



First Session — Thirty-Fourth Legislature
of the
Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS
(HANSARD)

37 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fourth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIBERAL
ANGUS, John	St. Norbert	LIBERAL
ASHTON, Steve	Thompson	NDP
BURRELL, Parker	Swan River	PC
CARR, James	Fort Rouge	LIBERAL
CARSTAIRS, Sharon	River Heights	LIBERAL
CHARLES, Gwen	Selkirk	LIBERAL
CHEEMA, Gulzar	Kildonan	LIBERAL
CHORNOPYSKI, William	Burrows	LIBERAL
CONNERY, Edward Hon.	Portage la Prairie	PC
COWAN, Jay	Churchill	NDP
CUMMINGS, Glen, Hon.	Ste. Rose du Lac	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DOER, Gary	Concordia	NDP
DOWNEY, James Hon.	Arthur	PC
DRIEDGER, Albert, Hon.	Emerson	PC
DRIEDGER, Herold, L.	Niakwa	LIBERAL
DUCHARME, Gerald, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIBERAL
ENNS, Harry	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Laurie	Fort Garry	LIBERAL
EVANS, Leonard	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen Hon.	Virden	PC
GAUDRY, Neil	St. Boniface	LIBERAL
GILLESHAMMER, Harold	Minnedosa	PC
GRAY, Avis	Ellice	LIBERAL
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HEMPHILL, Maureen	Logan	NDP
KOZAK, Richard, J.	Transcona	LIBERAL
LAMOUREUX, Kevin, M.	Inkster	LIBERAL
MALOWAY, Jim	Elmwood	NDP
MANDRAKE, Ed	Assiniboia	LIBERAL
MANNES, Clayton, Hon.	Morris	PC
MCCRAE, James Hon.	Brandon West	PC
MINENKO, Mark	Seven Oaks	LIBERAL
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
OLESON, Charlotte Hon.	Gladstone	PC
ORCHARD, Donald Hon.	Pembina	PC
PANKRATZ, Helmut	La Verendrye	PC
PATTERSON, Allan	Radisson	LIBERAL
PENNER, Jack, Hon.	Rhineland	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren	Lac du Bonnet	PC
ROCAN, Denis, Hon.	Turtle Mountain	PC
ROCH, Gilles	Springfield	PC
ROSE, Bob	St. Vital	LIBERAL
STORIE, Jerry	Flin Flon	NDP
TAYLOR, Harold	Wolseley	LIBERAL
URUSKI, Bill	Interlake	NDP
WASYLYCIA-LEIS, Judy	St. Johns	NDP
YEO, Iva	Sturgeon Creek	LIBERAL

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, August 4, 1988.

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

Hon. James Downey (Minister responsible for The Manitoba Natural Resources Development Act): Mr. Speaker, I would like to table the report of Channel Area Loggers for 1986-87.

Hon. Leonard Derkach (Minister of Education): Mr. Speaker, I would like to table the report for the Teachers' Retirement Allowances Fund Board ending December 31, 1987.

I would also like to table the Annual Financial Report for Brandon University for the year ended March 31, 1987.

In addition, I would also like to table the Public Schools Finance Board Annual Report ended March 31, 1987.

Mr. Speaker: Honourable Members, pursuant to Section 99(1) of The Election Finances Act, I am pleased to table Part 1 of the annual report relating to that Act.

Hon. James McCrae (Attorney-General): Mr. Speaker, I am tabling today one copy of the roll of statutes to be re-enacted by Bill No. 4, The Re-enacted Statutes of Manitoba, 1988, Act. That roll is in fact the large three-ring binder that the Clerk already has on the Table.

Mr. Speaker, I wish also to table the schedule to Bill No. 5, The Statute Re-enactment Act, 1988. It is the smaller tartan binder that is already on the Table. I wish to thank all Parties and the Clerk for their cooperation.

* (1335)

INTRODUCTION OF BILLS

Mr. Jerry Storie (Flin Flon) introduced, by leave, Bill No. 13, The Manitoba Hydro Amendment Act; Loi modifiant la Loi sur l'Hydro-Manitoba.

MOTION presented.

Mr. Storie: As is customary, I would like to introduce this piece of legislation.

I would like to say at the outset that I am particularly proud as a Northerner and as one of many Manitobans who view Manitoba Hydro as an important sovereign entity within the Province of Manitoba, an entity which

has served the consumers of this province and industry in this province for decades with distinction, with reliable service, an entity which I believe and many Manitobans believe has the potential to not only continue to provide Manitobans with stability in terms of energy supply, but also has the potential of being an engine for economic growth, economic diversification in this province.

This particular legislation is introduced by the New Democratic Party and myself because of our deep, abiding and sincere concern over the implications of the Free Trade Agreement. The Minister of Energy (Mr. Neufeld) is in possession of a report from his own department which would tell Manitobans and Canadians that if the Free Trade Agreement had been a reality in the years in which Canada enjoyed a two-price energy system, consumers would have been charged an extra \$50 billion plus -(Interjection)- \$50 billion more for their energy. That, in and of itself, is justification for this Bill.

However, I believe that the justification for this Bill also lies in the fact that constitutionally Manitoba has the statutory obligation, the constitutional obligation to manage Hydro in a way which befits Manitobans, not the federal Government, not other entities, not the United States of America.

This particular legislation proposes to do four separate things. First, it makes clear to all that the conditions of sale of electric power to the United States will be established by the Manitoba Government. The criteria for those sales will be established by the Lieutenant-Governor-in-Council. We believe that the question of surplus for the use of Manitobans and other Canadians is important, and we intend to enshrine the right of Manitoba Hydro to make those decisions. We believe that Manitobans and Canadians need to have the assurance that their interests in energy will be protected first, not last. I want to make it clear that Manitoba maintains jurisdiction over Manitoba Hydro, notwithstanding the Free Trade Agreement, and that, notwithstanding the Free Trade Agreement, we can use Manitoba Hydro for the development of our economy in the Province of Manitoba at our discretion.

Mr. Speaker: I would like to remind all Honourable Members that Rule 85 in our Rules states quite clearly that the Honourable Member is given an opportunity to explain a little bit about the Bill, with its introduction, as would enable the House to better understand the purpose of the Bill.

QUESTION put, MOTION carried.

* (1340)

ORAL QUESTION PERIOD

Respite Care - Funding

Mrs. Sharon Carstairs (Leader of the Opposition): My question is to the First Minister (Mr. Filmon).

Whenever Tory Governments take power in the Province of Manitoba, Manitobans worry. They worry

about the level of social services, especially to those who are handicapped, to those who are particularly vulnerable, and indeed to our seniors. These fears are legitimate. We now know, for example, that the respite care program has been severely restricted. As a result, no new cases are being accepted and waiting lists are being established.

I ask the First Minister: Is this an indication of the approach to be taken in the Budget which will be tabled in this House on Monday next?

Hon. Gary Filmon (Premier): I want to correct a number of parts of the preamble that the Leader of the Opposition (Mrs. Carstairs) put on the record.

Firstly, she has put forth a suggestion that some measures were taken as a result of a cutback or a reduction in budget by this Tory administration in the respite care program. I would want to say that no such cutback or no such reduction was made by this administration. So she is coming from wrong information to begin with.

Secondly, she has suggested that because her critic, the Member for Ellice (Ms. Gray)—I am surprised she would not let her ask the question—since she was the one who went to the media and raised the issue, I am surprised that she would not have let her do it because she may have been better informed on it.

The Member for Ellice, for instance, might have been informed—I do not know if she is, but certainly the Leader of the Opposition is not—that there was a follow-up memo because of the concern of the department to the effect that that reduction or that inability to take care of all cases might have.

As I say, it was not because of a reduction in budget or any cutback. It was as a result of the fact that they had spent in the first three months of the year almost 60 percent of their budget for the entire year. So the administration in the department was attempting to make some moves to try and recognize the fiscal crunch that they might reach eventually.

However, after that memo that she refers to, the memo of June 2, after further consideration and discussion in the department, the department issued a further memo on July 13 with instructions that no family would be left in a detrimental situation as a result of the lack of funds that was in the Budget from the previous NDP administration. They also indicated that regional offices should prioritize cases as they come in and that no family would be left in a detrimental situation, as I indicated. In rare instances, as a result of the information we have, are families having to wait. New families have, in fact, received services since the memo was originally issued.

So I want to reassure both the Leader of the Opposition and the people of Manitoba—no reductions have taken place as a result of this Conservative administration. The measure was an administrative one taken because of . . . (inaudible) . . . by the previous NDP Budget.

Mrs. Carstairs: Can the First Minister inform this House that additional funds have been made available for

respite care above and beyond the \$500,000 allotted to this particular department?

* (1345)

Mr. Filmon: The Leader of the Opposition should know full well—she has been here for two years—that we have not yet released our Estimates of Expenditure for the departments and that when those Estimates are released, there will be an opportunity to question the Minister here in the Legislature, in committee, on those Estimates, to find out all the details about the allocation of all of the funds within her budget. As a result, she will then know the amount of funds that have been allocated for that respite care program and she will have an opportunity to discuss in debate whether or not that is an appropriate amount.

But I want to repeat, for her knowledge, the assurance that I gave her earlier that no family will be left in a detrimental situation as a result of the fact that they have already spent 60 percent of the funds that had been previously allocated by the previous NDP administration, and that regional offices are prioritizing the cases as they come in, and that only in rare circumstances would a family even have to wait—

Mr. Speaker: Order, please. The Honourable Leader of the Opposition (Mrs. Carstairs).

Mr. Filmon: —for respite care. Those are the assurances that I know she will be interested in hearing.

Mrs. Carstairs: Thank you, Mr. Speaker. If we could just get short answers.—(Interjection)—We got it twice, three times.

Respite Care

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, my question is to the Minister of Community Services (Mrs. Oleson).

Did the Minister approve a memo which left her department on the 2nd of June and read: "Due to our present financial situation and lack of Budget for 1988-89, do not accept any new children/families for the Family Support Program."? Did she allow that memo to go out of her department?

Hon. Charlotte Oleson (Minister of Community Services): I did not sign the memo that went out on that subject.

The Leader of the Opposition (Mrs. Carstairs) should be aware that many memos were sent out, during the first part of the time when we were in office, to all departments. Nobody is picking on this particular situation. The memos went out to all departments telling them that they were to operate as if they working on the '87-88 Budget. It was a cautionary note to warn them that they must be careful and responsible and then when the Budget for '88-89 is approved, then they will know what they have to spend.

A second memo was sent out, as the First Minister (Mr. Filmon) has indicated, because someone expressed

concern in the department that there may be difficulties from the first memo. So a second memo was sent out from the same department suggesting that if there were difficulties, if families were going to be at risk because of this first memo, to be sure and monitor it carefully and make sure that no one was at risk.

I understand, in questioning my department, there have been new families allowed to have respite care since those memos were sent out.

Mrs. Carstairs: A further question to the Minister of Community Services: Can the Minister inform the House how many people in this province are on a waiting list for respite care; particularly, how many of those individuals are in urgent need of respite care?

Mrs. Oleson: Mr. Speaker, to the Leader of the Opposition: In inquiring of my department, I discovered that there are agencies with no one on the waiting list and that there are some with waiting lists, but it is quite normal at this time of year, in holiday time, to have waiting lists. I will assure her, and can assure her, that no one who is in desperate need is being denied service.

Pharmacare Deductible Increase

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, my question is to the Premier (Mr. Filmon).

I watched with some amusement yesterday when the Minister for Seniors (Mr. Neufeld) was required to be held accountable for a 13 percent increase when I knew of a 50 percent increase from the other administration in which I had sat in this House.

I would like to ask the Premier (Mr. Filmon) why, when an investigation is going on with regard to the use of Pharma cards, particularly for our senior people and for those who are primarily in need, why he would introduce at this point in time an increase of 13 percent, which is almost 9 percent to 10 percent higher than the rates of increases in pensions for those same individuals?

Hon. Gary Filmon (Premier): Mr. Speaker, first and foremost, we would prefer not to have to pass along any portion of the increased costs of Pharmacare to anybody. We would prefer not to have to charge families any additional amount on the deductible for Pharmacare, because we want to provide them with all of the services possible within our financial means.

The difficulty we have is the same difficulty that the previous Government had, and that is that the costs of Pharmacare are going up dramatically. As a result, we have to continue to collect some portion of those increases because certainly all of the increases are not being passed along. The Government is continuing to take a bigger and a bigger portion of the Pharmacare costs.

The fact of the matter is, though, that some portion had to be recovered. We examined very, very carefully the finances of the province and they had been left in desperate circumstances as a result of the NDP's waste and mismanagement for six-and-a-half years.

In looking at the matter, we felt that the seniors could absorb some increase over a period of time and it has been since 1986 that the last increase in deductible was passed along. That increase was 50 percent at that time in 1986 by the previous administration. This increase of between 12 percent and 13 percent was determined to be something that seniors could live with. As I indicated, we would prefer to pass along none, but seniors acknowledge that they would like to pay their reasonable share and this kind of an increase is as low as we can make it, believe me.

* (1350)

Multiculturalism Task Force Report Release

Ms. Maureen Hemphill (Logan): Mr. Speaker, my question is for the Minister of Culture, Heritage and Recreation (Mrs. Mitchelson).

Hundreds of thousands of Manitobans, and indeed, thousands of tourists are joining every Member of this Legislature in enjoying the tremendous celebration of our culture when they are attending Folklorama. We are all looking a little tired, I think, from the celebration. I believe that all Parties in this Chamber recognize and believe that this is a multicultural province. However, that is where it is when it comes to the Government and the Members across the way.

Last week, the Premier and his Government issued a Throne Speech that did not have one mention of multicultural legislation programs, priorities, budget or initiatives.

My question to the Minister is: Since the task force report—made available, I think, in May of '87—has completed its work, can the Minister tell us if the report is finished, has she received it, when will she be releasing it, and what action will she be taking on the recommendations?

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation): I would like to thank the Member for Logan (Ms. Hemphill) for asking me my very first question in this House.

Some Honourable Members: Hear, hear!

Mrs. Mitchelson: Mr. Speaker, I would like to indicate to the Member for Logan and to the House that the task force that was initiated under the previous administration back in May of 1987, I believe, was supposed to be finished its work and have its final report in in February of 1988.

Mr. Speaker, when the election was called, when the Government was defeated, that report was not yet in to the previous administration. That report was put on hold by the NDP Government of the Day during the election campaign.

Since we have taken over Government, Mr. Speaker, I have requested that the task force complete their work as quickly as possible. I do want to indicate to the House that they had written to me and asked for

extension to October of this year to complete their report. I have indicated to them that I am not going to allow that to happen. I want the results of that report to me. They are going to be with me within the next week or so. I am meeting with that task force this Saturday to discuss the issues with them.

Ms. Hemphill: I wonder, if the Minister is so interested in seeing the report, why has she waited two months to talk to the members of the task force.

Mr. Speaker: The Honourable Member for Logan (Ms. Hemphill), with a question.

* (1355)

Ms. Hemphill: Mr. Speaker, I think that every Member of this House knows that when an election is on, any Government that deals with major studies of importance to the Province of Manitoba would be irresponsible to do it in the middle of an election and they know that.

Multiculturalism Policy

Ms. Maureen Hemphill (Logan): Speaking of the election, many representatives of the ethnocultural community pressed this now Premier (Mr. Filmon) and this Government on what their multicultural policies were and what initiatives they would take, and they did not get an answer.

Mr. Speaker: Does the Honourable Member have a question?

Ms. Hemphill: And now we know why—because they have no plans.

Mr. Speaker, my question to the Minister of Culture, Heritage and Recreation (Mrs. Mitchelson) is: Will you please tell over half the people of the Province of Manitoba, waiting to hear what initiatives you are taking in these areas, what you are going to do in the areas to approve Affirmative Action, to bring in contract compliance, to bring in legislation, to bring in a multicultural Act to deal with the serious question of accreditation to continue that process that we had begun, to deal with the issue of—

Mr. Speaker: Order.

Ms. Hemphill: —assets to education and training across—

Mr. Speaker: Order, please. The Honourable Minister of Culture, Heritage and Recreation.

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation): Thank you, Mr. Speaker.

I do want to indicate that the action we have taken as a Government since we were elected is positive action towards the multicultural community. I have asked for the task force to complete its work and present that to me within the next week, and that will be done.

We have asked the Provincial Auditor to go in and look at MIC because people from the ethnic community have come to me with their concerns. Their concerns are that there has been turmoil going on within MIC for a period of time and they are starting to come forward on a confidential basis and express those concerns to me as a Minister.

I have taken action, and when we have the results of the review in our hands at the end of August, we will be discussing with the multicultural community first, with the Legislature and with the people of Manitoba what action we are going to be taking.

Ms. Hemphill: Mr. Speaker, first of all, I want to indicate to the Minister that we agree with the review that is being undertaken, but I also want to tell her that they want jobs and training, too, not just studies and reviews and audits.

My last supplementary to the Minister—first of all, I would like to take one moment to commend . . .

Hon. James McCrae (Government House Leader): On a point of order.

Ms. Hemphill: I was going to commend the Speaker.

Mr. McCrae: Mr. Speaker, I believe all Members of the House have been patient with the Honourable Member for Logan (Ms. Hemphill) in putting her questions. The Member for Logan also knows that certainly, with supplementary questions, no preamble is even required and I think we have been more than patient with the Honourable Member.

I am asking for your assistance, Mr. Speaker, in reminding her—as you have already done previously in this portion of the proceedings—that long questions do tend to lead to long answers. For my part, I have asked the Members on this side of the House to attempt to observe the brevity rule, and there are times when long questions do lead to long answers. I am asking you to remind the Honourable Member for Logan and all Honourable Members about that point.

Mr. Speaker: I would like to thank the Government House Leader. It is a fact that a supplementary question does not need a preamble.

Govt. Advertising - Ethnic Media

Ms. Maureen Hemphill (Logan): My question to the Minister is: In light of the fact that the Government puts out a lot of advertising and in light of the fact that the Government puts out press releases and information about Government programs that are very important to the people of Manitoba, will the Minister please make a commitment to all members of the ethnic cultural media and local community newspapers: (1) that they will share in the advertising that the Government puts out; they will be put on the list and they will receive advertising for their radio and newspapers; and (2) that they will receive access to all information about Government programs and they will receive all Government press releases to inform them of what the Government is doing?

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation): Mr. Speaker, the first thing I want to do with the ethnic media is meet with them and ask them what the previous administration did in those respects, and see whether we can improve on what the NDP Government did as far as advertising with the ethnic media.

I want to indicate to you that we are going to sit down with the ethnic community, and I am going to meet with every group and organization in the ethnic community whether they belong to MIC or not, get down to the grass-roots level and find out from them what they want from us as a Government. We are going to work in cooperation with them to ensure that we are meeting their needs.

* (1400)

Respite Care - Eligibility

Ms. Avis Gray (Ellice): Mr. Speaker, my question is for the Minister of Community Services (Mrs. Oleson).

Could the Minister tell this House what eligibility criteria children's special services follow and who is their target population?

Hon. Charlotte Oleson (Minister of Community Services): The Family Support Fund is the fund which supports respite care, child development programs, transportation and supplies to families with children with disability. I might add, for the Member's information, that in '87-88, over 700 hundred families received services from this fund at a cost of over \$1.2 million.

There is another fund called the Additional Care and Support Fund which is a support to families above and beyond the Family Support Fund, and in '87-88, this fund was able to help 69 families throughout the province with a cost of up to \$500,000.00.

Ms. Gray: A supplementary for the Minister of Community Services.

Could the Minister elaborate on what specific type of disabilities would fall in the eligibility criteria for respite care and children's special services?

Mrs. Oleson: For the most part, this helps in respite care to families who have mentally handicapped children in their home and in other cases, of course, which merit assistance also.

Ms. Gray: A third supplementary to the same Minister.

Given the First Minister's (Mr. Filmon) remarks and information that the Minister of Community Services (Mrs. Oleson) and the fact the Government on the other side are aware that there is a deficit in budgets within the first quarter of the fiscal year, and given that that side of the Government reports that they are pro-active, could the Minister of Community Services then tell us, in the last three months, what pro-active steps she has taken, knowing of this deficit financing, to ensure that the basic services of respite care, day programs and residential care are maintained in the regions?

Mrs. Oleson: I believe that question has already been answered in previous questions. The First Minister (Mr. Filmon) gave the answer; I have given the answer. People are receiving care, and I cannot divulge any information further than that as to dollars until after the Budget.

Meech Lake Accord - Protection Women's Rights

Mr. James Carr (Fort Rouge): My question is to the Honourable First Minister (Mr. Filmon).

We were a little surprised on the Liberal side of the House that in speaking for well more than an hour yesterday, the First Minister did not mention the 1987 Constitutional Accord or his own Party's position.

In light of the fact that more and more Manitobans are expressing their opposition to the Accord, my question to the First Minister is very simple and it is this: Does the First Minister believe that the Constitutional Accord currently drafted adequately protects the rights of women, rights which are currently guaranteed by the Canadian Charter of Rights and Freedoms?

Hon. Gary Filmon (Premier): I thank the Deputy Leader of the Opposition (Mr. Carr) for that question. He seems to be a single-issue Member since he asked questions about Meech Lake and those have been the only questions he has asked in this House. I guess that is as far as he has gone in the schooling that the Leader of the Opposition (Mrs. Carstairs) has been giving him. He gets to the next step when they get to their next series of briefings.

With regard to the Meech Lake Constitutional Accord, I have indicated previously to this Member and to the public and to the media that we are supportive of the Meech Lake Accord in principle but we are prepared to listen to the people. We have met with individual groups of people. We have met with people throughout society, including women's groups who have expressed concern about their rights as they might be affected by the Meech Lake Accord, their rights under the Constitution. We have looked at—they have been happy to share with us—the legal opinions that they have with respect to that particular issue.

I might say that we have seen legal opinions on the other side of the issue by constitutional experts, by legal experts that have given other views with respect to the protection of women's rights under the Constitution, vis-a-vis the Meech Lake Accord. This is the reason why we will have full and complete and open public hearings, so that both sides, there are many different opinions on that issue and they will be able to be expressed.

Meech Lake Accord - Amending Formula

Mr. Speaker: Order, please. The Honourable Member for Fort Rouge.

Mr. James Carr (Fort Rouge): Thank you, Mr. Speaker. A supplementary to the Premier, and I thank him for

the compliment. I do not think it is such a bad thing that there are those on this side of the House who care about the most important constitutional amendment we have seen in a decade or more.

My supplementary to the Premier is this, and I hope we can get an answer: Does the First Minister agree with the Winnipeg Chamber of Commerce that the amending formula, as currently drafted, puts this country in a strait-jacket from which it can never escape?

Hon. Gary Filmon (Premier): Mr. Speaker, I remind the Deputy Leader of the Opposition (Mr. Carr) that the Meech Lake Accord, as it is presently constituted, was achieved as a result of the deliberations of 10 premiers and the federal Government, all of whom came to a consensus on a major issue such as the Meech Lake Accord by which many, many different issues were considered and which ultimately arrived at a compromise which Quebec and all of the other provinces could accept for Quebec's signature on the Constitution. That was a remarkable achievement, and many people said that kind of unanimity could not be achieved.

So for someone to say that it would be impossible, under the proposed amending formula, for all provinces and the federal Government to agree on future constitutional amendments or amendments to the structure and nature of our institutions in this country, I do not think it is a reasonable thing to say because the Meech Lake Accord itself puts the lie to that suggestion.

Mr. Carr: Mr. Speaker, with a supplementary to the First Minister: The First Minister knows full well that it is much easier to get an agreement when you are giving powers away than it is to get agreement when you are taking powers back. The Premier will also know that 52 percent of the country's population may have something to say about 11 men locked up in a room until four in the morning.

My question is this—and the reason we ask so many questions is because we get so few answers. Does the First Minister agree—

Mr. Speaker: Order, please. The Honourable Government House Leader.

Hon. James McCrae (Government House Leader): Mr. Speaker, I know the Honourable Member was about to get to his questions, but it is too bad he had to wait until I rose to my feet to get on with his question.

* (1410)

Mr. Carr: Does the First Minister (Mr. Filmon) agree with many social groups in Manitoba that the spending-power provisions in the 1987 Constitutional Accord could lead to a hodgepodge of social services across this country?

Mr. Filmon: To begin with, Mr. Speaker, I will address the silliness of the suggestion that the Accord was only

arrived at because 11 men were locked up in a room until 4 a.m. What the Deputy Leader of the Opposition (Mr. Carr) suggests, of course, is that nothing took place before that, that there was a vacuum, and that one evening they all got together and devised the Meech Lake Accord.

He totally ignores the fact that these discussions, these negotiations go back until the early Seventies. They were generated by Pierre Trudeau's desire to have the Constitution changed and all members and all parts of the country included and so on. They totally ignore the fact that these First Ministers, these 11, have worked on it with their Governments, their legal advisers, their constitutional advisers for two years leading up to the final signing of that Accord. In fact, there was a great deal of information, discussion, negotiation and consideration given to that. So his suggestion that it all happened by going till four in the morning and the 11 First Ministers is absolute nonsense.

Mr. Speaker: Order, please.

Mr. Reg Alcock (Opposition House Leader): Mr. Speaker, on a point of order.

I agree with the Honourable House Leader for the Opposition that long questions produce long answers, but non-answers also produce long

Mr. Speaker: I would like to remind all Honourable Members that questions should be brief and that answers should also be brief.

The Brick Warehouse - Charges

Mr. Jim Maloway (Elmwood): My question is to the Premier (Mr. Filmon).

In view of the fact that Brick Warehouse of Alberta has just today opened a store in Brandon West, the constituency of the Attorney-General (Mr. McCrae), and right under the nose of the Attorney-General, and given that Brick Warehouse has been in breach of Section 3.2 of The Business Names Registration Act now for the past 81 days, would the Premier instruct the Attorney-General to lay charges against Brick Warehouse of Alberta and, if not, why not?

Hon. James McCrae (Attorney-General): Mr. Speaker, the Honourable Member for Elmwood (Mr. Maloway) would do well to recognize the legal complexities of this issue and perhaps refrain from, on a daily basis, attempting to resolve this question by political means which may not be the best means of doing that.

The problem is indeed a problem. I have two departments involved in this matter, and both of them are taking the matter very seriously and working very hard to find some resolution to this problem. I honestly think the Honourable Member is doing no one any favours by raising this matter today.

Mr. Maloway: On Friday, in response to my question, the Attorney-General evaded my direct question. He said: "Our law is here and it is my duty to uphold the

law." I would like to know, if it is his duty to uphold the law of this province, why is he not prepared to press charges?

Mr. McCrae: Mr. Speaker, there has been a change of Government in this province. The new Government in this province is not so interested in driving business operations out of this province and putting people out of work.

We feel this is a very important matter. We have a company operating in Manitoba for 28 years. We have a law in our province, and the matter is very much under consideration by my department. The Honourable Member seeks to make a political matter out of this. I am telling the Honourable Member that if he had his way, what we would have is a lot fewer businesses operating in this province and a lot fewer ordinary Manitobans working in this province and providing a living for their families.

Some Honourable Members: Hear, hear!

Mr. Maloway: A final supplementary: At no time has anyone suggested that the Brick Warehouse not be allowed to operate in Manitoba. We have suggested that they use another name other than Brick Warehouse, use their California name that they apply to 30 of their stores in California.

My question to the Attorney-General on Friday, and the Attorney-General responded, he stated: "The Alberta Brick Warehouse is not registered under The Corporations Act of Manitoba, and my department is acting on the issue." When will he press charges?

Mr. McCrae: I believe, Mr. Speaker, the Honourable Member has identified the problem. The point is his raising questions about it in Question Period at this point, while the matter is under very intense examination and consideration and discussion in my two departments, including the parties involved in the dispute, I really do not think that is helping us. I would like very much to get to a resolution of this matter as quickly as possible so that both businesses can find a way to do business in this province.

This province is open for business under this new Government in Manitoba, Mr. Speaker. We are not here to drive businesses out. The Honourable Member should understand that.

Free Trade Agreement Commodity Producers Protection

Mr. John Angus (St. Norbert): My question is to the First Minister (Mr. Filmon), and it concerns the potential disadvantaged Manitobans in relation to the Free Trade Agreement.

Mr. Speaker, yesterday in response to questions that I asked the First Minister concerning the \$28 million in the six-year program for the grape aid, his response to protecting our concerned agricultural producers is that, and I quote from Hansard, "Our farm community and every single commodity group represented under

the Keystone Agricultural Producers supports the Free Trade Agreement."

Mr. Speaker, I am prepared to table this. I am not sure of the procedures here, but in light of the Canadian Federation of Agriculture's position which in part says they cannot support the Free Trade Agreement without action, and they mention the frustration and the lack of action by Governments to protect them on the downside, I am prepared to submit this if they want to look at it.

Again, my question is to the First Minister: In light of the fact there may be groups in Manitoba that have a problem, that are disadvantaged, will the First Minister recognize and take some positive action to protect their rights under the impending free trade legislation?

Hon. Gary Filmon (Premier): The Member for St. Norbert (Mr. Angus) has one supporter over there anyway.

I just want to point out, Mr. Speaker, that the Canadian Federation of Agriculture is different from the Keystone Agricultural Producers, and clearly yesterday, as he read it, I referred to the Keystone Agricultural Producers and every commodity group represented under the Keystone Agricultural Producers.

I am speaking on behalf of Manitobans; I am speaking on behalf of Manitoba farm producers; I am speaking on behalf of farm producers who know and understand the Free Trade Agreement unlike the Member for St. Norbert. They see it as a great opportunity for expanded markets, for opportunities to sell their products, to be financially secure which they have not been over recent times because of great pressure from world markets. So they are very happy about the Free Trade Agreement, very optimistic about the Free Trade Agreement.

The Member for St. Norbert is asking me to give him assurances that I would do something if something may happen, and he used that phrase today that they may be adversely affected. The reality is that the farm commodity groups, the representatives of the farmers in this province believe they are going to be positively affected by the Free Trade Agreement. We agree with them and we are, therefore, very supportive of the Free Trade Agreement.

Mr. Speaker: Let me kindly, to all Honourable Members, Beauchesne's 358(2): "Answers to questions should be as brief as possible and should deal with the matter raised and should not provoke debate."

The Honourable Member for St. Norbert.

Mr. Angus: Mr. Speaker, thank you for those words. I certainly hope that the Free Trade Agreement does provide a lot of benefits.

My supplementary question to the First Minister is: Given the fact that there may be potential problems, given the fact that the federal Government and Brian Mulroney has said that there is a downside to free trade, given the fact that B.C. has scooped us with \$28 million in a six-year program, will this Minister acknowledge and make an effort to talk to his senior

partners about protecting Manitoba commodity producers?

Mr. Filmon: Mr. Speaker, for somebody who was so definite about the fact that the Free Trade Agreement was bad for Manitoba and that they were opposed to it because of all the negative impacts, now the Member for St. Norbert is certainly backing off. He said "given the fact that there may be potential problems"—may be potential problems. We believe that there are going to be many positive benefits for the free trade.

Every empirical study of the Free Trade Agreement says that Canada will benefit, that Manitoba will be a net benefactor; that our agricultural producers, our red meat producers, our grains and our oilseed sectors, all of these areas will benefit under free trade. We are working to maximize the benefits to Manitoba. We are looking to expand the markets, to expand the opportunities to ensure that our farmers are financially secure. That is what we are spending our time on, not trying to dig up phony arguments as he had in Opposition.

* (1420)

Mr. Speaker: The Honourable Member for St. Norbert, with a supplementary.

Mr. Angus: Thank you, Mr. Speaker. Then my question is succinct and specific to the First Minister (Mr. Filmon).

Given the statements by the vice-president of McCain Foods that the Portage factory is in jeopardy as a result of the Free Trade Agreement, what action is he prepared to take?

Mr. Filmon: Mr. Speaker, the vice-president of McCain Foods is obviously somebody who has a personal self-interest involved in his business and is anxious to try and negotiate as much as he can on behalf of his business, and is suggesting that there ought to be supports and adjustment fees and funds and all sorts of things. We believe that the Free Trade Agreement will have many positive benefits; that, in fact, our producers, our secondary processors and many others will benefit.

We are prepared, as well, to say that should there be adjustments in the marketplace, and there always are—there are every year adjustments in the marketplace because of technology changes, because of many other things—that we will be prepared to stand behind our producers, our manufacturers, and all of the people of Manitoba to ensure that we have a strong and vibrant economy. That is what we will be doing, Mr. Speaker.

Mr. Speaker: The time for oral questions has expired.

NON-POLITICAL STATEMENTS

Mr. Speaker: The Honourable Member for Ellice.

Ms. Avis Gray (Ellice): May I ask this House leave to give a non-political statement?

Mr. Speaker: Does the Honourable Member have leave? (Agreed)

The Honourable Member for Ellice.

Ms. Gray: Mr. Speaker, throughout the history of our province, the heart and soul of Manitoba has been in rural life. Surely, one of the more vital forces in rural Manitoba has been the development of the 4-H and Youth Program.

Mr. Speaker, I ask this House to join with me in recognizing the 4-H and Youth Program as it celebrates its 75th anniversary. There are ceremonies this weekend in Portage la Prairie.

I would like to say that we should remember that Manitoba holds the distinction of being the first province in Canada to establish the 4-H and Youth Program, being called Boys and Girls Club. The first club in Canada was established in Roland, Manitoba.

I would like to say that "Learn to do by doing" is the 4-H motto. We should be proud of the accomplishments of our rural youth and the accomplishments that they have achieved over the years.

But we cannot talk about 4-H without commending the leaders of the 4-H clubs as well. The countless hours of dedication, the nurturing that they have provided, the leadership that they have provided should not go unnoticed.

I would just like to say that, again, the many achievements of 4-H in this province should be noted and I hope all of you will join me in Portage la Prairie this weekend in working with the 4-H clubs, leaders and the youth in celebrating this honourable occasion.

Hon. Glen Findlay (Minister of Agriculture): I would like to also pay tribute to the 4-H movement like the Member for Ellice (Ms. Gray).

I will be proud to say that there are many Members on this side who have been 4-H members and have learned leadership because they were part of the 4-H movement.

This is a very important tribute to a group of young people, young people that have gone through the 4-H movement over years, and men and women of this province who have been leaders. As the Member for Ellice (Ms. Gray) said, it started in 1939 in the community of Roland, where tomorrow they are going to unveil a commemorative stamp, commemorating the 4-H movement. They have a pin, a very important pin, this green and white pin commemorating their 75th anniversary.

A number of ceremonies have been held throughout the province over this past summer at fairs and local communities and by 4-H clubs paying tribute to past members and leaders. This weekend, in addition to the unveiling of the stamp, there is a series of events at Portage which I know many Members on both sides of the House will participate in, as will several 100 past members of 4-H. I have a book here which I am going to circulate copies of to all Members of the House. It

is a very important book which has the 4-H motto inside which I would like to read: "I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health to better living, for my club, my community and my country," with their motto being: "Learn to do by doing."

The Boys and Girls Club of 1913 became the 4-H movement of Manitoba in 1951, a very important movement that has been strong, will continue to be strong, because of the leadership we have out there. We have over 100 people who have been leaders of this movement for some 20 years, and a Mr. Clinton Whetter of Dand has a 40-year certificate as being a leader in 4-H. I commemorate the 4-H people of the Province of Manitoba and wish them well this weekend. Everybody will get a copy of this book.

Hon. Donald Orchard (Minister of Health): I would like to add comments to the 4-H celebrations coming up, Mr. Speaker.

I am pleased and proud that the 4-H movement in Manitoba had its birthplace in Pembina constituency in the community of Roland. The community of Roland last fall unveiled a 75th cairn to 4-H which dedicates Roland as the home of 4-H in Canada. The citizens of Roland undertook, with a great deal of community effort and volunteer service, to put on one of the best celebrations to kick off the 71st anniversary last fall in their community. Tomorrow the community of Roland, after significant effort again by volunteers in the community, is proud to unveil the 75th anniversary commemorative stamp dedicating 75 years of 4-H service in Canada with its birthplace in Roland. That commemoration of that stamp will take place tomorrow in Roland.

I know all members of this Legislature would want to join in offering congratulations to the citizens of Roland for their tremendous volunteer effort in assuring that commemorative stamp indeed was printed and indeed will be kicked off and formally presented to the people of Manitoba, the people of Canada and the world, because it is a substantial achievement for the community of Roland and a tremendous recognition for their service to the youth of this country by being the birthplace of 4-H, 75 years ago.

Mr. Speaker: Before recognizing the Honourable Member, I assumed the Honourable Member for Pembina (Mr. Orchard) had leave. Before making a non-political statement all Honourable Members must ask for leave. The Honourable Member for St. Johns.

Ms. Judy Wasylcia-Leis (St. Johns): Mr. Speaker, I would like to ask the House for leave to make a non-political statement.

Mr. Speaker: Does the Honourable Member have leave? (Leave)

Ms. Judy Wasylcia-Leis (St. Johns): Mr. Speaker, I am very pleased on behalf of my colleagues in the New Democratic Party caucus to join with all Members in this House to recognize the important contribution made

by 4-H to the history and life of the Province of Manitoba.

I am pleased to join with the Member for Ellice (Ms. Gray), the Minister of Agriculture (Mr. Findlay), and the Minister of Health (Mr. Orchard) in seeking from this House unanimous commendation for this important 75th anniversary. My only regret is that the Minister of Agriculture (Mr. Findlay) came before me in his remarks and recited the 4-H motto.

Since I, too, am a former 4-H member, having received provincial honours, having completed 12 homemaking courses—I am sure all Members of the House will be interested in that—I was on a weekly basis, used to reciting. I pledged my head to clearer thinking, my heart to greater loyalty, my hands to larger service and my health to better living for my club, my community and my country. I am absolutely delighted that we are taking time in this Chamber today to recognize the important contribution of 4-H.

On behalf of everyone here, I hope we will be able to offer our encouragement to the 4-H clubs of Manitoba and hope that we will see them celebrate another 75 years and recognize the 150th anniversary in the 75 years to come.

An Honourable Member: Personally.

Ms. Wasylcia-Leis: Yes, personally.

* (1430)

HANSARD CORRECTIONS

Mr. Allan Patterson (Radisson): Mr. Speaker, I wish to make the following Hansard corrections in my inaugural speech of Wednesday, July 27.

Firstly, on page 136, column 2, paragraph 2, line 12, the single word "recall" should be replaced by "we all recall."

On page 137, second column, fourth-last line, the year "1946" should be "1956."

On page 138, column 2, paragraph 4, line 5, the word "cannot" should read "can."

Page 138, column 2, the second-last line, the single word "industrialization" should read "industrial relations." (Interjection)- I might say to Honourable Members that they are not all my Freudian slips.

Page 139, column 2, (Translation) paragraph 2, line 2, the two words "am sure" should be the single word "assure."

Mrs. Iva Yeo (Sturgeon Creek): I don't know whether I want to do this now. I rise to respectfully request, in Hansard for Friday, July 29, a correction in column 2 on page 205. Instead of reading "to serve over 103 Metro Winnipeg public school students," I request a correction to read "103,000 Metro Winnipeg public school students."

Mr. Harold Taylor (Wolesey): I would like to have a correction to Hansard made. A mistake can be found

on page 80, Tuesday, 26th of July, and it is paragraph 7, the fifth line. The one word "restrainable" should be changed to "sustainable." Thank you.

Mr. Speaker: Are those all the Hansard corrections?

MATTER OF PRIVILEGE

Hon. James McCrae (Attorney-General): I regret that I must rise at this time on behalf of the Government caucus in this House to raise a question of privilege, a question of privilege which I believe to be a rather serious matter as all questions of privilege must be. Mr. Speaker, I think the matter I raise has a profound effect on all Honourable Members in this House and certainly upon the perception that the people of Manitoba have of us.

As the father of five daughters and as one who, over the years, has had to learn my own lessons about the language that we use, especially sexist language in these the 1980s, I feel that I must raise the matter. I feel very regretful because I think that when one Member in this House uses intemperate or language which might be perceived as sexist, all Members of this House suffer as a consequence thereof.

I must bring to your attention, Mr. Speaker, that on Tuesday, August 2 in the Throne Speech Debate as recorded at page 242, the Honourable Member for Elmwood (Mr. Maloway) made reference to the Leader of the Opposition (Mrs. Carstairs) in that debate. In that reference, he referred to the Leader of the Opposition as "Attila the Hen." As I say, as one who has had to learn my own lessons on this issue and as one who accepts criticism when I use language that is not entirely proper and as one who makes apologies when the language I use is not proper or fitting for Members of the Legislature, I raise the matter.

So I am not standing here to say that I am lily-white, Mr. Speaker, and I do not suppose any Member in this place could make that claim. But I do say that to describe the Leader of the Opposition as "Attila the Hen," either inside this place or outside this place, is not only improper but it reflects very badly on the Member who makes the comments. It reflects very badly on all Members of this House, certainly Members of that particular Member's caucus.

I know the Honourable Member for St. Johns (Ms. Wasylycia-Leis) has given us some lessons on this kind of matter. I respect the Honourable Member for St. Johns for doing that, because I believe that what she has tried to impart to us is important. Not only what we do but the way we do it and the perception of that is also important. In fact, I would be surprised if I did not hear that the Honourable Member for St. Johns has not already spoken to the Honourable Member for Elmwood (Mr. Maloway) about this issue. I must say that I am a little bit surprised that Members in the Official Opposition did not bring this matter forward, but I do not make much of a point about that. But I do say that the matter should be raised now, and that the matter should also be a subject of attention on the part of all Honourable Members so that we can avoid using the kind of language used the other day by the Honourable Member for Elmwood.

So, Mr. Speaker, if you should see fit, I would like to move, seconded by the Honourable Minister of Finance (Mr. Manness), that the Honourable Member for Elmwood (Mr. Maloway) immediately apologize to the Leader of the Opposition (Mrs. Carstairs), to this House and, through this House, to every woman in Manitoba for using the expression "Attila the Hen" in reference to the Leader of the Opposition.

MOTION presented.

* (1440)

Mr. Speaker: The Honourable Opposition House Leader, with some brief and strictly relevant remarks.

Mr. Reg. Alcock (Opposition House Leader): Thank you, Mr. Speaker, I simply wish to respond to the comment made by the Opposition House Leader.

We share the concern he raises. Being new in the House, we read the Rule Book very carefully and were advised that it could not be raised as a matter of privilege at this time.

Mr. Jim Maloway (Elmwood): Mr. Speaker, I will be very happy to withdraw the remarks, and certainly regret that anyone would have taken offence to the comments.

Mr. Speaker: Order, please. This is a very serious matter and we were trying to pay strict attention to all the input from Honourable Members. The Honourable Member for Elmwood did withdraw, and I would like to thank the Honourable Member for Elmwood.

This concludes that matter.

ORDERS OF THE DAY

Hon. James McCrae (Government House Leader): Mr. Speaker, would you be so kind as to call Bills No. 4, 5, 9, 8 and 10, and if after consideration of those Bills this afternoon, there is still time between that point and the Private Members' Hour, it would be our intention to move that the House resolve into Committee of Supply.

SECOND READING

BILL NO. 4 - THE RE-ENACTED STATUTES OF MANITOBA, 1988, ACT

Hon. James McCrae (Attorney-General) presented Bill No. 4, The Re-enacted Statutes of Manitoba, 1988, Act; Loi sur les lois réadoptées du Manitoba de 1988, for second reading.

MOTION presented.

Mr. McCrae: I am pleased today to move second reading of The Re-enacted Statutes of Manitoba, 1988, Act. Those Honourable Members who sat in the previous Legislature are no doubt familiar with the procedure that was adopted for The Re-enacted Statutes of Manitoba, 1987, and will recognize that Bill

4 is identical to Bill 3 presented in the last Session of the 33rd Legislature.

I am sure all Members of this Assembly will recognize that this Bill is a non-partisan matter and its speedy passage is in the interests of all Manitobans. For the benefit of some of the newer Members of this Assembly, and not only them but some of those who have been around for the last couple of years as well and perhaps even longer, I will provide a brief explanation of the process that has led to the preparation of this Bill.

Sir, as Honourable Members are aware, in December 1979, the Supreme Court of Canada ruled that Section 23 of The Manitoba Act could not be overridden by an Act of the Manitoba Legislature and consequently all Acts of this Legislature had to be in both French and English.

The Province of Manitoba had, in 1890, passed a Bill making English the only language to be used in the Legislature and in the courts and provided that the Acts of the Legislature would be printed and published in English only. Although the Supreme Court of Canada declared Section 23 to be binding, the consequences of the province failing to live up to its constitutional obligations for 90 years were not made clear by that judgment.

It was clear, however, that it was impossible to translate and re-enact that mass of legislation overnight. In fact, at that time the Province of Manitoba had only a general translation service employing two translators from English to French.

The response of the Government of the Day was to bring in an Act respecting the operation of Section 23, which introduced a procedure whereby certified translations of the Acts could be deposited with the clerk and then would be deemed to be adopted in both languages.

Progress however was slow, as it proved difficult to attract trained legal translators to Manitoba, and Mr. Roger Bilodeau challenged the validity of a ticket issued to him under The Highway Traffic Act on the grounds that the Act, being only in English, was unconstitutional.

I will not discuss the efforts made to reach a compromise solution and a constitutional amendment. I thought I might spare Honourable Members a rehash of that story. Suffice it to say, that in June of 1985, the Supreme Court ruled that Manitoba's English only Acts, and by a previous decision of the Supreme Court these Acts include all regulations and rules of procedure, were constitutionally invalid. The Supreme Court, however, recognized that this finding would lead to judicial chaos in the province, and it also ruled that the English only legislation would remain valid for the minimum period necessary for it to be translated, re-enacted, printed and published. All legislation subsequent to the Supreme Court judgment, however, had to respect the constitutional rules and there had to be a bilingual process from start to finish in the adoption of all Manitoba legislation.

By consent, in November 1985, the Supreme Court fixed the final date for validity of the most important English language statutes, regulations, rules of court

and administrative tribunals at December 31, 1988, and established December 31, 1990, as the final date for validity for all other Manitoba legislation, which includes certain public Acts of lesser importance, all private Acts and all municipal Acts passed by the Legislature.

Since 1970, when Manitoba last prepared revised statutes, the most important statutes have been available to the public in loose-leaf format. These Acts totalling about 6,000 pages in 1985 are known as the continuing consolidation of the Statutes of Manitoba. Very few of them were in both languages in 1985.

The work involved in preparing the continuing consolidation statutes for re-enactment was considerable. At the direction of the then Attorney-General, the Legislative Counsel attended at the Opposition caucus in 1987 to explain the 13 steps involved in preparing an Act for re-enactment and to answer all questions which the Members of our caucus had. I understand he also attended at the office of the then Member for River Heights, the Honourable Leader of the Opposition (Mrs. Carstairs) now, to answer any questions which she might have had about the procedure. For any Members in this Assembly who have questions regarding the re-enactment process and the steps that were taken, I would ask them to communicate directly with Legislative Counsel who will provide all the information which the Honourable Members might require.

In the 1987 Session, some 344 Acts totalling approximately 7,000 pages of legislation were passed as the Re-enacted Statutes of Manitoba 1987. It was the decision of Legislative Counsel that it would not have been possible to complete all the statutes in the continuing consolidation for 1987 and accordingly some of the largest and most complicated statutes which had been most frequently amended were set aside to be presented to the Legislature in 1988. The roll of Acts being re-enacted by this Bill includes, for example, The Municipal Act, which is 569 pages long; and it also includes The Income Tax Act, The Liquor Control Act, and The Real Property Act, all of which have been amended in virtually every Session since 1970.

Mr. Speaker, I am assured that the Acts in the roll contain no changes in the legislation other than the drafting and renumbering changes which were made in the Re-enacted Statutes of Manitoba, 1987. With the passage of the Re-enacted Statutes of Manitoba, 1988, the Acts in the continuing consolidation of the statutes of Manitoba, which it was considered appropriate to re-enact unchanged, will be completed. I draw Honourable Members' attention to the fact that this Bill, unlike the Re-enacted Statutes of Manitoba, 1987, Bill, is to come into force on Royal Assent rather than on proclamation. The reason for this is that the roll to the Re-enacted Statutes of Manitoba, 1987, was produced off of the Legislative Counsel Office's word-processing equipment, but was not in camera-ready format to be given to the printers. The task of transforming the 7,000 pages in the Re-enacted Statutes of Manitoba, 1987, into camera-ready form and then having the Acts printed consumed almost six months. For that reason, the Acts could not be distributed to subscribers to the continuing

consolidation until last January and accordingly the Acts were proclaimed in force for February 1.

* (1450)

Because there are fewer pages, because the December 31, 1988, deadline for re-enacting, printing and publishing is looming ever closer on the horizon and because the Re-enacted Statutes of Manitoba, 1987, were adopted by this House with no amendments and no controversy, it was decided by the previous Government that the Re-enacted Statutes of Manitoba, 1988, should be presented to this Legislature in camera-ready form and that the roll of Acts should be printed in advance of the Session which began last February. This was a wise decision in light of the events of last March which were, I believe, unanticipated by the Government of that Day, but which have already resulted in a five-month delay in the consideration of the Re-enacted Statutes of Manitoba, 1988, by this Assembly.

I am assured that the necessary copies of the Re-enacted Statutes of Manitoba, 1988, are printed and addressed, and await only the passage of this Bill so that they can be distributed to all the subscribers to the continuing consolidation of the Statutes of Manitoba. This means that, within a matter of a week or two of the passage of this Bill, people of Manitoba will once again have ready access to all the important public Acts of Manitoba.

I should also advise the House that all legislation affecting the 29 Acts to be re-enacted by this Bill, to be brought forward by the Government in this Session, will be drafted as amendments to the version to be re-enacted by this Bill. This means that it will not be necessary for Legislative Counsel Office to prepare a supplementary volume to make the numbering changes in an amending Act which would have amended the numbers in force today.

Before concluding my remarks on this Bill, I think it is appropriate that, in the name of all the Members of the Government and I am sure in the name of all the Members of the Assembly, I should express our gratitude for the hard work that was done in preparing these Acts for re-enactment. Only three weeks ago, I received in my office from Ottawa the revised Statutes of Canada, 1985. I would be one of the last in this House to want to cast aspersions on the federal Government but I would point out that, when the Federal Government began to prepare their revised statutes, they had an English and a French text to work from. A large committee was established and the work proceeded over many years. By contrast, in Manitoba, the Acts that are being presented for re-enactment were prepared by the regular staff of the Legislative Counsel Office in their English version, taking advantage of the lulls between Sessions and fitting this work into their heavy workloads and schedules.

While the work on the English side has been commendable, to say the least, I believe a special thanks is owed to those who worked so hard to produce the French version. By and large, they were working from unrevised and outdated translations that had been done by outside contractors. I understand that many of these

had to be substantially reworded and the massive task of ensuring that the translation of these Acts was of a high quality was done by the regular staff of the French legal translation service, which never numbered more than 14 translators and 7 secretaries, and who in addition have been responsible for producing Votes and Proceedings and the French versions of all current legislation and regulations. Theirs has been a Herculean task, and they richly deserve the thanks of all Members of this Assembly.

For all of these reasons, I urge the Members of this House to give speedy consideration to Bill No. 4. I am pleased to recommend it to the House, and I also ask for speedy passage.

Mr. Paul Edwards (St. James): I would like to thank the Honourable Attorney-General for his introductory comments and move, seconded by the Honourable Member for Inkster (Mr. Lamoureux), that debate be adjourned on this Bill.

MOTION presented and carried.

BILL NO. 5 - THE STATUTE RE-ENACTMENT ACT, 1988

Hon. James McCrae (Attorney-General) presented Bill No. 5, The Statute Re-enactment Act, 1988; Loi de 1988 sur la réadoption de lois, for second reading.

MOTION presented.

Mr. McCrae: I know that Honourable Members will have been inspired and impressed and left rejuvenated after hearing my comments on Bill No. 4. I know what an interesting topic it is. If only the debate today could be as interesting as the debate was that brought us to the position of all this re-enactment. Maybe I should not be longing for those days but the contrast is pretty significant, I suggest, because here we are doing a good job to solve the problem in my estimation.

Mr. Speaker, my remarks in moving second reading of Bill No. 5, The Statute Re-enactment Act, 1988, will be brief, and I am sure the Honourable Member for St. James (Mr. Edwards) is going to be glad to hear that.

Bill No. 5 represents another aspect of the re-enactment process. The Schedule to Bill No. 5 includes two Acts previously contained in the continuing consolidation of the Statutes of Manitoba, which it is not considered appropriate to re-enact as part of the continuing consolidation.

These two Acts are The Greater Winnipeg Gas Distribution Act which effectively regulates only one company in the province, and The Succession Duty Act whose application has been suspended since 1977 when the federal Government introduced capital gains taxation on death. It is being re-enacted to ensure its continuing validity as some money is still being collected on estates of persons who died prior to 1977. The amount is approximately \$70,000 per year. The provisions of The Succession Duty Act no longer affect the general public in Manitoba.

There are also three Acts, The Centennial Projects Tax Status Act, The Convention Centre Corporation Act and The Health Sciences Centre Act that must be re-enacted in order to remain valid.

Like the Acts in the re-enacted statutes, these Acts restate the law as it exists with only minimal drafting and renumbering changes.

The staff of the Attorney-General's Department has been reviewing the tables of public unconsolidated statutes, and the House can anticipate that there will be another statute re-enactment Bill in 1989 and another one in 1990, together with Bills repealing those public statutes considered to be spent. So the Honourable Member for St. James (Mr. Edwards) has a lot to look forward to in 1989 and in 1990. Again, I invite all Honourable Members of this Assembly who have any questions about the procedure or about the Acts contained in the schedule to feel free to contact Legislative Counsel. They are authorized to be as helpful as they can to Honourable Members who have any questions about this process.

Finally, I wish to advise all Honourable Members that a complete report on the state of the validation project is being prepared, that there are certain problems which will be discussed in that report, particularly with the re-enactment of the private Acts, which arise from the fact that the Government does not control these Acts. They affect private individuals and corporations. I am sure this House does not wish to act without consulting them, but there are hundreds of them that will have to be located.

I hope this report to the Legislature can be ready prior to the consideration of the Estimates of the Department of the Attorney-General. That would permit the Members to consider whether the report and the proposed plan of action of the Government to ensure that the December 31, 1990 deadline is respected can be reviewed during Estimates.

In closing, Sir, I again urge all Honourable Members of the Assembly to cooperate in the speedy passage of Bill 5. I point out that the two Acts in the continuing consolidation to maintain their validity must be printed and published by December 31 of this year. So I recommend Bill 5 to the House.

* (1500)

Mr. Paul Edwards (St. James): Again, I want to thank the Honourable Attorney-General (Mr. McCrae) for his introductory comments to this Bill No. 5; and again, I move, seconded by the Honourable Member for Transcona (Mr. Kozak), that debate be adjourned on this, Bill No. 5.

MOTION presented and carried.

**BILL NO. 9 - THE STATUTE LAW
AMENDMENT (RE-ENACTED STATUTES)
ACT**

Hon. James McCrae (Attorney-General) presented Bill No. 9, The Statute Law Amendment (Re-enacted

Statutes) Act; Loi modifiant diverses dispositions législatives (Lois réadoptées), for second reading.

MOTION presented.

Mr. McCrae: In my remarks on Bill 4, I spoke about the tremendous accomplishment of Legislative Counsel Office in preparing for re-enactment the thousands of pages contained in the re-enacted Statutes of Manitoba, 1987, and the re-enacted Statutes of Manitoba, 1988. In a sense, Bill 9, which I have the honour of presenting to the House now, is the down side of producing so much legislation so fast. As Honourable Members will note, it consists of minor corrections to cross-references and other corrections of a technical nature that were made in the integration of all the amendments into the Bills and the renumbering process in order to produce a revised Act for re-enactment.

Subscribers to the continuing consolidation of the Statutes of Manitoba have recently received or will receive in the very near future a massive update to the continuing consolidation consisting of more than 1,000 pages. Each of these pages has either a change made by amendment in the 1987 Session when 110 Acts in the continuing consolidation were amended in one way or another or they contain corrections that were made as part of the supplement to the re-enacted Statutes of Manitoba, 1987.

By way of explanation to Members of the House, the Bill which brought into force the Revised Statutes of Manitoba 1987 made provision for the publication of a supplement volume and for corrections to be made in the re-enacted Statutes by certificate of the Attorney-General. This process was adopted because the time constraints under which Legislative Counsel Office was working required that the 344 Acts in the re-enacted Statutes of Manitoba, 1987, be presented to the Legislature without having been reviewed by the departments. It was felt that the process of sending these Acts to the departments and explaining to them all the changes would result in an intolerable delay in the preparation of the Acts. Since the Acts have been proclaimed, the departments have of course been looking over their legislation and they have picked up many of the mistakes that were made. Those that were identified on time, that is by January of this year, were corrected by means of the supplement volume. This Bill contains in Part I corrections to those mistakes that were discovered too late to be corrected by the R.S.M. 1987 supplement volume.

The Bill bringing into force the re-enacted Statutes of Manitoba, 1988, has no such provision. However, the Acts in the re-enacted Statutes of Manitoba, 1988, were completed and ready to go to the printer last December. Copies of the Acts have been sent to the departments and the departments have had the opportunity to examine them, and Part II of this Bill contains corrections to the mistakes that have been found in the Re-enacted Statutes of Manitoba, 1988.

With the passage of this Bill and the passage of Bill 4, the re-enacted Statutes of Manitoba, 1988 Act, the continuing consolidation of the Statutes of Manitoba will not only have been re-enacted but will have been

corrected and will form a reliable source for consulting the laws of Manitoba. For that reason, I urge all Honourable Members to give this non-partisan bill speedy passage. I recommend Bill 9 to the House.

Mr. Paul Edwards (St. James): Mr. Speaker, I move, seconded by the Honourable Member for Transcona (Mr. Kozak), that debate on Bill No. 9 be adjourned.

MOTION presented and carried.

BILL NO. 8 - THE COURT OF QUEEN'S BENCH SMALL CLAIMS PRACTICES AMENDMENT ACT

Hon. James McCrae (Attorney-General) presented Bill No. 8, The Court of Queen's Bench Small Claims Practices Amendment Act; Loi modifiant la Loi sur le recouvrement des petites créances à Cour du Banc de la Reine, for second reading.

MOTION presented.

Mr. McCrae: It is with a great deal of pleasure that I rise today to move second reading of Bill 8 to amend The Court of Queen's Bench Small Claims Practices Act. I am pleased because this Bill honours a commitment made during the election campaign by the Progressive Conservative Party.

I guess I am really happy because today I am able to honour two commitments. Earlier today I had the opportunity to announce that the Law Reform Commission of Manitoba in its independent form now exists again. It is a matter of some pride and I suppose I should not get too far off the track but I must be a little bit critical of any Government that wants to take away the independence of a Law Reform Commission and replace it with civil servants whose masters are political.

I am also pleased and grateful to the members of the Law Reform Commission, who have accepted their re-appointments, and exceedingly grateful to our new appointee. The former Lieutenant-Governor, Pearl McGonigal, has agreed to join with the other commissioners to do the work of the Manitoba Law Reform Commission. So it is a matter of significant pride as Attorney-General to be able to do that.

* (1510)

I am also very proud of the Bill I am now presenting, Mr. Speaker. As the title to the Bill indicates, the Bill deals with the practices in Small Claims Court. As Honourable Members know, small claims is intended to provide a speedy consideration of matters which do not merit the heavy expenditure often involved in a Queen's Bench action. Small claims provisions have existed since 1916 when the concept was introduced with hearings held in the Magistrate's Court when the matter at issue was less than \$50.00. Times have obviously changed. It has been some time since 1916, \$50.00 is not like the \$50.00 it was in 1916. Since that time, jurisdiction has been raised repeatedly to keep up with inflation, most recently in 1986 when the

monetary limit was raised to \$3,000.00. In 1983, when the County Court was amalgamated with the Court of Queen's Bench, jurisdiction in Small Claims matters was of course transferred to the Court of Queen's Bench.

Mr. Speaker, Bill No. 8 aims to improve the operation of the Small Claims Court in three ways. First, it will raise the monetary jurisdiction of the Small Claims Division to \$5,000; second, it will introduce a default judgement proceeding; and third, it will ensure that small claims matters are heard in the Small Claims Court.

It seems to me these reforms of the Small Claims Court make that court simpler and easier for the average Manitoban to approach and to deal with and to have problems resolved in. As an Attorney-General whose contact with legal matters are limited by the fact that I am not a lawyer, it is especially nice for me to be able to introduce something that is easier for the average person to understand, the non-professional to understand. The Honourable Member for Elmwood (Mr. Maloway) approves, and I am glad for that.

Life is complex enough in the 1980s without having to be a Philadelphia lawyer to have a small claim resolved, or without having to resort to somewhat expensive means of going to a lawyer to have some of these matters resolved. The Honourable Member for St. James (Mr. Edwards), the Honourable Member for Seven Oaks (Mr. Minenko), The Honourable Member for Lac du Bonnet (Mr. Praznik), they might not be too happy with me for talking about lawyers in this way. You know, there are plenty of very, very important issues nowadays for lawyers to keep busy with. I think that, if there is a simple way for some of the smaller matters to be dealt with without the services of lawyers, the people of Manitoba will be well served, and I think the Bar of this province is ready to accept a move of jurisdiction from \$3,000 to \$5,000 because, goodness knows, there are plenty of other important matters for them to deal with.

As I said and as Honourable Members know, court actions are expensive, Sir. Each of the changes proposed in this Bill is designed to reduce that expenditure.

It is a fact that inflation has led to claims which used to fall within the small claims jurisdiction now being beyond the jurisdiction. The changes in the monetary limits of the Small Claims Division have not kept pace with inflation, and consequently we believe there are some claims that are not worth the expense of hiring a lawyer and going to the Court of Queen's Bench for a full hearing, but yet are too expensive to be prosecuted in small claims.

Very often, we might be talking about a \$30 matter or a \$100 matter, and some people feel so strongly about being right about a matter or they feel they have been had and, even over a small amount of money, people can get really angry and they want to have their day in court. Our Small Claims Court is there for that. It is not there for frivolous and vexatious cases, but there are cases where people will take a small matter to court which may not, under all other considerations,

merit the expenditure of a whole lot of money to get through. But some people feel that they have been wronged and they need the redress that the court of law can give to them, and so you do not need to have a lawyer for some of those things. You can still choose to have a lawyer in Small Claims Court. That is up to you. Raising the monetary jurisdiction will open the expeditious small claims procedure to these types of plaintiffs.

Mr. Speaker, a problem with the current small claims procedure has been the difficulty of dealing with a defendant who chooses not to appear. Under current provisions, the court officer who is to hear the claim is given the choice of adjourning the matter or hearing the matter. It is proposed that, where a defendant does not appear, the hearing officer will no longer have the power to adjourn the matter. Instead, once it has been proven that the defendant has been properly served, the hearing officer may grant default judgment and dismiss any counterclaim. So what we have is the Small Claims Court having similar powers to other courts.

Of course, the defendant will still have the right, upon being served with the judgment, to appeal the decision to the Court of Queen's Bench, but the defendant will then be required to explain why he did not appear. I think that is important. If I were a large corporation defendant, I may decide to let the judgment go and then appeal the matter and have my lawyer look after the matter in the Queen's Bench. My lawyer is going to have to answer for why I did not appear in the first place, and I think that is important. It is important that the jurisdiction of all of our courts be respected by the people, and the jurisdiction of the Small Claims Court will be respected by virtue of this provision.

Those defendants who know they have no defense and choose simply to ignore the court and the court's procedure will find that judgment has been granted against them more rapidly than would have been the case under current provisions. So if you are entitled to a judgment and the defendant does not show, you are going to have your judgment and you are going to have it quicker than you would have without this legislation.

Finally, Sir, the current small claims legislation allows any defendant, upon filing a notice of objection, to have the matter taken out of the Small Claims Division and heard in the Court of Queen's Bench. I refer to this as a bumping-up to the Queen's Bench. The result of this is that, if a plaintiff who has, let us say, a \$500 claim against a corporate defendant regarding repairs to his house or his or her car or some other minor matter, may find that the corporation chooses to have the matter put in the Court of Queen's Bench and to use the lengthy and expensive procedures such as examination for discovery and to make prosecuting the claim so expensive for the plaintiff that he or she has little practical choice but to abandon the claim. I say that is wrong; I say that is a shame. If you have got a legitimate claim, one that is likely to be successful, why should you be bumped out of this inexpensive people's court by a defendant who is better off and better able to afford that. What they are doing is scaring you off and perhaps you will never go to the Queen's

Bench with it. Therefore, you would have lost your day in court and that is against natural justice in my estimation.

This legislation proposes to abolish that automatic right to have the matter heard in the Court of Queen's Bench. Instead, the matter will have to be heard first in Small Claims Court. This should help to keep the Small Claims Court truly a people's court.

I would point out to Honourable Members that there will be some staffing implications for the Court of Queen's Bench as it prepares to deal with an unknown volume of new claims which may come forward. For every up side, there is a down side. We know, we are cognizant of the fact that we may be creating heavier traffic in the Small Claims Court. We do not know yet how much more traffic this will generate. I hope it generates more, because I think that easy access to this kind of justice is what the people of Manitoba want. Because of this, this Bill is going to come into force on proclamation. It is the intention of the Government to proceed as quickly as possible to review the implications and resources for the Small Claims division of the Court of Queen's Bench and to proclaim these provisions this fall.

Mr. Speaker, like I said it when I began, it gives me a great deal of pleasure to be able to deliver on this what I thought was an important plank in the justice platform of the Government's election campaign. I believe this kind of thing will receive the approbation of Honourable Members opposite in both Parties, those who are interested in making life a little simpler for average Manitobans when they come into conflict with each other. I strongly urge positive consideration by Honourable Members to this Bill, and I ask for its speedy passage. Thank you, Mr. Speaker.

Mr. Paul Edwards (St. James): I move, seconded by the Honourable Member

An Honourable Member: Mr. Speaker, I think we would be happy if this matter is adjourned today, we would be happy to have it stand in the name of the Honourable Member for St. James (Mr. Edwards), but I would like to see if there are Honourable Members on this side of the House who might like to speak on this Bill.

* (1520)

Hon. James Downey (Minister of Northern Affairs): Mr. Speaker, just a couple of brief comments on this Bill. As it has been indicated in the introduction of it by the Attorney-General (Mr. McCrae) that he has made to small business and those people in our society who do not feel that they can afford or should have to go a higher court for the settling of an account, a commitment that, as he indicated, was made prior to the election, a commitment that today we are seeing being introduced as legislation, and again I would say, a clear commitment by the Conservative Party that we stand up for the little person in our society.

I think it is extremely important today that recognition is made of our Attorney-General. His concern for those people who are able to go through the least amount

of difficulty to accomplish what they consider is rightfully theirs in the payment of bills, the amount that was in place was not that great and with the increase to \$5,000, I am sure we will accommodate, as he has indicated, a greater number of people in our society.

I just want to make it very clear on the record, that the Conservative Party truly do stand up for the small people in society. Thank you, and I am pleased to support Bill 8.

Mr. Speaker, I understand that there is another one of my colleagues that wishes to speak briefly on this matter, and I will yield the floor to him at this particular time.

Mr. Gilles Roch (Springfield): I would like to make a few brief comments as well on Bill No. 8, The Small Claims Practices Amendment Act.

I am very happy to see that this Government is moving to raise the limit from \$3,000 to \$5,000.00. It is indeed gratifying to know that we are making it more accessible for people who have limited means, or who do not wish to spend considerable sums of money fighting small claims in court the opportunity to do so.

The purpose of this Bill is obvious. It is to help out average people who cannot afford expensive legal counsel as in the case of some wealthier individuals, organizations or corporations. For that matter, its intent is also to enable people whose claims will be less than the cost of fighting in court—its purpose is to not discourage these people from pursuing the matter. As so often happened in the past, people would not bother filing a claim or would be discouraged from filing a claim or would be discouraged from pursuing it because of those very financial reasons.

The cost of legal counsel—lawyers if you wish—two individuals—is at times a serious hardship, and the case where the resources of legal aid are being required, it is an enormous cost to the taxpayers. Therefore, raising the limit on the Small Claims Court is obviously going to help clean up this matter.

Also, by providing default judgment rather than the possibility of an adjournment when a defendant fails to show up will also help reduce the cost to plaintiffs. It will not penalize people who are trying to get justice done, because very often when there is a party who may be at fault and are sometimes at fault, it is a tactic which is used to try and discourage the plaintiff from pursuing the matter. By providing this amendment to The Small Claims Act it will enable those people, enforce those defendants to indeed show up. If in fact they are not wrong, they will then have the opportunity to justify their case.

By far the most important change is making certain that a small claims action will be heard in a Small Claims Court, and that is the most significant part of all this; indeed, the very purpose of this amount. It still allows for the use of a lawyer by either party if they so choose and no doubt in many cases those organizations or individuals in the past who have chosen to retain legal counsel because they are in a position that they can afford to do so, will probably continue to do so. At

least it will allow a person without legal counsel to get a fair hearing and to indeed have justice done without having to suffer undue financial hardship.

The whole purpose of the Bill is because of, obviously, inflation, to allow what at one time were large claims and have now become small claims, to allow those claims to be dealt with in such a manner that a person who has a legitimate claim will indeed come to court, seek justice rather than say, "Well I am not going to bother simply because it does not pay to fight it," or else, "I also cannot a lawyer to fight it." In many cases where larger more powerful and rich organizations have used these tactics in the past to discourage individuals, hopefully this will cease.

I might add as a suggestion to the Attorney General and, indeed, to the Government that this is an Act which should be constantly reviewed because as inflation continues to grow over the years it is obvious that, for example five or six years from now, \$5,000 may not be a high enough limit. It may be just and fair at this point in time, but it has to be under constant review.

In conclusion, I would like to say that this is a Bill which is well worth the attention and support of all Members of this Assembly because it seeks to address a major concern of many an average Manitoban. It seeks to address the concerns of many a person who may have been done an injustice in the past and to hopefully address these concerns, not just for now but in the future. I would certainly hope that it gets the support of all Members in this House. I thank you.

Mr. Paul Edwards (St. James): I move, seconded by the Honourable Member for Ellice (Ms. Gray), that Debate be adjourned on this, Bill No. 8.

MOTION presented and carried.

BILL NO. 10 - THE COURT OF QUEEN'S BENCH ACT

Hon. James McCrae (Attorney-General) presented Bill No. 10, The Court of Queen's Bench Act; Loi sur la Cour du Banc de la Reine, for second reading.

MOTION presented.

Mr. McCrae: Mr. Speaker, it is with pleasure that I present to the House for its consideration Bill No. 10, The Court of Queen's Bench Act. Again, I believe this is a measure which should receive the support of all Parties in the House because it represents the result of a thorough revision of the Act undertaken by a committee of Queen's Bench judges and lawyers in the Attorney-General's Department who have consulted with the Bar.

It is the expectation of this committee and of the Government that the adoption of this Act, together with the new rules of the Queen's Bench, will lead to more expeditious hearing of actions in the Queen's Bench and thereby contribute to reducing the backlog in the Queen's Bench with savings to the general public in time and money.

As background to the Bill, I wish to advise Honourable Members that it grew out of the revision of the rules, a project that was begun in 1985. At that time, a committee consisting of Queen's Bench judges, practising lawyers and members of the Attorney-General's Department was established to research the rules and to do the necessary drafting of new rules. The rules had not been revised since the 1930s, Mr. Speaker—that is even before you and I got started, I think. The committee built upon the work that had been done in other jurisdictions such as Ontario, where extensive modernization and rewriting of the rules had taken place. This committee has completed its work, and a new set of Queen's Bench rules is now ready for adoption.

As this committee worked on the rules, it became evident that The Queen's Bench Act itself was in need of an overhaul. Many of the provisions in The Queen's Bench Act have remained virtually unchanged since they were enacted more than 100 years ago. At that time, those provisions were copies of the law of England, and some of them reflected the conditions in England in the early nineteenth century, and that was before our time too, Mr. Speaker. It was also clear to the committee that it would lead to confusion to have the rules brought up to date, for example, by eliminating Latin terminology, while leaving these archaic words in The Queen's Bench Act itself. You see, I never took Latin in school, Mr. Speaker. Perhaps you did, but I did not, and I am not a lawyer so I guess Latin has really never really bothered me very much, but maybe it was Latin that got into my two predecessors. In any event, look what happened to them.

* (1530)

Further, if the rules were to be brought completely up to date, the rule-making power in The Queen's Bench Act itself had to be considered. For that reason, the committee sought the approval of the previous Government to revise The Court of Queen's Bench Act. The previous Government gave them the go-ahead, and the previous Government should be commended for doing that. As a result, a second committee was established which consisted of four Queen's Bench judges and three members of the Attorney-General's Department. The committee has been meeting since March 1987, and this Bill is the result of its efforts. This Bill was circulated to the Rules Revision Committee so that the private Bar had the opportunity to review the draft.

There are many changes in the language of the Act from former provisions. For this reason, I have given to each Opposition critic a copy of the 105-page booklet prepared by the committee to explain the provisions in the Act. If, after consideration of this explanatory material, there are provisions which the Opposition wishes to have clarified, I would ask them to get in touch with me. I will have the committee provide them with all the explanations they require or, if they so desire, I can arrange for them to meet with the responsible officials in the committee for a full explanation of any or all of the provisions.

Bill No. 10 also includes a consolidation into The Queen's Bench Act of The Replevin Act and The

Judgment Interest and Discount Act. The Replevin Act establishes a procedure whereby a plaintiff can reclaim property that the plaintiff claims is being wrongfully held by the defendant. Once the property is returned to the plaintiff, the action proceeds. The Judgment Interest and Discount Act establishes rules for awarding prejudgment interest and for the calculation of lump-sum damages. These are provisions which can and should be included in The Queen's Bench Act.

I draw the attention of Honourable Members to the following matters of principle which represent significant changes from past practice and which are, I submit, significant improvements which deserve the support of the House.

The Bill contains provisions which will permit a court, on notice to the Attorney-General, to order that a person who persistently and without reasonable grounds brings proceedings be prohibited from bringing any further proceedings except with leave of a judge.

This is borrowed from Ontario legislation and is intended to deal with a person who uses the court process to harass other individuals. Under existing legislation, the defendant in a vexatious proceeding may bring a motion in the court to have the proceeding struck out. However, the defendant is normally required to spend money to retain a lawyer, and he or she is unlikely to recoup all of the costs of retaining that lawyer. Here again, I think we are talking about people's legislation, and I think it is good.

Moreover, the plaintiff may immediately begin another action and force the defendant once again to go to court to try to have the second action struck out as a vexatious proceeding. This can go on with action after action, and it is an abuse of the court process.

Of course, judges are reluctant to strike out a plaintiff's claim as being vexatious. Quite rightly, they believe that a plaintiff should be entitled to his or her day in court. Accordingly, this new provision in the Act safeguards the right of the plaintiff since the order cannot be made without notice to the Attorney-General. As the department charged with the administration of justice in the province, it is appropriate that the Attorney-General's Department receive notice of these matters so that they can be reviewed.

Moreover, a plaintiff does not lose forever the right to bring proceedings against that defendant. The plaintiff may always seek to bring another action forward, but he will first have to obtain leave of a judge. The judge will have to be satisfied that this time the plaintiff has a reasonable cause of action.

Sir, the second major change in the Act is the change in the rule-making power. Until now, rules have been made by the Judges alone but the operation of the Rules Revision Committee since 1985 has indicated the value of participation in the rule-making process by practising lawyers and members of the Attorney-General's Department. Accordingly, Bill 10 calls for establishing a Rules Committee composed of six judges, two persons appointed by the Attorney-General and three lawyers appointed by the Law Society of Manitoba. There is still a majority of judges, but there

is now provision to ensure that members of the practising Bar will have an adequate opportunity to contribute to the elaboration of new rules.

The new rules and the new Queen's Bench Act are a package, Mr. Speaker. They will only work well if they are both in place. The Law Society has already begun to elaborate continuing education programs to familiarize the profession with the new Act and the rules. Bill 10 is to come into force on proclamation, and if it is passed by this Legislature that proclamation date will be worked out with the Law Society and the judges so that we can be assured that the profession is prepared to deal with the changes.

Mr. Speaker, it is with a great deal of pleasure once again that I recommend Bill 10 to the House for its consideration and passage.

Mr. Paul Edwards (St. James): Mr. Speaker, I move, seconded by the Honourable Member for St. Norbert (Mr. Angus), that debate on this, Bill No. 10, be adjourned.

NOTION presented and carried.

* (1540)

Hon. Clayton Manness (Honourable Minister of Finance): Mr. Speaker, I move, seconded by the Attorney-General (Mr. McCrae), that Mr. Speaker now leave the chair and the House go into Committee of Supply.

MOTION presented and carried and the House resolved itself into a Committee of Supply to consider of the Supply to be granted to Her Majesty with the Honourable Member for Seven Oaks (Mr. Minenko) in the Chair.

COMMITTEE OF SUPPLY SUPPLY - INTERIM SUPPLY

Mr. Chairman, Mark Minenko: The Committee of Supply will now come to order, please. The question before the committee is the following resolution:

RESOLVED that a sum not exceeding \$2,626,074,640, being 70 percent of the total sums voted as set forth in The Appropriation Act, 1987, be granted to Her Majesty for the fiscal year ending the 31st day of March 1989.

Does the Minister of Finance have an opening comment?

Hon. Clayton Manness (Minister of Finance): It is a delight to have an opportunity to rise once again in the beginning of a new Legislature, this being the 34th. I came in with the young gentleman from the riding of Flin Flon in 1981 and of course I watched him grow in that period of time. He has probably watched me grow. Mr. Chairman, with your indulgence and the indulgence of other Members of the House, I would like to take a few moments, if I could, given that I did not have an opportunity to debate the Throne Speech, I would like to make a few comments at this particular time.

I would like to, first of all, begin by offering congratulations to the Speaker. As you would know, Mr. Chairman, indeed as every Member of this House would know, that his role is so important to the proceedings of this House. As a matter of fact, this House cannot do its business without his involvement. Indeed, if there is not respect for role as the Speaker, we cannot function; we cannot do the business of the people. So I congratulate him. This may be moving into the realm of impropriety, but I can remember the Speaker, when he was seeking nomination in his particular riding—that great riding of Turtle Mountain—the large number of people who were there in attendance in 1986 and how it was that he presented himself to the people of that riding; those people who ultimately supported him in a political fashion and therefore from that point was able to bring forward the support of the constituents by way of general election now two times in the last three years. He, that night, struck me as an individual who was a friend to all. He was spirited; he was also conciliatory and he brings those very same elements and facets into the House. That is why I think unanimously we put him in this place as the Speaker of our House. Thank you. (Applause) I thank the Member for Flin Flon (Mr. Storie) for that polite applause.

I would like to also thank the voters of Morris. I had the opportunity to present myself to them on three occasions, 1981, 1986 and 1988. They have decided to favour me with their support. I must tell you that the constituency of Morris is the rural riding that basically borders Winnipeg to the south and to the west. It is agricultural for the most part although a larger number of people today are moving into those hamlets and communities that are within commuting distance of the City of Winnipeg to enjoy the amenities of rural living, and I say welcome to them. The constituency of Morris is taking on a little bit different perspective and a different flavour over the ensuing years.

Let me say, I also welcome new Members. I can remember in 1982 when I first came into this House on my first occasion, my first Throne Speech, and the great honour that I felt in being here. I apologize for not being able to hear all of the presentations of new Members on our side, and of course the many new Members opposite, but as I read your comments and as I will have an opportunity in the future to listen to you speak, I will probably sit in judgment of your growth, as indeed you will sit in judgment of my performance. It seems to be a continuing dynamism that occurs within this House. We watch each other very closely. I dare say, through it, you can see those people that want to grow, you can see it occur from event to event, from speaking occasion, from speaking to occasions. So I welcome the opportunity to sit in judgment, if I can use that term.

I must say, so far I have been very impressed with the new House. There is a wide diversity of people that have come here as representatives of the people. There is a wide array of talents. However, I would like to say to those Members who are no longer here, those who retired voluntarily, those who retired with the will of the people, I say well done. I do not think at times the

public fully understands how it is or what it is that we do. New Members at this point may not fully understand what it is we do but I am sure in short order they will come to realize and have a new appreciation for what it is to be not only a representative of the people but what it is in terms of making commitments of time to that role. Believe me, if one does that duty well and carries out that responsibility and discharges that responsibility, they will realize it is at least a full-time occupation.

I, however, would like to take issue with the Leader of the Opposition (Mrs. Carstairs), not in anything that she has said over the course of the new Session, but something that she said previous to the swearing in of the new Cabinet.

The Leader of the Opposition, the Member for River Heights (Mrs. Carstairs), said—and I have to be careful here, maybe she did not say this, but it has been purported she said certain things about certain Members on this side of the House. She was speculating as to who might be put into Cabinet and to what roles certain individuals might have. Supposedly the Leader of the Opposition said, and if I am paraphrasing incorrectly I will expect her to explain more fully, and I quote, “the Filmon’s minority Government could be in trouble if the new Premier picks the wrong people for Cabinet jobs.” Going on, she said she is opposed to two key Tory MLA’s receiving Cabinet appointments related to their previous responsibilities as Opposition critics. She named primarily the MLA for Pembina (Mr. Orchard) and, indeed, the MLA for Morris (Mr. Manness). Again she was purported to have said that both MLAs are in the rural right wing of the caucus and both have been identified with the faction that opposed Mr. Filmon as Leader.

She went on more specifically, and I will let the MLA for Pembina defend himself. I think he can do that. Although he has been characterized in some quarters as being almost a pussy cat, I will let him defend his own honour in this case.

* (1550)

There is an important epilogue to what the Leader of the Opposition said as she was purported to have said, and I quote, “she does not want Manness, referring to myself, to become Finance Minister because of his earlier suggestion that the NDP should trim about \$134 million from Government spending.”

Now there are two points here and I have to make them. Firstly, when the Leader of the Opposition decides to label myself in particular as a right wing rural representative, of course she is trying to conjur up in the public mind set that we represent those of us that are rural, particularly those of us who are deemed to be right wing, again by her labelling, indeed some other people’s labelling. She is trying to conjur up the image, or at least she was then, that we were going to do drastic things in the area of spending, that there were going to be major reductions in areas of needed services to Manitobans.

I personally can accept that. I do not agree with what she said but I can accept the criticism. I am a politician

and I have no illusions. I did not delude myself for one moment before I came into this Legislature what the role of a politician would be and what criticisms I could expect from time to time. So that comes as no surprise. There is no hurt attached to that. There is hurt associated with that comment, not to me, but to my constituents, and who the Leader of the Opposition slandered when she made the comment saying, in essence, that I was not fit to be in this very important role as the Minister of Finance. Who she slandered was not me. She slandered the people of the constituency of Morris who in large number decided for the third time that I should be their representative in this hallowed institution.

Now the Leader said they did not pass judgment as to whether or not I should be the Finance Minister. What were they saying? They were saying in essence, we want the representative of the Progressive Conservative Party, i.e., Mr. Manness, to be their representative, and I am sure what they were saying also is that whatever role is the most important to Government, we would like him to be in that place, as I am sure the electorate from the constituency of River Heights said to the MLA for that riding. I am sure they wanted her to be the Premier and if they did not, why did they vote for her?

If the Leader of the Opposition feels she has slandered me, I do not feel that, but I say to her she slandered the people of Morris, and I dare say she slandered to some degree the people from Pembina, and indeed all of rural Manitoba. Do you not notice, cannot one notice, Members of the House, when you look over at the Opposition benches, how many rural Members sit thereon? How many pure rural members? -(Interjection)- Oh, I am careful, I am very careful. I choose my words carefully, I say to the Opposition Deputy House Leaders. The only point I am trying to make is that it becomes so easy to put labels on people, but what we forget is when we do it in this forum, or indeed outside of this forum, is that we also label the people who put representatives into this institution.

I would like to make one final comment about this place called the Legislature. It is something that I will repeat, and I cannot repeat it well, but I was at the induction of Justice Lyon, when he was inducted to the Appeal Court. He talked about the high callings, about the high calling of being named to that Court of Appeal, but what he said was this, paraphrasing, that the highest calling that any of us can have is to be a representative of the people. There can be no higher calling, and even though there would be those in our midst, indeed some of us ourselves, but those in our midst, particularly sometimes those people who report on our activities, would lead people to believe that politicians really are not to be highly regarded, that the esteem associated with them is something other than that which should be given to a high calling. That troubles me very much because I say and because I believe that as the esteem of politicians falls, and I wonder how much lower it can really fall, the love of democracy and the freedom that we have fought for so hard for also continues to fall.

So I say to Members opposite, I say to Members of this side, this is a hallowed institution. We are duly

elected; we have a major, an important role to play, if indeed we cherish democracy at all. I am glad to be here.

I would like to say a few comments with respect to the election. This Province, Manitoba, is unique in so many ways. It is hard to read politically. I would hesitate to say, not terribly easy to govern. I do not make that judgment on the basis of being in Government for approximately three months. I make that after having watched, particularly the former administration, try and deal with issues of the day, and also Governments before that. This is not an easy province to govern.

Nevertheless, the commitment that we made to the people of the province is very basic and very straightforward. We said that we would provide better management, we would provide better efficiency, that we would provide greater accountability. I say to you that is why we are on this side of the House today, because I honestly sense that Manitobans feel that there is not a magic solution to the ills in which we find ourself, but what they are expecting is that the people who make up the Government, who sit on this side of the Speaker, bring forward honest, open, sincere Government. That was our watchword throughout the election. That is why we are here today, and I fully expect that after we have been here for a number of years that we will be given our credit for having not only demonstrated that, but indeed providing that type of openness.

I say then that this will be an open Government. There will not be ruling by decree. There will not be ruling by warrant. That is then what takes us right into this Interim Supply, because we had an opportunity, probably to pass another month of Special Warrant and hold off Interim Supply for some period of time. The precedent was in place. But I honestly believe there is no higher and greater responsibility than each and every one of us, as representative of the people, to make sure that those hard-earned tax dollars, which we at times talk about so glibly, which we at times pass over so hastily in consideration as to how they will be spent, there can be no greater expectation than that we deal forthrightly as to how they should be spent. Mr. Chairman, this becomes the first process towards making sure that they are spent properly.

I would also like to indicate at this time the Budget will be coming down August 8 at 2:30 p.m. We would expect there may be cause for a slight recess in the period of time between the Question Period and the formal start of the Budget. With it will also come the Quarterly Report, the final Quarterly Report indicating the finances for the fiscal year ending '87-88, and also the outside auditor's report, outside professionals who have a strong understanding of public sector accounting; people who will be passing judgment as to the accounting policies that should be brought in as this whole process of public sector accounting is very much evolutionary.

I, at this point, am not going to lay blame on the former administration, the former policies in place with respect to accounting. What I am saying is that this area is evolutionary and there is a common mind set as to how Governments should be constantly reviewing

the accounting policies in place and how it is they should be reporting to the people.

So, Mr. Chairman, with those few remarks, I welcome Members to a very complicated process. Now, as we move into the Committee of Supply, there will be a lot of shuffling around as we ultimately move toward Bill No. 7 - The Interim Supply Act. Thank you.

* (1600)

Mr. Chairman: Does any other Member wish to speak to this Resolution?

Mr. Richard Kozak (Transcona): Mr. Chairman, we in the Official Opposition know that the Government needs money to conduct its business during the current fiscal year. We also know that the Budget Debate next week will provide our Members with ample opportunity to address the Government's revenue and expenditure plans.

Therefore, Mr. Chairman, it is not our intention to obstruct passage of this Interim Supply Bill in any way.

Mr. Jerry Storie (Flin Flon): The comments made by the Member for Transcona (Mr. Kozak), I think, are appropriate. Everyone recognizes that Interim Supply has been a part of the process of Government on occasion for many decades and there is certainly no intention to be obstructionist in the passage of this legislation.

However, I believe that as time goes by, and before Bill No. 7 actually is passed, there may be a number of questions that I have and that my colleagues have that we will address to the Minister of Finance. Before I get to some of the specific questions that I have, I want to take this opportunity as well to commend and give recognition to the new Minister of Finance (Mr. Manness).

The Member for Morris (Mr. Manness) made the observance that we were elected and are colleagues, in a sense, and have been since 1981, since our election at that time. My knowledge and familiarity with the Member for Morris has led me to garner a great deal of respect for that individual as a Member and as a human being, and I know that he will conduct himself in a manner -(Interjection)- The Member for Pembina (Mr. Orchard) may consider that the kiss of death. However, I am going to continue.

The Member for Morris has gained himself a reputation for being a person with a great deal of integrity, also common sense. I look forward to the Budget that he will deliver to this House. You can reciprocate those kind of comments any time you wish, to the Member for Morris. I look forward to the Budget on August 8. It is certainly going to be a challenge.

The Minister waxed philosophic about the role that we all play as representatives of the people and, I think, touched on some appropriate and poignant points that we sometimes forget. Certainly those who observe us in this Chamber are wont to forget. That is that, despite the antics from time to time, we are here to fulfill an important role in the functioning of democracy. No one,

I do not believe on either side of this House representing any Party, comes here and treats their obligations in anything but a serious manner. From time to time because of the nature of the process, it becomes theatre, but that does not belie the fact that it is an important process. Paraphrasing perhaps Winston Churchill, it is not a very good process but it is the only one that works.

I guess the Minister of Finance indicated that he did not like the *nom de plume*, right-wing rural representative. Perhaps I am being naive here, but I do not expect a Budget which is unduly severe. I do not think that the right-wing instincts in the Tory caucus—and I would not deny that they are there—are going to surface on this particular occasion. I say that because I think that the Government is somewhat pragmatic and recognizes the reality of the circumstances they are in. They are a minority Government. I think that it is reasonable to assume that their natural instincts are going to be contained by circumstance. We are certainly hoping that will be the case. Manitobans did not give the Conservative Government a majority because they were concerned about the real agenda of some Members or perhaps most of the Members on that side.

One of the difficult tasks facing the Minister of Finance is going to be the preparation of a Budget, the presentation of a Budget which is understandable, honest and straightforward. I said in passing to the Minister of Finance in the hall and, in fact, I also said it across the floor of the Chamber that the Minister was busy cooking the books. He took some umbrage at those comments. I said it not facetiously. The fact is that the process of changing Governments, the changing of the guard, if you will, allows for certain changes in practice, in reporting.

I want the public to know, and this is my occasion to put these comments on the record, that what we are going to see in the Budget introduced by the Member is a change in practice from previous years in all likelihood. We are going to see some additional debt charged to the previous year, leaving more flexibility for the Minister of Finance (Mr. Manness) in the current year. We are going to see a number of—I was going to say questionable, but I do not want to impugn the motives of the Minister of Finance. There are going to be changes that are going to and are intended to reflect negatively on the financial circumstances of the province. The Minister of Finance will certainly, in the first 50 percent of his speech, be spending time denouncing the previous Government, denouncing the financial circumstances of the province at this time and trying to prepare people for his new agenda.

I think that it would be useful to put on the record the financial circumstances of the province. We have all noted, or some of us have noted, that the fourth quarter report has not been tabled in this Legislature, and there is a very good reason for that. I will leave it for each individual Member to speculate as to why the fourth quarter results have not been tabled, because I believe there are going to be substantial changes to that fourth quarter report from the Estimates that were

provided by the then-Premier, the Honourable Howard Pawley, and the Minister of Finance, Mr. Kostyra, whom I think also had a reputation for integrity and honesty, and there are going to be substantial changes.

But I want to put on the record for the new Members of this Chamber that, despite the diatribe that we heard yesterday from the Member for Pembina (Mr. Orchard) who talked about the tremendous debt the province has accumulated as a result of the NDP administration, he neglected to suggest to Members or to tell Members that, if you want to compare on a provincial basis, actually the net per capita debt in the province reduced in comparison to other provinces. In provinces like Saskatchewan where we have a good, and I use that term loosely, Conservative administration, the deficit has outpaced Manitoba's deficit. Their efforts at reduction, I do not think, have been as successful as the previous administration's.

So what is the record? As of May 6 when the then-First Minister made his final report to the people of Manitoba, he said that the provincial deficit for the year 1987-88 was not going to be the \$415 million which we had projected in our first Estimates and in the 1987-88 Budget, projected. It was actually going to be reduced to some \$229 million or \$228 million.

* (1610)

Mr. Chairman, that reduction is significant. I think the Minister of Finance took some time to outline the reasons for that tremendous reduction during the course of that fiscal year. I think the Minister at that time also pointed out that the operating budget of the province would reach a surplus situation in 1987-88, and they were estimating a surplus of some \$21.6 million.

Since that time, the financial circumstances of Manitoba and the world have changed. The financial circumstances vis-à-vis the federal Government have changed. I think it is important that we get on the record, and perhaps ask the Minister of Finance (Mr. Manness) to put on the record, how those changes are going to affect the Budget that he is going to introduce on August 8.

It was the opinion of the Department of Finance, the same people who are advising the current Minister of Finance (Mr. Manness), that in the year 1988-89 the new Budget that the now-Minister of Finance will be introducing, it was estimated that the deficit, the net budgetary requirement of the Province of Manitoba would be in the neighbourhood of \$260 million, and that again, for the second year, we would have an operating surplus of approximately \$8 million. I remind people that the objectives were set out by the First Minister and the Minister of Finance of the Government of the Day to reduce the operating deficit by the year 1990-91.

In fact, because of the increases in revenues and other circumstances, we were actually able to achieve that earlier. The Minister of Finance is quite correct when he said that part of the reason that the New Democratic lost Government in the 1988 election was the perception that somehow the affairs of the province had been mismanaged.

I have indicated on many occasions and I am prepared to debate any Member of this Chamber in any forum that, in comparison to other provinces, we managed very well, not only in budgetary terms but in terms of economic policy. The facts support that contention. That statement will be corroborated by not things that I have said or the Minister of Finance or the previous Minister of Finance, but by published reports that come to us from the Conference Board of Canada, by Royal Bank reports, Bank of Montreal reports, Dominion Securities and many others.

Our efforts at reducing the deficit from a high in the 1986-87 year -(Interjection)- The Member for Arthur (Mr. Downey) unfortunately has let his tongue go, which I guess allows us to understate his ignorance on the matter of the financial circumstances of the province.

The deficit in the fiscal year 1986-87 was some \$589 million. It was reduced to \$415 million in the 1987-88 year, and there was a further reduction in the 1988 Budget which would have meant a 37 percent reduction in the deficit in the Province of Manitoba. When you compare that to what we were led to believe were very aggressive efforts on the part of the federal Government to reduce the deficit, their miniscule reduction of approximately 5.4 percent in the same time period illustrates that what we were trying to do we were achieving. The fact that we achieved an operating surplus in 1987-88 and were projecting an operating surplus in 1988-89 also indicates that we were on the correct path. Just so the record is clear, I felt it important to put those points on the official record of this Legislature.

I would also now like to ask the Minister of Finance (Mr. Manness) a number of questions relating to the current financial circumstances of the Government. My first specific question is that, given the strengthening of the Canadian dollar in the last six to eight months, can the Minister indicate how much that improvement is going to save the province in terms of debt costs? Are we talking about \$50 million or \$30 million? Could the Minister give us an estimate of the saving to the province as a result of the improvement in the strength of the Canadian dollar?

Mr. Manness: Before I answer the question, and I will say it right from the beginning, I am not going to give a definitive answer to that question. That will be presented in living colour, so to speak, on Monday next.

Let me say, I thank the Member for his kind words. A lot of the matter that he leaves on the record with respect to where this new Government finds itself, in a fiscal sense, has a large element of truth associated with it. There is no doubt that there were some windfalls that were coming down—and I say windfalls in a revenue sense—that were flowing into the province primarily in the area of equalization and in tax revenue, particularly on the personal side, that the former Government had not estimated for in the Budget of '87-88 which was passed, and of course in the defeated Budget of '88-89. So there is an element of truth to that.

Let me say, with respect to his insinuation, that maybe we are going to try and cast the former administration

in a bad light to make our position look better. That is not true. I can say quite openly and honestly that we are accepting and receiving and building into the new policies, the new accounting policies, the recommendations complete of the outside Auditors. They are not being in any way picked—and choose. I must say that within a number of areas adjustments are made that favour the former administration to the detriment, I might say, of the budgeting exercise that we are going through right now. That will be apparent.

I honestly believe, next week sometime, the Minister is going to rise in his place and is going to say for the record that the new accounting policies that are being considered are fair, they have not cast great provisions for expenditures back into another year to unfairly represent the fiscal activities of the Government previous. So I would expect that he will stand in his place and make that acknowledgment.

Specific to the question, Mr. Chairman, certainly the dollar strengthening has helped and does help the statutory public debt figure. That figure will be presented again, will be provided to the people of Manitoba on Monday next.

Mr. Storie: Respecting the confidentiality of the Budget information, I did not expect the Minister to give me precise information. I was hoping that he would perhaps be able to offer us a ballpark figure on what savings there might be as a result, not of any particular action on the part of the new Government or previous Government, but because of the dollar strengthening.

* (1620)

I had a couple of other questions which arose as a result of comments made by the Minister in his response. One of them was who is providing the audit advice? Is it the Provincial Auditor or are contract auditors providing additional advice on the establishment of protocol for presenting the Budget, No. 1; and No. 2, will the changes in categorization, for example, of capital versus operating, be noted somewhere in the Budget document?

Mr. Manness: First of all, with respect to the Budget protocol, I must say that because the Budget is a political document, it is solely the responsibility of the Government. That does not need any greater explanation. It is the highest ranking political document that the Government can lay before the people. We take full responsibility of it. There are not outside forces that are saying that we should do it this way or that way or any way. I mean we will take full responsibility for it. If we do not present the fiscal standing of the province in a proper way, of course, not only will the Opposition Members draw attention to that, but similarly will the Provincial Auditors, servant of all of us and the peoples' representative in this matter. That is the fine line we walk.

I say to the Member opposite that what we will be presenting on Monday will be a method of presenting financial figures to the people of Manitoba. That for the most part, in which we will take full responsibility for, are those that have been recommended to us by

outside auditors, but—and I stress this—which the Provincial Auditor is most cognizant of throughout a lot of the Steering Committee, through a lot of the areas that were delved into, we included the Provincial Auditor for one reason only. Because as a Provincial Auditor, that on so many year-end reviews, his own personal reviews, drew to the attention of Members opposite is that he wanted to see some action within. We even included him specifically in those areas where he had concern. So I am delightful with the method that we have used, and again I say to the Member opposite he will find it acceptable.

Mr. Storie: I would really like to determine whether in fact I am delighted until August 8. My question - (Interjection)- I am glad to hear the assurances from all Members opposite that I will be delighted. I nonetheless reserve the right to be delighted on my own time.

I want to indicate for the record that the Minister did confirm that the advice they are getting with respect to presentation of the Budget did come from outside sources. I am assuming that I can also infer from that the outside advice is on a contract basis.

A further question to the Minister of Finance (Mr. Manness): Can the Minister advise what the percentage increase in revenue was for the year—I should clarify that. Could the Minister indicate what percentage increase above original projections was experienced for the 1987-88 year, and could the Minister give us some indication of what percentage increase he is anticipating for the coming year?

Mr. Manness: Let me say for the coming year, that is the essence—

Mr. Storie: Own source, own source.

Mr. Manness: —those are all matters that are of the essence of the Budget that in fairness have to be provided to all Members of this House on the same occasion, the same hour on Monday.

I will though scoop one part of the '87-88 report and tell him that Government expenditures, the former Government's expenditures in '87-88, were some 3 percent greater than the budgeted amount that we had given acceptance ratification in this House a year-and-some months ago.

Mr. Storie: The Minister may wish he had not scooped himself. Of course that begs the question of what additional expenditures were added, perhaps—well, the Minister is smiling. I know that we will have some of that detailed. Perhaps he does not want to get into what additional expenditures were added after the change of Government or as a result of it. However, I will leave that question as a rhetorical one for the time being and ask the Minister whether he can indicate what the increase in equalization payments is expected for the '87-88 year from the federal Government. What increase in equalization alone is expected from the federal Government?

Mr. Manness: Mr. Chairman, that is almost nearly a matter of record. It seems to me equalization was

roughly in the area of \$150 million. It was a significant increase and the Member and his Government knew that in leaving office. It was a significant windfall. Indeed, it was the only reason, that plus some 105 or some large number within the income tax area that provided the former Premier upon leaving office to make the statement that they felt that the deficit at the year end would be \$229 million.

Mr. Storie: Perhaps the Minister will confirm that in the 1987-88 year our own source revenues increased somewhere in the neighbourhood of 6.8 percent. I presume we can make some projections about the likelihood of that continuing into the 1988 year.

A final question—the Minister may choose not to answer this and keep us in suspense until Budget night as well—but could the Minister put on record the amount of revenue that it is anticipated the province will gain from the additional 1 percent of the net income tax which was imposed in the 1987 Budget?

Mr. Manness: Mr. Chairman, the Member is right, I will be happy to provide that number in greater detail next week. Let me say for the edification of all Members that everywhere we go there is an outcry with respect to that tax. So there is no doubt it is going to represent some additional source of income, but it also represents a major concern to Manitobans across the width and the breadth of this province.

Mr. Storie: A final question to the Minister of Finance (Mr. Manness). The Bill references 70 percent of the expected expenditures of the province. Could the Minister indicate how that number was arrived at? Obviously because of the unusual circumstances of the Session in July, requires some change to the norm. How was that figure arrived at?

Mr. Manness: I can do it one of two ways. Usually I have that detail and I would present it on second reading. Suffice to say that we have taken 70 percent of the '87-88 budgeted amount. So when I say 70 percent of a certain figure, Interim Supply does not deal on the basis of 70 percent of the Budget now because of course it has no power. It is 70 percent of the year previous.

Mr. Jay Cowan (Churchill): My question is to the Minister of Highways and Transportation (Mr. Albert Driedger).

I would briefly like the Minister to take this opportunity to update all Members of this House who I know share a common interest in the developments, or the lack of developments as the case may be, at the Port of Churchill this year. I would like him to indicate if any news has been forthcoming from either his conversations with his federal colleagues or the much-touted conversation of the First Minister with the Prime Minister of over a week ago.

* (1630)

Hon. Albert Driedger (Minister of Highways and Transportation): I thank the Member for the question.

I have to indicate that I am experiencing some very frustrating times at the present time regarding the Port of Churchill. Unfortunately, I cannot make a definitive commitment in terms of the amount of grain that will be moving through there or if any is moving through this coming shipping season at this time.

I would like to indicate, though, that a lot of effort has gone in almost since the time that I first got appointed as the Minister of Highways & Transportation in terms of what was going to be happening in the Port of Churchill this year. Maybe I should just give some background to what has happened. I had answered some of that in question period already.

One of the first moves that I made I had indicated earlier was to fly down to the Port of Churchill to visit with the people. They at that time already were expressing some concern about whether there was going to be any grain movement or not, because normally when you get grain moving through the Port of Churchill the activity starts well in advance. The shipping season is relatively short as we well know and so there was some anxiety at that time already. Subsequent to that, rumours started flying around that there would be no grain movement through the Port of Churchill at all.

Subsequent to that, we immediately tried to arrange a meeting with the federal Minister of Transport, the Honourable Benoit Bouchard, as well as the Minister Responsible for the Wheat Board, Charlie Mayer. The meeting took place, as I indicated earlier as well, on Wednesday, just before the opening of the House. I felt I had a good audience and I thought I had raised all the pertinent information that was required, not that they did not know it. Certainly the Member for Dauphin (Mr. Plohman) knows some of the problems that are involved in trying to get a fair shake for the Port of Churchill.

Coming back from my trip there I had hoped that maybe something would start being motivated. Subsequent to that, our Premier got involved and had conversations with both the Minister responsible for the Wheat Board, Charlie Mayer, as well as with the Prime Minister. That dialogue is still continuing at this present time and, hopefully, even though time is ticking away, we still can come up with some kind of a commitment at this stage of the game to indicate that grain will be moving through the Port of Churchill.

Mr. Cowan: I just have to put something on the record that I heard the Member for Arthur (Mr. Downey) say from his seat and that is that the flow of grain to the Port of Churchill starts on the farm. If there is no grain on the farm then there is no shipping through the Port of Churchill.

That leads me to ask the Minister of Highways and Transportation (Mr. Albert Driedger) if he can confirm that there is in fact quite a bit of grain being moved from the normal Churchill catchment area and that grain is not being shipped through the Port of Churchill, but it is being moved either to West Coast ports or to the Port of Thunder Bay.

Mr. Albert Driedger: I do not have the specific numbers in terms of what is happening in the catchment area

for the Churchill shipping route, exactly how much grain would possibly be there or how much is moving. I know there is grain movement taking place and it is not going through the Port of Churchill. It is going through the Lakehead, and I am very concerned about that.

I had the occasion to talk with the chairman of the Wheat Board today and indicated my concern to him. The only commitment, if you could call it that, that I could get was that they are still trying to get contracts and buyers to move through the Port of Churchill.

Indications are that the barley stock in the farms is relatively low at this stage of the game; however, it has only been the last two or three years where it was predominantly barley that was shipped through the Port of Churchill. Prior to that I think wheat was being shipped and I can only indicate that we are putting on all the pressure that we can in terms of trying to get some commitment made.

I did not feel that terribly encouraged after speaking with the chairman of the Wheat Board. I certainly did not get a commitment and I am still hoping that somewhere along the line the powers to be are going to have an influence and maybe encourage or put stronger pressure on the Wheat Board to try and get movement of grain through the Port of Churchill.

Mr. Cowan: When discussing this matter with my constituents in Churchill and trying to address their concerns, I always tell them that it is a fight every year to ensure that we have a successful shipping season out of the Port of Churchill. Every year since I have been involved, and I am certain that those who were involved before me can confirm that for many years previous to that it has been a struggle, a fight to ensure that the Port of Churchill received shipments at all, and in fact we never did reach our goal that we thought was a fair goal of 3 percent of the export shipments moving through the port of Churchill on an annual basis, but we came closer and closer year by year—not to say that there were not some years that we slipped back. I think the general trend in the last couple of years was moving closer towards that goal.

Every year it is a fight, but in this year it is a particularly hard fight. It is a particularly hard fight because I believe there are some excuses out there that are being propagated by those who would wish not to see the Port of Churchill utilized fully or to the extent possible. One is that there is no grain flowing. We heard the Member for Arthur (Mr. Downey) reference that.

I get quite concerned every time I stand up in this House to speak on the Port of Churchill and I hear the excuses that I hear so often from the Wheat Board and from the enemies of Churchill being mouthed by the Member for Arthur. The fact is that there is grain in the catchment area. The fact is that grain is now being shipped, that the trains are moving through the catchment area, stopping in the catchment area, picking up grain and by-passing Churchill. The fact is that grain could go to Churchill. The fact is—and the Member for Dauphin (Mr. Plohman) will deal with the supply of barley—that barley is not the problem that some say it to be. Or it could be said that barley is not the problem that some would have us believe.

But even if barley were a problem, the fact is that up until the last couple of years, as the Minister of Highways and Transportation (Mr. Albert Driedger) referenced, barley has not been the main commodity being shipped through the Port, but it was wheat, and it can be wheat again.

It is a choice of those who utilize the Port as to what will be shipped through it, and if there is not enough barley, if that excuse were to hold true, then let us ship wheat through the Port of Churchill. Let us ship whatever we can through the Port of Churchill because the situation this year, unlike those other years where it was just a hard fight, a hard struggle, the situation this year is a crisis, and it is a crisis of proportions that we have not seen—I can note by experience for at least the last dozen years, and I would expect others to confirm that we have not seen that for the last number of generations.

Never before have we been in a position where it was possible that the Port of Churchill would not experience any grain shipments whatsoever. So it is a crisis of serious and unprecedented proportions. But the excuses that there is no grain don't hold true. As well, and I have referenced this before when the Member for Arthur (Mr. Downey) said that the grain shipments are down because of the drought, as well, the Port of Churchill normally works off of last year's shipments.

Last year was a record year for export, if I understand the statistics correctly. I look to the Minister of Agriculture (Mr. Findlay). I think he can confirm that with a nod of the head that last year was a record year. If last year was a record year, and Churchill works off of last year, Churchill is not working off of a drought year. It will be working off of a drought year next year and I will come to that point a bit later, but Churchill is working off of a record year, and there should be grain available to be shipped.—(Interjection)— Churchill is different in terms of—yes, it is, but the excuse that there is no grain just does not hold true. The grain could be shipped through the Port of Churchill. As a matter of fact, it was interesting, just driving in this morning I heard a commentary about the Leader of the Government in Ontario, the Premier there was saying he was concerned about grain not being shipped through Thunder Bay to the extent that it had been in the past.

Well, I can empathize with him, but at least grain is being shipped through the Port of Thunder Bay and no grain is being shipped through the Port of Churchill. If we wait too much longer—and if you ask me, we have waited a week too long already. We could have had the matter dealt with by way of an emergency resolution previously. But if we wait too much longer, then we are not going to have a shipping season no matter how much we attempt to get commitments, no matter how much we plead, no matter how much we get down on our knees and beg—and if that were necessary, I believe every Member in this Legislature would do that to get grain through the Port of Churchill.

* (1640)

No matter how much we cajole, there is not going to be the opportunity to move grain through the Port

of Churchill. If we do not move grain through the Port of Churchill this year, I can tell you we will have a much more difficult time, if not an impossible time. But I do not want to say that. It gives solace to anyone who thinks that by not moving grain through the Port of Churchill this year, we will not have a season next year, but it would be much more difficult, if not impossible, to get grain moving through the port next year.

That is why we ask for an all-party delegation to go to Churchill. In the past, the Government has been able to, along with other individuals because of the circumstances, go and put the pressure on the federal Government and its agencies, on its own.

It is not like me to be non-political, but I am going to be as non-political as I can in this next statement.

I do not intend this as a reflection on the Government at this time, that they have not been able to convince the federal Government and its agencies to ship grain through the Port of Churchill. I will be much more harsh in my criticism if we are standing up here two weeks from now and talking about the same thing. I think now is the time for a partisan, non-political approach to the Port of Churchill, and I want to do everything in my power to ensure that this Legislature operates in that way.

So my question to the Minister of Highways and Transportation (Mr. Albert Driedger): Given that he has tried his hardest, and I respect his efforts, given that his Premier has said that he has tried, given that he stands here today and cannot give us any commitments, is he prepared now to commit to sending an all-Party delegation to Ottawa to lobby the federal Government and to lobby its agencies on behalf of the Port of Churchill and include in that all-Party delegation, not only Members of each of the Parties of this House, but members of the general public and organizations who have always spoken out strongly on behalf of Churchill in the past?

There is the Hudson Bay Route Association, there is the Churchill Chamber of Commerce, there is the railway unions, there is the port unions, there is the Chamber of Commerce in Gillam. As a matter of fact, I think he would find every Chamber of Commerce in the province supporting the Port of Churchill because it has value to all of us; there are the municipalities and their representatives.

Churchill has a lot of friends. Churchill needs every friend it can have right now. I think if we were able to lead that delegation forward, and we could put aside our partisanship just for the purpose of that delegation, because we are partisan beings, being in this Chamber in the way in which we are, but if we could put aside that partisanship just for the purposes of that delegation, I think we could have a very powerful effect on Ottawa. I think we could have a very powerful effect on those who would take some glee out of the fact that Churchill is not getting its fair share this year—it does not appear to be getting its fair share.

We can show them that when required, when necessary, Manitobans stand together shoulder to shoulder in support of the Port of Churchill because

we recognize the value that it plays in our economy and we recognize the value that it plays in the country as a whole.

Is the Minister prepared to commit now to leading that all-Party delegation? If it means that those of us who attend, and I know there would be many who would want to attend from all the Parties in this Chamber, have to take money out of our own pocket to attend, we are prepared to do that. If it is a matter of money, we will do that. If we have to help subsidize some of the others who do not have the money to attend, we are prepared to do that as well, as I know every Member here would be prepared to chip in.

Let us put aside the partisanship. Let us put aside the excuses. Let us go ahead and commit now to a delegation that will go immediately to Ottawa to lobby on behalf of Churchill, and speak in a strong united voice that perhaps has never been heard in such fashion in this Legislature before, but a strong united voice that is so dearly needed and required when one of our communities and one of our most valuable assets is facing the crisis it is today.

Hon. James Downey (Minister of Northern Affairs):

I am not going to take a long time. I know that the Member for Churchill (Mr. Cowan) asked directly a question of the Minister of Highways and Transportation (Mr. Albert Driedger). But I do want to make it very clear because he made some reference to me about arguments or comments that I was making. I do not think that the public of Manitoba, and particularly the North or rural Manitoba that depend on Churchill to some extent, No. 1, as an insurance factor and, No. 2, as a part of the whole Manitoba agricultural community. It is considered, as I have said many times, as important to the community of Churchill and the elevator that unloads the grain onto the boats is equally as important as an elevator in a small community. That is really what a lot of the community is built around.

The comment I make about grain I think, and it has been talked about here in this Legislature, that farm people, when the price is going up and if you have got a drought in the field, even though you are working off last year's stocks that may have been identified, there is some reluctance to market those to the elevator system. For the Member for Churchill (Mr. Cowan), they may be there but -(Interjection)- he says, use wheat. There is still a reluctance to move wheat if you have not got it in your bin. Farmers, thank God, have been traditionally conservative people. They want to make sure that they have got some backup. They have gone through tough times, and they do like to have some reserves because you need those reserves for next year's seeding. You need those reserves to feed yourself.

I think that is the thing the Member for Churchill has to appreciate. We are not talking in a major partisan thing but I would appreciate if he tried to stop from saying that I, as a Member, am picking up the arguments of those people who are against Churchill. My record is very clear.- (Interjection)- No, he again stepped into it. He has always got that habit of putting his foot in his mouth, and he has done it again.

Remember, in 1979, '77 to '81, about '77—and he would appreciate this, being a strong labour person

that he is—in 1977, the workers of the Port of Churchill decided to go on strike. What did we hear the Member for Churchill say at that particular time? Not a word. Not one word, as far as the farm community sitting out there wanting to market the grain. We did not hear one word from the Member for Churchill, and I want to make the record very clear.

I was the Minister of Agriculture who was extremely concerned about those farmers and the marketing of grain through Churchill. My colleague—and I give my colleague from Lakeside (Mr. Enns) a lot of credit for some of the help that he gave me in the initial stages to tell me some of the things that he could see. We had a brief meeting on the Port of Churchill, he as the Minister of Transportation and Highways. We met and, out of that meeting with that colleague of mine, I came forward and offered to the farm community, offered to the people of Manitoba the opportunity to send farmers to load grain at the Port of Churchill on their own behalf.

I tell you, there was tremendous reception from the farm community to load their own grain when the unions were striking to stop the loading of farmers' grain. I did not hear the Member for Churchill (Mr. Cowan) standing up in defence of the Port of Churchill or supporting me. Do you know what one of the former Members of the New Democratic Party said at that particular time? I still laugh at it. He said: "Farmers would not know how to load grain." -(Interjection)- No, I did not say that. A Member of your Party said that. A Member of your Party said that a farmer would not know how to load grain.

I want the record clear on my commitment, the Progressive Conservative Party's commitment to the use of Churchill. When it came to a labour matter and his friends, he would not get involved. He would not get involved to support the movement of farmers to move their grain through the Port of Churchill because it did not fit his philosophical approach.

I am not against him for saying this, and it is an admirable position to put forward the argument he is on Churchill. We are not arguing against it. I can tell you, if some of the problems had not been developed by the former Minister of Transportation, the Member for Dauphin (Mr. Plohan), we may have still had the support from Saskatchewan and Alberta when it came to the Port of Churchill Development Board and the funding. I do not know what soured the atmosphere but something did. Something soured the atmosphere. I am not criticizing him. All I am saying is: Why did they stop funding? What did he do to offend our colleagues in western Canada that supported it?

So I will conclude my comments with that, but I wanted the record clear for the Member for Churchill (Mr. Cowan). I am absolutely and fully supportive of it, offered to send farmers, pay their way, do everything we could during the strike. Now I am as prepared because I am still as much a believer in the farm community and I am still as much a believer in Churchill, that I am going to continue to put the same strong support forward as I have done in the past. Thank you, Mr. Chairman.

* (1650)

Mr. Albert Driedger: My colleague, the Minister of Native and Northern Affairs (Mr. Downey), wanted to make some comments and he did. I think the record shows over the period of time, regardless which Government it was, that this was a non-political issue. I think everybody—(Interjection)—well at least in this House, it is not a political issue.

But I will tell you something, I want to just correct the record a little bit. The Member for Churchill (Mr. Cowan) indicated that, in the last years, they had been getting closer to the objective of what should be a fair shipment. I have the figures here where, in 1977, 807,000 tonnes were shipped out of the Port of Churchill. In 1984 and '85, we were down to 437,000 and 359,000. So actually the problem that we have had, we have never had a definite full long-term commitment by the Wheat Board or federal Government in terms of shipping grain through the Port of Churchill.

When you consider the fact that less than 2 percent of the total exports, if it goes through Churchill, would give us about 550,000 tonnes to 600,000 tonnes which then makes it a viable operation. But it is less than 2 percent right now, the total shipment.

That basically amounts to one long weekend of shipping through the Thunder Bay process. Like one long weekend of shipping through Thunder Bay would be the equivalent of what is required to put through Churchill to keep it viable.

I want to put it into the right perspective. There have been problems and, I will tell you something, I am sure that all Members of the House would want to look very closely in terms of trying to get a more stable, long-term commitment from the federal Government in terms of getting the Port of Churchill, which the economics of it are very important to all Manitobans and I think it is very important.

I believe to some degree that the federal Government, when I look at the record of what has happened and I have all the initiatives that have taken place—and many of them, I have to say, were initiated by the Member for Dauphin (Mr. Plohman) who has always been a strong supporter of Churchill and working hard for it. He has done some commendable things on it. Maybe to some degree sometimes, the question was raised by the Minister for Northern Affairs (Mr. Downey) in terms of why the funding stopped from Saskatchewan. Maybe it is not a fair question.

I would just like to indicate that I think the commitment is there when you consider the millions of dollars that have been put in by the federal Government into the Port of Churchill, even now, to get it up to that stage. In fact, when I raised it with the federal Minister of Transport, I just got a telegram today from the federal Minister. It did not say the things that I wanted it to say, but what he indicated—and I would like to read the telegram that the federal Minister, Benoit Bouchard, sent me today.

"I am pleased to inform you that I authorized funding for Ports Canada to proceed with phase one of the Dust Control Project at the Port of Churchill to a maximum of \$750,000 in 1988-89, and \$2.544 million in 1989-90."

Now I have to also indicate that this is part of a subagreement that was worked out before, and what he is doing is reinstating the fact that they are prepared to honour that commitment, which means that they are not deserting necessarily the Port of Churchill. Because, if I felt that they were deserting the Port of Churchill, then I would get much more vehement about it.

He also indicates: "In addition, I have also authorized funding for Ports Canada to proceed with the heat plant conversion at the elevator to a maximum of \$567,000 in 1988-89."

So, with those kind of commitments that have been made, that are authorized to be made now and have been made in the past, I do not think that the intent of the federal Government is to desert the Port of Churchill.

But the Member for Churchill (Mr. Cowan) has indicated the many opponents and supposedly enemies of the Port of Churchill and there is a long, long list and a very, very strong lobby that they can come forward with and that has been part of the problem. I think that we have to develop our own lobby in a strong way and get, as I indicated before, that long-term commitment for Churchill so that we can do proper planning. I hope it is not taken the wrong way, but I would think that if either Ontario or Quebec had a port of this nature that we probably would have a booming business through there. I feel that we are not being treated fairly in terms of the many enemies of the Port of Churchill that we are dealing with.

I just want to indicate that I believe the federal Government at this stage of the game, based on the commitment they have outlined, that the federal Ministers outlined, are not talking of shutting it down. I think the cost of the upstart, to get it ready for shipping season, is close to \$2 million, just getting it going up to the point where it is ready to roll. All we need is a grain movement through there and I do not know what can be done to force—well, I do not think they can force—but how we can encourage the Wheat Board to try and motivate their sales, when they talking of export sales, and how we can get them to take and promote the Port of Churchill in terms of their sales.

The question was raised in terms of a delegation going to Ottawa. I personally have reservations whether that would be the right thing to do and I will indicate why. I do not know what a group, whether it is 10 or 12, who will take off from this place and fly to Ottawa and try and arrange a meeting with the various—I suppose we would want to meet with the Minister of Transport—Highways and Transport; we would want to meet with Charlie Mayer, the Minister responsible for the Wheat Board. We would probably want to try and meet with the Prime Minister.

Ladies and gentlemen, Members, we have already done these things and we have tried and normally, when you have Parties of the same colour as we are federally and provincially at this stage of the game, we have put forth every effort that we can at this stage of the game and I cannot see the percentage of people going to all kinds of cost and trouble flying to Ottawa.

I would much rather suggest that we strike a committee here in this House and then let us have

these people—let us arrange a meeting—meet here in Winnipeg. Why are we going to go to Ottawa? We have the Chairman of the Wheat Board right in Winnipeg. The Vice-Chairman of the CNR is right in Winnipeg. We can arrange the meeting here; we do not have to go to all kinds of expense and fly down to Ottawa with a group. I am suggesting that let us work in conjunction with each other. We are putting on everything we can. I feel it would be an effort in futility to try and fly down to Ottawa with an all-Party committee going out there. I think it would be a waste of time. I think there is a better way that we can handle that.

The Member for Churchill (Mr. Cowan) has indicated that within two weeks we have to have a commitment. I hope that we have a commitment sooner than that, and I am just saying by debating it now, we are highlighting the fact and the concern that we have. I do not think that we can put on any more pressure at the present time by going down to Ottawa than we are doing at the present time. I would just like to indicate that every effort is being made. A lot of effort is being made on behalf of the Premier (Mr. Filmon), myself, and my Cabinet colleagues in terms of trying to impress on the federal Government, on the Wheat Board, on CNR, on the grain companies and everybody the importance of getting grain moving through the Port of Churchill.

I have the same concern that if we do not get grain through there it is going to be harder to take and get it started again. In spite of the commitment of the millions of dollars that are going to be spent by the federal Government, I think that we, once and for all, have to get a sort of commitment, as best we can, even if it is a percentage of the total exports that we are going to be shipping so that we can have a commitment over a period of time and that we know where we stand.

Mr. Cowan: I am going to be very brief because the Member for Dauphin (Mr. Plohma) wants to make a few comments on the agreement and what is being done this year.

I just want to say a couple of things in response to the Minister. He said that Churchill has a long, long list of enemies. That is what we have been saying all along. He said that they are a very powerful lobby group and, indeed, they are a very powerful lobby group. And why are they a powerful lobby group? Because they are a long, long list of some very important and influential groups. What we are suggesting—and he agreed with our strategy and then disagreed with the tactic. He said what we need to do is develop our own lobby.

What our resolution called for and what we are going to be talking about, hopefully later today, is our own lobby and a long, long list of influential people, people who represent every political Party of significance in this province, at least numerical significance in this House; a lobby of individuals who represent hundreds of thousands of Manitobans outside of this House through different organizations such as the municipality organizations, such as the Chambers of Commerce,

such as the unions, such as the residents of the community of Churchill and the community of Gillam and along the bayline.

We have an opportunity today to put together that lobby to counter that very powerful lobby which the Minister indicates exists. If we lose that opportunity, I am fearful we are going to lose the Port of Churchill in the meantime.

What do we have to lose by going to Ottawa to lobby? We have nothing to lose because the lobby efforts to date have been unsuccessful. So please let us put aside the partisanship. Let us work together. Let us build the best resolution of this problem that we can, and let us go to Ottawa on behalf of Churchill to ensure that they hear very strongly what all Manitobans have to say on this very important issue.

* (1700)

Mr. John Plohma (Dauphin): Mr. Chairman, I do not want to take long—we only have a couple of minutes—but I would like to just comment on the statement made by the Minister of Highways and Transportation (Mr. Albert Driedger) that he has been notified that the dust control equipment work was going to be going ahead.

I want to remind the Minister that he should not take too great solace in that fact, that this indicates some kind of great commitment by the federal Government. He should be reminded that this is the fifth year of a five-year agreement which called specifically for those investments to be made. If they did not honour that agreement, they are violating a provincial federal agreement which they are legally bound to do, to honour.

I do not look at that as a new breath of fresh air, and I think we should not overplay that. I just ask the Minister to consider that is not a new development. It is gratifying to hear that they are going to spend the money, but let us clearly remember that they have a commitment by agreement which they have to honour and that goes until April of 1989. That is one of the reasons why, of course, we are so very concerned that they are violating the spirit of that agreement with no shipping season this year up to this point.

One question, I would ask the Minister if he could check with his staff to confirm that the Wheat Board's own statistics, and they may have access to this, show that there is a greater amount of barley in the granaries out there now than there is in a normal year precisely because the price of barley was so low last year, \$1 a bushel, that farmers did not want to give it away. A report that I have seen indicates that is the case. If that is the case, clearly there are no grounds for the arguments to be made that there is not sufficient grain to go to Churchill from the Churchill catchment area.

I think the other point is, as made by the Member for Churchill (Mr. Cowan), that clearly other grain can be shipped through the port if, in fact, it was accurate. I understand it is not the fact and I would ask the Minister, if he cannot give us the answer today, to provide us with that information.

Mr. Albert Driedger: Mr. Chairman, I do not have the figures as to the amount of grain that is available. I

get conflicting information where some indicate that there is a very small percentage of barley left in the bins in the catchment area and others indicate, as the Member for Dauphin (Mr. Plohman) has, that there is a great amount of grain left there. I will try and establish some of these, and see whether we can have some figures that will indicate exactly what kind of grain is there.

The other thing I just want to mention before I sit down is the fact that there have to be sales made. There is no sense moving grain to Churchill if we do not have any sales, and that is where the Wheat Board has a responsibility in terms of selling and promoting the use of Churchill. That is what is not happening because there is grain movement going now—I agree—out of that area through the Lakehead thing and that is where the problem stems from. We have to have sales so that the people will pick up the grain in Churchill, and that is what we have been trying to encourage them to do.

Mr. Chairman: It is time for Private Members' Hour. Call in the Speaker.

IN SESSION

The Chairman reported upon the Committee's deliberations to Mr. Speaker and requested leave to sit again.

Mr. Mark Minenko (Seven Oaks): I move, seconded by the Honourable Member for Minnedosa (Mr. Gilleshammer), that the report of the committee be received.

MOTION presented and carried.

PRIVATE MEMBERS' BUSINESS

Mr. Speaker: The hour being five o'clock, Private Members' Business, second reading on Bill No. 2, the Honourable Member for Elmwood (Mr. Maloway).

SECOND READING

BILL NO. 2 - THE BUSINESS NAMES REGISTRATION AMENDMENT ACT

Mr. Jim Maloway (Elmwood) presented Bill No. 2, The Business Names Registration Amendment Act; Loi modifiant la Loi sur l'enregistrement des noms commerciaux, for second reading.

MOTION presented.

Mr. Maloway: Mr. Speaker, I wanted to take a few minutes just to explain once again to Members of the House as to why I feel this Bill is necessary and its cousin, Bill No. 3, which will come up later. The Bill comes about because of Brick Fine Furniture, a Winnipeg company of long standing. Mr. Brick and his wife are obviously victims of a system. We feel that the system needs some improvement, and I feel it is our duty to do whatever we can to assist in this regard.

Mr. Brick has been a small businessperson for 19 years, starting back in 1969. As I had indicated, on his birthday, September 11, 1987 when he was 52 years old, he received a letter from Brick Warehouse of Calgary ordering him to quit using his name. Brick Warehouse of Calgary started a federal action in Alberta. Mr. Brick was forced to defend the action there, and he has spent something like \$65,000 to date. There is no end in sight to his problem.

Brick Warehouse of Alberta, on the other hand, have been using their name since 1976 and they are still, as most of you now know, not properly registered in the Province of Manitoba. They are of course, as you also know, violating a section of The Business Names Registration Act for some 81 days. In fact, they have now opened a second store in Brandon, in the constituency of the Attorney-General (Mr. McCrae), starting today.

They have also inundated the province with advertising. Everytime I turn on the t.v. there is a Brick Warehouse ad. I think their strategy seems to be that if they can operate for a certain period that they will gain some sort of local acceptance and that it will be much more difficult to dislodge them. In fact, they are using teams of lawyers, I believe up to seven lawyers at a time to prolong proceedings. In fact, no court date has been set in the federal courts right now because of this legal finagling that the Brick Warehouse is up to.

Today some Members were suggesting that we were discouraging business from operating in Manitoba. We made it very clear all the way through that we are not discouraging Brick Warehouse at all from operating. We welcome them in Manitoba. We welcome them to open as many stores as they want. But we wish that they would use another name. They, in fact, own and operate 30 stores in California. Those stores are called Furnishings 2000. How difficult would it be for them to simply operate in Manitoba, one-million-person market, using the name Furnishings 2000? Why are they insistent that from sea to sea in Canada, they have to be called Brick Warehouse? I am certainly going to make a few comments regarding developments in the last 24 hours in a few minutes.

I wanted to also read a couple of letters in support that people have sent to the Brick's. In fact, Sterling Real Estate Investment Services of Winnipeg wrote a letter, and I just want to read part of the letter to you. The letter is in respect to the current local controversy where an Alberta company, Brick Furniture Warehouse, is moving into Winnipeg and taking the name of a local company, Brick's Fine Furniture, which has had an excellent reputation for 18 years. This is written by a Mr. William Steele who is, I believe, the owner of Sterling Real Estate Investments. He is extremely upset because the same thing happened to him eight years ago. It was also an Alberta company. He claims, to add insult to injury, his company had to take their telephone calls for 18 months to two years.

Now these letters—how did the Brick family get these letters you might ask? Because when the federal Minister was approached about this, he told them that this is a one-in-a-million happening. This could not

happen to anyone else. The Chamber of Commerce got involved. The Chamber of Commerce sent out letters during the election. The letters asked for people to sign the petitions and, as a result of all of those letters, people like Mr. Steele from Sterling Real Estate Investment Services wrote back describing the problems that they were having or they had had in the past. This letter is certainly available here for anyone in the Chamber who would like a copy of it.

* (1710)

Another company that wrote a letter to the Brick was Imperial Roadways Ltd., who were faced with an action which was, I believe, settled last year, but for two or three years they had this hanging over their head, where Roadways of California tried to step in to Canada and tell them that they should not be using their name.

The president of the company, Marvin Krevesky, writes a letter in which he says, "Many months ago, Imperial Roadways was presented with a writ from the Ontario Court pertaining to our name and its use. Roadways Express Incorporated took exception claiming that our utilization of our name was an infringement of their name. The cost of defending our name was in the neighbourhood of \$80,000.00. What small business in Manitoba can afford to put out that kind of money defending basically frivolous action on the part of intruding companies, whether they be from the United States or whether they be from other parts of Canada?"

Another letter—and I am certainly not going to read all the letters I have got, I have got a half a dozen—but one of the more interesting ones is Advance TV. Advance TV you are all familiar. The letter that they wrote indicates that Advance Electronics is a Manitoba-based electronics firm, staff of 120 people, in operation in the Cities of Winnipeg, Regina and Saskatoon since 1953. Yet in February of 1985, Stereo Voice of Canada Limited, a Toronto-based electronics firm, filed in Ottawa for the registration of the name "Advance" as a federal trademark. After three years of legal haggling and several thousands of dollars in legal expenses, and he enclosed a copy of his latest bill, the issue remains unresolved. Needless to say, should Stereo Voice succeed, it would immediately proceed with plans to market electronic goods in our respective markets using the name "Advance."

Such a development would have a devastating effect on our ability to carry on, as it would force our company to compete against our own name." He goes on to say "that Brick's Fine Furniture, in business since '68, finds itself in a perilous situation and its future is in serious jeopardy, and that dozens of Manitoba firms are rallying around Mr. Brick's efforts to stave off the demise of his company.

So, once again, the federal Minister was proven wrong, there were many, many other examples. Since these Bills have been made public, I have had no fewer than three law firms, two from Toronto, I believe, and one from Ottawa and one or two local firms as well, contact me because they, too, have ongoing cases

involving situations like this. I would like to know are we to recommend, is the Minister to recommend to all the businesses in Manitoba that they protect themselves by incurring legal costs now and go out and get federal trademarks? Is that what we are going to turn this situation into?

Mr. Speaker, it is very clear to me that local trade is a provincial matter. It has been since the beginning of Confederation. I do not know where the Leader of the Opposition (Mrs. Carstairs) got her constitutional advice, but the legal counsel who drafted the Bill for me certainly did not draft it without knowing that local trade was a provincial matter. I think that as provincial politicians, and we are right, but even if there was a little grey, I think as provincial politicians we should take the side of provincial rights in these matters and certainly not abrogate the responsibility to regulate local trade. Since when are we going to say on a voluntary basis that local trade is now the purview of the federal Government. I do not think any of you, not one single MLA in here, would agree with that.

I am certain when the Leader of the Opposition will be speaking on this Bill and will certainly explain to us where this legal opinion comes from. I am not suggesting there could not be such an opinion; I am sure there may be. But our legal opinions say that we are certainly constitutionally correct in trying to tighten up, and that is all we are doing. We are not throwing out the Act as it exists right now; all we are doing is recommending changes in a couple of very important areas.

Just before I conclude, Mr. Speaker, on this particular Act, I did want to mention that, in the areas that we are looking at, we are looking at giving a judge under the Act to order cease and desist orders. Now there is nothing wrong with that. Under the current Act, the judge does not really have any real power. This particular clause, I think, will be supported widely because it will give the judge the power to issue cease and desist orders, and at least make the Act something worth respecting.

There is another part of the Act that I should mention to you that has not had much discussion and that is the retroactivity clause. I did some research and collected a copy of an Act passed by the Ontario Government, which was a retroactive Act passed with the consent of all three Parties, in the matter of a day, to deal with the apartment flips of Mr. Rosenberg some years ago, so if anyone here is somewhat reluctant to deal with the issue of retroactivity, I have for you a copy of the Act that was passed at that time, and I will certainly be happy to provide you with those copies.

Finally, The Business Names Registration Amendment Act, the third most important—there are many, but the third most important one I think deals with the question of making certain that registration occur before a business opens its doors. Currently you have a situation where a business can operate for 30 days before they have to go in and register. That is why Brick Warehouse was able to open on April 14, I believe, and not start being in contravention of the Act until May 14. The 81 days is just being counted from May 14. So that is another section that will be tightened up.

I would like to commend the Act to you all and encourage speedy passage, and I would hope that we

could get the support of all Members in the House in that regard. Thank you.

Mr. Paul Edwards (St. James): I rise to indicate to this House that I have a conflict of interest with respect to both this Bill, being Bill No. 2, and Bill No. 3 being proposed by the Honourable Member for Elmwood. I will accordingly be exiting myself from the House pending debate and voting on both of those Bills.

Mr. James McCrae (Attorney-General): Mr. Speaker, I move, seconded by the Honourable Minister of Health (Mr. Orchard), that the debate be adjourned on Bill No. 2.

MOTION presented and carried.

* (1720)

BILL NO. 3 - THE CORPORATIONS AMENDMENT ACT

Mr. Jim Maloway (Elmwood): presented Bill No. 3, The Corporations Amendment Act; Loi modifiant la Loi sur les corporations, for second reading.

MOTION presented.

Mr. Maloway: This, as you may have guessed, is a companion piece of legislation to help deal with the problem. I did want to deal with a couple of points that occurred just in the last 24 hours when Brick Warehouse of Alberta, their PR person came to town and insisted, phoned the local media outlets and suggested that interviews might be in order. When one local radio station, CKRC, suggested to him that perhaps I might be included in the debate he managed to not appear on that one. As a matter of fact, we are waiting to see whether he will be showing up on tonight's show. When he has had the opportunity to be interviewed alone, he has certainly done it.

Anyway, there are a couple of inconsistencies here that have been reported in the paper. Today in the Winnipeg Sun the Brick Warehouse manager, Mr. Mike Bell, says that, "We didn't have any knowledge of Fred Brick or his operation and he may not have had any knowledge of us." He has made that statement both in the paper and in the TV coverage last evening on a couple of stations.

I have here, and I will table a copy of it, in the Federal Court of Canada Trial Division, this is an affidavit. It is a cross-examination of Mr. William H. Comrie who is the owner, not the local mouthpiece who has been sent here to deal with the press, but the president and, I believe, the owner of this company, in federal Court, in a case of an affidavit—and I am going to table that, and the affidavit says: "Was this the first time that you had heard of Mr. and Mrs. Fred Brick?" He said: "No." The question was: "When had you previously heard of them?" The answer: "It was—the exact date was—late August of 1979." Nineteen seventy-nine. That is what? That is nine years ago, an affidavit in federal Court. Yet, in the press we have the manager saying

that they did not know anything about Fred Brick until they got here. The next question was: "How do you fix that date?" The answer from Mr. Comrie was: "We were trying to register in the Provinces of Ontario, Saskatchewan, Manitoba and British Columbia." Question: "Yes. Trying to register what? Register your name?" Answer: "Right."

Mr. Speaker: Order, please. The Honourable Government House Leader.

Hon. James McCrae (Attorney-General): I am nervous about the comments that the Honourable Member is making, in the sense that—I wonder if I could ask his clarification as to exactly which Cause of Action it is from an affidavit related to which he is reading. If the affidavit is related to the present Cause of Action, I would have some concerns about the sub judice convention. It may be that I am off the track, and if the Honourable Member could clarify that for me, I would appreciate it.

Mr. Maloway: I had promised to table it, and I think I have made the point and -(Interjection)- The date on this is March 10, 1988 and the—

Mr. Speaker: Order, please. The Government House Leader.

Mr. McCrae: The tabling of the document is not what is at issue. If the Honourable Member is discussing the present Cause of Action before the federal Court of Canada, I would caution him or ask Your Honour to caution him about that because the sub judice convention is part of our system here for very good reason.

I warned the Honourable Member about this matter during the Question Period this afternoon. I would hate to see anything prejudiced with regard to a case that is before the courts. I would also hate to see a possible resolution of this matter prejudiced by the Honourable Member's participation in this debate this afternoon.

Mr. Leonard Evans (Brandon East): Mr. Speaker, on the point of order, perhaps you could check the Rules. My understanding is that this matter the Honourable Attorney-General refers to, on a matter being discussed in the House while before the Courts, relates essentially to criminal cases, not to civil cases.

An Honourable Member: No, no.

Mr. Leonard Evans: I stand to be corrected, but my understanding is -(interjection)- that you can -(Interjection)- Well, maybe the Speaker should check this in the Rules, but my understanding is that you can discuss it providing it is not a criminal case.

Mr. McCrae: Mr. Speaker, I am not sure I can give you the Citation on that. Yes, maybe I can. I think we are talking about Citation 338 and the sub-paragraph (3) refers to the application of the sub judice convention.

I did not rise when the Honourable Member was introducing his Bill because I believe that sub-paragraph

says that the sub judice convention does not apply to Bills. But it does apply according to sub-rule (3) to references in debates. That is where I think the Member is treading a little closely here. I really wonder if he is doing any of the parties in this present situation any favours by discussing, if he is indeed discussing the present Cause of Action in Ottawa, in this place. I believe that Your Honour should seriously consider this matter. I have tried as best I could earlier today to caution the Honourable Member about certain references in this particular matter, and that is the danger we have, but I did not want to stop the Honourable Member from bringing forward his Bill.

I believe all Honourable Members in this House would like to see a successful resolution of this problem so that Brick's Fine Furniture can carry on the business it has carried on for so long in this city and in this province. I really do not like to interfere with an Honourable Member's right to speak and I should not do that, but I do raise the question of the sub judice convention because I think it is there for a very good reason.

Mr. Speaker: I would like to thank all Honourable Members. Beauchesne, Citation 337(2): "In civil cases the convention does not apply until the matter has reached the trial stage." I am unaware at this time at what stage we are in, but I would caution all Honourable Members with the sub judice.

Mr. McCrae: I suppose we then get into a discussion, Sir, about what constitutes the trial stage and is an affidavit, which is part of the court record, the trial stage, that kind of discussion. I am just advising caution. I am not trying to stop the Honourable Member, I am just trying to caution him. That is all, Mr. Speaker.

Mr. Speaker: I would like to thank the Government House Leader, and I would hope that the Honourable Member for Elmwood (Mr. Maloway) would take care in choosing his words.

Mr. Maloway: The case has not been set down for trial yet, as far as I am aware, in federal court.

Nevertheless, I was merely pointing out and wishing to correct the public record, the article in The Sun where Mike Bell of Brick Warehouse flies into town and makes statements that he had no knowledge of Fred Brick. His boss, in federal court documents, an affidavit, says something totally different, that he was aware of it nine years ago. So I think the documents speak for themselves.

I wanted to go on though and make further comments. Also in the interviews, Mr. Bell of Brick Warehouse claims that there is no confusion. Mr. Brick of Brick's Fine Furniture of course has a well-documented file of phone calls that he logs on a daily basis that he takes from consumers to indicate that there is a lot of confusion. I have here copies of just two examples of invoices that have been mailed to the wrong place and things like that. There is confusion among the suppliers. The people who are sending these businesses bills, people who are supplying them with furniture are driving

up with trucks of furniture to the wrong business. If that is not confusion, I do not know what is.

* (1730)

I did want to conclude with just a couple of comments. I received some very positive comments from some Members of the House and I did want to remind Members that, during the election, the Premier made some very favourable comments at the Chamber of Commerce breakfast, which I am told was well attended, a packed house. He said he would do all that he could to help Brick's Fine Furniture. The Member for River Heights, the Leader of the Opposition (Mrs. Carstairs), was in a similar position at the Chamber of Commerce Breakfast and is on record as being supportive of the local Brick's Fine Furniture. I applaud both of these Members for their public declarations in the past, and would hope that their support is given to these Bills to achieve a speedy passage.

I have also noted that the Member for Lac du Bonnet (Mr. Praznik) has one or two, what I think, are probably appropriate and very good amendments in mind. If we can pass this Bill onto committee, at the committee stage, the Member for Lac du Bonnet will be able to make good on those amendments that he proposed. The Member for Springfield (Mr. Roch), who has had business dealings with Mr. Brick over the years, I believe wishes to speak on the Bill, as do a number of other Members from our side of the House and perhaps from the Opposition as well.

I just wanted to check my time, Mr. Speaker. Do I have a lot of time left, because I have a lot of things to say?

Mr. Speaker: The Honourable Member has a couple of minutes left.

Mr. Maloway: Thank you, Mr. Speaker.

The Attorney-General (Mr. McCrae), I believe his intentions are honourable. I have spoken to him many, many times on this matter. I sometimes feel that he is a victim of the bureaucracy in his department. I have run into him on occasion. Being a non-lawyer, I was very hopeful that he was going to be supportive of things like legal counsel at Land Titles, but then he talks to his department. I think they get him in the back room and they work on him and they turn him—I think I bring him along a little bit and then, all of a sudden, I lose him. He is gone.

Once again, I would like to simply conclude by urging speedy passage of this Legislation, and I would hope that Members from all sides of the House would vote to get the legislation into second reading where they can make whatever amendments they like. Thank you.

Mr. McCrae: I move, seconded by the Honourable Minister of Municipal Affairs (Mr. Cummings), that the debate be adjourned.

MOTION presented and carried.

Mr. Herold Driedger (Niakwa): I ask leave of the House to bring Resolution No. 13 on the Order Paper to the top of the list, so we can discuss it at this moment.

Mr. Speaker: Does the Honourable Member have leave? (Agreed)

**RES. NO. 13 - PORT OF
CHURCHILL GRAIN SHIPPING**

Mr. Herold Driedger (Niakwa): I move, seconded by the Member for Wolseley (Mr. Taylor), that

WHEREAS the Government of Canada has failed to consider the needs of the citizens of our North by failing to take action to prevent delays in the shipment of grain to the Port of Churchill;

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba establish an all Party delegation which will go to Ottawa to put the urgent needs of northern Manitoba before the Government of Canada;

AND BE IT FURTHER RESOLVED that the delegation be comprised of three Members of the Progressive Conservative Party, two Members of the Liberal Party, one Member of the New Democratic Party, and Members to be chosen by their respective caucuses.

So reads the resolution. In speaking to this resolution, I would like to keep my remarks fairly short because I would like speedy resolution of the matter. In order to do so, I think it would be better served if I address the "be it resolved" a little bit because, in that section, it would be better served if we had said that, by stating that the Government of Canada has failed

Mr. Speaker: Order, please. The Honourable Government House Leader.

Hon. James McCrae (Government House Leader): Mr. Speaker, I apologize to the Honourable Member for interrupting, but in order for his resolution properly to be before the House, I believe you, Sir, need to put it to the House.

Mr. Speaker: I would like to thank the Honourable Government House Leader.

MOTION presented.

Mr. Herold Driedger: We will quickly learn.

As I was saying earlier, the resolution would be better served by stating that the Government of Canada has failed to engage with the Government of Manitoba in developing a detailed long-term economic development strategy for Churchill and Manitoba's North and therefore, because of this failure, is allowing a vital, national resource to decay because of neglect.

The problems at Churchill are of a long-standing nature, and we have heard the Member for Churchill (Mr. Cowan) earlier speak at great length and very eloquently about some of these problems, and I will summarize them very briefly. That there are movements and of people even at the Wheat Board in government in Ottawa, past and present, who favour a transportation system that focusses on the Great Lakes rather than on some other areas of Canada. To this end, they parade forth figures justifying their positions. To them, the rail line to Churchill is a branch line that they would like to see abandoned, and if it were not for the Government of Canada's stated commitment to shipping some grain

from the Port of Churchill, these opponents to the bay line could probably engineer its abandonment forthwith.

Now, a government committing to a certain action does not necessarily mean that this commitment is a decision favoured by all. So how do you subvert a commitment? You ship grain that proves to be probably outside of the catchment area so that it actually costs a little bit more.

For instance, just recently we heard talk about the fact that barley was shipped to Churchill. The barley comes from Peace River country, which is in Alberta, not from the rail rate advantage area, which is actually most in Manitoba and most of Saskatchewan. So basically to try and get a solution for Churchill which will overcome some of these arguments particularly with respect to the interest of the lobby group who require political will. This political will is going to have to be quite substantial because these arguments are very weighty indeed.

The Globe and Mail of August 3 reports that the Premier of Ontario is arguing with the Prime Minister of this country to have the seaway transportation authorities, Thunder Bay and points east, yet guarantees that the western grain will be shipped through their ports and through their system, rather than to the west. This is exactly actually what the Churchill group would like to have. They would like to have a similar kind of guarantee.

We had in the previous administration cooperation with the federal Government to provide a detailed study for the Port of Churchill which would look at extending the shipping season, look at back haul prospects and look at resupply. These studies, if you take a look at them, actually can if interpreted positively, would favour the extension of the shipping season, at the very least. In fact, if we extend the season to the minimum recommended which was 17 weeks and had the Port of Churchill tranship the amount of grain it actually could handle and, if we take in round numbers the figure 75,000 tonnes, Churchill could actually - (Interjection)- 60,000? -(Interjection)- 750,000 tonnes, a maximum of 82, I believe, but we could hit a figure of 1,275,000 tonnes per year with a 17-week shipping season.

Now that number by itself is not a great deal, but if we add to that the fact the market reality indicates that grains right now are being shipped to Pacific rim countries, the Atlantic markets are going to decline and probably could quite conceivably be satisfied by Churchill, if Churchill was supported by all people in this country. That is precisely what I would like to urge in whatever way we can do. Churchill needs year-round activity, one that can be supplied with its bulk material by sea. Churchill has land and air links. Addressing the needs of Churchill will address the needs of northern Manitoba as well.

Now the problems that face Churchill, the problems that face northern Manitoba require more than the few crumbs of charity involved by some grain shipments that we do get. What this province needs to do is to make a determined effort to lobby the federal Government to develop our North; then Churchill will be used and will probably be supplied with as well.

* (1740)

There is money out there. All we have to do is take a look at the money that went into the new development now with Hibernia. But when we talk about supporting money for Churchill or development money for Churchill, we are now actually competing with other lobby groups. This is the area that we have to address. We must not let this decline happen. We have to essentially in one way or another convince Ottawa that our resolve is united and that is why we should endorse this resolution to develop this united effort to convince the people, the Wheat Board and Ottawa that they should not let this resource fail due to their present neglect.

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, I will try and make my remarks relatively brief. The importance of the resolution that we have before us I think is indicated by the fact that we have changed House Rules and allowed a resolution to come forward from the 13th place to the top. The fact that all Parties have agreed I think shows the concern that all Members of this House have regarding the resolution.

In order for this resolution—and I do not happen to agree the way the resolution is set up and I intend to amend the resolution before my time is up. I hope that in order for it to be effective that we can have the resolution passed today. Unfortunately there might not be as many people being able to speak to the resolution as would want to maybe but, if we are going to make it effective in terms of the urgency, then I think that we have to get it passed so that it can be effective. Otherwise, the resolution, if we speak it out, it will fall to the bottom and then we will have to go through the whole process again somewhere along the line.

So I just want to indicate that, and prior to Private Members' Hour and the debate that we had, the Member for Churchill (Mr. Cowan), the Member for Dauphin (Mr. Plohman) and myself, I have already indicated that I felt sending an all-Party delegation to Ottawa was not the right thing to do and I want to explain a little bit why I feel that would not be the right thing to do so that we have an understanding with the time limitations of what it is all about.

To do that, I just want to indicate what has happened in the last few months from the time that we started getting concerned about the possibility of lack of shipment coming through the Port of Churchill. We started activating it once it felt as if the people involved, the organizations involved, abused the fact that there is a poor crop this year—and I do not want to necessarily go through the whole scenario that this year's crop does not necessarily have an effect on the Port of Churchill in terms of grain movement that dramatically. It has some effect but not that dramatically, because the catchment area by and large did not have that bad a crop. Grain is moving, as indicated before in our debate, out of the catchment area through the Thunder Bay system and not through the Churchill system.

What we have done since it started appearing, that there was going to be concern about lack of movement

of grain through the Port of Churchill, I indicated before that when I went to Churchill they were getting ready. I think they had spent upwards \$1 million already getting this system in place. I had the opportunity to tour the whole site and everybody was still optimistic it was happening and that is when the troubles started. Rumours were that there might not be any movement.

Subsequent to that, I arranged a meeting, met with the federal Ministers of Transportation and the Minister responsible for the Wheat Board, laid out our concerns, all of the concerns, had a good discussion. I thought the reception was good. I did not get a commitment. The Member for Churchill (Mr. Cowan) has been asking on a daily basis whether we have a commitment. Further to that, the Premier (Mr. Filmon) got concerned and he himself got involved and made contact with the Prime Minister.

We are still hopeful that even if we pass this resolution today, because I do not anticipate setting up this kind of a meeting that we are looking at. I would suggest that we have it in Winnipeg instead of us all truddling off to Ottawa because most of the people involved, the main game players, are right here in Winnipeg. If we can set this all up and have the meeting here it would be much more beneficial I think than trying to get a group to go down to Ottawa.

The fact that we are all agreed—I have no argument with the Member's resolution indicating the allotment: three Members of the Conservative Party, two Members of the Liberal Party, one Member of the New Democratic Party. I do not care which way we set up the committee. We should strike a committee, move immediately in terms of trying to set up a meeting here, right here where it is important, because this is where we are effective—(Interjection)—as soon as possible. A Member asked when. We still have not passed the resolution, so we will deal one step at a time. I think it is important that we understand how we are going to handle this process, and for it to be effective it has to be very soon. It has to be very soon.

Hopefully, the Prime Minister with his authority can possibly influence the people involved and a commitment can be made before we even have to go through all this. I am still hoping that will happen. But in the event it does not happen, we can set the mechanism in place in terms of meeting and I think the Member who spoke indicated that we have to look at the long-term thing.

Possibly, I might suggest that we form a committee of this nature, that this committee stay in place and continue to work for the betterment of the Port of Churchill, the development of it, the movement through there. It could encompass other things, not just grain. Maybe that committee could be set up officially as a legislative committee from the various Parties and work towards that. But the urgency of moving right now with this thing is of major concern and that has to be dealt with as fast as possible.

As I indicated, we can debate this at length in the House here. I could have put realms of stuff on the record of what has happened in the past, what we would like to see happen, the accomplishments so far,

the involvement of CN, the attitudes of people, as we discussed before, and I do not like to rehash necessarily everything, but we have a major challenge ahead of us. If this House and the people of Manitoba want to make their impact on the players in the game—and they are big players—then we will have to have a very balanced, well-organized, well thought-out approach in this thing.

I just want to indicate, Mr. Speaker, before I move the amendment, that activity has not stopped just because the fact that the Premier (Mr. Filmon) has made contact with the Prime Minister and we are hopeful that something positive is going to come forward. I, myself, am slated to meet with the Wheat Board next week.

I have also indicated that on the 18th of August my colleague, the Minister of Native and Northern Affairs (Mr. Downey), and myself will be flying to Saskatchewan and Alberta, meeting with the respective Ministers in terms of getting the funding reinstated by the two provinces for the Port of Churchill Development Board.

I would like to indicate that I have already made contact with some of the Ministers in the other two provinces, because it is important that we establish that funding for the simple reason, the fact that the two provinces must do their funding gave a perception that nobody cared anymore. I think that is a thing they have to correct.

I just want to indicate to everybody here that we will be doing that. I think they will be positive; I think we can be good salesmen. I think they are concerned that we will be able to get that funding reinstated and show the support that we need from Saskatchewan and Alberta because most of the grain comes out of those two areas. Most of the grain out of Manitoba, as you all know, is going through the Thunder Bay route.

So they are these kind of things, like I say, we could talk about endless things, but I think in terms of the urgency that we are trying to establish today that we should deal specifically with the shipping season. That could actually be in place right now.

Based on that, Mr. Speaker, I was just checking things out here a little bit because I was wondering whether I should speak for a long time and put all this stuff on the record. But I think some of it has already been put on the record and I think that if we can establish this kind of a committee; and that committee, my recommendation would be that those people, however many we select as a legislative committee, that they meet and go through this whole process because it has never been a game of politics, necessarily, with this Port of Churchill.

I think we can all sit down; there are realms of information. We should get ourselves acquainted with it, then set up the subsequent meetings with the various people. But I still feel—and I will do so in my amendment here—that we should be doing that right here because the people are from this area, the game players are here. We can ask the federal Members to come. We will ask whomever that committee decides should be coming to this meeting and set it up right here where

we can have the attention and draw the media attention as well, because I think it is a very important thing.

Mr. Speaker, I move, seconded by the Minister of Native and Northern Affairs (Mr. Downey),

THAT the resolution be amended by deleting all the words appearing after the word “has,” in the 1st line thereof, and substituting them with the following: “responsibility for the shipment of grain through the Port of Churchill;

“THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba establish an all-Party committee to meet appropriate officials of the Government of Canada, Canadian National Railways, Canadian Wheat Board, and the Grain Transportation Authority in Winnipeg, respecting the shipment of grain to the Port of Churchill for this shipping season.”

Mr. Speaker: The amendment is in order.

MOTION presented.

* (1750)

Mr. Speaker: Is it the pleasure of the House to adopt the amendment?

Mr. Jay Cowan (Churchill): I am sorry, Mr. Speaker, I would like to speak to the amendment. I will keep my comments short.

I must say that it is unfortunate that, when an issue as important as Churchill comes before this House, there are many Members on all sides of the House who would wish to speak to Churchill, to give a very clear signal that we are unified on Churchill and that we are all supportive of Churchill, who will not have the opportunity because of the way in which this debate is unfolding.

It is also unfortunate that we could have resolved this issue one week ago, Mr. Speaker. That week has been a very long week, not only for the Minister of Highways (Mr. Albert Driedger)—and he said today that it has been, that he has been talking every day trying to get grain shipped to the Port of Churchill. It has been a very long week for myself as representative for the area but, more important than that, a very long week for the residents of Churchill.

I have had calls from individuals who would normally be working now. There would normally be 130 people working, there are only 80. They want to know when some resolve to this problem is going to come about. I had a call from a small business person—and these Members opposite say they are the friends of the small business people—saying, “Should I expand my operation this year because I do not know what is going to happen with the Port of Churchill, and if I expand and the Port does not open, then there is going to be difficulties for that expanded operation.”

I had to tell them that we have been trying to press this issue on every occasion that we had the opportunity but we have not been able to resolve it yet. Certainly there are concerns for the railway workers along the

bay line. There are concerns all throughout the North and all throughout the province, and I feel that those concerns should have been dealt with previously.

I am pleased that we are finally taking some action on this and I can support the original resolution. I would prefer to see it changed a bit because I thought it was inappropriate in some areas in respect to the way in which the delegation was structured. I would be prepared to live with that because I know that one of our caucuses is worth five of the other two when it comes to talking about the Port of Churchill. Mr. Speaker, I do not want to in any way agitate any others in this Chamber. I have already spoken at length—

Mr. Speaker: Order, please.

Mr. Cowan: Any one of our caucuses—to the Premier. The Premier asked which one of our caucuses. Any one of our caucuses is worth five of any of them, but that is an aside.

Some Honourable Members: Oh, oh!

An Honourable Member: That is what the electorate taught you. That is why they downgraded you to let you have more—

Mr. Cowan: They are just giving us an opportunity to practice more, that is all, and we are using that opportunity to the best of our ability as I think Members in this Chamber can testify.

Not wishing to prolong this debate any more, I wish to move a subamendment. The subamendment would read, and I move, seconded by the Member for Dauphin (Mr. Plohma),

THAT the motion be further amended by adding the following words:

BE IT FURTHER RESOLVED that the above referenced meetings take place within one (1) week.

I believe everyone can support that sense of urgency. I would prefer to see it take place by the weekend but I think within one week gives us enough time to ensure that the committee can get together, and moving further on the motion I move that:

BE IT FURTHER RESOLVED that should these meetings fail to result in a firm commitment for immediate grain shipments to the Port of Churchill, that the Government immediately lead an all-Party delegation to Ottawa; and

BE IT FURTHER RESOLVED that this all-Party delegation be comprised of representatives of each of the Parties in the Legislature and representatives of other interested groups are prepared to lobby the federal Government and its agencies to immediately commence grain shipments through the Port of Churchill.

Mr. Speaker, that is the motion. I want to speak very briefly on it and make one other suggestion. I believe the amendment builds upon the sentiments expressed in the motion by the Liberals and I see the Liberal

Leader and the Liberal House Leader suggesting that that is the case and they can support it. I believe the amendment builds upon what the Government tried to accomplish, and we acknowledge that we can work together here firstly, but if we fail to get that firm commitment for immediate shipment we have to immediately go to Ottawa. We cannot wait any longer.

I believe there is one other suggestion I would add. There is a committee that is already in place. Names have to be put to the committee by the striking committee, but that can be done relatively quickly. That is the Standing Committee of Agriculture in this House. It could either be the Standing Committee on Agriculture or the Standing Committee on Economic Development. I think either of those would serve the purpose very well, this being both an agricultural and an economic development issue. So we have the structure in place to have that committee in place right away. I support the amendment. I support the original resolution and I hope that we can vote on the sub-amendment and the motion as amended at this time.

Mr. McCrae: I appreciate the Member's concern and a concern which leads him to bring to this House this subamendment, but I suggest that the subamendment would compel people outside of this place to do certain things, and therefore, the subamendment is not something that we can consider.

For example, the first part of the subamendment suggests that there be meetings in one week. Now, what happens if it is a week and one day? We may not be able to carry out the terms of such a thing. Of course, all the Parties in this House would, I am sure, bend every effort to see that such a meeting took place tomorrow if possible. The point is, I believe, and the third part of the resolution calls for a lobbying effort; and we do not know that we can compel others—

* (1800)

Mr. Speaker: Order, please.

Mr. McCrae: We do not know if we can compel others to get involved in that kind of exercise.

Mr. Speaker: Is the Honourable Member speaking on a point of order or to the subamendment which I have not ruled on yet?

Mr. McCrae: A point of order as to the admissibility of the subamendment.

Mr. Cowan: I would like leave that the House continue to sit until it has resolved consideration of this matter, given that we had an agreement by all Parties that we would attempt to resolve it and bring it to a vote this afternoon.

Mr. Speaker: Is it the will of the House? (Agreed)

Mr. McCrae: Mr. Speaker, I think we can agree that until we discover the admissibility of the Honourable Member's subamendment and deal with the matter then without delay, other Honourable Members in this House,

perhaps not myself, but other Honourable Members do have other commitments away from this House after six o'clock. If we could deal with this very expeditiously, we would agree.

Mr. Cowan: Then, on the point of order, I just want to address one issue that the Attorney-General (Mr. McCrae) addressed. It does not in fact compel anyone to do anything that they do not wish to do. As a matter of fact, I think there are hundreds, if not thousands, of Manitobans who right now would want to join that delegation and lobby if they had the opportunity. So I do not think that is a problem.

The wording—and I am sorry that I do not have it in front of me because I only had time to scribble out the one copy of it—but the wording, I think you will find, Mr. Speaker, says: “. . . those groups which wish or who want to lobby on behalf of the Port of Churchill.” If they do not want to lobby on behalf of the Port of Churchill, then they are not compelled. But I believe there are enough out there who do wish to lobby on behalf of the Port of Churchill that we will have no problem in that regard.

Mr. Speaker: I would like to thank all Honourable Members for their words of wisdom. I have reviewed

quite carefully the subamendment. I do have a problem with the directing of the Government to spend money.

If the Honourable Member would be prepared to insert, in the 5th line of your second “Be it further resolved,” the words “THAT this Legislative Assembly recommend to the Government to lead an all-Party delegation in Ottawa.” (Agreed)

With those changes, would the Honourable Members like me to read the subamendment? (Dispense)

Is the House ready for the question on the amendment to the amendment? Is it the pleasure of the House to adopt the amendment to the amendment? (Agreed)

Now the question is on the amendment, as amended. Is it the pleasure of the House to adopt the amendment? (Agreed)

The question before the House is the main motion, as amended. Is it the pleasure of the House to adopt the main motion, as amended? (Agreed)

The hour being six o'clock, this House is now adjourned and stands adjourned till 10 a.m. tomorrow morning (Friday).