late Show]

MR. SPEAKER:

I call on the hon. the member for Twillingate who was not satisfied with the answer given by the hon. the Premier on the railway.

The hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, I am not satisfied with the answer. I think most members will agree that I did not get an answer. I could spend the next few minutes, I suppose, vilifying the Premier or castigating him or trying to abuse the Premier, I could spend the

next few minutes being personal, attempting to dredge up all kinds and all sorts of old dirt and opening up old sores, but I am sure, having witnessed the Premier's reaction to my question today, and most members would not blame me if I were to take that line but, Mr. Speaker, I am not going to. I have no intention of doing that. The issue at hand and the issue that prompted my question today to the Premier, Mr. Speaker, is much more important to Newfoundland and to Newfoundland's future than the Premier's personal life or my personal life, or my political life or my having maybe changed political parties, because these are not the issues, Mr. Speaker. In my view, the issue that prompted my question is one that forms the very foundation, the cornerstone of Newfoundland's union with Canada, namely, of course, the Terms of Union. So, Mr. Speaker, without getting involved in any of these things I am just going to repeat the question I put to the Premier and I expect him, in a civilized way, to answer my question, and I am sure, Mr. Speaker, most Newfoundlanders feel entitled to an answer to that question. Again, I repeat, I do not think getting up and trying to make points by referring to my political past is doing anything to enlighten the public. Mr. Speaker, I might not even take my full five minutes. I am just going to repeat the question that I put to the hon. the Premier and it is this: If the Premier saw fit to do what he did in 1980 - and we have to take his word for it that he did what he did thinking that it was in the best interest of Newfoundland and that it would have far reaching effects and results for Newfoundland, we have to accept that if the hon.

member says that is what prompted him to take that position in 1980 - the question is, Mr. Speaker, Newfoundland's position has not changed too much in the past five years - economically we are still a depressed Province, we still have a lot of unemployment, we still have problems with our roads and with our rail freight service - what has happened in the meantime? I would like for the Premier to tell us and tell Newfoundland why the change of heart? The Premier now, again, has publicly stated that he does not think Newfoundland's constitutional rights are as airtight as maybe he thought they were back some years ago. I would like to ask the Premier what has happened to change things? Why are we now taking the position that we are taking and in so doing maybe jeopardizing the rights that some of us happen to believe that we do have under Terms 31 and 32 of the Terms of Union between Newfoundland and Canada? That, Mr. Speaker, is a simple question and I think it does not call for any great deal of fuss or flurry, just a very simple answer to what I consider to be a very simple question.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, what the Opposition are attempting to do, and have been trying to do now for the last couple of days, although they will not succeed, is trying to somehow indicate that the government of Newfoundland has put a proposal before the federal government to phase out the railway. What happened is that last year we sat down with the Minister of Transport (Mr. Mazankowski) and talked about transportation issues

in the Province and the matter of the railway came up. We told the Minister of Transport at the time that our position on the railway was that we wanted it retained but not retained like it was in the last ten years; we wanted it retained with significant improvements. The Minister of Transport at that time said, 'Okay, we understand the government's position, we will go away and we will get back to you on what we think should be done with the railway and put different proposals before you.' They were supposed to get back to us by the end of December and they have not got back to us to this day, and that is where it stands. We have asked the federal government not only to retain the railway but to commit hundreds of millions of dollars to upgrade it, otherwise it will continue to lose services to other modes of transportation and will become nothing in five or six years' time, if it goes that long, without getting down to about 10 or 15 per cent of the amount of freight that moves in the Province. That is the position and the position has not changed. We do have a constitutional position. Nobody is arguing that we do not have a position because it was mentioned in the Terms of Union. Term 32 deals with the Gulf and the freight rates more than it does with the railway, and then Term 31 deals with the railway. What I am saying today is that after the research we have done since last November into the whole question of the constitution and the legalities of it, it is clear to us, from the advice that we are given, and we can only accept the advice - I am just trying to be truthful - that our case is not airtight and that it is not as good a case as we had in other

matters that we brought to the Supreme Court of Canada or brought to the court vis-a-vis the federal government on these other issues. That is what we are saying. That is clear and unmistakable. Mr. Speaker, that is exactly what we are saying, no more, no less. Right now we are waiting for the federal government to decide which way they want to proceed on the railway. We do not know which way they want to proceed on the railway and they do not know themselves, otherwise they would be back to us by now. They are having some problems in their own system, apparently, in being able to get back to Newfoundland. They asked us what our position was on the railway and we told them what are position was on the railway, and we have continued to tell them since last November. That is the long and short of it, that is where it is. We will have to wait and see, when they come back to us, whether they are going to accept our recommendations and, if they do not, what kind of ideas they are going to put on the table. In response to questions from the media and other people in the last several months who say, 'Well, if they come back differently than what you proposed what are you going to do about that?' I said I do not know. I guess we will look at what they are going to propose.

I do not know if we can accept it or not, but we are not going to close the door so that we would not even look at it. But we will have to look at it at that time. I mean, that is the pragmatics of it. If the federal government refuses to go along with the kind of proposal we are putting on the table - they took over management of the railway under the Terms of Union and they are responsible for

it - then we will have to see where we go from there. But we want them, first of all, to consider seriously the proposal we have on the table. Nobody said we do not have a constitutional position. All I am saying is that we have advice that our position constitutionally and legally, vis-a-vis Term 31 and the letter from St. Laurent to Walsh, does not constitute the same degree of success in looking forward to a court case as the evidence that we had vis-a-vis offshore and Hydro and so on.

MR. FLIGHT:

Your credibility is gone.

MR. SPEAKER:

Order, please!

PREMIER PECKFORD:

That is all I am saying. There is a constitutional position, and we used that in 1981 to the best of our ability. Every time any other issue comes up between now and as long as this administration is around, we are going to use everything at our disposal to try to get the best deal for the people of Newfoundland and Labrador. That is where it is. We want to keep the railway, we want it retained but we want it significantly upgraded, and we are waiting to hear back from the federal government.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Leader of the Opposition is dissatisfied with the answer he got from the hon. the Premier concerning the Newfoundland railway.

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, we see again today the Premier blowing in the wind, trying to change his position from the language he used only two days ago.

MR. PATTERSON:

Get back to the present, boy, forget the past.

MR. BARRY:

I would like to have quiet and no interference.

MR. SPEAKER:

Order, please! Order, please!

MR. BARRY:

Mr. Speaker, on May 6, 1986 the Premier said, 'Our legal opinions we have received are that there is no implicit or explicit meaning to Term 31 which means perpetuity.' He is not saying that we have a weak case for having the railway retained, he is saying we have no case. That is what he is saying.

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 to assume that the hon. the Leader of the Opposition is reading from Hansard. Now this, itself, will go into Hansard, so we will have a Hansard of a Hansard. This is ridiculous!

MR. SPEAKER:

Order, please!

To that point of order. The hon. the Leader of the Opposition is making comments from what he is reading. There is no point of order.

MR. BARRY:

Mr. Speaker, the Premier two days ago said there was no legal case with respect to maintaining the railway in perpetuity. He did not say it was a weak case. He came out and said there was no case. Now the Premier has recognized he has a problem with credibility. He said to his advisors, 'Nobody believes me. The problem we have now as a government, as an administration, is that nobody believes me'. And he has come up with this brilliant political ploy, he is going to admit, he is going to make a public confession that he has not been keeping his word, that he has not been a man of his word for seven years with the people of this Province. That is the bold, brilliant move that he is going to take in order to try and get his credibility back.

The Premier is also treading on very dangerous ground, Mr. Speaker, when he says that the ends justify the means, when he says that he is entitled to bluff, when he says that he is entitled to deceive the people of the Province, to not play true with the people of the Province. When he says that, Mr. Speaker, he is bringing in the concept that the ends justify the means. We saw Richard Nixon do that and we saw the consequences of it. The Premier has now established that he is not a man of his word and that is the message that is going out across this Province.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (McNicholas):

Order, please! Order, please!

MR. BARRY:

The Premier has established that he is a bluff, he has been a bluff

on the Newfoundland Railway, and the question I have for the Premier is is he also a bluff when it comes to saying he is trying to get jurisdiction over the Newfoundland fishery? Is he bluffing on that when he says he is trying to get greater jurisdiction and protection for the Northern cod stock? Is that just a bluff? Has that been just a bluff for the last seven years? And is he also bluffing, Mr. Speaker, when he says that he has been working to try to get a power corridor across Quebec? Is that also only a bluff?

MR. PATTERSON:

On a point of order, Mr. Speaker.

MR. SPEAKER:

On a point of order, the hon. the member for Placentia.

MR. PATTERSON:

When the hon. the Leader of the Opposition was Minister of Energy, he was responsible then for having two huge holes dug on either side of the Strait. It cost millions and millions and millions of dollars. Was he not bluffing Newfoundlanders when he did that? Because he knew full well it was not economically practical to bring power lines across the Gulf.

MR. SPEAKER:

Order, please! There is no point of order.

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, we see the tactics. When we have five minutes to make our points, the tactic is to interrupt, interrupt when we make a telling point. Now, Mr. Speaker, let us see the Premier get up and let us have the Premier

tell us who gave him this amazing new legal advice. It was not our Minister of Justice (Ms Verge), because she is on record as saying she believes that there is a constitutional protection for the Newfoundland Railway. So who is now advising the Premier? Is it the Prime Minister of Canada? Is it Mr. John Crosbie, our federal Cabinet minister?

MR. WARREN:

It was the member for Mount Scio (Mr. Barry).

MR. BARRY:

And, apart from the legal advice, who gave him the advice to reveal our case? Who is recommending, Mr. Speaker, that he give the worst possible scenario to weaken our position, to make it easier for the railway to be sold out? Will he have the courage to stand up and tell us that?

Mr. Speaker, the bottom line here is that the Premier is putting the interests of the Tory Party ahead of the interests of this Province.

MR. TULK:

That is right!

MR. BARRY:

And he is prepared to let all standards of political morality fly out the window. He is prepared to say that you can have deception on a gross scale of the people of this Province for seven years, that he can, Mr. Speaker, as Premier, not hold faith and not be true and honest with the people of the Province. He is saying that he can do that. He has brought that astounding concept into politics and he has the audacity to say that this is a proper way for a Premier to operate. Mr. Speaker, he has been given his marching orders by

Ottawa. Mr. Mulroney has said, 'If you ever want to see that Atlantic Accord legislation go through Parliament, if you ever want to get any money for roads or agriculture or anything else, the Newfoundland Railway must go.' Where is the fight for equality now? Other provinces do not have to choose between a railway and a road, why should we?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (McNicholas):

The hon. the Premier.

PREMIER PECKFORD:

I know the hon. the Leader of the Opposition is trying to find some little cause to uplift his poor popularity around the Province.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

I know he is trying hard, getting up there and shouting and bawling, trying to keep Brian Tobin off his back and keep somebody else from taking over the leadership of the Liberal Party, trying to make a big deal out of nothing and playing verbal gymnastics. This has always been one of the things that the hon. gentleman, the Leader of the Opposition liked doing. I remember it well around the Cabinet table, splitting little hairs all over the place, taking a verb or an adverb and using it the next day to show that that was a different verb and adverb than he used the day before. What a foolish way for the Leader of the Opposition to get on! Do not be so foolish, boy! Do not be so childish, picky! Picky, picky 'Leo'. You know, it is just foolishness. Here we are as a government after

clearly putting our position to the federal government, clearly saying we do not want to go on like the Liberal Party agreed to go on when they were the government and just allow the railway to fade away, just keep it but let it deteriorate, let it go over time, nobody will notice and therefore, then, we will not be accused of letting the railway go. We are not going to take that kind of approach, Mr. Speaker. We are not going to take that at all. We are going to come out clean and say, 'Look, maintain and significantly upgrade the railway'. That is our position. We put it before Mr. Mazankowski last November. That is our position now, and we are waiting for the federal government to give us a response. We have criticized them for not giving a response to us by now. We will take whatever means we can to see that that occurs and we are waiting for them to come back. That is all.

The Leader of the Opposition gets on with all this business of verbal gymnastics trying to get a little opening. You see, there are very few little places where the Liberal Party can get an opening on this government because of our Northern cod stand, because of what we have succeeded in doing on the Atlantic Accord, what we are doing in all the other areas. They have very little room. They have been pre-empted in policy, because it happens to be that this party has taken over all the room that traditionally belonged to the Liberal party because of their ineptitude. That is too bad! I am sorry!

So he can bark and bawl and get his blood pressure up all he likes, Mr. Speaker. Talk about credibility, Mr. Speaker! Go out

tomorrow morning and take a poll, I say to the Leader of the Opposition. I will stick my credibility -

MR. BARRY:

I have. I have.

PREMIER PECKFORD:

Yes. Try to come back on me now with that one. Do not be foolish. The Leader of the Opposition knows in his heart and soul that he cannot say it, that if had to stake his credibility against mine he would be drowned in the water any day of the week. And the majority of people in Newfoundland know that. Everybody knows that. That is why you are over there 'Leo' and I am over here. It is just a simple as that. There is no more than that to it. All these little intellectual equations that the Leader of the Opposition plays only reconfirms in the minds of rural Newfoundlanders that what we have here is a St. John's closet Tory. That is what we have.

MR. DAWE:

He does not have to do a poll around the Province, just in his own caucus.

PREMIER PECKFORD:

Exactly. Just do it in your own caucus and you will see it. I mean, you are just not cut out for it.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

The hon. member is just not cut out for it. A smart guy! You ask any rural Newfoundlander, 'What do you think of the Leader of the Opposition?' Smart guy! 'Will you vote for him?' Well, now, that is a different question

altogether.

MR. SIMMS:

He has no common sense.

PREMIER PECKFORD:

That is right. He is smart but he lacks common sense. And he keeps doing it in the House and I know his caucus over there is wanting him desperately to not be like that. If you are so smart, then why do you not get down with the ordinary Newfoundlander and stop these little intellectual equations and trying to split a little hair there, and change a verb here, and I said this yesterday and that today, all this old foolishness? One of these days there is not even going to be a Liberal Party in Newfoundland, and then we are going to have to put up with the red Socialists. That is what we are going to have to put up with, the red socialists. That is what is going to happen.

So I can understand why Mr. Tobin sent somebody into St. John's last week and talked to a few Liberal people in here, organizing, trying to get rid of the Leader of the Opposition. I can understand it. Because he just continually flaunts what is basic political skill. That is his problem. And I am sorry. I cannot help him.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

It has been moved and seconded that the House do now adjourn until tomorrow, Monday at 3:00 p.m.