



Third Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

33 Elizabeth II

*Published under the
authority of
The Honourable D. James Walding
Speaker*



VOL. XXXII No. 32 - 2:00 p.m., WEDNESDAY, 30 MAY, 1984.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Hon. Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Q.C., Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	IND
DOLIN, Hon. Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virden	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Hon. Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, Hon. John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKI, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, 30 May, 1984.

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports By Standing and Special Committees . . .

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: Thank you, Mr. Speaker, for the information of all honourable members, I'm sure they'd be very pleased to note that this morning the Honourable Eugene Whelan and I signed the Canada-Manitoba Subsidiary Agreement on Agri-Food Development and of course my colleague the Minister of Natural Resources, totalling \$38.3 million over the next five years, virtually a doubling of the former agreement.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Yes, Mr. Speaker, I want to table a report to the Legislature on Wildlife for 1982-83.

MR. SPEAKER: The Honourable Minister of Labour.

HON. M.B. DOLIN: Thank you, Mr. Speaker, I have a statement to make.

Mr. Speaker, as Minister responsible for the Status of Women, I would like to take this opportunity to update the House on government policy directed at helping the women and children of this province victimized by family violence, and particularly wife abuse.

There is perhaps no greater threat to the fundamental right of "security of the person" than to be the victim of family violence. The Manitoba Government believes that it shares a responsibility with other governments to provide the help, protection and support needed by victims of wife abuse.

The Minister of Community Services is currently in Ontario attending a meeting of the Ministries responsible for the Status of Women. The Minister is making representation to all provincial governments, and particularly to the Federal Government, with respect to providing improved funding levels and mechanisms for the services desperately required by victims of wife abuse.

Of particular concern to the Manitoba Government are the issues that funding stability and needs-testing as a requirement for cost-sharing women's crisis centres under the Canada Assistance Plan. The Manitoba Government believes such needs-testing is a barrier to positive assistance at a time of clear desperation.

We are hopeful that for purposes of funding the Federal Government will recognize victims of wife abuse as persons in need without subjecting them to a needs-test. The Minister will also be making representation to the Federal Government seeking new co-operative means of long term and stable funding of women's crisis centres.

We believe changes of this nature will greatly improve and complement our efforts in this area, efforts that have included:

a request to the police to lay charges when the evidence warrants

provision of grants to organizations providing crisis shelter services in Winnipeg, Thompson, Brandon, Flin Flon, Parklands, and Portage la Prairie

creation of an interdepartmental committee on wife abuse to co-ordinate and improve the provincial approach to the problem of wife abuse.

The institute for social and economic research at the University of Manitoba has just completed a survey of Winnipeg residents on the issue of wife abuse. I would like at this time to share with the House some of the surveys' findings.

Firstly, the survey clearly indicates that wife abuse is considered a serious crime. Yet, according to the survey, it is a crime that still goes very much unreported. 46 percent of the people surveyed, indicated that they have personally known an abused woman. Over half of those cases, however, went unreported and only in 8 percent of the incidents where the respondent was aware of the abuse, did they report the incident themselves.

The survey also indicated that Winnipeggers believe wife abuse is happening with great frequency. 77 percent of the people surveyed, estimated a moderate to high number of women involved in abusive relationships. The frequency of abusive events in those relationships was estimated as moderate to high by 92 percent of the respondents.

The statistics tell a desperate story. A story of too many women living under the constant threat of violence and too often without help or support. While governments and agencies like the Manitoba Committee on Wife Abuse have made efforts to provide help to these women, there is a disappointingly low awareness of available services. Of the people surveyed, only 54 percent knew of some agencies which help abused women.

There clearly remains much work to be done. Too many women continue to suffer in silence at the hands of an abusive spouse. Too many children continue to suffer the emotional scars that come with being part of a violent family. The Government of Manitoba is committed to helping the victims of wife abuse.

Mr. Speaker, the hurting must stop, and more importantly, it must be prevented.

This government has in the past taken steps to help prevent wife abuse and we will continue to search for real and effective means that will help all women live safe and secure lives.

I am pleased that representatives of the Federal, Provincial and Territorial Governments are meeting this week to discuss this and other problems related to the Status of Women. I am confident the meetings will be productive and I look forward to future opportunities where I may rise in this House to announce new programs and new initiatives to help support thousands of women and children victimized by wife abuse.

MR. SPEAKER: The Honourable Member for Kirkfield Park.

MRS. G. HAMMOND: Thank you, Mr. Speaker. I thank the Minister for the statement regarding Women's Crisis Services and we too would like to see the services better co-ordinated and more funds dedicated to this issue because certainly there is a real need in the communities for this. But at the same time that I mention that the government is asking for more money, I would suggest when they talk about in that survey the low awareness of available services, I would suggest that some of the advertising that's been done by the Jobs Fund could go towards this type of advertising; some of the money that is spent on that type of advertising could be taken and spent on this type of a program; and for always to give lip service but no funding to a program like this which is in need and yet the money is going towards advertising of jobs, I think is a disgrace. We welcome any initiatives this government makes but I suggest they start in their own house.

MR. SPEAKER: Notices of Motion . . .

INTRODUCTION OF BILLS

MR. G. FILMON: 8, An Act to amend The Securities Act.

INTRODUCTION OF GUESTS

MR. SPEAKER: Prior to Oral Questions, may I direct the attention of honourable members to the gallery where we have three visitors from overseas. They are in Manitoba as observers on a U.N. Fellowship sponsored through the CIDA. They are Mr. Mohammed Azam Khan from Pakistan, Kedarnath Upadhyya from Katmandu and Ramon Baker from Jamaica.

On behalf of all of the members, I welcome you here this afternoon.

There are also 70 students of Grade 5 standing from the Burntwood School under the direction of Mrs. Kolsar. The school is in the constituency of the Honourable Member for Thompson.

There are 15 students of Grade 9 standing from the Elmwood High School under the direction of Mrs. Gartner. The school is in the constituency of the Honourable Member for Elmwood.

There are 17 visitors from the Business of Living Lifeskills Group under the direction of Mrs. Blaine. The school is in the constituency of the Honourable Member for Wolseley.

On behalf of all of the members, I welcome you here this afternoon.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: Mr. Speaker, I noticed that one school was not acknowledged and I'd like to welcome here, I'm sure on behalf of all members, a class of Grade 11 students from the Ashern Central School who are visiting the Legislature today.

MR. SPEAKER: I'm pleased to welcome them here this afternoon on behalf of all of the members.

ORAL QUESTIONS

Health of workers - Flin Flon smelter

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Mr. Speaker. My question is for the Honourable Minister of Environment, Workplace Safety and Health.

The question is, is his department planning to do a survey of the medical health of workers at the smelter in Flin Flon?

MR. SPEAKER: The Honourable Minister for the Environment.

HON. G. LECUYER: Not that I'm aware of, for the time being.

MR. G. FILMON: Mr. Speaker, in view of the fact that among other things, the White Paper that he circulated, a discussion paper, proposing new regulations in Workplace Safety and Health lists the safe level of exposure to zinc as being nil, have any studies been done to indicate whether or not there has been any harm or injury to workers over a long-term basis in their employment there?

HON. G. LECUYER: Mr. Speaker, I'd like to take that as notice. We'd have to bring information at a later date.

MR. G. FILMON: Mr. Speaker, have members of the Steelworkers Union or their representatives asked the Minister or his department to do a study of long-term effects of employment in the smelter, in and around the area of the smelter in Flin Flon?

HON. G. LECUYER: Mr. Speaker, it may very well be that as a result of the implementation of the Workplace Safety and Health Committees around the province, I know that these are in place now in the mining sector and have been for some time but with the growing concern with workplace safety and health, this type of request may be forthcoming. As far as I am aware, that has not been requested at this time.

Assessment rates - Workers Compensation

MR. SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: My question is for the Minister responsible for the Workers Compensation Board, Mr.

Speaker. In view of the fact that the Workers Compensation Board recommended an increase in the average assessment rate of 35 percent in 1983, but the rate increase was limited to 9 percent in general; in view of the fact that the board recommended an increase in the average assessment rate in 1984 of 54 percent, but the rate was limited to 20 percent; in view of the statutory increases now in effect, I would ask the Minister what the projected increase in the assessment rates will be for 1985.

MR. SPEAKER: The Honourable Minister of the Environment.

HON. G. LECUYER: Mr. Speaker, I could answer that by saying that the member is welcome to ask that question as soon as we go into Estimates, as I'm the next member there. But seeing the member is also asking what is the projected figure for 1985, the member also knows I'm sure, that based on this year's experience of not only projected incomes and expenditures but the real incomes and expenditures of this year, and taking that into account with the projected expenditures and incomes for next year, actuarial calculations will be made to determine what will be that increase recommended for next year, if any.

MR. G. MERCIER: Well, Mr. Speaker, the Minister tabled a report in this Legislature which says that the financing and accounting department is responsible for developing appropriate budgets and cash-flow forecasts. Surely the Minister should have that information.

Let me ask him this then, Mr. Speaker. There was an increase in administration costs of the Workers Compensation Board over 1982 and '83 of \$2.9 million under the NDP, which was an increase in administration costs of 70 percent since 1981. Can the Minister advise me what the increase in the administration costs are in 1984?

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, normally questions in question period relate to something of some urgency and questions of information that are both seeking information, but have some urgent relevance. Questions of administrative costs and details regarding administration from a report which is going to be considered under the Minister's responsibility in Estimates, probably on the very day the questions are being asked, certainly is not a productive use of question period and, Sir, is an abuse of the rules which provide that questions should have some urgency. Questions specifically seeking historical information are forbidden under our Rule 357.

MR. G. MERCIER: Mr. Speaker, on the point of order. If there ever was a matter of urgency, it is this government's administration of the Workers Compensation Board, with the increases in assessments and these increases in administration costs. I suggest the question is clearly in order.

Mr. Speaker, the Minister won't answer that question either. Would he answer this question? Why have there

been such increases in assessments, and 70 percent increases in administration costs, when the number of accidents decreased by 9.3 percent in 1982 and by a further 1.4 percent in 1983.

HON. G. LECUYER: Thank you, Mr. Speaker. If for nothing else this question is out of order because of the very fact that it would require me the remaining time of this question period to provide the full and complete answer to it, because there are at least three questions. This is related at least to three . . .

MR. SPEAKER: Order please. The Honourable Member for Lakeside on a point of order.

MR. H. ENNS: Mr. Speaker, I still believe it's up to you to rule whether a question is in order or out of order.

MR. SPEAKER: Thank you. The Honourable Minister of the Environment.

HON. G. LECUYER: Mr. Speaker, what I was going to add is, the Member for St. Norbert just prior to asking this question - I have to remind the House here that this Annual Report has been tabled in the House for a month-and-a-half now, Mr. Speaker, and my Estimates are next on the menu. The Member for St. Norbert, in talking with me yesterday, has had confirmed by myself the fact that we would deal with the Compensation Board Annual Report during the Estimates, that staff of Compensation Board would be there and he's had that confirmed; and if for nothing else having not asked that question in the last month-and-a-half, then on the day the Estimates are going to occur - he should wait for the Estimates.

Shoal Lake Environmental Assessment Panel - brief

MR. SPEAKER: The Honourable Member for Kirkfield Park.

MRS. G. HAMMOND: Mr. Speaker, my question is to the Minister of the Environment. I will ask again, will the Provincial Government be submitting a brief to the Shoal Lake Environmental Assessment Panel, supporting the City of Winnipeg stand, opposing the road and cottage development on Shoal Lake?

HON. G. LECUYER: Thank you, Mr. Speaker. The Member for Kirkfield Park asked that question of the Minister of Urban Affairs in Estimates the other day. The Minister of Urban Affairs provided an answer. I, as well, intervened in the discussion and provided an answer. Furthermore, the member asked that question of me yesterday and I provided an answer, and asks it again today. It's always the same question; I will provide the same answer, Mr. Speaker.

We will stand where we have stood from the beginning. We are involved in the process of negotiations with the other parties involved in this particular issue, that is, the Federal Government, the Indian Band, the City of Winnipeg and ourselves to arrive at a common solution. We will assist in every way possible, but of all things, we will guarantee the

quality; we will stand behind the quality of the water for the City of Winnipeg.

MRS. G. HAMMOND: Mr. Speaker, to the same Minister. That's precisely what I have been trying to find out - where the province stands. The Minister of Urban Affairs told me to ask the Minister of the Environment and I asked the Minister of the Environment and he's telling me that I've had the answer. Well, I haven't. Since this question concerns the drinking water in the City of Winnipeg and it will cost \$100 million to build a purification plant if our water deteriorates, I would suggest that the Minister should answer the question. — (Interjection) — And the question is, Mr. Speaker, will they be . . .

MR. SPEAKER: Order please, order please. Question period is a time for obtaining information from government members, not for the giving of information or for making argumentative statements.

May I remind members that Rule 357 says in part that questions should not "repeat in substance a question already answered, or to which an answer has been refused." Further on in the same Citation, it has to do with a question should not "anticipate an Order of the Day or other matters." If in fact as the Minister has stated, his Estimates are to be before the House on that particular day, they should not be the subject of questions before the House.

The Honourable Member for Kirkfield Park.

MRS. G. HAMMOND: I will take your ruling certainly, but I feel that the question is of some urgency and I would hope that the Minister would be able to give me a reply on this because they are . . . will the Provincial Government be submitting a brief that will support the city's position?

HON. G. LECUYER: Mr. Speaker, the member opposite wants me to reply in a very brief answer which is what I have provided. If the member wants me to go into details in regard to this particular issue, then I suggest that the question be raised in the Estimates. Either I provide a short answer, Mr. Speaker, which I have provided, or else I go into the details and then they come to the Estimates.

MRS. G. HAMMOND: Mr. Speaker, in that answer, I am just not sure. Did the Minister indicate that there will be a brief?

Gold ore test - Flin Flon

MR. SPEAKER: The Honourable Member for Burrows.

MR. C. SANTOS: Mr. Speaker, I would like to direct a couple of questions to the Minister of Energy and Mines.

I think the people of Manitoba would be interested as to whether the Minister can make any factual verification of this whole gold-rush fever that hit Flin Flon.

MR. SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Mr. Speaker, I can appreciate the member's interest in this matter. After all, he does represent a North End riding. Certainly, I can indicate that the results from one test hole near Flin Flon indicate a very significant test result with respect to gold ore. Certainly, Mr. Speaker, I think it would be premature at this particular stage to say we are sitting on a gold mine, let alone conduct about a \$1 million government-paid-for advertising campaign saying that. That certainly was premature at that time and we want to be prudent and responsible on this side of the House.

A MEMBER: I think you scored a few, Willy.

HON. W. PARASIUK: Mr. Speaker, the opposition seems terribly sensitive about their past mistakes and irresponsibilities.

We on this side of the House are very pleased that there is a very significant test result in the Flin Flon area. One test hole does not a mine make, Mr. Speaker. We are hopeful further test holes that will be drilled in the near future in that area will confirm that we do indeed have a very significant find. We will have to wait and see what happens.

MR. C. SANTOS: One supplementary question, Mr. Speaker. Does the Minister have any information that will more or less determine whether or not the find is large enough to justify the economic feasibility of opening a gold mine?

HON. W. PARASIUK: Mr. Speaker, I am having some difficulty hearing the question because I find some sensitivity by the Conservatives to good news that may in fact be being said about Manitoba. We can't confirm the complete ore body. That work is being done, but we can indicate that there was an average grade of some .6 ounces of gold per ton over 55.2 feet, including a 10.5 section averaging a phenomenal 2.25 ounces of gold per ton. So that is a very rich test hole, Mr. Speaker. We on this side of the House are very hopeful that the further test results will prove out this mine so that it can be a significant enough ore body to warrant a mine development, Mr. Speaker. We on this side of the House remain very optimistic and hopeful that will in fact take place.

Clean Environment Act - pesticides

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you. Mr. Speaker, the Throne Speech promised amendments to The Clean Environment Act which will cover the application of pesticides by the public sector. My question is for the Minister of the Environment.

I asked him some several weeks ago whether those amendments to The Clean Environment Act, would prohibit or impinge upon the use of pesticides by the farm community. The Minister indicated he would provide me with further information. Can the Minister do so?

MR. SPEAKER: The Honourable Minister for the Environment.

HON. G. LECUYER: Thank you, Mr. Speaker. If the Honourable Member for Pembina is asking whether this will impinge on the right of the individual farmer to apply pesticides to his operation, the answer is no.

MR. D. ORCHARD: Then is it fair to ask the Minister, if these amendments to The Clean Environment Act will apply only to pesticide application by governments and not by the farm community?

HON. G. LECUYER: I suppose I could say to the Member for Pembina, wait till we table the legislation in the House, but I think it's already being said and I can repeat and will, for his benefit, repeat that the intent of the pesticide permit is to apply to the various levels of government.

Cankerworm infestation

MR. SPEAKER: The Honourable Member for Niakwa.

MR. A. KOVNATS: Mr. Speaker, I would like to direct my question to the Honourable Minister of Environment, Workplace Safety and Health.

I realize that we will be getting into the Estimates very shortly but the question I am about to pose is a very very timely question and has to be answered today. It's concerning the spraying of the cankerworms in the City of Winnipeg and the surrounding district.

Can the Honourable Minister advise me as to what the Provincial Government's involvement is? Are we relying on the birds to pick up the mess after the spraying of the worms lying on the ground, and is there any health damage?

There is no fooling around on this at all, Mr. Speaker. I am very very serious on this. Is there any health damage that could be transmitted by the birds eating these contaminated worms?

MR. SPEAKER: The Honourable Minister for the Environment.

HON. G. LECUYER: I guess to begin with, I have to ask what is the question in that and what are some of the convoluted remarks the member makes in this regard? I am not too sure I understood all of that.

Anyway, what I can say is that the City of Winnipeg is conducting its spray program this year on the same basis as previous years, having submitted its environmental impact study for last year and request on the same basis for this year. We have expressed to the City of Winnipeg, and have expressed in this House a number of times before, and the previous Minister as well, our preference for larviciding wherever and whenever possible. The City of Winnipeg is increasing its efforts in this regard.

While I realize that the member's remarks are specifically, I believe, addressed to the cankerworms, as I've already said, there is nothing different in regard to that this year as compared to any of the previous years' spray programs.

MR. SPEAKER: Will the honourable member ensure that his question is on a subject matter within the administrative competence of the government?

The Honourable Member for Niakwa.

MR. A. KOVNATS: Thank you, Mr. Speaker. I would like to also direct this question to the Honourable Minister of the Environment and Workplace Safety and Health. Just as a preamble, I am sure that my question is germane to the Honourable Minister's capacity as Minister of the Environment and his duties in protecting the environment, Mr. Speaker.

Can the Honourable Minister advise me and all of the people in the Province of Manitoba that there is no health hazards to any human forms in the Province of Manitoba that could be caused by spraying either for cankerworms or for mosquitoes?

HON. G. LECUYER: I don't know if the member's question implies that he is anti-spraying. I presume that's what he says and I'm glad to hear that of him saying that.

All I can say is that I definitely cannot give him the assurance that the spraying going on is health free or is not going to interfere with health in any way. For that reason, Mr. Speaker, they like us could have brought about any amendments to The Clean Environment Act or could have done those changes. I will be bringing in and tabling the amendments to The Clean Environment Act during the course of this Session, and we'll go into the details of that act when we get to that.

MR. A. KOVNATS: Mr. Speaker, just one final supplementary question to the Honourable Minister of the Environment.

The Minister advised that he could not give me that assurance. Will the Minister do something about it immediately and get me some assurance and get all of the people in the Province of Manitoba some assurance that there is some protection by the Honourable Minister of Environment who is responsible for the environment in the Province of Manitoba?

HON. G. LECUYER: Mr. Speaker, the municipalities, and that includes the City of Winnipeg under The Clean Environment Act now, can spray and use these sprays that are currently available and approved for those purposes by The Canadian Labelling Act, the Department of Agriculture, just as they could do so during the term of the previous government and those are the regulations under law by which they abide currently.

Now as far as saying that any sprays they are using are not going to affect anybody's health in the future, I've indicated I could not give that assurance to them.

Western Power Grid

MR. SPEAKER: The Honourable Member for Inkster.

MR. D. SCOTT: Thank you, Mr. Speaker. I have a question for the Minister of Energy. Would the Minister of Energy, could he inform the House whether or not he's had any further communications with his Alberta counterpart on the previously proposed and current ongoing negotiations with the Western Power Grid?

MR. SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Mr. Speaker, less than two months ago I contacted the Minister of Energy, the Minister responsible for the Utilities in Alberta and they indicated that their economic situation was so bad in Alberta that the demand for energy had fallen very significantly, and they did not expect that they would be requiring the Power Grid power for some time into the future because this load-growth demand was so bad.

Since that time I have not had any further communication from them.

MR. D. SCOTT: Thank you, Mr. Speaker, a supplementary question to the Minister. Is he through the studies that his department is doing on the monitoring of the needs of various consumers of electricity and potential markets for us? Could he give us an update of the potential that he sees for export of electricity to Alberta in the near future?

HON. W. PARASIUK: Mr. Speaker, we certainly have been monitoring the export possibilities. I must say that the export possibilities were somewhat very over-optimistically stated in the past with respect to Alberta and they've shown that up with respect to the collapse in their economy.

I can inform the member that at present the Alberta Government through the Energy Resources Conservation Board, has set back the start-up dates of plants that are presently under construction and these are two 400 megawatt generating units, Mr. Speaker, they were under construction.

People assumed that they would need them, and the Alberta Government is saying that their opening should be postponed for at least 18 months, and they are doing a study to determine whether, in fact, they shouldn't postpone the start up of plants presently under construction for a longer period than that.

So clearly, Mr. Speaker, the Alberta situation is so bad that had we put all of our eggs into their basket, we would have nothing. We are fortunate as a government that we have pursued other options, Mr. Speaker, and as a result our hydro exports look pretty optimistic at present.

Hydro power - sale of

MR. D. SCOTT: Mr. Speaker, a final supplementary. Can the Minister, given the relatively gloomy news out of Alberta that we don't have much chance of additional sales of power to Alberta, can he assure this House that he is continuing to work on negotiations to other markets because it's very important for future sales, for economic development in Manitoba and particularly our North, that we work for export sales? Is he continuing his good efforts as he did with the Northern States Power to gain more export sales in Manitoba, Mr. Speaker?

HON. W. PARASIUK: Mr. Speaker, I again state that the Member for Inkster has every right to ask questions in this Legislature as the people on the other side of the House.

Indeed, they have taken all of their question period to ask questions about something that they can do so in Estimates later on today and they try and heckle

him when he gets up to raise the question that I think is very pertinent and relevant.

Mr. Speaker, I can assure the member and members of this House and the people of Manitoba, that the Government of Manitoba is pursuing all the options possible to ensure that we do provide as many options for hydro sales and for hydro development as possible.

Mr. Speaker, we have been successful in the case of one instance and we are certainly hopeful that we will be successful in other instances. Mr. Speaker, if we are successful, I would be pleased to come to the House and announce it here.

Flyer Industries Limited

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, my question is for the Minister of the Environment.

It has been reported that the new Flyer Buses being used by the City of Winnipeg are operating at a noise level that is shaking windows and waking up children at night. I would like to ask the Minister of Environment who is responsible for Environment, if he's been in contact with the City of Winnipeg regarding this situation.

MR. SPEAKER: The Honourable Minister of the Environment.

HON. G. LECUYER: Thank you, Mr. Speaker. I guess the first thing I could say is, that's not the only place where there's been noise levels beyond the acceptable noise level.

MR. SPEAKER: Order please.

HON. G. LECUYER: And I guess, Mr. Speaker, if we were to closely analyze them, you might find some of the buses that the City of Winnipeg is using might not be Flyer Buses that are making that noise.

I suppose you might attribute the noises as well to cars, trucks, railway engines, but I suppose what I can say to that is, we are in the process now of developing a noise regulation which has already gone out publicly for consultation and should be adopted by this government soon.

MR. F. JOHNSTON: Mr. Speaker, in view of the fact that the City of Winnipeg has a noise by-law, but it's the City of Winnipeg that is operating the buses on the street I've merely asked the Minister, has he had discussion with the City of Winnipeg about this matter?

Mr. Speaker, I'd also ask the Minister regarding the Flyer Buses that are being used by the City of Winnipeg, regarding the direction of the exhaust which is not being directed above the bus or below, but right into the person driving a car behind it and right into the people walking along the street, has the Minister questioned the City of Winnipeg as to their reasons for using this type of a bus that does this to the environment? As Minister of Environment, has he checked these two situations that were complained about yesterday publicly?

HON. G. LECUYER: Mr. Speaker, I don't know if the member across is practising for the next theatre play of some outdoor theatre for the summer, but obviously I find no reason to take him very seriously. I haven't had any such complaint brought to my attention from any source, including himself, but if he makes reference to a city by-law then is he suggesting that I should interfere with the City of Winnipeg? If he's making reference, Mr. Speaker, to the noise regulation to which I have just alluded, then I can repeat to him if he's listening, what I've just repeated before. That is currently undergoing extensive consultation including with the City of Winnipeg.

Now as far as the buses are concerned, I don't know if the exhausts of the buses on the street today are at a different location than they were yesterday or last week, but I doubt it, Mr. Speaker.

MR. F. JOHNSTON: Mr. Speaker, the Province of Manitoba supplies the money for the buses. The City of Winnipeg has by-laws. In view of those facts, if the City of Winnipeg is not living up to their by-laws, the Minister of Environment has reason to question the City of Winnipeg. Mr. Speaker, I would ask if the Minister will take these problems up with the buses that are being supplied to Winnipeg because the Province of Manitoba is paying for the buses. Will he take the problems up with the Minister of Industry and Technology who's responsible for Flyer and ask why these buses are being constructed in that way?

HON. G. LECUYER: What I'll say is this, Mr. Speaker. I shall take up the member's problem and discuss it with the City of Winnipeg.

Selkirk water supply

MR. SPEAKER: The Honourable Member for Virden.

MR. H. GRAHAM: Thank you very much, Mr. Speaker.

I have a question for the Honourable Minister responsible for the Environment. I would like to ask the honourable member . . . I thank the Honourable Premier for that applause because I would like to ask the Honourable Minister when he last met with the Town Council and the Mayor of the Town of Selkirk respecting the quality of the water in their drinking water in the Red River.

MR. SPEAKER: The Honourable Minister for the Environment.

HON. G. LECUYER: Mr. Speaker, I haven't personally met with the Mayor of Selkirk on the question of the Red River quality. There have been ongoing discussions at the staff level and the last discussions at the ministerial level occurred just prior to my being appointed to this particular portfolio.

MR. H. GRAHAM: A supplementary question to the Minister. Considerable water has gone under the bridge since the last meeting was held, could the Minister indicate to us whether the quality of the water presently flowing in the Red River in the Selkirk area, has improved over the quality of the water in the river last year?

HON. G. LECUYER: Mr. Speaker, I would expect that even some of the Virden run-off has gone through during the spring - it might even have come all the way to the City of Winnipeg and gone by. But for the member to ask whether since last fall the quality of the water flowing through Winnipeg has improved, I think is purely a facetious question.

Mr. Speaker, obviously until changes are brought forth into the City of Winnipeg's sewage disposal system, until changes have been brought forward into the storm drainage system in the City of Winnipeg, we cannot expect any improvements in the quality of the water downstream from Winnipeg. But in the meantime, Mr. Speaker, yes, we will continue to press the City of Winnipeg to bring about some changes; we will continue to press that level of government including the federal level of government to join with us in trying to bring changes to the sewage system in the City of Winnipeg in order to bring about some improvements to the quality of the water of the Red River downstream from the City of Winnipeg.

MR. H. GRAHAM: A supplementary question to the Minister. Has the Minister any positive financial input to offer to the City of Winnipeg to assist them in the program that he is insisting that they take part in? Has the Minister put forward a program of provincial co-operation and to what extent is the province prepared to help the city?

HON. G. LECUYER: Before I reply to that, I would like to make allusion to one of the member's remarks, the Member for Minnedosa. I would like to mention to him that it is this government who made the detailed analysis of the quality of the Red River to determine what its quality level was under the previous Minister of Environment. If the member prefers, I can bring him the exact date and the exact report which has been made public in this Legislature.

In answer to the Member for Virden, Mr. Speaker, we did proceed last fall to make a very firm commitment, a financial commitment to try to help the city resolve this particular problem and have since then proceeded to try and get the federal level of government to participate with us and the city in that financial commitment and no firm agreements have been reached at this particular time.

Ingolf, Ontario - access passes

MR. SPEAKER: The Honourable Member for River East.

MR. P. EYLER: I have a question for the Minister of the Environment.

MR. SPEAKER: Order please.

MR. P. EYLER: Sorry Mr. Speaker, I've picked up some bad habits from the opposition.

My question is to Minister of Natural Resources. One of my constituents owns a cottage at Ingolf, Ontario, which is accessible only by road through the Whiteshell Park. This year the Minister's department is offering passes only to one member of the household of each

of the cottage owners in that area. I wonder if the Minister would consider offering a freer access to other members of the immediate family of cottage owners in the Ingolf area.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, I thank the honourable member for his question and having giving me notice of his question. As a matter of fact, he has given me notice on a couple of occasions that he is concerned about this matter on behalf of his constituents and I know I've had a number of calls and I'm sure that other members may have as well.

The question of allowing free access to the cottagers or those who rent cottages or use the facilities in Ontario that have access to those cottage areas through our park system roads, is a difficult one. We don't want the administration of park entrance in our own parks to break down because of that anomaly. However, I sympathize with those people and I'm going to look at the problem and see if there's a way we can develop a system that will allow for the great equity that the honourable member seeks without our breaking down the administration of our park system.

MR. SPEAKER: Order please. The time for oral questions has expired.

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

MR. G. FILMON: Yes, Mr. Speaker, I do not wish the record to show that the Minister of Environment has placed certain pieces of information that are not in accordance with the facts forward, namely, the Minister has indicated that it was a New Democratic Government who commissioned the surface water quality studies on the Red River and issued the report on same. Let the record be clear . . .

MR. SPEAKER: Order please, order please. That is not a point of order. If the members have a difference of opinion they will have the opportunity to so inform the House.

MR. SPEAKER: Does the Honourable Minister for the Environment have a point of order.

HON. G. LECUYER: Yes, Mr. Speaker, I would like to. Even though the Leader of the Opposition's point was not a point of order, he did make a comment which is not in order. He did say that I had mentioned that it was this government who had commissioned the report. I made no reference, Mr. Speaker, to . . .

MR. SPEAKER: Order please, order please. ORDER PLEASE. The Honourable Minister doesn't have a point of order either.

Order please, order please. The Honourable Minister did not have a point of order either.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker. I beg to move, seconded by the Honourable Minister of Health, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole House to consider and report of the Standing Committee on the Rules of the House received by the Assembly on April 30, 1984.

Mr. Speaker, I would additionally ask for leave, if necessary, for consideration of this report to continue to 5:30 today.

MR. SPEAKER: Does the Honourable Minister have leave to dispense with Private Members' Hour today? Leave has not been granted.

Does the Honourable Member for Pembina wish to make a speech?

MOTION presented and carried and the House resolved itself into a Committee of the Whole House to consider the report of the Standing Committee on the Rules of the House with the Honourable Member for River East in the Chair.

The Honourable Member for River East.

COMMITTEE OF THE WHOLE HOUSE

REPORT OF THE STANDING COMMITTEE ON THE RULES OF THE HOUSE

MR. CHAIRMAN, P. EYLER: Committee come to order. We are considering Clause (b). Is there any further discussion on Clause (b)? Is it agreed that we adopt Clause (b)?

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I spoke last evening with respect to this matter and made some inquiries and questions of the Honourable Government House Leader with respect to the holding of public hearings on a constitutional amendment.

Mr. Speaker, as members are aware there is an automatic referral of a bill that is presented to the Legislature to a Committee of the House to give members of the public an opportunity to make their views and comments known; and it has proved to be a very worthwhile process, I think one that members on all sides of the House would support. Many constructive comments have been made at those committee hearings and many constructive changes have been made to legislation presented to the House through those public hearings.

Mr. Speaker, we are here dealing with, not a bill however, we're dealing with the process by which this Legislature will adopt constitutional amendments. Constitutional amendments, of course, are different than an ordinary bill presented to this Legislature because obviously, it is a much more difficult process to amend the Constitution than it is to amend a bill or a piece of legislation.

Therefore, Mr. Chairman, it is that much more important that the public be given an opportunity to make their views known and to make their comments, to make their representations and submissions on a proposed constitutional amendment.

MR. H. ENNS: Mr. Chairman, I wonder if we could ask for a little more attention in the House.

MR. CHAIRMAN: Order please. The Member for St. Norbert.

MR. G. MERCIER: Thank you, Mr. Chairman. I was saying, because it is so much more difficult to amend the Constitution, that is the reason why it is that much more important for the public to have an opportunity to make their views known and to make representations and submissions; but the proposed rule that is being presented to us by the Government House Leader does not provide for an automatic referral of a constitutional amendment to a committee of this House to hear submissions from the public and I think that is a deficiency. That is a deficiency, Mr. Chairman, over which we fought and battled many long hours within the past nine months. That is why we stayed here until the middle of last August in order to persuade the government that the public had to be heard on a constitutional amendment.

Mr. Chairman, we're now talking about the future and I think it is absolutely imperative that any constitutional amendment proposed by any government be referred to a committee to give the public an opportunity to be heard and to make submissions.

The Constitution is not the NDP's Constitution; it's not the Liberal Party's Constitution and it's not the Progressive Conservative Party's Constitution; it's the people's Constitution, Mr. Chairman, and they have a right to be heard on any and every constitutional amendment because it is their lives who are being affected by the Constitution and by any amendments.

I therefore, Mr. Chairman, wish to propose to the House an amendment that would guarantee the right of the public to make submissions on any proposed constitutional amendments by any government.

I would therefore move, seconded by the Member for Sturgeon Creek, that the motion of the Honourable Government House Leader to the Report of the Standing Committee on the Rules of the House be amended as follows:

36.1(1) be amended to 36.1(1)(a) to read as follows:

Debate on a government motion proposing amendment to The Constitution Act and on any amendments proposed thereto shall take precedence over all other businesses for 10 sitting days unless debate is previously been concluded.

36.(1) be amended to add: 36.1(1)(b) to read as follows:

Prior to the sixth day of debate on any such a motion, the motion shall be referred to a committee of the House to receive submissions from members of the public and report back to the House.

MR. CHAIRMAN: It would appear that the motion of the Member for St. Norbert is in order. Is there any debate on the proposed amendment by the Member for St. Norbert?

The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Chairman. I have one technical concern about the amendment which I will raise first of all so the member is aware of it. It does not relate to the orderliness of the amendment, but I would point out, Sir, that in the original draft the reference to the requirement that the constitutional

amendments be in proper form and be in accordance with Part V of The Constitution Act, 1982, was included in the original draft of 36.11, and that provision has been dropped in the amendment which does not purport to change the first section but only provide a new provision. I am not sure that it was intentional. If it was, I would appreciate hearing the member's explanation. If it wasn't, I would be agreeable to a corrective amendment to change that.

But I would suggest, Mr. Chairman, as I did last night, that the purpose of this amendment that I moved last evening in Committee of the Whole, and I expect the purpose of the honourable member's sub-amendment is to address a concern which opposition members, primarily, raised during the study of this question in the Standing Committee on the Rules of the House.

Mr. Chairman, it was not something that the government sought, but we did agree that the opposition raised a legitimate concern and that some guarantees would be reasonable. I had hoped, Mr. Chairman, that we could arrive at this position by consensus and I thought that we had on the basis of the amendments moved last night; and the statement of the Member for Lakeside last night in that respect, I thought reflected that.

Mr. Chairman, the proposal now put forward by the member as a formal motion is, in form, a denial of that consensus. Since there is not agreement then as to the specific form and, as I said last night, I in no way reject the intent conceptually of what the member intends; but certainly the evaluation of it, the implications of it, the removal of the consecutive requirement for debate on the constitutional amendment, the implications of that with respect to closure, the previous question, the provisions for resumption of debate, how that impacts on a possible budget debate, a range of questions now enter into this question in the Committee of the Whole stage.

Mr. Chairman, I would suggest with respect, that if the member is willing, I renew the offer that we consider this in the Standing Committee of the Rules of the House without prejudging its merits one way or the other so that the complete proposal can be evaluated. I emphasize, Mr. Chairman, I am neither rejecting it nor supporting it at this point. I have said, in principle, this Legislature has been on record for decades as supporting on bills, and on other matters of major public importance, the holding of public hearings outside of the House. We have done that, and we did that last year, the government in opposition agreed to it last June. Mr. Chairman, we debated for two months under what conditions it should take place, but let it not be said that there was an unwillingness to do it. That agreement was made last June.

So, Mr. Chairman, clearly, there is a willingness to examine this. Clearly, Mr. Chairman, there is not a willingness to pass it in this form. If the honourable member deems it an essential component at this point of the amendment I moved last evening, then I would ask him to say so. If not, Mr. Chairman, I would ask him to request that it be referred to the Standing Committee and the exact implications of how it fits in to the sequential operation of the new rule we have proposed to guarantee a minimum time for constitutional debate can then be examined.

But without that referral, Sir, I would have difficulty recommending that either the amendment or the sub-

amendment go forward. I would then, Sir, have to respond by suggesting that we concur only in at concurrent stage that part of the report which has already received the approval of the Committee.

MR. CHAIRMAN: The Member for Lakeside.

MR. H. ENNS: Mr. Chairman, just very briefly, the Honourable Government House Leader refers to a consensus, or some form of consensus having been arrived at. I think it is very plain that there is indeed no consensus and that is the difficulty. We do not believe in the necessity for any changes to the rules at this stage.

What was put on the record last night by myself was that I did acknowledge that the amendment moved last night by the Government House Leader did in some small way acknowledge the positions being put forward at the Rules Committee by my colleague, the Member for Fort Garry, by myself, the Member for Virden, and I see the further amendment by my colleague, the Member for St. Norbert, as strengthening and making that at least a little more acceptable because it takes in a very important element of public participation in constitution making. I see it in no way detracting in any way other than - in fact, it's the opposite - adding to it and making that amendment introduced by the Government House Leader more attractive; certainly it should be to everybody in this Chamber, but for certain to the million Manitobans that any future constitutional change affects.

HON. A. ANSTETT: Mr. Chairman, in view of that response, and I do appreciate the frankness with which the Opposition House Leader has responded to the question I raised, as members are aware the government proceeded with the changes to Rules 10.(3), 10.(4) and 10.(5) without consensus after expressing a strong desire to have consensus on those changes. I would not, Sir, and I did not at that time, suggest that I wanted to make further changes without consensus. I believe it is possible on this change, which was offered in that spirit, to develop a consensus and I would therefore, Sir, ask that the Clerk consider this as an item that I would like referred to the Standing Committee on the Rules of the House, both the amendment I moved last evening and the sub-amendment moved by the Honourable Member for St. Norbert; and since we are not prepared to proceed with that, and the requirement for concurrence without agreement to proceed with further amendments in Committee of the Whole stage, is only concurrence in the Report of the Standing Committee, I would then move, Sir, that committee rise.

MR. CHAIRMAN: It is moved by the Government House Leader that committee rise. Committee rise. Call in the Speaker.

The Speaker, your Committee has considered a certain report, directs me to report progress and requests leave to sit again.

IN SESSION

MR. SPEAKER: The Honourable Member for River East.

MR. P. EYLER: Mr. Speaker, I move, seconded by the Member for Concordia, that the report of the committee be received.

MR. H. GRAHAM: Mr. Speaker, on a point of order.

MR. SPEAKER: The Honourable Member for Virden on a point of order.

MR. H. GRAHAM: I don't believe that the committee reached any agreement. There was just a motion that committee rise, and the committee's work is still unfinished.

MR. SPEAKER: The Honourable Member for River East to the same point.

MR. P. EYLER: Mr. Speaker, I reported to you in front of your Chair, Sir, that the Committee of the Whole had considered a certain report, reported progress, and asked leave to sit again.

MR. SPEAKER: It is the report that is being moved at this particular time, moved by the Honourable Member for River East, and seconded by the Honourable Member for Concordia, that the report of the committee be received. Is that agreed? (Agreed)
The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, I move, seconded by the Minister of Finance, that this House concur in the report of the Standing Committee on the Rules of the House received by the Assembly on April 30, 1984.

MOTION presented.

MR. SPEAKER: Are you ready for the question?
The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Mr. Speaker.

Mr. Speaker, it is unfortunate that the consideration of the report of committee has come to this stage, a stage that we were indeed in when the committee considered the discussion on it; that stage being, Sir, that we have a change in rules being put through for the first time, certainly in the memory of many members of this Legislature, without consensus on the part of both sides of the House.

Indeed, Mr. Speaker, a variety of different considerations were put forward and I think legitimately so by members on our side. Firstly, of course, the need to provide some extra safeguard for constitutional matters. Mr. Speaker, all through the process of discussion of these proposed changes in rules by the Government House Leader, members on our side have argued that it is absolutely essential that there be some consensus when arriving at changes in the Rules of the House and, Sir, this breaking of that tradition is one that does not go unnoticed by members on our side.

Indeed, when we in the too distant future are in a position of having the majority in this House, after the next election, Sir, we will take note of the manner in which this government has dealt with changes to the Rules of this House.

Mr. Speaker, the changes that were proposed were ones that were fraught with difficulties, difficulties that were legitimately pointed out by members of our caucus in the discussions in the Rules Committee.

MR. SPEAKER: The Honourable Member for St. Norbert on a point of order.

MR. G. MERCIER: Mr. Speaker, I regret interfering with the Leader of the Opposition's remarks, but I wish to raise a point of order, Sir; that point of order being this. The Government House Leader, in committee, purported to refer an amending motion that he made and a sub-amendment by myself to the Rules Committee, and thereby purported to withdraw that matter from the consideration of the House.

MR. SPEAKER: Order please.

MR. G. MERCIER: Mr. Speaker, Rule 60 states that a member who has made a motion may withdraw it with the unanimous consent of the House and the Government House Leader never asked for that consent, and that rule is supported, again, by Beauchesne. So, Mr. Speaker, my point of order is that the Government House Leader, while in Committee of the Whole, could not withdraw that motion without the unanimous consent of the House. It is therefore necessary, I believe, Mr. Speaker, for the House to revert to Committee of the Whole where I would expect the House Leader might ask for that unanimous consent. But I think the procedure we are embarked upon here, Mr. Speaker, is incorrect that the report is not proper because the Government House Leader did not seek unanimous consent of the House to withdraw his amendment.

MR. SPEAKER: The Honourable Government House Leader to the same point.

HON. A. ANSTETT: Yes, Mr. Speaker, the Member for St. Norbert's reference to the rules is correct. It's application in this particular instance is incorrect. I did not purport to withdraw, either my motion or the honourable member's sub-amendment. Those motions still stand, as moved, in the Committee of the Whole. I asked, Sir, that the subject matter be referred and asked the Clerk - which is any member's right to ask the Clerk - to add to the agenda for consideration in Rules Committee an item. I asked that that subject matter be discussed in that committee. That was incidental, Sir.

What I said was that the government was not prepared, at this time, to make a decision on the sub-amendment and, frankly put, Mr. Speaker, the substance of the report in which the government had the most interest and wanted passed was passed yesterday. The motions still under consideration in the committee were incidental to that and, when it appeared that members opposite could not reach a degree of consensus on that, I moved that the Committee rise, Sir. That is factually what happened.

Those motions are not withdrawn; they still stand referred to the Committee of the Whole House and I never used the word "withdrawal." I asked the member

to consider withdrawing his amendment so we could proceed with the main motion I'd moved yesterday. That refusal was conveyed to the committee by the Member for Lakeside, Sir, and I, in effect by moving the Committee rise, left those motions to die there with the subject matter to be raised in the Standing Committee, expressly for the purpose, Sir, and I said this, to see if a consensus could be developed between the sides.

But, Sir - just so the record is clear on what happened in the last 15 minutes - directly to the point of order, Sir, first of all, you have accepted the motion I move for concurrence in the committee report. That committee report, Sir, which consisted of five paragraphs, if you will consult Hansard, Sir, of last evening, was concurred in by Committee of the Whole. It was only after the complete concurrence in that report that the amendment I moved yesterday was moved and the sub-amendment moved by the Member for St. Norbert. Sir, you have accepted that motion and for the member to arise after you have accepted the motion and another member, his leader, has begun speaking on that motion, to then question the orderliness of that motion is improper.

Furthermore, Sir, the honourable member raises a question of order with respect to proceedings in the committee. I gave you the historical explanation, Sir, so that you would be aware that those proceedings were quite correct and that no attempt had been made to engage in withdrawal. But, Sir, even that is improper because all questions of order in Committee of the Whole, according to our Rule 64(3) must be decided by the Chairman of that committee, and the member having not raised that point of order, when we were in Committee of the Whole, is out of order to raise that, Sir, when the Mace is again on the table and you are in the Chair.

Sir, I believe the member's point of order is not legitimate on both grounds. One, because it was raised late; secondly, his second point of order respecting the admissibility of the concurrence motion was raised after you, Sir, had accepted the motion. If there is a debate, Sir, about what happened in Committee of the Whole and the member wishes to raise that in Committee of the Whole, he will have that opportunity because the House will be in Committee of the Whole several times again this Session and, if the member wishes, although I will not choose to do so, if the member wishes he may raise these two motions which still stand referred to that committee.

MR. SPEAKER: The Honourable Member for St. Norbert to the same point.

MR. G. MERCIER: Yes, thank you, Mr. Speaker.

Mr. Speaker, the Government House Leader is correct when he says the concurrence was moved in the first part of the Report of the Rules Committee. However, he then moved a motion that says that the Report of the Standing Committee on the Rules of the House be amended by adding thereto the following. He moved Committee rise. What this House has before it I suggest, Mr. Speaker, is a report with an outstanding motion by the Government House Leader that has not been resolved. There's been no vote on the amending motion

of the Government House Leader; he didn't ask for it to be withdrawn; it stands before us not dealt with, Mr. Speaker, and it is incomplete. Procedurally I submit to you, Sir, it is totally incorrect because there has been no vote on the Government House Leader's motion to amend the report, nor has he withdrawn the amendment. It must be dealt with in one way or the other before the House can deal with this matter, Mr. Speaker.

I would implore you, Mr. Speaker, to look at these facts. I submit that this motion, amending motion of the Government House Leader, to the report has to be dealt with; it can't be left hanging onto the report undealt with.

MR. SPEAKER: The Honourable Government House Leader to the same point.

HON. A. ANSTETT: Yes, Mr. Speaker. I'm not sure that discussions of what happened in Committee of the Whole are in order, Sir, at this time when the whole House is in Session, because clearly, Sir, in you is not vested the right to adjudicate questions of order in Committee of the Whole; that right is vested solely in the Chairman of that committee. So, Sir, I submit the point of order is even improperly raised at this point. But for the record, I think it must be made clear - and I have not yet found the Beauchesne Citation but I am prepared to supply it, Sir, if you wish - that amendments moved in committee and not proceeded with, die in that committee and that is a standard legislative practice, that matters not proceeded with in a committee die.

Sir, I offer for your edification the standing practice that amendments not proceeded with, with regard to other items in committee or with bills, Sir, bills not reported, bills defeated in committee or not dealt with in committee, not even dealt with, not reported out of the committee, never again appear on the Order Paper.

They can be revived in that committee at a subsequent meeting, but the fact that the bill is not to be reported does not even appear in the committee report and, Sir, it does not appear in the concurrence motion, in this case. But I submit that you, Sir, are not seized of this matter. The member does not have a legitimate point of order. His point of order has interrupted debate on a matter and on a motion which you have allowed and to which his leader is speaking and that the member's next opportunity for raising a point of order - which I submit he does not have - will be the next time the Chairman of the Committee of the Whole is in the Chair.

MR. SPEAKER: The Honourable Member for Virden to the same point.

MR. H. GRAHAM: To the point of order before us, Mr. Speaker, it might help matters to clarify things if the Clerk were to read the report that we are presently dealing with. Could the Clerk please read the report to the House so we know what we're talking about?

MR. SPEAKER: The Honourable Member for Elmwood to the same point.

MR. R. DOERN: Mr. Speaker, in regard to this problem, I think the House Leader is presenting us with some

very fancy footwork, because what we're talking about is that the government gave an indication during debate on the Sections 10.(3), 10.(4) and 10.(5) - there's general understanding on this side, there was a circulation a few days ago, if not last week about a proposal that the government was going to make.

The House Leader made those remarks in committee discussions and it was, to a certain extent, on that basis, that the Official Opposition allowed the original proposal to be passed. There was a package that was being presented to the committee and to the Legislature and now, all of a sudden, the House Leader, having obtained what he wanted, which was approval for the first portion of that package, a limitation on bell ringing, doesn't want to proceed with the second part of the package, which was that there would be an extension and a guarantee of a time period allowed for constitutional debate.

Mr. Speaker, I say that doesn't go far enough and I don't want to get into that. I simply observe that it was in order for the Member for St. Norbert to move an amendment to that second part of the package. Then I think there was some misunderstanding and perhaps some deception on the part of the House Leader in the transition from this committee into the Assembly. — (Interjection) — I'm not finished. Mr. Speaker, I'm on a point of order and I don't believe I can be interrupted.

MR. SPEAKER: There can be no point of order on a point of order.

The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, the point that I'm making is this, that there was a clear indication given by the government that there would be amendments introduced . . .

MR. SPEAKER: The Honourable Minister of Natural Resources on a point of privilege.

HON. A. MACKLING: Mr. Speaker, I rise on a point of privilege.

MR. SPEAKER: Order please, order please.

HON. A. MACKLING: My point of privilege, Mr. Speaker, is that I heard, - and perhaps you did not hear - the Member for Elmwood accuse the Honourable House Leader of deceiving this House.

Mr. Speaker, that is a question of privilege and I ask you, Mr. Speaker, to ask the Honourable Member for Elmwood to withdraw that remark. I make a motion to that effect, seconded by the Honourable Minister of Finance.

Therefore, Mr. Speaker, I move, seconded by the Honourable Minister of Finance that the Member for Elmwood be asked to withdraw the word "deception."

Speaking to that motion, Mr. Speaker, I'll wait until you read it.

MR. SPEAKER: Order please, order please. Order please. The Honourable Minister's remarks might have to do with order. They are not a matter of privilege. If in fact the honourable member did use that word he

will of course, I'm sure, withdraw it because it is an unparliamentary one. If he does not care to comment on it, I would have to take the matter under advisement to review Hansard.

The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, I will withdraw the word and simply say that the House Leader in my judgment, is playing fast and loose with the rules.

Mr. Speaker, I want to make the point that an impression was created by the distribution of an amendment that went to the official opposition prior to the committee discussing it. Then that amendment was passed out in committee - I'm referring to the 10 consecutive days - and upon that basis, to a certain extent, the members on this side allowed - I oppose, and I don't want to speak for the Conservatives; they can speak for themselves, but it's my impression that as a result of that guarantee, about 10 consecutive days, which could be further amended and was further amended and I think usefully further amended by the Member for St. Norbert, perhaps other amendments were forthcoming and other improvements could also be made. The result of that is that the first part of what the government wanted was allowed to be passed in committee, and that is in reference to the 15-minute maximum, but that was a package.

Now that the first part of the package is passed and the second part is being discussed and a third part being added, the House Minister suddenly, in a huff, decides that he's going to pull out or let die his proposal. And we get confirmation of that from the Minister of Finance and others who are delighted with it.

MR. SPEAKER: Order please. The honourable member is debating the issue. Would he restrain his remarks or restrict his remarks to the point of order that is before the House?

The Honourable Member for Elmwood.

MR. R. DOERN: I'll narrow my remarks down and simply say that the government presented a package. Now they are withdrawing and allowing to die, a significant part of that package. As far as I'm concerned, they have - and I don't know if I can use the word "mislead" or not, but if I can, I will use it - and say that the opposition was misled by the words and the actions of the House Leader. As a result, we now find that the Member for St. Norbert's amendment and the second amendment of the government are dead or in limbo. I say that the House Leader should either allow that debate to proceed or else he should withdraw his original proposal.

MR. SPEAKER: The Honourable Member for Virden to the same point.

MR. H. GRAHAM: Mr. Speaker, I had made a request in order to clarify matters. Perhaps the Clerk could read to us the text of the report that we are purported to be dealing with. I think it would clear the air for all concerned if the Clerk would read out the report of the Committee.

HON. A. ANSTETT: Mr. Speaker, I'm not sure the request of the Honourable Member for Virden is order.

The report under consideration is very clearly the report referred to in my motion which was the report received by the House on April 30, 1984. That's the wording of the motion. It appears on the Order Paper today, Sir, identified as the report received by the House - not the report with any amendments moved in Committee of the Whole - but the report as received.

I had asked the Clerk to prepare the motion two different ways in case I had to have the report concurred in as the report as amended in Committee of the Whole, or the report as received on April 30th. That is the report; it is a matter of record; it appears in the Votes and Proceedings of May 1, 1984, Sir. So, with respect, I submit that the request is a matter of reading the record.

But, Sir, it appears that despite some discussion of what occurred in Committee of the Whole that the essential matter for you to decide, Sir, is whether or not our Rule 64.(3) applies. I submit, Sir, that there is absolutely no doubt that it does; that the Chairman of the Committee of the Whole House shall decide all questions of order with regard to the activities of that Committee.

I submit, Sir, that the point of order having been raised is out of order, and that we should not even be using the time of the House at this point to debate a matter of order in the Committee.

MR. SPEAKER: Order please. The matter does seem somewhat complicated and I intend to take the matter under advisement. One of the things that will be checked is the report of the Committee Chairman to the Speaker, who reported that the Committee had made progress and asked leave to sit again.

The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, I am not clear on what you are taking under advisement, Sir. Are you taking under advisement whether or not 64.(3) applies in this case? I have some concerns, Sir, that if the point of order is accepted for your adjudication, it is then the removal from the jurisdiction of the Chairman of the Committee of the Whole, this matter.

Well, Sir, I have some concern about that decision.

MR. R. DOERN: Challenge his ruling.

HON. A. ANSTETT: I may do that.

MR. SPEAKER: Order please. The Chair is taking under advisement the point of order raised in the House, will report back to the House.

The Honourable Government House Leader.

HON. A. ANSTETT: I believe the item of business before the House is the Concurrence Motion on which the Honourable Member for Tuxedo was speaking.

MR. SPEAKER: The Honourable Member for Lakeside on a point of order.

MR. H. ENNS: Well, my understanding, Mr. Speaker, is that the Honourable Member for St. Norbert rose, presented a point of order which you, Sir, have taken under advisement, and that that now effectively

concludes further debate on this question until you, Sir, come back to this Chamber and rule on that point of order as raised by the Member for St. Norbert.

MR. SPEAKER: The Honourable Government House Leader to the same point.

HON. A. ANSTETT: Mr. Speaker, the debate on the Motion for Concurrence was under way when a point of order was raised with regard to activities in the Committee of the Whole. You, Sir, accepted the motion I moved, seconded by the Minister of Finance, and debate had begun on that motion.

I submit, Sir, it is not possible for the point of order or for you to remove the acceptance of that motion as being eligible for debate after debate has commenced, and submit that debate should and must continue.

MR. SPEAKER: The Honourable Member for Lakeside to the same point.

MR. H. ENNS: Mr. Speaker, my learned colleague, the Government House Leader, knows full well that if he chooses to disagree with your ruling or your handling of the House, he, of course, can challenge that ruling. Sir, we on this side intend to support you.

MR. SPEAKER: The Honourable Member for St. Norbert to the same point.

MR. G. MERCIER: Yes, to the same point, Mr. Speaker. While I've been in this House, there have been many occasions where points of order have been raised. That has effectively ended the debate up until that point in time until the presiding Speaker has ruled on that matter, and we've always gone on to other business in those situations. I submit that's what we should be doing now.

MR. SPEAKER: Order please. I have advised the members that the matter is somewhat complex and needs some study. I have taken the matter under advisement and that should be the end of it.

The Honourable Minister of Natural Resources on a point of order.

HON. A. MACKLING: Mr. Speaker, yes, on the point of order. Mr. Speaker, you have taken under advisement the point of order, but the matter before the House is concurrence, and that debate has been initiated and should continue. The question of deciding on the point of order is another matter altogether. If you are ruling that now we can't continue, then, Mr. Speaker, you are taking away our right to debate and I say that you cannot do that.

You can take the question under advisement, yes, but we have a right to continue with the concurrence debate.

MR. SPEAKER: The Honourable Leader of the Opposition to the same point.

MR. G. FILMON: Yes, Mr. Speaker, on the point of order raised by the Minister of Natural Resources. Sir,

I rose to speak on the Motion of Concurrence on the assumption that it was in order. There has been a question, Sir, as to whether or not we were in order in dealing with the matter before us. I am not offended by the fact that was raised, but indeed, am happy to have the matter raised and clarified so that we can deal with the matter in its proper context and forum.

If, in fact, it is not in order to be dealing with that, then that's something, Sir, which you will decide. We believe that is the proper route to follow and that we should indeed let the matter rest until you come forward with your ruling.

HON. A. MACKLING: Mr. Speaker, you, I understand, received the motion, it was readily moved and seconded, debate had commenced. It's not a question of whether or not debate is in order, obviously debate is in order. There was an issue raised and you have taken under advisement a point of order.

Certainly, Sir, you are not ruling that debate is terminated. You are indicating that the question as to the merit of the point of order is under advisement. Until that decision has been made debate may continue.

MR. SPEAKER: Order please. The whole issue of the way in which the committee has dealt with the matter and referred it back to the House, the referral to the Chair and the concurrence motion are all things which will have to be taken under advisement and I have taken under advisement, to see whether that motion is properly in order at this time. I will review it and report back to the House; that should end the matter.

The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, bearing in mind that you did accept a motion, properly moved and seconded

MR. SPEAKER: Order please. ORDER PLEASE.

HON. A. ANSTETT: . . . and upon which debate had begun, with respect I challenge your ruling. With respect I challenge your ruling, Mr. Speaker. I do not believe the Chair has the right to take under advisement a motion which is before the House; it is no longer in the possession of the Chair and I challenge your ruling to take it under advisement.

MR. SPEAKER: Having been challenged, those in favour of sustaining the Ruling of the Chair please say, aye. Those opposed please say, nay. In my opinion the ayes have it and I declare the motion carried.

The Honourable Government House Leader.

HON. A. ANSTETT: Yeas and nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

The question before the House is shall the Ruling of the Chair be sustained?

A STANDING VOTE was taken, the result being as follows:

YEAS

Banman, Blake, Brown, Doern, Enns, Filmon, Gourlay, Graham, Hammond, Johnston, Kovnats, Manness, Mercier, Nordman, Oleson, Orchard, Ransom, Sherman.

NAYS

Adam, Anstett, Ashton, Bucklaschuk, Corrin, Cowan, Desjardins, Dodick, Dolin, Evans, Eyer, Fox, Harapiak, Harper, Hemphill, Kostyra, Lecuyer, Mackling, Malinowski, Parasiuk, Pawley, Penner, Phillips, Plohman, Santos, Schroeder, Scott, Storie, Uruski, Uskiw.

MR. CLERK, W. Remnant: Yeas 18; Nays 30.

MR. SPEAKER: The motion is accordingly defeated.

Since the motion was to take the point of order under advisement it is presumably the will of the House that the matter not be taken under advisement.

I do not feel capable of giving a decision on the matter at this short notice, and so I cannot do so.

The Honourable Member for Lakeside.

MR. H. ENNS: I move, seconded by the Honourable Government House Leader that this House do now adjourn.

MOTION presented.

HON. A. ANSTETT: Mr. Speaker, I do not concur in the use of my name as seconder to the motion that the House do now adjourn. Mr. Speaker, I wish to advise you, however, and the House, that the government does not view the vote on this matter as a matter of confidence in you, but rather simply as a disagreement on today's proceedings, and I would ask, Sir, that the Orders of the Day be called for debate on the Motion of Concurrence.

MR. SPEAKER: Order please. The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I move, seconded by the Member for Pembina, that the House do now adjourn.

MOTION presented and lost.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Ayes and nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

The question before the House is moved by the Honourable Member for Turtle Mountain, seconded by the Honourable Member for Pembina, that this House do now adjourn.

A STANDING VOTE was taken, the result being as follows:

YEAS

Banman, Blake, Brown, Doern, Enns, Filmon, Gourlay, Graham, Hammond, Johnston, Kovnats, Manness, Mercier, Nordman, Oleson, Orchard, Ransom, Sherman.

NAYS

Adam, Anstett, Ashton, Bucklaschuk, Corrin, Cowan, Desjardins, Dodick, Dolin, Evans, Eyer, Fox, Harapiak,

Harper, Hemphill, Kostyra, Lecuyer, Mackling, Malinowski, Parasiuk, Pawley, Penner, Phillips, Plohman, Santos, Schroeder, Scott, Storie, Uruski, Uskiw.

MR. CLERK: Yeas, 18; Nays, 30.

MR. SPEAKER: The motion is accordingly lost.
The Honourable Member for Lakeside.

MR. H. ENNS: I rise on a matter of privilege, Mr. Speaker . . .

MR. SPEAKER: Does the honourable member intend to conclude his remarks with a substantive motion?

MR. H. ENNS: I will be concluding the motion of privilege with a written motion, Mr. Speaker.

Mr. Speaker, in case it has escaped any members opposite, what has transpired in the last few moments has in a most serious way jeopardized the role of Her Majesty's Loyal Opposition.

You, Sir, have been challenged, not on a ruling, but on a question of taking a complex matter under advisement. That ruling you were not allowed to do that, Sir, by the government and their majority, and who are now forcing us to proceed with a debate that you certainly have some question about as to its validity in the order of things. Mr. Speaker, it should escape nobody's attention that without that protection of the Chair, what protection does the opposition have in this Chamber?

Mr. Speaker, throughout this debate we've talked about democracy in very general terms. I'm now speaking to it in a very specific way as a member of the opposition and for our whole opposition group. You, Sir, have been prevented from using your good judgment in offering some protection to all members of this House, but in this case, the members of the opposition, to take the time to consult with your staff on the matter that was raised by the Mwmber for St. Norbert. You, Sir, took it under advisement. The government brought in their troops and in a way that has been unprecedented in the 16, 17 years that I've been in this Legislature, have rebuked the Chair.

Sir, if the honourable members feel comfortable with doing that, that is not the gist of my point of privilege. My point of privilege is that my rights, the opposition rights, have been denied by the refusal of the government's majority members to have the protection of the Chair in the conduct of their business in this House.

Mr. Speaker, we were prepared to carry on with the debate. Mr. Speaker, it sets for us a most serious problem. We don't know what protection we can count on in the future. The point of privilege is that in any future rulings, and you, Sir, as is the responsibility of the Chair, you have often made rulings, some against the opposition, some for the opposition. You make the rulings as you see them with the best advice that your counsel and your staff can give you.

What happened this afternoon, Mr. Speaker, because of the - well, I want to stay within parliamentary terms, Mr. Speaker - because of a government that has a fetish, and a Government House Leader who never likes to be shown to be wrong, particularly when it

comes to a question of interpretation of rules - it can be said, Mr. Speaker, he has a fetish about being right all the time, but that's not the way parliaments work.

I ask you genuinely, and that is my point of privilege, Mr. First Minister. What happens, Mr. Speaker, that if tomorrow or the next day and the proceeding days, any one of my colleagues raises a legitimate matter of order; you, Sir, rule on it in our favour, does that mean that the Government House Leader by the actions demonstrated today can challenge that ruling and overthrow your ruling and then come marching back in the House and say but this is not a matter of confidence in the Speaker. Well, that might be a nice, cozy arrangement for you, Sir, and for the government, but it leaves the opposition with no protection at all in this House. We're not going to stand for that kind of nonsense.

I know that deep down . . .

MR. SPEAKER: Order please.

MR. H. ENNS: . . . Mr. Speaker, you have to be very uncomfortable about what has transpired this afternoon in the House.

Mr. Speaker, if ever there was a legitimate motion of privilege presented in this Chamber - and I'm the first one to acknowledge that points of privilege, matters of privilege or points of order are sometimes used as a debating technique in this House, sometimes used to get the attention of the House or the Chair, sometimes used to interrupt somebody who is on his feet. But, Sir, I ask you to consider and ask you to hopefully have the courtesy of the government to be able to take, if need be, the question of privilege that I now am going to put before this House under advisement. Or is the Government House Leader going to use his majority and disallow you from considering the wisdom, the correctness of a motion of privilege that I'm about to present to this Chamber.

I want to know, Mr. Speaker, because that is the gist of the motion of privilege. Mr. Speaker, we are at loss as to how we can carry on, how we can continue in this Chamber with the demonstration of group numbers that we have experienced.

Mr. Speaker, I don't think it can be lost on anybody - certainly, I hope, not the members of the fourth estate - that this is a precedent-setting afternoon that we're experiencing.

I have served many Speakers, Sir; I have served Speakers since '66. This has never happened in the Manitoba Legislature, and it has never happened in such a callous way. To, first of all, disallow the protection that is Speaker's judgment, a Speaker's Ruling that offers all members of this Chamber, but in this case members of the opposition; then to caucus the matter and march in here to beat the Speaker's Ruling which in this case was offering some protection for the opposition, and then blandly stand up as the Government House Leader did, Sir, and say but this is not a matter of confidence that we have in you, Mr. Speaker.

A MEMBER: You take away the rights of the opposition.

MR. H. ENNS: Well, Mr. Speaker, that gives us some concept about their idea . . .

MR. SPEAKER: Order please.

MR. H. ENNS: . . . of parliamentary democracy It gives us some further proof why we should not be dealing with any rule changes right now, least of all bell ringing changes. Sir, that this whole exercise should happen on this very issue is the unforgiveable part of it.

So, Mr. Speaker, in the hope that should you wish to rule on this motion of privilege immediately or should you want to, in your wisdom, take it under advisement, that you be afforded the courtesy, the tradition, and the right to do so without the heavy hand of government.

So it is on that basis, Mr. Speaker, that I move that this House condemn the action of the Government House Leader in taking away the protection of the opposition provided by the Speaker of this House, seconded by the Honourable Member for Turtle Mountain.

MR. SPEAKER: Order please. Does the Honourable Minister of Natural Resources on a point of order?

HON. A. MACKLING: Yes, Mr. Speaker, on the question as to the admissibility of the motion you have before you, I would like to speak to it, the admissibility of the motion, on a point of order.

MR. SPEAKER: On a point of order. The Honourable Minister of Natural Resources.

HON. A. MACKLING: On a point of order, yes, Mr. Speaker. As I've heard the motion by the Honourable House Leader of the Opposition party, it purports to do two things. It asks this House to condemn the actions of the Government House Leader. Now, in asking the House to do that, that I submit, Mr. Speaker, is not a substantive matter, that is not a substantive motion. So, therefore, Mr. Speaker, I say that on that ground it is out of order. It does not ask this House to take any formal action in respect to anything at all; it reflects on the character of a member of this House, which I suggest is out of order in accordance with our rules.

In addition to that, on another hit altogether, it reflects on a decision of this House and, therefore, is out of order on that score. On both of those points, Mr. Speaker, that motion that you have before you is improper and out of order and should not be accepted by you.

MR. SPEAKER: Order please. In order for a matter of privilege to be properly before the House, it must satisfy two conditions. Firstly, it must be raised at the first available opportunity; and secondly, that it should show a prima facie case of privilege.

The first question, it was indeed raised at the first available opportunity. As to the second point, the actions of the Member of the House named in this particular resolution have been according to the Rules of the House, the actions of the Members of the House, have been according to the Rules of the House. I do not see how the proper use of the Rules of the House can be seen to be a matter of privilege against any members; therefore, the matter is out of order.

The time being 4:30, Private Members' Hour.
The Honourable Government House Leader.

HON. A. ANSTETT: Yes, Mr. Speaker, I move, seconded by the Minister of Health that the House do now adjourn.

MOTION presented and carried and the House adjourned and stands adjourned until 2:00 p.m. tomorrow afternoon. (Thursday).