



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

**DEBATES**  
and  
**PROCEEDINGS**  
**(HANSARD)**  
**REVISED**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fourth Legislature**

**Members, Constituencies and Political Affiliation**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, November 2, 1988.

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

**Mr. Elijah Harper (Rupertsland):** Mr. Speaker, I beg to present the petition of Harry Cook, Lloyd Williams, Zelma Turtle, and others calling upon the Attorney-General (Mr. McCrae) to consider the submission made by the Assembly of Manitoba Chiefs and others for funding to make presentations before the Aboriginal Justice Inquiry.

**Mr. Clerk (William Remnant):** "We the undersigned request the Attorney-General to seriously consider the submission for funding by the Justice Committee of the Assembly of Manitoba Chiefs and other Aboriginal organizations wanting to make presentations to the Aboriginal Justice Inquiry.

"The Aboriginal Justice Inquiry is conducting hearings in Manitoba that are of vital importance to restoring confidence in the administration of justice in this province.

"The need for effective carefully prepared presentations by Aboriginal groups to this inquiry is obvious to anyone who understands the purpose for the inquiry.

"The success of the inquiry will depend to a large degree both on the participation of Aboriginal people and the documentation of the extent of the problems of the current judicial system."

**Mr. Speaker:** Order, please.

I have reviewed the petition and it conforms with the privileges and practices of the House.

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**Mr. Harry Enns (Lakeside):** Mr. Speaker, I beg to present the First Report of the Committee of Public Utilities and Natural Resources.

**Mr. Clerk (William Remnant):** Your Standing Committee on Public Utilities and Natural Resources presents the following as their First Report:

Your committee met on Tuesday, October 18; Thursday, October 20 and Tuesday, November 1, 1988, in Room 255 of the Legislative Building to consider the Annual Report of the Manitoba Public Insurance Corporation. At the meeting on Tuesday, November 1, 1988, your committee elected Mr. Helmut Pankratz as Chairman.

Your committee received all information desired from Mr. Harold Thompson, Chairman of the Board of

Directors, and other members of the staff with respect to all matters pertaining to the Annual Report and the business of the Manitoba Public Insurance Corporation.

Prior to the passing of the Annual Report of the Manitoba Public Insurance Corporation, your committee adopted the recommendation that the Government study available options with respect to the General Insurance Division, with particular attention to the interests of Manitobans who may not otherwise obtain insurance coverage and that the Provincial Government reassure residents of Brandon and clients of the General Insurance Division that it recognizes the important role the General Division has played in providing insurance for organizations and groups that could not have otherwise operated.

Your committee examined the Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ended October 31, 1987, and adopted the same as presented. All of which is respectfully submitted.

**Mr. Enns:** I beg to move, seconded by the Honourable Member for Gimli (Mr. Helwer), that the report of the committee be received.

**MOTION presented and carried.**

### MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, I would like to table the Annual Report of the Public Investments Corporation of Manitoba for 1987.

**Hon. Edward Connery (Minister of Environment and Workplace Safety and Health):** Mr. Speaker, I would like to table the Annual Report of Environment and Workplace Safety and Health for 1986-87.

### INTRODUCTION OF GUESTS

**Mr. Speaker:** Prior to Oral Question Period, may I direct the attention of Honourable Members to the gallery where we have from the Lavallee School twenty-nine Grade 9 students under the direction of Mr. Ray Hamilton. This school is located in the constituency of the Honourable Minister of Urban Affairs (Mr. Ducharme). On behalf of all Honourable Members, I welcome you here this afternoon.

\* (1335)

### ORAL QUESTION PERIOD

#### Native Justice Inquiry Commissioners Funding Request

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

it concerns the Commission of Inquiry into Aboriginal Justice. Well, excuse me, Mr. Speaker, if I could, I will make that question to the Attorney-General (Mr. McCrae).

The Attorney-General has now heard from the commissioners a second time, and again, the commissioners have expressed their concerns about the deficiencies and the presentations that have been made to the commissioners because of the lack of research and preparation. All of us in this House would agree that the commission must succeed and it is unfair to expect of these two very competent commissioners that they give us the answers to a very complex problem and yet deny them the kind of information that they require to define that problem. Statements by the commissioners that they cannot do a thorough job unless they receive well-documented presentations does little in terms of improving the public's confidence in the inquiry.

Will the Attorney-General today table the commissioners' request?

**Hon. James McCrae (Attorney-General):** I think the Honourable Leader of the Opposition is referring to a letter the Leader of the Opposition obtained back in August, a letter dated, I believe, August 19, 1988, making certain statements. The statement yesterday by the Commissioners of Inquiry are in substance no different from the request made by letter or the comment made by letter last August. Nothing really is different today than then.

I remind the Honourable Leader of the Opposition that this Government made available to the Assembly of Manitoba Chiefs a grant of \$325,000.00. In addition, the federal Department of Indian Affairs and Northern Development made \$100,000 available. The Commissioners of Inquiry have identified five particular umbrella groups, if you like, referring to status Indians, non-status Indians, Native women, Metis and urban Natives and also identified three main areas, that being policing the ports and probation services. It seems to me with \$425,000 at their disposal, the Assembly of Manitoba Chiefs, which says in its proposal to me that it is the authorized group to speak for Native Manitobans, that that group could perhaps marshal representatives from each of the five groups, bring them together and use those funds to make presentations on the very topics outlined by the Commissioners of Inquiry, good quality submissions that would be of great assistance to the inquiry in making recommendations to the Government which ultimately will benefit Native Manitobans across this province.

### Funding Request Review

**Mrs. Sharon Carstairs (Leader of the Opposition):** With a supplementary question to the Attorney-General (Mr. McCrae), the Attorney-General knows full well that that funding was never provided for submissions for the Aboriginal Justice Inquiry. Will the Minister tell the House today if he has now had time to review the funding proposals that have been submitted from a variety of groups, including the indigenous women's group, and has he denied their request?

**Hon. James McCrae (Attorney-General):** The Leader of the Opposition suggests that the grant of monies made available to the Assembly of Manitoba Chiefs was never earmarked for the public inquiry into the administration of justice in the aboriginal people. I refer the Honourable Leader of the Opposition to Order-in-Council No. 1125 dated September 15, 1988, the third WHEREAS is as follows:

"AND WHEREAS the Minister of Northern Affairs deems it desirable and in the public interest to provide funding for the Assembly of Manitoba Chiefs Secretariat Incorporated in the amount of \$325,000 for the purpose of addressing issues arising in the areas of child welfare, a matter of concern to the inquiry, taxation, lotteries and gaming, health and the public inquiry into the administration of justice in the aboriginal people."

The Honourable Leader of the Opposition (Mrs. Carstairs) is misinformed, Mr. Speaker.

### Research Funding

\* (1340)

**Mrs. Sharon Carstairs (Leader of the Opposition):** With a supplementary question to the Attorney-General (Mr. McCrae), if one looks at the variety of issues that the Assembly was supposed to address from the funding, the core funding provided, there would be not the revenue required for this inquiry. Will this Attorney-General meet with the commissioners and will he discuss the specific problem of funding research so that we do not waste the money that is presently being spent but we get good value from that money, because the information is valid information?

**Hon. James McCrae (Attorney-General):** I met with the Commissioners of Inquiry the day before yesterday.

### Magnetic Resonance Imager Availability

**Mrs. Sharon Carstairs (Leader of the Opposition):** My new question is to the Minister of Health (Mr. Orchard). On September 23, I asked the Minister of Health whether he would consider paying for the partial purchase and for the operation costs of an M.R. scanner at the St. Boniface Hospital. He indicated that he was anticipating significant technological developments in this area and therefore it would be better to wait a year or two for the new scanner to appear as it would be less expensive at that point to both purchase and operate.

Can the Minister tell the House today if he has any further information as to when this new technology might be available in the Province of Manitoba and whether he is considering supporting such necessary technological development for health care in this province?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, the issue of imaging technology is always before this Government, as it was before the previous administration, and decisions in that regard, in terms

of investment by the taxpayers in not only the capital costs but the operating costs, are decisions that will be made in due course. I can inform my honourable friend that no concrete decision has been made in regard to the newest imaging technology and its incidence in the Province of Manitoba.

### Federal Funding

**Mrs. Sharon Carstairs (Leader of the Opposition):** With a supplementary question to the Minister of Health (Mr. Orchard), in a public debate last week, Leo Duguay, the Member of Parliament for St. Boniface, indicated that federal funding for such an M.R. scanner would be made available in all likelihood during this election campaign. We welcome that funding from the federal Government. We just wish it had taken place a little earlier. Has the Minister discussed this scanner with his federal counterparts and does he welcome such funding even though he has indicated that it would perhaps be better to wait a year or two for new technological advancement?

**Hon. Donald Orchard (Minister of Health):** It may well be possible that my honourable friend, the Leader of the Liberal Party (Mrs. Carstairs), does not fully understand the nature of the federal commitment to the St. Boniface Research Centre. As I understand it—and if I am incorrect I know my honourable friend will correct me—the magnetic resonance imager, for which federal funds may well be forthcoming, is an installation at the research centre specifically earmarked to do research. My honourable friend shakes her head, but I believe if she further investigates she will find that that is where the federal Government contribution would be dedicated, is towards magnetic resonance imaging from a research standpoint at the St. Boniface Research Centre.

\* (1345)

### Operational Costs Funding

**Mrs. Sharon Carstairs (Leader of the Opposition):** The scanner that has been under discussion and for which half of the funds have been raised from the citizens of this province is a scanner which will be useful for both research and for direct health care. In that, to make it available for direct health care, it is required that the provincial Government support that funding. Is this Government prepared to fund the ongoing operation as well as the installation costs of an M.R. scanner at the St. Boniface Research Foundation which could be accessed by patients throughout Manitoba.

**Hon. Donald Orchard (Minister of Health):** In shaking her head in the negative in my previous answer, my honourable friend has just confirmed that what I said was correct. Half of the funds that have been raised that she alluded to have been raised by the St. Boniface Research Foundation. As I indicated, the scanner is to be placed for research purposes. Clinical use of that scanner is certainly a possibility that we have and continue to entertain funding requests on behalf of the health care system and St. Boniface in particular.

### Garrison Diversion Project Environmental Protection

**Mr. John Plohma (Dauphin):** I have a question for the Minister of Natural Resources (Mr. Penner). The U.S. Congress Reformulation Act of 1986 called for major changes to the Garrison Diversion Project which would have the effect of protecting Manitoba's interest and came after a long and difficult battle by Manitobans together with the Manitoba Government to stop that project which would see a potential transfer of biota into Manitoba waters.

Those changes that were made in The Reformulation Act were a severe blow to the North Dakota Garrison conservancy district because many of their Members are located in the Hudson Bay River Watershed and they wanted desperately to have that water transferred from the Missouri River system into the watershed for irrigation purposes. As a matter of fact, the conservancy district continues their effort to have the Garrison project resurrected. I have a memo dated October 11 here, detailing minutes of the Garrison conservancy district meeting of October 4 and 5 which states that an additional \$7 million has been found for construction on the Garrison project.

I ask the Minister, Mr. Speaker, what assurances can he give Manitobans that none of this construction will be detrimental to Manitoba's interest? Has he received those assurances from North Dakota officials?

**Hon. Jack Penner (Minister of Natural Resources):** The Honourable Member opposite should know that it was his Government that was part of negotiating the Garrison deal that would not allow the transfer of biota and transfer of water from the Garrison basin into either the Souris basin or the Red River basin.

(Mr. Deputy Speaker, Mark Minenko, in the Chair.)

However, it was also the former NDP administration that agreed to allow water to be transferred to the Cheyenne River via pipeline which would in fact allow Garrison water to flow into the Red River. That is an agreement that I can put on record and would be willing to table in this House. It was his Government that agreed to that. I find it very interesting that he questions now whether we are or have been informed of further construction on the Garrison project.

### Non-designated Areas

**Mr. John Plohma (Dauphin):** Obviously the Minister does not know anything about the additional appropriation for Garrison this year. Therefore, I am very, very much concerned for Manitobans that we have a Minister who does not know anything about what is happening with regard to Garrison. There are things happening.

The memo also indicates that the Bureau of Reclamation is starting efforts, "to select lands for irrigation within the 28,000 acre undesignated area." I ask the Minister what information can he give this House and Manitobans as to the reasons why the bureau is now moving into non-designated areas for

irrigation purposes? Has this Minister received assurances from officials that this does not indeed represent a change in what was approved in the Reformulation Act by Congress and indeed a reversion back to the original Garrison concept? What assurances has he received that in fact is not a move back to the original Garrison concept?

**Hon. Jack Penner (Minister of Natural Resources):** Mr. Deputy Speaker, the agreement, that was signed and the former NDP administration were signatories to the Garrison Agreement, simply stops the transfer of water in any way, shape or form except the way that the previous NDP administration had agreed to, which would pipe water to the Cheyenne River and into the Red River. However, we have had no indication up to this time that there will be any further construction on the Garrison project that will be detrimental to Manitoba's concerns at this time.

\* (1350)

### Biota Transfers

**Mr. John Plohman (Dauphin):** Mr. Deputy Speaker, the previous Government had not agreed to any transfer of water unless it was treated, and that was clear, for water by pipeline. Any transfer of untreated water was strictly forbidden and that is what we stood by all those years in fighting that project. This memo that I have and which I am prepared to table further indicates that the Garrison diversion conservancy district is proceeding with an extensive biota transfer study, and has a number of studies that are being undertaken at the present time.

My question is what steps has the Minister of Natural Resources (Mr. Penner) taken to ensure that Manitoba's interests are protected under those studies? Has the Minister had input into the terms of reference of those studies? Has he named senior officials to take part in those studies? What direction has he given those senior officials to represent Manitoba's interests? Can he assure Manitobans that this indeed will be an unbiased study that would truly reflect the potential impact of biota transfer under the original Garrison concept?

**Hon. Jack Penner (Minister of Natural Resources):** Mr. Deputy Speaker, let me assure this House that everything in my power will be done to assure that the best interests of Manitobans will be maintained.

**Mr. Plohman:** I have this memo to table in the Legislature. I find it regrettable that this Minister knows nothing about what is happening with Garrison in the United States when it can have such a profound impact. I have indicated that they make no secret. They want to resurrect the old Garrison project the same way and the same impact that it would have on Manitobans as it had before we had this change. I ask this Minister of Natural Resources (Mr. Penner), will he give assurances to this House that he will have the highest possible representation on those studies with strong direction to ensure that Manitoba's interests are protected in those studies?

**Mr. Penner:** Mr. Deputy Speaker, it appears to me that the Honourable Member for Dauphin (Mr. Plohman) is hard of hearing. I had just given that assurance to this House.

### Psychiatrist Transfer Brandon Mental Health Centre

**Mr. Gulzar Cheema (Kildonan):** Mr. Deputy Speaker, on Monday of this week the Minister of Health (Mr. Orchard) announced, and I quote, "I have instructed my Deputy Minister today to second two of the most experienced psychiatrists currently employed at Selkirk Mental Health Centre to provide these services to the Brandon Mental Health Centre." I ask the Minister of Health, were the two psychiatrists consulted as to their secondment or was the decision made unilaterally by this Minister?

**Hon. Donald Orchard (Minister of Health):** Yes, Mr. Deputy Speaker, and, no, Mr. Deputy Speaker.

### Selkirk Mental Health Centre Adequate Service

**Mr. Gulzar Cheema (Kildonan):** Mr. Deputy Speaker, the Minister's "yes" is—I will tell him what the Minister's "yes" is. These people were notified only yesterday. The action was taken unilaterally and those two psychiatrists are furious at this Minister's decision. My question is will the Minister of Health (Mr. Orchard) come clean to the public of Manitoba and correct this error of judgment today?

**An Honourable Member:** Hear, hear!

**Hon. Donald Orchard (Minister of Health):** Mr. Deputy Speaker, I certainly want to correct an error in provision of service to 300 psychiatric patients in the Brandon Mental Health Centre, and 2,000 outpatients that serve that facility. That error is that they do not have psychiatric care except for one part-time psychiatrist. Discussions have been ongoing with the psychiatric staff at the Selkirk Mental Health Centre to see in the short period of time, over a period of 90 days, what assistance they can provide to resolving that crisis in the short run. Over the longer run, consultations are taking place with both the Manitoba Medical Association and the Manitoba Psychiatric Association in the hopes of providing a long-term solution to the problem at Brandon.

\* (1355)

**Mr. Cheema:** Unilateral action by this Minister will drive other psychiatrists away from Manitoba.

My question is will the Minister table the plans he has to deal with the demand for the workload at Selkirk Mental Health Centre now that he has planned to move psychiatrists from that place unilaterally to Brandon Mental Health Centre?

**Mr. Orchard:** In order to help my honourable friend, the Liberal Health critic, who two-and-a-half weeks ago

was informing me of the shortage of psychiatric manpower in Brandon, and then on Monday says that we should not do anything to resolve that problem, and then on Tuesday was advocating for the physicians union, and now today I do not know what he is advocating for. But I simply tell him that if he reads on page 2569 of Hansard from Monday, October 31, 1988, he will see the words that I indicated to this House:

"I am assured by the Chief Provincial Psychiatrist that, on a temporary basis, the remaining psychiatrists at Selkirk will be able to provide adequate service there." It was only upon the advice of the Chief Provincial Psychiatrist that I accepted the possibility of psychiatrists being temporarily seconded from Selkirk to relieve a crisis at Brandon. I care for the patients; I wish he would.

### **AIDS Education Program Delivery**

**Mrs. Iva Yeo (Sturgeon Creek):** My question is for the Minister of Education (Mr. Derkach). For the past several months we have been asking questions regarding the need for AIDS education in our schools. At a recent Home and School meeting at Gordon Bell High School, and I might add at some other Home and School meetings as well, many parents have stated two main concerns: No. 1, that the AIDS instruction was not compulsory; and No. 2, that the education would not go far enough.

In a letter I received yesterday and am prepared to table in the House today, Mr. Deputy Speaker, the school counsellor states that we were in the vanguard with our curricula and provincial mandate. Instead of capitalizing on the momentum we achieved last spring, we are losing ground. She goes on to say the desire to support educators like myself seems no longer to be there. I am bewildered by the silence from both the Departments of Health and Education.

Mr. Deputy Speaker, I asked the Minister of Education (Mr. Derkach), what direction is his department now giving to the individual school divisions to instruct them in their delivery of AIDS education early in the schooling of our children?

**Hon. Leonard Derkach (Minister of Education):** This question is not new to the House. It has been asked on a couple of occasions now. I would like to indicate to the Members of the House that several things have taken place with regard to the AIDS education in the province since the beginning of September.

First of all, there has been a policy that has been implemented on an interim basis, because we are looking forward to reaction from schools across the province with regard to how to handle AIDS cases within the school. Secondly, with regard to in servicing of teachers for delivery of the AIDS program, I can indicate that last year some 700 teachers were in serviced on the program on the delivery of AIDS. This year, in services have been planned during this month and continuing on to the end of February to in-service teachers who have not been trained in the delivery of

the AIDS program in the schools and that work will continue through the year.

I might add that this afternoon I am meeting with the Manitoba Education Council on AIDS to discuss further implementation of the post-secondary AIDS policies. So therefore work is ongoing in the next couple of weeks. Additionally, Mr. Deputy Speaker, we are hoping to be releasing an AIDS pamphlet to schools in this province.

**Some Honourable Members:** Hear, hear!

\* (1400)

### **Updated Curriculum**

**Mrs. Iva Yeo (Sturgeon Creek):** With all this communication, can the Minister of Education tell the House why teachers are still asking for a new development, new posters, new audio-visual materials, new updated curricula? Can the Minister of Education assure the House that his department is looking into developing these new innovative methods of teaching on AIDS?

**Hon. Leonard Derkach (Minister of Education):** Yes, certainly we are looking at all of these areas and are continuing to monitor the present AIDS program and implement new concepts or new findings that are relevant to delivery of that program.

### **Pamphlet Availability**

**Mrs. Iva Yeo (Sturgeon Creek):** My final supplementary is to the Minister of Health (Mr. Orchard). When will the new pamphlets, the ones that were promised on August 17 and again on September 13 and again mid-October, be available from the Department of Health? The Minister stated on August 13 that they were in the final stages of development. When will these pamphlets be available for distribution?

**Hon. Donald Orchard (Minister of Health):** Mr. Deputy Speaker, it is anticipated this month.

### **Free Trade Agreement Water Exports**

**Mr. Gary Doer (Leader of the Second Opposition):** The Minister responsible for Trade, the federal Minister, Mr. Crosbie, has not read the Free Trade Agreement. The Premier of the province (Mr. Filmon) has admitted he has not read the Free Trade Agreement, so my question is to the Minister of Natural Resources (Mr. Penner).

Today we heard further evidence contrary to the assurances we were given in this House on July 22, the first Question Period. We asked whether in fact water was included with the Canada-U.S. Trade Agreement with the United States. We were told that we were providing scare tactics and today, an experienced, an objective individual, Mr. Mel Clark, a deputy chief of delegations that took part in the Tokyo

round of negotiations—a round of negotiations, I should point out, that Joe Clark was involved in. This experienced individual has confirmed that under Article 2201, water is indeed included for purposes of the proposed Free Trade Agreement with the United States.

Does the Minister of Natural Resources have any contrary specific legal opinion to back up the ill-advised position of the Premier?

**Hon. Jack Penner (Minister of Natural Resources):** The Free Trade Agreement has absolutely no provision for the mass exodus or export of water that the Honourable Leader of the ND Party (Mr. Doer) is referring to. There is another provision, especially for Manitoba, that protects us and that is the 1909 Apportionment Agreement, the International Boundaries Committee Agreement, and the rights of Manitoba under legislation to protect itself from the export of water.

So the fears that the NDP or the Opposition are trying to create in the hearts of Manitobans simply are unfounded and the accusations that he makes that the Free Trade Agreement is a vehicle to allow us to siphon off our water to the Americans and dry ourselves out are simply unfounded. I find it rather interesting that he is still persisting in his efforts to instill those fears in Manitobans.

**Mr. Doer:** I am quoting Mel Clark, I am not quoting a partisan political party, I am quoting an experienced negotiator.

### Water Exports Legal Opinion

**Mr. Gary Doer (Leader of the Second Opposition):** My question to the Minister is very simple. Given the fact that the U.S. protectionist law overrides any treaty between Canada and the United States—the Minister should not quote the 1909 International Joint Commission Boundary Waters Treaty—my question to the Minister is can he table a legal and objective opinion in this House right now to counteract the objective statements of Mr. Clark on the issue of Article 2201 in terms of it does not say bottled? If you read the agreement, you would understand that. Can you table a legal opinion to support your position?

**Mr. Harry Enns (Lakeside):** Just wait a minute, I am writing it out!

**Mr. Deputy Speaker:** Order, please. The Honourable Minister of Natural Resources.

**Hon. Jack Penner (Minister of Natural Resources):** If the Honourable Leader of the N.D. Party (Mr. Doer) would have been listening about a week ago, I indicated very clearly that it was the opinion of our legal department in Natural Resources that water was not part of the agreement. It was not affected by the Free Trade Agreement.

If the Honourable Leader would wish me to table that opinion, I certainly can do that at some point in time, although I do not have it at my disposal right now.

**Mr. Doer:** I wondered where that \$200 million went. I guess you created legal departments in all your departments of Government.

### Rafferty-Alameda Project Legal Opinion Request

**Mr. Gary Doer (Leader of the Second Opposition):** My question to the Minister is, given the fact that he has a legal department at his disposal now, can the Minister table a legal opinion in this House that supports the position that the federal Minister of Environment did not break his own federal Environmental Act by granting a licence to the Province of Saskatchewan for the building of the Rafferty-Alameda Dam without a mandatory legal federal environmental impact study? Can he table a legal opinion that demonstrates that the federal Minister did not indeed break his own legislation?

When is he going to start standing up on behalf of Manitoba's water on the Rafferty-Alameda Project?

**Hon. Jack Penner (Minister of Natural Resources):** As I indicated to you before, Mr. Deputy Speaker, I am not sure what the Honourable Leader of the Opposition (Mr. Doer) is leading up to. It appears to me that he is mixing apples and oranges. Now he is attempting to mix Saskatchewan and Manitoba water with North Dakota water, and I am not quite sure what the intent of this whole line of questioning is.

It appears very evident that the Honourable Leader of the N.D. Party has very little knowledge about the agreement that was struck to allow Rafferty to start construction. It appears very evident that he has not read the technical study that I tabled in the House not too long ago and I would suggest to him that he do that.

### Land Titles Office Performance Update

**Mr. Harold Gilleshammer (Minnedosa):** My question is to the Attorney-General (Mr. McCrae). We have reached the end of the period set aside to address the problems at the Winnipeg Land Titles Office. Could the Minister give us an update on the situation?

**Hon. James McCrae (Attorney-General):** I thank the Honourable Member for his interest. It is nice to have some good news every once in a while. For the sake of the Honourable Member for St. James (Mr. Edwards), it is worth noting that with this Government good news comes quite often as a matter of fact.

Despite the month of October having the highest daily average of registrations since July of 1987, averaging 612 for the 20 working days, we have managed to meet our targets. Indeed, we have exceeded them significantly. For the acceptance of mortgages, for the end of October, our target was seven-day turnaround. We have achieved five days. For the acceptance of transfers in the Land Titles Office, the target for the end of October was 21 days turnaround, and as a legal practitioner, Mr. Deputy Speaker, I am sure you will be interested to know that we have achieved a 10-day turnaround.

\* (1410)

## Permanent Solutions

**Mr. Harold Gilleshammer (Minnedosa):** A supplementary question, what measures have been put in place to provide a permanent solution to these problems so that they do not reoccur?

**Hon. James McCrae (Attorney-General):** There was a time when that might have been considered a tough question in this House but it is not anymore. There have been some changes and I can tell you that Cabinet has approved resources for the Winnipeg Land Titles Office. These additional resources will allow the Land Titles Office to carry on with the process of conversion and also deal with the day-to-day business.

There has been an extension of the eight term positions and there are six additional term positions. This will allow us to carry on with the conversion process while not interfering with attempting, month by month, to continue bringing good news like this.

I know the Honourable Member for St. James (Mr. Edwards) has been down somewhat lately and any time he likes to ask questions about the Land Titles Office, I would be glad to cheer him up.

## Winnipeg Rivers Water Quality Upgrading

**Mrs. Gwen Charles (Selkirk):** My question is to the Minister of Environment (Mr. Connery). Even today here in this House we were discussing the quality of water and the planning for water services between the States and Manitoba. Indeed, the Minister is well aware of the quality of water running past almost this very building and has called it himself a cesspool in the Hazardous Waste Conference. I admire his ability to finally recognize what the state of our river quality is.

I ask him, what action is he taking with the City of Winnipeg in order to upgrade the quality of water in the Red River water system?

**Hon. Edward Connery (Minister of Environment and Workplace Safety and Health):** I am quite surprised that the Member would ask that question because it was just this week I had a personal conversation with her and we discussed the water quality in the Red and the Assiniboine Rivers and the fact that, yes, indeed, I believe they are cesspools.

I explained to her that our department was talking with the City of Winnipeg to address a long-term resolve to the water quality running through the City of Winnipeg. The blame is not totally the responsibility of the city. As the Member knows, we have problems at Portage, problems at Brandon, and there is other material flowing into the rivers that is affecting the quality.

The Member knows that we are going to have to embark on a long-range multi-year plan to resolve the problem. So she understands the problem. We had a long conversation. Because she had complained earlier, I wanted to make sure the Member was informed what our department was doing to try to correct the water quality.

**Mrs. Charles:** I was asking this question in order to give the Minister an opportunity to put his action on the record and I hope he appreciates that side of it as well, because there should be areas where we can cooperate in this House.

**Some Honourable Members:** Hear, hear!

**Mrs. Charles:** I asked the Minister because I believe—

**Some Honourable Members:** Oh, oh!

**Mr. Deputy Speaker:** Order, please!

## Infrastructure Support System

**Mr. Deputy Speaker:** I can understand that all Honourable Members would like to participate in Question Period, but the Honourable Member for Selkirk.

**Mrs. Gwen Charles (Selkirk):** I ask the Minister what plans he has in place to obtain the money that will be required to do all the infrastructure repairs throughout the province? Is he asking the federal Government to propose an infrastructure support system across the province, and indeed across the country, which has been supported for the Federation of Canadian Municipalities and seemed to be actually a cost-benefit program?

**Hon. Edward Connery (Minister of Environment and Workplace Safety and Health):** Mr. Deputy Speaker, the Member knows full well that to resolve the problem within the City of Winnipeg itself would cost anywhere between \$500 million and maybe even a billion dollars to totally repair the problem that we have, because in some areas of Winnipeg there are no separate storm sewers and so when we have a large rainfall then the sewage runs free-flow into the river.

Yes, Mr. Deputy Speaker, we are, on a continuous basis, in discussion with the federal Government to give us some support to correct the problems we have, and we hope that this can come to fruition because I agree with the Member for Selkirk (Mrs. Charles) that the water that flows by that town is not adequate to drink in its present form. So we are working very strenuously with the federal Government and with the City of Winnipeg.

I gave my commitment to the Member for Selkirk that I would keep her informed and would welcome her suggestions as to what we can do.

## Environment Act Amendments

**Mr. Deputy Speaker:** The Honourable Member for Selkirk, with a final supplementary question.

**Mrs. Gwen Charles (Selkirk):** Will the Minister indicate in this House today what amendments will be brought into the Session, perhaps the next Session, that will amend The Environment Act so that action can be taken by the provincial Government over the authority of the

City of Winnipeg to take any action that will be required to take the Red River up to quality?

**Hon. Edward Connery (Minister of Environment and Workplace Safety and Health):** Mr. Deputy Speaker, on March 31 of this year, The Environment Act came into play. Prior to that, the City of Winnipeg had control over the environment. Now the province has control over the environment in the City of Winnipeg, so we do not have to put into effect any more regulations to do what needs to be done. We will do it in cooperation with the City of Winnipeg and I will keep the Member for Selkirk (Mrs. Charles) fully informed at all times.

**Mr. Deputy Speaker:** The time for question period has expired.

### POINT OF ORDER

**Mr. Deputy Speaker:** The Honourable Member for Brandon East, on a point of order.

**Mr. Leonard Evans (Brandon East):** Mr. Deputy Speaker, I rise on a point of order. According to our Rules, on page 31, Rule 48.(2) "Written questions that remain unanswered will be republished on the Order Paper once every two weeks."

Mr. Deputy Speaker, I notice in today's Order Paper, on page 8, the Written Questions are listed but the questions are not republished as required by the rules of this House. I wonder, therefore, if Mr. Deputy Speaker would look into the matter. There may be some confusion because Address for Papers may be listed every two weeks but Written Questions are supposed to be republished in full every two weeks.

I wonder if the Honourable Deputy Speaker would look into this matter.

**Mr. Deputy Speaker:** I thank the Honourable Member for his point of order and I will investigate that matter.

### WRITTEN QUESTIONS

**Mr. Evans (Brandon East) -**

- What is the policy of the First Minister with regards to Ministers dismissing members of quasi-judicial boards or commissions who have questioned the impartiality of the Minister whose Department the board or commission reports to?

- What is the policy of the First Minister in informing members of boards and commissions of their dismissal through press releases?

- What steps has the First Minister taken to see that Ministers firing members of boards and commissions do not appoint new boards or commissions that no longer have any representation from women, natives, the north, or visible minorities?

- What is the policy of the First Minister in allowing Ministers to schedule Departmental events at organizations or clubs that by policy discriminate against women or minority groups?

## ORDERS OF THE DAY HOUSE BUSINESS

**Hon. James McCrae (Government House Leader):** Mr. Deputy Speaker, consultations have been held regarding Bill 22, standing in the name of the Honourable Leader of the New Democratic Party (Mr. Doer), and I understand there would be agreement for a motion to withdraw Bill 22 from consideration before the Standing Committee on Statutory Regulations and Orders and be transferred to the Standing Committee on Private Bills.

So, Mr. Deputy Speaker, on that basis, I would move, seconded by the Honourable Minister of Finance (Mr. Manness), that Bill No. 22, The Liquor Control Amendment Act, be withdrawn from the Standing Committee on Statutory Regulations and Orders and be transferred to the Standing Committee on Private Bills.

**Mr. Deputy Speaker:** Does the Honourable Minister have leave? (Agreed)

### MOTION presented and carried.

**Mr. McCrae:** In connection with that motion, I would like to announce today that the Standing Committee on Private Bills will meet tomorrow, Thursday, 10 a.m. in Room 254. I am sorry, Mr. Deputy Speaker, Room 255.

**Some Honourable Members:** Oh, oh!

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

\* (1420)

**Mr. McCrae:** Mr. Deputy Speaker, would you be so kind as to call the Address for Papers on page 2 followed by Bill 21, followed by the Bills as listed on today's Order Paper in the order in which they are listed?

**Mr. Deputy Speaker:** Order, please. Order.

### ADDRESS FOR PAPERS

**Mr. Leonard Evans (Brandon East):** Mr. Deputy Speaker, I move, seconded by the Member for Logan (Ms. Hemphill),

THAT an Address for Papers do issue, praying for:

(a) a copy of any written directive from the First Minister to Members of Executive Council requesting Ministers not to use departmental files and lists for political fund raising.

### MOTION presented.

**Hon. James McCrae (Government House Leader):** Mr. Deputy Speaker, this Address for Papers is acceptable to the Government.

**QUESTION put, MOTION carried.**

**SECOND READING**  
**BILL NO. 21—THE HIGHWAY**  
**TRAFFIC AMENDMENT ACT**

**Hon. Albert Driedger (Minister of Highways and Transportation)** presented Bill No. 21, The Highway Traffic Amendment Act, for second reading.

**MOTION presented.**

**Mr. Albert Driedger:** I take pleasure in giving this second reading to Bill No. 21. I have had the Bill on the Order Paper for a long time and I am sure everybody is waiting with bated breath to hear the second reading of it, but seriously, I want to apologize for the delay in it. Certain circumstances were involved. The implementation of The Off-road Vehicles Act had to be compiled into part of this and as a result it took a little longer until we finally got to the second reading.

In introducing Bill No. 21 to the current Session, it contains amendments to The Highway Traffic Act relating to three areas. Now, I took the liberty in forwarding the necessary information to both critics outlining it, and I broke it down into three different categories. Under The Highway Traffic Act it will not appear that way but, if they use the material that I have forwarded to them, they can compare exactly what was the existing legislation.- (Interjection)-

**Mr. Deputy Speaker:** Order, please. Order. The Honourable Minister of Highways and Transportation.

**Mr. Albert Driedger:** Mr. Deputy Speaker, as I indicated, I have had the information forwarded to the various critics so that they can compare exactly what the existing legislation is and how the changes take place and what effect it will have.

What is included in Bill No. 21 is implementation of the National Safety Code Standards, the Vehicle Weights and Dimensions Initiative, and The Off-road Vehicles Act. My remarks are intended to give some background and insight into the three groups of amendments. It is essential that these amendments be presented at this fall Session of the Legislature in the form of a housekeeping amendments package to enable Manitoba to meet its national obligations and commitments to allow the implementation of the National Safety Code, and the Weights and Dimensions Initiative by January 1, 1989.

As well, I would like to indicate that there are certain graphical errors that are involved that we will have to deal with at committee level. It is not anything major but certain wording that has to be changed, and we will be addressing that once we get to the committee stage, so it does not change the impact of what we are presenting here.

Under the National Safety Code, the related amendments, we intend to ensure there is no deterioration in highway safety resulting from economic deregulation of the highway transportation industry.

The federal, the provincial and the territorial Governments, in consultation with the trucking industry,

labour, safety groups and other interested parties, have adopted a National Safety Code for commercial vehicles. The code applies to all commercial trucks over 4,500 kilograms registered gross weight and all commercial buses capable of carrying more than 10 people including the driver. The basis of the National Safety Code is a series of nationally approved standards.

Implementation requires legislation and regulatory action by the federal, provincial and territorial Governments. Many code standards are already in place. All should be in place by the end of 1989. The National Safety Code covers all aspects of commercial vehicle safety and is built upon existing standards and practices with additions in key areas. The most significant additions which will affect highway operations are regular interval off-highway vehicle inspections as well as a random on-highway vehicle inspection, hours of service, record keeping requirements and daily trip reporting. Carrier terminal operation will be affected by the code provisions for facility audits.

In accordance with Manitoba's undertaking to amend its legislation to give meaning and effect to the National Safety Code standards, a number of code related amendments have been included in this Session's package of amendments to The Highway Traffic Act.

The second portion that we will be dealing with under Bill No. 21, The Highway Traffic Amendment Act, is the vehicle weights and dimension-related amendments. In early 1988, Cabinet authorized the Minister of Highways and Transportation to be a signatory to a Memorandum of Understanding involving the council of Ministers responsible for transportation and highway safety. The memorandum commits the Province of Manitoba to accept the national standard for inter-provincial heavy-vehicle weights and dimensions based on the finding of a two-year technical program.

\* (1430)

The goals of the vehicle weights and dimensions initiatives are to enhance safety through encouraging the use of the most stable heavy vehicle configurations, having regard to their productivity relative to their impact on highway infrastructure, their ability to serve markets across Canada and their safety implications to other highway users. As a result of this initiative, there is now a high degree of consistency on the vehicle weights and dimensions regulations across Canada, as well as a feedback mechanism to ensure provinces do not unilaterally enact legislation or regulatory amendments contrary to these objectives.

In recognition of the improved stability of combination vehicles available through wheel bases of both truck, tractors and trailers, their length is being increased. In recognition of the differing stability characteristics of different configurations of vehicles, the maximum proposed allowable registered gross weight differs between combination types. For example, in view of the inferior stability performance of the A-train configuration, its proposed gross combination weight limit for new equipment will be 53,500 kg, while the existing equipment prior to July 1, 1988, will be

grandfather to the end of this century at the previous maximum statutory registered gross weight of 56,500 kg. The more stable B-train configuration has a proposed gross combination weight limit of 62,500 kg.

In view of the improved stability characteristics available for all combinations using currently available wider track axles, 2.6 metres or 8.5 feet, it is proposed that all semi trailers will be required to use these wider axles and efforts are being taken to encourage their use on tractors as well. The increase in trailer length to 16.2 metres or 53 feet must be considered in the context of the fact that our neighbouring three western provinces currently allow them, as well as do 20 states in the USA, some adjacent to the Canadian provinces.

The 16.2 metre trailer length was adopted in the four western provinces based on the long distances of flat terrain as well as good highway geometrics, an alignment common to the Prairies. The balance of the provinces will be enacting 14.65 metres or 48 feet trailer lengths because of the geographical concerns. There remains weight uniformity across the country although the lengths may vary. It is expected the increase efficiencies by the trucking industry will be passed on to consumers through a reduction in freight rates.

The vehicle weights and dimension standards will be incorporated in a regulation to be made under the authority of The Highway Traffic Act. The package of amendments contains the enabling and consequential amendments required to allow the Minister of Highways to implement the vehicle weights and dimensions initiative.

The third portion, Mr. Deputy Speaker, is The Off-road Vehicles Act related amendments. Bill 67, namely The Off-road Vehicles Act, received Royal Assent in Manitoba Legislature on July 17, 1987. It was proclaimed on October 1, 1988. The new Off-road Vehicles Act governs the operations of all types of off-road vehicles, including snowmobiles. The Snowmobile Act was repealed as of the above mentioned date of proclamation. The proclamation of The Off-road Vehicles Act necessitates a number of minor complementary amendments to The Highway Traffic Act to ensure consistency between the two Acts. These amendments are included in this Session's package of amendments.

Mr. Deputy Speaker, those are basically some comments that would affect changes in this Act. As I indicated before, I have forwarded as much information as was available to the various critics so that they have a chance to peruse it. If there are any further questions, I would like to hear their comments about it. If they feel there is further concern that they would like to raise, certainly I would be prepared to cooperate in that sense. Thank you.

**Some Honourable Members:** Hear, hear!

**Mr. Ed Mandrake (Assiniboia):** I move, seconded by the Honourable Member for Fort Garry (Mr. Laurie Evans), that debate be adjourned on this Bill, that being Bill No. 21.

**MOTION presented and carried.**

## COMMITTEE CHANGE

**Mr. Kevin Lamoureux (Inkster):** I have a committee change. I move, seconded by the Honourable Member for Fort Rouge (Mr. Carr), that the composition of the Standing Committee on Private Bills be amended as follows: the Honourable Member for St. James (Mr. Edwards) for the Honourable Member for St. Norbert (Mr. Angus); the Honourable Member for Selkirk (Mrs. Charles) for the Honourable Member for Ellice (Ms. Gray); and the Honourable Member for Assiniboia (Mr. Mandrake) for the Honourable Member for Transcona (Mr. Kozak). Thank you.

## DEBATE ON THIRD READING AMENDED BILL

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

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 10, The Court of Queen's Bench Act, standing in the name of the Honourable Member for Rupertsland (Mr. Harper)—the Honourable Member for Rupertsland.

**Mr. Elijah Harper (Rupertsland):** I would like to comment on this Court of Queen's Bench Act. I recognize the Bill is to enhance or expedite the hearing of the court proceedings and will also contribute to reducing the backlog of the cases. I want to put my comments on it because usually courts are foreign institutions that are usually foreign and are usually not well-understood by many of the Aboriginal people in the communities in the reserves that I represent, and we are trying to address this particular Act so that the court itself, the Queen's Bench hearings will move more rapidly.

I want to touch on that because many of the Native people, who have experienced and gone through the court system, find it is a very, very frightening experience and also something they do not understand. More and more, as this Commission of Inquiry on Aboriginal Justice goes into many of the communities, we hear that the communities do not have the resources to put many of their questions concerning the court system and that is being heard every day as this commission and these commissioners go into the communities in many of the northern reserves.

Part of the problem might be that many of the elders, community people, who are not familiar with the court system, who are not familiar with the divisions of the court, like the Family Court Division of the Queen's Bench, cannot be understood as readily by many of the rest of day-to-day society here in Winnipeg. They are so remote that none of these court proceedings and the judges are in a sense foreign to the Native communities.

I am sure that the Native people were able to contribute to the proceedings and the court hearings if they understood the system, also even if they were charged and understood what the charges are and also the proceeding of plea bargaining, whether they plead

guilty or not guilty. Those are some of the questions that are being raised by many of the elders and the community people. I think it is sad because I am sure that Native people could contribute. I am very, very glad that, for the very first time in the history of Manitoba, we do have a Native person who has been appointed into the court being a judge. I think that will address and also the Native people will have confidence in the court system.

\* (1440)

This Queen's Bench Act is trying to address maybe some of the backlogs. I do not know how many cases relating to particular cases that might be proceeding in a court are related to Native people, but I know that many Native people go to court just because of lack of understanding. I know we do not have words for some of the legalism that is involved in the judicial language. We do not have words for those in our language. Also, even when I debate here in the House and Parliament and Legislature, we do not have words for such a place. What I have to do is I have to elaborate and try to articulate as to the place I am in—I am in a House, speaking where laws are made. Basically we do not have words for such a place. So as you can see, many of the Native people when they go to court do not know what the courts are or what the court procedures are and some of the proceedings that they have, the rights that they have. It is very difficult to explain and also for an elder to completely understand what the court is.

We hear today that if Native people are to become part of the Canadian society, to become involved in many of the institutions of this country, including the judicial system, and also to have confidence in the system, they need to be made aware of what it is and also for them to participate in the questioning of the judicial process. To date, the frustration that is being heard by many of the northern people including the commissioner's statement yesterday that it is paramount that these groups receive some sort of funding so that they can have the communities participate and understand what they are participating in and also able to make recommendations as to the involvement of some changes within the judicial system that might apply to the Indian people, to the aboriginal people.

I know the Canadian Bar Association has recommended and also said that the establishment of a separate court system for aboriginal people is acceptable and also would not be subject to a court challenge. At the same time, we understand, too, and aboriginal people understand that we have to maintain some of the criminal—which are natural in nature, which the criminal elements of the proceedings would not be taken over by the local judicial system. I am sure that the Native people have ways of dealing with many of the offences, some of the petty crimes that are committed in many of the communities. We have traditions that have been practised over many, many, many years in dealing with people who have broken the law.

I wanted to emphasize that because we need to establish Native court systems in communities. There

are some pilot programs that are happening like in St. Theresa Point where they have a juvenile court system being a sort of pilot project happening there where the local magistrate and the people who are involved in the decision-making process for an appropriate sentencing of a juvenile or a youth. I think the youth have a respect of their elders, the community, of their peers if they are being sentenced, and because of the system that we had in place for many years seeing a system that has torn families taken away, our children have taught Native people, that they are second class citizens. They do not have any respect for that and there is generally resistance and non-respect of the law enforcement officers or the judicial system.

If you place them into the hands of the court, the local court system, within a community, I am sure that you would find a different attitude and a different kind of appreciation for the court system in that community. That is what Native people need to be advocating and also able to build a system that will address many of the local concerns, that they do not necessarily have to be flown out to Thompson or flown to Winnipeg such as many of our youth offenders are today experiencing.

We have many of the youth offenders coming to Winnipeg and they are sitting at the youth home for weeks until their sentencing comes up and sometimes they have to appear sometimes up North, and they are taken up there and then if the weather is bad and they have to be flown back, so there is a great deal of time and also an expense being made in those attempts to have hearings in the North.

I am sure there is a better way of dealing with many of the cases in the North. That is why you have many of the backlogs happening in many of the communities because the court system is not moving fast enough or the judges themselves are booked. I am sure many of these things could be disposed of if they were done at the community level and many of the mediation-conciliation process could be done at local level with the help of the local judge by the elders themselves.

Also in The Court of Queen's Bench Act, references of the court make up the Queen's Bench such as the Family Court Division, and there we have the cases of families and disputes. As you know, many of the Native families are broken up as a result of the inadequate housing or the social conditions that exist in many of the communities. As a result, we have many family break-ups. I know that this is one area where the Native people have emphasized and placed a top priority in trying to deal with the issue of a family, the family unit, the family services, and also the child caring agencies are being set up in the North so that the aboriginal people can start taking care of their own, as they say, and start to develop programs, and also start developing this institution that will serve the aboriginal people well.

This is the sort of direction that we want to take because aboriginal people themselves would have to take the issues in their own hands. By that I mean we have to solve our own problems. We also need assistance of people, Government institutions and other agencies that will lend a helping hand so that we can start picking ourselves up. I am sure that the aboriginal

people, if they were to proceed to set up their own systems, you would find that many of the court cases would not have so much of a backlog and also the courts themselves would be able to deal with some of the issues more expeditiously if some of these local matters could be dealt with at the community level.

I wanted to emphasize that because in today's experience, and also the high priority, the high exposure, the profile that is being created today as a result of the Justice Inquiry in respect to aboriginal people, that there are ways of dealing with this problem. The aboriginal people certainly do not want to be part of the problem but they want to be part of the solution. You get caught up in this cycle that is hard to get out of. I am sure that the recommendation that will be forthcoming from the commission will be to set up a different court system.

\* (1450)

I want to emphasize that this Government should be providing some funding directly to the Assembly of Manitoba Chiefs and other Native organizations so that the Native people themselves can directly make recommendations in respect to Native policing, probation, counselling and other judicial problems in the court and also explain why many of the people are incarcerated.

Here in Manitoba we have many of the prisons populated by Native people, I think in the neighbourhood of 41 percent of the total prison population. Over 40 percent are Native people, aboriginal people, and yet we represent, I think, as Indian people, 6 percent or 7 percent. If you include the Metis and non-status, that jumps up to 57 percent of the prison population in Manitoba.

Across nationally it is even more astounding because we represent such a small group of people across this country and yet the major incarceration of people in prisons are Native people. You begin to wonder why that is so, and part of the reason why is because of the enormous suppression that we have had in this country and partly, I think, is the frustration. Even if you look at the educational statistics, you would find that Native people are not well-educated, they have poor jobs.

I am sure that if the court dealt with the reasons why, if some of these things were addressed why many of the Native people have gone to court, you would find that the court system maybe has overlooked these facts in terms of why something has happened and we need to look into these more adequately. What I am trying to say is that because of the poor, I guess because we are not rich people, we are poor people, usually the poor people, one needs to defend themselves and we did not have the resources. Maybe that is why we cannot hire lawyers to defend ourselves and that is why we have people being remanded because they cannot be flown from up North to appear in court and that is why we have backlogs. Maybe that is one of the reasons why the issue here being addressed is to reduce the backlogs.

I know when I went up to Red Sucker Lake once, somebody came up to me, he wanted to go to appear

before court but he did not have the money to appear in a court. Often that is the reason why when people are being remanded and they cannot appear, to come into the court. I do not know what could be done about that, but maybe that is one of the reasons why we are trying to reduce the backlog in the courts.

So I am able to put a few comments on this Bill, and I hope the Government will support the aboriginal people in trying to secure additional funding for the commission and also maybe address many of the other concerns that the aboriginal people will be bringing forward. I am pleased to have said a few words on this Bill. Thank you, Mr. Deputy Speaker.

**Mr. Jerry Storie (Flin Flon):** It was my understanding that the Bill was to remain standing in the name of the Member for Wolseley (Mr. Taylor).

**Mr. Deputy Speaker:** We are presently on Bill No. 10, which was standing in the name of the Honourable Member for Rupertsland (Mr. Harper).

**Mr. Storie:** Oh, I am sorry, I thought we were on—I move, seconded by the Member for Rupertsland (Mr. Harper), that Bill No. 10 be adjourned.

**MOTION presented and carried.**

## COMMITTEE CHANGE

**Mr. Edward Helwer (Gimli):** I move, seconded by the Member for Lac du Bonnet (Mr. Praznik), that the composition of the Standing Committee on Private Bills be amended as follows: Helwer for Hammond.

## DEBATE ON SECOND READINGS

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

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 8, The Court of Queen's Bench Small Claims Practices Amendment Act, standing in the name of the Honourable Member for Wolseley (Mr. Taylor). (Stand)

### BILL NO. 9—STATUTE LAW AMENDMENT (RE-ENACTED STATUTES) ACT

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 9, Statute Law Amendment (Re-enacted Statutes) Act, standing in the name of the Honourable Member for The Pas (Mr. Harapiak). (Stand)

### BILL NO. 11—THE CHILD CUSTODY ENFORCEMENT AMENDMENT ACT

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 11, The Child Custody Enforcement Amendment Act standing in the name of the Honourable Member for The Pas—the Honourable Member for The Pas.

**Mr. Harry Harapiak (The Pas):** The Enforcement Amendment Act, I think it is a very important Act that deals with the family. I guess the breakdown in family relations is what makes it necessary for us to come forward with a Bill like this. I think it is an extremely important Bill to Manitoba citizens, although we do have some concerns with the Bill as we had expressed earlier. I think it is a Bill that we can be supporting with some reservations on it. I hope that the Attorney-General will look at some of the concerns that we have with the Bill and possibly making some amendments when the Bill goes forward to committee.

I have some concerns with the way that the family unit has been breaking down in the last little while. I firmly believe that the Government has the responsibility to pass laws and legislation to help alleviate some of the burdens that are threatening the very survival or existence of the nuclear family as we know it today and has been known for the past little while. When my own family was faced with crisis and, as anyone who has been married would know, that there are many times that your family is faced with a crisis.

We were fortunate as a family to have the support of a parish priest who counselled and supported us during that time and as well a Roman Catholic Sister who got to be a very dear friend of ours because of the counselling that she provided to us as a family. I think if it was not for some of the counselling that we received at that time, I sometimes wonder if we could have survived as a family. I guess that is why I have such grave concerns for other people who do not have the same support system.

\* (1500)

In previous years, it appeared that the only support system was your immediate family and then possibly the parish priest, but now it appears that the Government is going beyond the role that was originally envisioned for Government, and that was to be a tax collector and also an educator, but now the Governments are going beyond that. I believe that they have a responsibility to go beyond that because of the crises that the family unit is faced with.

I know that my friend from Lakeside here (Mr. Enns) agrees with everything I have to say in this subject because he is a man of great experience. I noticed he has had in his lifetime some of his constituents come forward and share some of the difficulties that his family would have been sharing or going through, some of the crises they were going through when they were going through some of those difficulties they were facing.

During one of the times that my wife and I were going through some of the crises that families go through, at that time we were blessed with the birth of a handicapped son. At some of those times there are people who are unable to grapple with the fact that they have been blessed with a child that is less than perfect. I guess it is at times like that that a family can be driven apart. We were very fortunate to have access to counselling as a family and we were able to overcome the difficulties that we were facing.

It was during one of these times that we were facing a crisis that we were invited to attend a Marriage Encounter. I know that many people will feel threatened by just the mere mention of a Marriage Encounter. Most people believe that people have to be experiencing great difficulty in order to participate in a Marriage Encounter. I think after going through one, nothing could be further from the truth. I think that every couple deserves to go through a Marriage Encounter. I think that you come to a point where you take each other for granted and you do not really appreciate what one spouse means to the other. I think if you go through a Marriage Encounter you get to appreciate what your spouse means to you, how much support you are to each other. I think that going through a Marriage Encounter would help you communicate better with your spouse. So I would recommend that if anyone has an opportunity to experience one that they would take the opportunity to participate in a Marriage Encounter.

It was in the process of this Marriage Encounter when we participated for a weekend that we were asked to become a team couple. Again, when we were preparing for some of the weekends that we were helping to put on, we came to a deeper understanding of some of the difficulties that we face in our own personalities, that we like to portray ourselves as being the perfect spouses, but when you have to really look within yourself, and within yourselves as a couple, that you find there are scars on you and that you can make some improvements as to how you can improve your relationship as a couple. I know that because of us participating as a lead couple, we had the opportunity to console and counsel many couples after that.

Because of our involvement, we became involved in the church. There were many people that came and sought our assistance in some of the difficulties they were experiencing, and I am pleased to say that we were able to assist some of those couples survive some of the difficulties that they were experiencing in their relationships at that time.

While I was participating in the church, I also had the opportunity to be a leader of a prayer group in The Pas as well. It was during that time that my wife and I both had an opportunity to participate in some further counselling as a couple and I think it helped us grow in our own relationship. So I think when we were faced, as any married couple will be, with some of the difficulties in raising a family, we were able to draw on some of the experiences we had shared with others and we were able to help ourselves.

I speak of this only because I am concerned about statistics which say that 40 percent of the children will see a family break-up before they reach the age of 18. In some of the statistics that you read from the States, especially in the area of California, the statistics are much higher than that. I guess it makes you wonder what will happen to the next generation because the statistics also show that if one experiences divorce in the family, then the more likely that they are going to be experiencing divorce in their lifetime as well. Further statistics show that if one of the spouses has experienced divorce, then their chances of being divorced goes up to 75 percent. I think that is a very staggering statistic.

We have the responsibility as legislators to make sure that there is support in place to help couples who may be experiencing some difficulties which may lead to break-up of the marriage. I have my own theory which many may take exception to. I think one of the facts that we have to face in our society is that we have the new gospel writers today. Those gospel writers are the ABC, the CBC, the NBC and the CTV rather than Matthew, Mark, Luke and John.

If you have an opportunity to watch any television, there are very few programs that will show you the family in a very positive light. I can just recall one, and of course I do not watch that much television, but I think the Bill Cosby Show is probably one of the shows that is on television which shows the family in a positive light. Another one that showed the family in a positive light was The Partridge Family, although that was not the nuclear family. That was a single-parent family but still it showed the family in a positive way.

I think it is time that we took the opportunity to bring forward some support for families who are experiencing some difficulties. I know in the area of The Pas, which I represent, there is continuously a difficult time of having a full staff in the Department of Community Services. One of the difficulties is because of the lack of trained people in the area, that trained people can get jobs in the City of Winnipeg. People do not appreciate what northern Manitoba has to offer for a different lifestyle unless they go to northern Manitoba and experience it.

I have talked to several people who have been in The Pas and they would love to stay on for a longer period of time than they do, but unfortunately because of the workload there is a very high rate of burn out. People who do come into The Pas, northern areas, do not stay there very long.

So I guess I am concerned with the support system that we have in place because I know that not only do couples require counselling who are experiencing some difficulty, but also the children of these couples quite often are experiencing more difficulty than they do from a family where there is a mother and a father. I guess the school system will tell you that wherever there is a single-parent family, not only is it more difficult for the single parent to raise the children but also because of the difficulties that children experience when they are not having the support of both a mother and father in the family.

\* (1510)

I think that it is time that we come forward with a solution to some of the problems that exist out there. I do not know if there is a need for a higher northern living allowance to entice staff to come up there or what it is, but I know that we in northern Manitoba are continuously faced with a shortage of staff in that area, not only in the community services area but also in the mental health field, which quite often the people, because of a breakdown in the marriage, are faced with greater difficulty.

I know that they sometimes start losing faith in themselves as people and they require some

counselling. I think it would be a good investment for the Government to have a greater accessibility to the counselling services at that time.

We know that the family today faces enormous stress. More and more it is becoming necessary for both spouses to work. Quite often it is because of the high cost of living where two pay cheques are required to make ends meet, and often it is because women are choosing to establish their own careers. There are many women who are making their mark in the professional careers which were at one time considered areas that were out of bounds for them. They were reserved for men in our society.

Because of the stress in life, we know that there are going to be marriages where the couples are going to require assistance in order to continue their relationship. I believe that over the last four or five years there have been great improvements made in the whole area of support services.

While I am talking in this whole area with family counselling and conciliation services, I would be remiss if I did not mention Muriel Smith. I think she, as a Member, a Minister, was probably one of the most caring, outstanding Ministers that I had the privilege to serve with. I think Muriel was always concerned about the welfare of her constituents and also the welfare of the family throughout the whole thing.

The Member for St. Vital (Mr. Rose) asks, am I serious? I certainly am serious. Maybe he has not had an opportunity to know Muriel Smith the way I have had the opportunity to know Muriel Smith. She was an excellent Minister of Community Services who was a very deeply caring person, who did a lot for the services of the family, not only in Winnipeg but also in all of Manitoba.

Mr. Deputy Speaker, I believe the Member for St. Vital (Mr. Rose) wants the floor, so if he wants the floor I can sit down and give him a few minutes to put his comments on the record if he wanted to.

In spite of the good works of the former Minister, there are still going to be marriage failures and we must be concerned about how the children of these couples will be dealt with. It is extremely important that we, as Members of the Legislature, do not get caught up in defending only the interests of women or men. We must at all times ensure that the interests of children, who are the innocent victims of unfortunate events, that these children are protected.

We need to ensure that when we discuss the Bill there are adequate resources put in the Bill which will permit cases to be dealt with quickly when you are dealing with access problems. The problems are usually very emotional and sensitive and I think that the sooner the problems are dealt with, the better off, not only the parents of the children would be, but also the children.

I think it is extremely important that the resources that are necessary are in place, and I am sure that the Attorney-General (Mr. McCrae) will be sure. I know that there is some federal funding for the pilot project in the first instance, but I know that there are going to

be some further resources required for staff to make sure that there is adequate counselling done. I am sure that the Attorney-General will be sure that there are those resources in place.

In the whole area of dealing with families there are many organizations dealing with those families. There are concerns that there is a big backlog of cases and people are falling into the cracks. We, as Members of the Legislature, add to the problem, rather than help. If the program is to succeed we must ensure, as I mentioned earlier, that there are sufficient funds. When children are out of focus, the only measuring stick in place is the dollar. We must make decisions which will be the most nurturing for the children who must be dealt with very quickly in order to alleviate some of the hurts that have to be present when there is a break-up in the home.

Mr. Deputy Speaker, I note in the Attorney-General's (Mr. McCrae) remarks the change in legislation is necessary to bring the pilot project into place. It is unfortunate that the Attorney-General did not bring forward the White Paper which is dealing with Family Law. There are several other issues that also require reform and this could have been dealt with at the same time as we are dealing with this subject now.

I see by the correspondence that was given to us when we were dealing with the subject, that the Charter of Rights Coalition, a coalition of equality-seeking groups, which is committed to ensuring Manitoba's statutes, regulations, programs and policies fulfill the Charter and guarantee the equality of all persons, have been urging the Attorney-General to bring forward the White Paper dealing with Family Law.

I also urge the Attorney-General (Mr. McCrae) to bring forward the paper on Family Law so that there can be a good discussion throughout the province on some of the difficulties that are plaguing the families and some of the areas that need to be corrected. I think the previous Attorney-General, Roland Penner, brought forward a paper on it which showed that there are many areas in Family Law that need to be corrected.

I would hope that the Attorney-General (Mr. McCrae) would bring that White Paper forward quickly so that we can have a good discussion with all of the concerned people in our province.

Mr. Deputy Speaker, in the whole area of enforcement and in the whole area of the pilot project we in northern Manitoba have a concern because if the legislation is going to apply to the people in the North, but at the same time we will not have the same resources that are going to be present in the City of Winnipeg because of the fact that the pilot project is going to be existing in the city. I know that the mediation is on counselling and has an opportunity to work, but I would think that the Attorney-General would look seriously at expanding this to take in the outlying parts of the province as well.

I know that there is some difficulty in this because of the fact that the federal Government is doing the funding, but I think that if the Attorney-General looked at the results of it I think that you would realize that

probably in northern Manitoba it is needed to a much greater degree than it is in the City of Winnipeg.

I had the opportunity to meet with some of the Native people who are involved with the placement of children from broken homes and I know that some people have difficulty in understanding why they would want to bring the children back to their own communities. I think that we have to take a common-sense approach to this and realize that the aboriginal people in Manitoba want to preserve their language, their culture, and that is the main reason they want to bring the children back into the community. We know that there has been some difficulties in that, and in some of the cases that have been brought forward, when people have been taken out of the community as was the case reported in northern Manitoba. I think in cases like that where the children have been away from the community for 10 to 12 years, we have to exercise some common sense and realize that this person has already probably lost all of their language and has become used to some of the comforts that we enjoy in the other parts of the province that do not exist in northern Manitoba and it is very difficult for them to make the adjustment.

So I think in cases like that we have to have a second look at the results of those cases and maybe be a little more realistic in our approach. I still think that the Awasis Agency that is handling the cases for the Native people are by and large doing a good job of placing the Native children. I think that the problem in the first place was there was not enough funding for the training but I do not think that we should discount the program altogether and say it is a failure, because I do not think that there are too many programs that come in place which at one time or another do not face some difficulty and some growing pains when the program was first started.

\* (1520)

So I would hope that the Attorney-General would have a good look at that and that moving the program outside the City of Winnipeg as well and making it available, making the mediation and the conciliation services available to the people of rural Manitoba so that they can not only have the teeth of this legislation but also may have some of the "carrots" as was referred to in his words. The "carrots" would help them deal with some of the difficulties they are faced with.

I know that when the Member for St. Johns (Ms. Wasylycia-Leis) spoke on this, she referred to some of the difficulties that are being faced by other jurisdiction in the whole area of access. I know that there are studies that are available and there are reams and reams of information that we can deal with which shows us that mediation can work. I think it is important that we give it an opportunity to work rather than going to the court in the first place. I think that quite often people are, I guess, because of the fact they have had a close relationship and it has broken down, quite often people are not looking or approaching the subject in a very realistic way. I think that personalities sometimes get in the way and they are not very realistic in the way they approach custody of children and I know that it is heartbreaking to see some of the cases out there.

I think that the sooner that we move on bringing this support program in, the better off that we are going to be. I know that there are many items that I would like to deal with on the family and the breakdown of the family. Some of the studies that have been conducted throughout North America, which deals with marriage and divorce and remarriage rates of women show that when they have been come from families where there has been a divorce that their chances are much higher of becoming divorced. It makes one wonder where we will wind up in years to come.

In Canada, divorces were not that easy to come by prior to 1968, but the federal divorce law was altered and the grounds for divorce became much easier to obtain. So I think there was an increase of great rate of divorces in Canada after 1968. I am not sure, I guess there are people who say that people are better off if they are not having a good relationship, they are better off breaking up. It is better for everyone concerned, better for the children and better for each of the spouses. My friend from Lakeside here has great questions in that and he feels that—if I am interpreting his comments properly—he feels that maybe they are better off staying together and trying to make it work, maybe they would be better off in the long run. But I am not sure—

**Mr. Harry Enns (Lakeside):** The family that prays together stays together.

**Mr. Harapiak:** And my friend from Lakeside says that the family that prays together stays together, and I think that quite often there is not enough in that in our society, that there is not enough prayer. I think if we did not put our humanness first and rely on someone else, then I think in many instances that there would be a much greater chance of survival of a marriage than there is at this time.

It was mentioned earlier that 40 percent of all Canadian marriages now end in divorce. That statistic was taken in 1977 and the divorce rates have gone up since then, so the statistics becomes even higher. It shows that in British Columbia the highest rates exist for divorces, and in some of the Maritime provinces there is the lowest rate. I am not sure if that can be tied to the fact that is because there are higher wage earners in British Columbia.

Yet that proves opposite to what the statistics show. Statistics show that the higher the husband's income is, the lower the likelihood of a divorce. It shows that the opposite is true in the divorce rates if a wife is making a high income. The chances are higher of a divorce.

I am not sure what is the cause of this, but I am sure that there are some people who are involved as counsellors in that whole field who are grappling with that idea. Maybe it is because of the independence that so many people feel and that is why there are barriers that exist in making marriages work. I think that quite often the expense of divorce proceedings and maintenance of two residences, as well as the necessity of providing for children, providing separations are major economic concerns of what keeps a family together.

I know that the people think this out well and they are aware that there is going to be loneliness and psychological penalties. There is going to be difficulty in coping with finances when you move to a single-parent family. I know that people put a lot of thought in this before they do make that decision to separate, but I guess that, like you say, you should never judge someone unless you have walked in their moccasins for a mile. Not having had the experience of it, I do not think I should be judging anyone when they are making the decision to terminate a marriage.

I know that I myself have been very fortunate. As I mentioned earlier, we have had times when we faced difficulties. When our first child was born the child was legally blind. I guess as a young couple at that time we were faced with some very grave decisions. I know that at that time my immediate family were the ones who provided some counsel to us and made it possible for us to face the difficulties of having a child who was legally blind. We were able to work it out. As I mentioned earlier, our fifth child was born autistic. I know that was a real challenge to us as a couple, on how to survive.

Because we had a chance to experience that I think that we were one of the fortunate ones that were able to—the Member for Lac du Bonnet (Mr. Praznik) is asking if it is artistic. It was not artistic. It was autistic, so if the Member wants to discuss that some time, I would be pleased to tell him about autism and some of the difficulties that people have of autistic children. I know that one of the areas that are—

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Deputy Speaker, a point of order.

**Mr. Deputy Speaker:** The Honourable Member for Lac du Bonnet, on a point of order.

**Mr. Praznik:** Mr. Deputy Speaker, the Member for The Pas (Mr. Harapiak) in his remarks seemed to allude on the record that I was making fun of comments he had made, and that was not the case at all. I was having a brief chat here with the Member for Gimli (Mr. Helwer) about the particular condition which he described and I have great concern.

I would like to have that straightened on the record, Mr. Deputy Speaker, because there is no way any ill was meant to the Member for The Pas (Mr. Harapiak) in that comment. That is very dirty on his part to pick up a comment in a conversation and try to deprecate another Member of this House.

**Mr. Harapiak:** Mr. Deputy Speaker, I did not make fun of him. I was under the impression that he was legitimately asking the question, did he say artistic or autistic, and if he misunderstood me, if I misinterpreted his intention, I apologize for it.

**Mr. Deputy Speaker:** I thank the Honourable Member for The Pas (Mr. Harapiak). I just wish to advise the Honourable Member for Lac du Bonnet (Mr. Praznik) that his matter of clarification is not a point of order.

\* (1530)

**Mr. Harapiak:** Mr. Speaker, one of the areas that faces a great difficulty in the whole area of dealing with children who have come from broken homes is the education system. I think that quite often our educators are not equipped to deal with some of the traumas that the children are experiencing when they come into school. I know that my wife is a child care worker in a day care centre now. She has shared with me some of the experiences that the children are facing great difficulty because of the fact that they come from a broken home. I think that once there are homes that are established with single-parent families, they accept that, and quite often it is taken as a normal family nowadays.

In the home where the breakdown is just happening, I think that the children are quite—without exception, they experience great trauma. I think that not only the child care workers, but I think also the educators have to be prepared in a way to handle some of the difficulties that children are experiencing. I know that having been a school trustee that quite often we hear the comment from the teachers that they are already looking after too many of the responsibilities of the parents or of society. Their first role in society is to teach the three Rs. Quite often they are criticized for not meeting those goals because of the fact that they are looking after too many of the responsibilities in society already.

I think it is extremely important that we become sensitized and know that there are people who will be coming to school who are experiencing some difficulties because of the difficulties of the marriage experienced in the home. I know in the case of the Kelsey School Division, in which I spent 10 years as a trustee, that we are in great need of more psychologists and psychiatrists in that school system. I know that there has not been much improvement made, that there is still a critical need for more of that support to the education system.

We presently have one person in the elementary levels, one at the senior level, who is dealing with the counselling, and I know that their workload is tremendous. They do not have enough time in the day to deal with the stress that the children are experiencing and in speaking to them they would like to do more counselling in the whole area with the family. They know that there are also difficulties there, but unfortunately with the level of their load, they are not able to give any counselling that they say is very badly needed.

I think that once again, the Attorney-General (Mr. McCrae) should look to getting together with the Minister of Education (Mr. Derkach) and see if there are some areas that they can supply more of the counselling services for that whole area. I know that teachers must be trained to detect some of those early symptoms of children who are experiencing difficulties in the home, and I guess that it seems logical that the whole mental health schemes of children could be delivered through the Mental Health Program by the Province of Manitoba.

I guess once again, as the Minister of Health (Mr. Orchard) and the Minister of Education are sure to point out to me, that they have priorities and we have priorities and there are not enough dollars to answer

all the needs that are out there in society. I know that it is a goal that we would like to strive for, but I am realistic enough to realize that we are not going to be able to give all the training that is required for teachers to recognize some of those difficult cases that come into their classroom. Although I know that it would be disruptive to not only the teacher but also to their fellow classmates when a person is not feeling good about themselves, because quite often you hear the stories, and I have had the experience of that, where there has been a breakdown in the marriage and the children blame themselves for having the family break-up. I guess it is something that is very difficult to deal with when a child feels responsible for having caused the break-up of their parents. I know that it has to be disruptive to the classroom, so I think that we should be giving our teachers a bit more training in that whole field.

I know that the whole child access area is something that is not easy to deal with. I know that although we support the pilot project, we want to see it work. We feel that it is something that can work.

Mr. Deputy Speaker, thank you for the opportunity to say a few words on this Bill. I am sure that the Attorney-General (Mr. McCrae) will take the comments that I made into consideration when we talk about the pilot project. Hopefully, he will extend the program to more than just the City of Winnipeg and will look at the rural parts of the province which also are in great need in this whole area of access to child custody. Thank you, Mr. Deputy Speaker.

**Mr. Jerry Storie (Flin Flon):** I am pleased to be able to rise and add my few words to the debate on Bill No. 11, The Child Custody Enforcement Amendment Act. It is an important Act and follows in the fine tradition of improvements to Family Law in the Province of Manitoba.

I listened with a great deal of interest to the comments of my colleague, the Member for The Pas (Mr. Harapiak), who I think added greatly to the debate from his own personal experience and his experiences not only as a Member of this Legislature but as a loving father, a family man and someone who is familiar with the requirements of a family to maintain itself, promote itself and protect itself from all the vagaries that it encounters in modern life.

The Minister responsible, the Attorney-General (Mr. McCrae), when he introduced this legislation, I thought quite appropriately, he gave credit where credit was due. The Attorney-General did, and I commend him for this, quite rightly give credit to the previous Government. As is in many cases with the legislation being introduced in the House, it was in fact the previous Government, in their wisdom and their initiative, which led us to debating these worthy amendments to Acts today.

I thought the debate thus far, whether it was the contributions of the Member for Transcona (Mr. Kozak), the Member for Inkster (Mr. Lamoureux), the Member for Kirkfield Park (Mrs. Hammond) or the Member for Fort Rouge (Mr. Carr), they have all been extremely

enlightening and I think reflect the importance that Members of this Chamber attach to Family Law legislation in general, but this legislation in particular.

I would comment that you, Mr. Deputy Speaker, I thought hit the nail on the head in one point in your very eloquent contribution to this debate. The Member is blushing in modesty and I certainly admire that in an individual. He commented to those Members who have not had the time yet, and I know that all of you want to, but some of you will not have had the time to read the Member for Transcona's remarks—

**An Honourable Member:** Transcona, or the Deputy Speaker, the Member for Seven Oaks?

\* (1540)

**Mr. Storie:** Seven Oaks, I am sorry. Transcona is Rich. I am sorry. I do not want to confuse the issue. It was the Deputy Speaker, the Member for Seven Oaks (Mr. Minenko), not the Member for Transcona (Mr. Kozak) who made these extremely invigorating remarks.

(The Acting Speaker, Mr. Neil Gaudry, in the Chair.)

He commented, I think, quite rightly that this issue should not be reduced to a question of male-female, father-mother rights at all. The fact of the matter is that this issue is a family issue. It is an issue which should concern all of us and I believe it does concern all of us because all of us are concerned about maintaining the family unit.

I am not trying to be Neanderthal in my discussion of the family unit. The family unit can mean more than the traditional nuclear family. A family unit takes on many connotations today, and quite rightly so, because we have loving families whether it is single parents or two parents or foster parents or guardians of children. There are many, many different varieties of family that exist today and they need assistance from time to time.

I say "assistance" and I think that is the point of this Bill. Many of the Members who spoke pointed out quite correctly that enforcement of access rights is probably the most intricate, the most complicated, complex issue in Family Law, and Family Law in itself is extremely volatile in nature.

We are dealing with tremendous emotional—both surpluses and deficiencies, if I may. The fact is that these issues more than any are ruled not by logic, not by dollars and cents, but by emotions. The ties that parents have to their children, and children to their parents and to the extended family are very, very deep. Consequently, when you are dealing with issues of access to parents and parents to children, you are into a field which is a veritable mine field.

That of course is why legislation that deals with those issues has to be so carefully constructed, so carefully drafted and so carefully enforced, because if any of those steps are completed without due thought and consideration to the complexities involved, we are setting a stage for not helping the family, not mediating, conciliating the differences between family members, but we are setting ourselves up to create more problems for those who are already in turmoil.

I said at the outset that this was one of a number of Bills that we have seen passed in this Legislature over the last decade, approximately, with the introduction of The Maintenance Enforcement Act, the original Maintenance Enforcement Act back in 1979 or '80 I believe, so we have moved in the past decade significantly towards improving the circumstances of families that find themselves in difficulty.

Just as maintenance is difficult to enforce, it is difficult to mediate between parties. This new area of enforcement of access is likewise difficult and complex, but we have made strides. I think we have made strides by being cautious, by not overstepping what our judicial system can actually accomplish. We have in most cases tried to avoid being directive and I think that is the strength perhaps of this piece of legislation, that it provides in the first instance for access to the parties by a counsellor, that it provides an initial assessment of the circumstances by an impartial, independent third person professional who comes to the circumstances without the emotional strings of the immediate family, or perhaps more callously, the vested interests of the legal profession involved in it.

What happens in many family disputes is that they become very partisan and in some cases extremely vicious and that in itself I think has tended to make the resolution of family disputes more difficult. I think it is clear to anyone who has watched or has had someone whom they know go through court proceedings know that what you end up with is very much adversaries in the courtroom process. We, I think, as a society, recognized that that was creating more problems than it was solving some time ago and the early attempts by Governments through the Attorney-General's department in most cases, and federally through the Solicitor General's department, to improve those circumstances to try and remove those adversarial conditions, try to instill into the process some other more humane, more sensible, more compassionate processes so that we could limit the emotional trauma that was being created by the breakdown, by the disintegration of the family unit.

So I think we are on the right track. This legislation, Mr. Acting Speaker, is I think a step in the right direction. I have said that it deals with a difficult area and I think it tries to resolve a new problem that is facing us collectively. I referenced it when I talked about the Member for Seven Oaks' (Mr. Minenko) comments that this is not a male-female, mother-father issue, but a family issue. It recognizes that it is not simply a question of the right to access, or assisting the access parent to get access. It also deals with the question of the responsibility of the access parent.

It is not enough for the court to say, yes, under these and those circumstances you will have access to your children to fulfill your obligation as a parent. The fact of the matter is that when those kinds of orders are given, the parent who has access has obligations that he or she has to fulfill. I say he or she because it has been in the past, quite often, that the access rights were assumed or in fact did belong to the male partner of the family and that is no longer the case. I am sure that all of us in this Chamber know some people where

the access parent is the woman, where the custody of the child has been given to the male partner in the family unit.

So we are talking about a whole new ball game and certainly we have recognized the new problem and that is that giving access is not enough. We have recognized that the right of access is not enough. We have to provide resources in the event that that access is either unreasonably being denied or in the event that access in itself is being abused. Again, one could reflect on situations that we are all aware of where either one of those circumstances is taking place and creating a problem. They are not easy to resolve.

Certainly in the case of abuse of obligations of access parents, one needs only to reflect on the emotional problems, the emotional disruption that the children of these families feel when the access is not being taken seriously, when the access that has been allowed by the courts is being abused in one way or another.

Clearly, access abuse can occur in a variety of different ways. Certainly the instances of a parent, whether it be a male or female parent who has access, but who uses that access infrequently, who does not use it regularly, where the access parent is abusing, psychologically or otherwise, the children to whom he or she has access, or cases where either inadvertently or maliciously, the access parent is disrupting the relationship between the custodial parent and the children. Those circumstances happen. I am certainly aware of circumstances where it has happened. It has happened to friends of mine and it is difficult to be a third party on the outside knowing both parents but yet seeing that process damage an already damaging situation. It is extremely emotionally draining. It is difficult to resolve. If we through this legislation are able to instill some new dynamic process, then we should do it.

\* (1550)

This legislation, as the Attorney-General (Mr. McCrae) noted, gives the right of the court to interject that new process. I do not think it is too intrusive. I think that it is necessary. It provides some authority that did not exist before to establish that process, but it is not the intention of the court and I do not think it should be perceived that it is the intention of this legislation to be heavy-handed. We have tried to establish a process that is reasonable, that is based on discussion, and consideration for what is in the best interests of the family and the individual children, and begins with a simple counselling session, begins with a simple discussion of the problems that are being experienced by the family unit.

Some people, I am sure, perhaps not in this Chamber, but some people in our society would argue that in itself is an intrusion into what is rightly the domain of the family unit and that the Government, the big bad Government, should not be imposing its will any further on families. Further, I say, depending on whether the court has been involved in decisions of access at all, because we know that the choice, I guess, the preferred method for resolving those disputes lies in the hopefully

friendly confines of negotiated settlements between the parties prior to any appearance at court, prior to any court ordered access or court ordered custody. Clearly, in some cases, but not in all cases, the court process is used and the orders are given to protect the rights of one parent or another.

I think we have to recognize that access orders are there to protect the rights of parents. Certainly, it would be nice to assume that parents, being responsible individuals, would be able to come to some agreement about access to children without the involvement of courts, but when they are not, the court has a right to protect the parental rights of one party or another and they go ahead and do that. I think they have also the right or the obligation to take the next step to make sure that right of access is in itself delivered. This is what we are about through the amendments to The Child Custody Enforcement Act.

My colleague from The Pas (Mr. Harapiak) mentioned that while this trial program, the Access Assistance Program, which the Attorney-General (Mr. McCrae) assures us will be in place as of February 1989—is that what the Attorney-General is promising? I cannot remember. February 1989, the Access Assistance Program will be in place? Something like that? The Attorney-General is assisting me, Mr. Acting Speaker, by suggesting it may in fact now be March, but the fact is that it will be coming into place. It is unfortunate that—(Interjection)—He has given us the sound assurance now, from his seat, that it will be in place to assist in this process early in the new year.

The limitation, though, that we see, and my colleague from The Pas (Mr. Harapiak) pointed it out, is that it is currently a trial project based only in the City of Winnipeg. I think that is unfortunate. I understand that trial projects are useful in that they give you some basis for evaluating the success or the potential success of those programs, but it does create some problems in the meantime for families who see the program, hear of its existence and want to have access to that kind of programming, that kind of assistance in their own circumstances outside of the City of Winnipeg.

It is perhaps ironic, if you will, unfortunately typical but ironic that this assistance program would be designed and implemented on a trial basis in Winnipeg where access problems, I think, from my perspective, are fewer than they are in rural and northern Manitoba. Consider the circumstances of couples in Flin Flon or Cranberry or Wabowden in my constituency where family breakdown often sees one parent or the other actually moving out of the community. That is sometimes necessary because there are very few jobs. So when the family breaks down, the household splits and one parent or the other, sometimes out of necessity, is required to move to another community 50 or 100 or more miles away. Clearly, that creates a whole set of other problems for access parents. It creates problems, I will acknowledge, for the custodial parent as well, but it creates some exceptional problems for access parents.

So what I would like to say to the Attorney-General (Mr. McCrae) is that I hope that the evaluation period for the Access Assistance Program will be short. I think

that the implementation of this program will show very quickly that this program works and it works to the advantages of not only the courts that may have some backlog reduced in dealing with court access orders, but it will also be useful in terms of saving a lot of turmoil in the families themselves by providing that independent third party that can get in without all of the emotional strings that are attached to dealings with family members and provide some sense of direction and some sense of continuity.

This program is desperately needed in rural and northern Manitoba. The legislation obviously is setting the background, laying the foundation for the delivery of this program in rural areas as well. I certainly would argue, and I am sure that there are many rural, and certainly my colleagues from the North, who believe that this kind of programming has even more benefits for those in rural communities.

It may not be easy for some people to accept the fact that separating disintegrating families in the North have these additional problems, but I know of too many cases where family separation in the North has had, as its consequence, the removal of one parent from the community. It may be that one of the parents, to get the support from its extended family, has to move from the community. So you have the situation where the mother is the custodial parent and her children are with her, but to get the support of the extended family, the mother's parents, requires a move from the community.

There you have a situation now where the mother and the children are with the extended family hundreds of miles away from the access parent and resolving disputes about access becomes almost an impossible task. The distance alone creates so many problems that it is a dilemma in itself. But all of the other problems that go along with family breakdown are there as well. They need the resources of a counsellor. They need the resources of the court when it gets to the mediation and conciliation process because that, too, is important regardless of where the family entity lives, whether it lives in the North or the South or in-between.

Mr. Acting Speaker, there is one other aspect of this Bill that is intriguing, I think, and potentially an area of concern for those that have observed human relationships perhaps more closely than others. I was a guidance counsellor for a number of years and was involved in family counselling. The dynamics of the family are intricate, to say the least, and they are not always easily explained and are at times quite irrational.

\* (1600)

I would want to say that one of the aspects of this Bill that may prove troubling to perhaps some of the Members in this Chamber who practise law, perhaps to some of the Members who have had or who know family members who have experienced separation, and that is the right that is being given to the family counsellors to make a decision about whether to change access orders or whether to recommend to parents that access orders be changed. That is a tremendous burden on one individual. I recognize that someone

has to make the decision and we know that these individuals are probably going to have as good an understanding of the dynamics of the family as anyone, but it is nonetheless an onerous burden.

Those individuals have to decide in their own mind what is best for the children. You have the circumstances where the court has awarded access to one of the partners, male or female, and you have an individual caught in the middle trying to make some decision about whether the access that has been granted is in fact in the child's interests. You have the other situation where you have the custodial parent who may believe that the access that has been granted is in some way damaging to the children involved. Those circumstances can happen. Of course, the difficult role of the counsellor will be to decide who is right. The counsellor is going to have to make a decision about whether to advise the custodial parent to seek an amendment or a revision of the order through the court system.

My colleague, the Minister of Health (Mr. Orchard), appeared to be interested momentarily in this very important matter, but once again his mind seems to have turned to other things—perhaps fighting with the MMA, we do not know—but he seems to have lost his interest in this particular matter.

Mr. Acting Speaker, the fact of the matter is that this individual plays the central role in this whole process because he has the first opportunity to allow the parents to come to some decision about access problems before it becomes a question of contempt of court. The counsellor plays a vital role because this individual is going to determine whether the current order is in the best interests of the child. This individual is going to determine whether the custodial parent is being treated fairly, whether his or her concerns are legitimate, and reminding people that we are dealing with a very emotionally unsettled family and individuals. You will have circumstances where the custodial parent will feel, perhaps wrongly, that the access parent through their access is planting the seeds of doubt, is trying to invoke hostility in the children involved, all of those things, and the counsellor has to decide whether those charges, those accusations, are correct. Then he has to decide after that, if he decides that the accusations are correct, what to do about it, how to advise the custodial parent, do we request a denial of access? So that is only one kind of problem.

We cannot have a similar problem where the custodial parent denies access entirely. Certainly, over the course of the last 20 years, there have been all too many circumstances where access has been denied. Courts have awarded access but by virtue of the fact that the custodial parent moves, perhaps frequently, the custodial parent makes it awkward or impossible for access to be obtained. All of those things are going to now have to be determined in terms of their importance by the counsel.

It certainly is not going to be an easy task. So what we have done is left with one individual, ultimately, the final decision on the well-being of the family unit, and there is no question, Mr. Acting Speaker, that we are going to need some other avenue to assist this individual.

I think if there is one area in the program that is perhaps somewhat flawed it is in that area. We have many, many people who are going to have been involved in this family matter from the initial dispute, the lawyers perhaps on either side, the judges, the court officials, the counsellor, the family members on either side of the family, so we are potentially involving the lives of dozens of people. When it comes down to the final decision, recommendations being made about which way to go, we are leaving it to this one individual.

So I am hoping that somewhere along the line there are some supports for this individual because it is going to be an extremely difficult task.

One of the other aspects of the Bill which I think is intriguing is the —(Interjection)— No, I think it is intriguing, I think it is also appropriate. I did not mean to indicate by saying that it was intriguing that it was somehow not necessary, and that is the possibility in this Bill that the costs of obstructionism may actually be assigned to one or other of the parents. In other words, if we find, or the courts find—I guess in the first instance if the counsellor finds—that the custodial parent is denying access unreasonably, or if the custodial parent is being obstructionist in some way and that finally leads to a contempt of court or a revision in the court of the Access Order, then costs can be assigned to the custodial parent.

Of course we are going to get into a whole other area of where the custodial parent has a lawyer, or is being supported through the Legal Aid system, but the fact of the matter is that this legislation allows for the assigning of costs to a parent who is being obstructionist in the delivery of the court order. Of course that does not have to be the custodial parent, it could just as likely be the access parent, if the access parent were abusing the privileges provided, or the rights provided by the court.

But it is another area where we are going to have to wait to see what the impact of the legislation is, in the final analysis, going to be, but it is an interesting area because it is establishing, again, a new set of circumstances for parents who find themselves in a situation where they are going to court to deal with the question of access to their children.

(Mr. Deputy Speaker in the Chair.)

Mr. Deputy Speaker, that is only a couple of the areas that I believe this Bill is going to change for the people of Manitoba. I have always been one who has said that in dealing with legislation in this Chamber we should both be imaginative on the one hand and cautious on the other. I believe that this Bill is part of a proud tradition of moving forward, progressing with Family Law legislation, but at the same time being cautious. We have established in this Bill some new elements to our Family Law equipment, the Family Law tools that are available for lawyers and available for families when there are family disputes, and we have added some new processes to help us deal with family disputes and what I believe is a more humane and more compassionate way.

But I want to leave on the record the three major concerns that I have about the implementation of this

legislation and the parallel Access Assistance Program, because I think we will need to watch them very closely over the coming months and after we finally get the program implemented, which the Attorney-General (Mr. McCrae) assures us is going to be early in the new year, and that is the role of the family counsellor. We are going to have to be very certain about his or her role in advising custodial parents or access parents about the necessity or the advisability of proceeding to court again to revise the custody order or the access order, they have a pivotal role to play in this whole process. I want us to be sure that they are not left alone in making that very difficult decision without support somewhere, if not in the Attorney-General's (Mr. McCrae) office, then certainly in the Department of Community Services.

\* (1610)

I know that much of this legislation, and I am sure these amendments came to the House not directly from the Attorney-General's office but also with the support of the Department of Community Services, because they too have a Family Dispute Services Branch. They provide services to unsettled families. Their contribution in this Bill, I think, should be acknowledged.

If there is anywhere that we as legislators want to put in the, I think, necessary protection, the necessary supports for these family counsellors, it is probably in the Department of Community Services. I know that in second reading we are not supposed to be talking about the specifics of the Bill, but this goes beyond that. I think this deals with the principle of not putting people in a very difficult position without ensuring that they have the wherewithal, the background and the necessary support to make good decisions and to be able to stand by them.

Certainly, we know that in cases of family dispute, while mediation, consultation, discussion, problem solving that occurs before these issues get to court can be useful, we also know that from time to time these processes themselves create conflict, in some cases, violent conflict. We are leaving these people in a difficult position because they have to make tough moral decisions. They have to make tough practical decisions. And they are going to have to deal with the anger sometimes of parents who have been disappointed by the process.

I do not know how many people have had the opportunity to talk to the gentleman who was out in front of this Legislature not too many weeks ago who had specifically this kind of problem, who felt that the process—and I recognize it was not the Access Assistance Program that was the problem. But this individual has the feeling, at least, that the process had not been fair, that his concerns as a parent had not been addressed, and was seeking redress now through another level of the court. It was an extremely sad situation, traumatic for him. If this legislation can do anything to remove some of the trauma that these parents and these children are going through, then I think it deserves our support. It reminds me of several other pieces of legislation which the previous Government introduced, including changes to The

Family Maintenance Act, including amendments to The Real Property Act, which all were designed to make Family Law in Manitoba more progressive.

So I finally commend the Attorney-General (Mr. McCrae) for having the courage to follow through with a New Democratic Party piece of legislation which is in the best interests of families. I only ask that the concerns that have been raised by myself and other Members, as we move into implementing the Access Assistance Program, are considered carefully and that when we evaluate the program, it is implemented provincially as soon as possible. Thank you, Mr. Deputy Speaker.

**Mr. Jim Maloway (Elmwood):** I move, seconded by the Member for The Pas (Mr. Harapiak), that debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 15—THE COOPERATIVE PROMOTION TRUST ACT**

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 15, The Cooperative Promotion Trust Act, standing in the name of the Honourable Member for Interlake (Mr. Uruski).

**Mr. Jay Cowan (Churchill):** That matter, Mr. Deputy Speaker, will stand unless there are other speakers who wish to speak to it. I had wanted to be recognized on a committee change if I could be.

**Mr. Deputy Speaker:** Stand, on Bill No. 15.

### **COMMITTEE CHANGE**

**Mr. Jay Cowan (Churchill):** I move, seconded by the Member for Flin Flon (Mr. Storie), that the composition of the Standing Committee on Private Bills be amended as follows: Concordia (Mr. Doer) for Rupertsland (Mr. Harper).

### **BILL NO. 27—THE PRIVATE ACTS REPEAL ACT**

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 27, The Private Acts Repeal Act, standing in the name of the Honourable Member for Inkster (Mr. Lamoureux). (Stand)

### **BILL NO. 28—THE AGRICULTURAL PRODUCERS' ORGANIZATION FUNDING ACT**

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Minister of Agriculture (Mr. Findlay), Bill No. 28, The Agricultural Producers' Organization Funding Act, standing in the name of the Honourable Member for Fort Garry (Mr. Laurie Evans).

**Mr. Laurie Evans (Fort Garry):** It gives me pleasure to have this opportunity to speak on this Bill. I am a

little disappointed though, Mr. Deputy Speaker, that we find ourselves having the necessity of speaking on this Bill not because it was unduly delayed by the current Minister, but it is a Bill that has been requested by farm organizations on several occasions prior to this. It is a Bill that should have been brought in at that time.

I think we have reached a point in our agricultural society where there is no alternative but to have a strong general farm policy organization that speaks on behalf of the farmers. We have reached a point in the agricultural society where the complexity of it is such that it is essential that farmers have the same type of lobbying facility as many other organizations in our society.

We have listened as we have gone through the Agriculture Estimates of the complexity of the agriculture industry, which ranges all the way from such things as the problems that are associated with drought, the farm financing issues, the issues such as the control or the problems related to the cost of herbicides and other inputs. The complexity of farming is such now that I think it is critical that someone serve in an advocacy role and support farmers so that they know what is going on at all levels of Government and that they have the opportunity to have the inputs that are necessary at the right time.

Now some will argue that it is unfortunate that there is no alternative to having a check-off legislation to finance these organizations. I am of the opinion that we have reached a point where there is no other alternative that is a feasible one for such an organization. Those of us who have belonged to unions over the years know that we have to have some mechanism of supporting these. Some of them are closed shops, and we argue that there is not the opportunity to make decisions that we might like, but I think we have reached a point in the agricultural society where it is necessary that there is an organization that has adequate funding.

\* (1620)

When I refer to adequate funding, it is not the old concept of somebody throwing in a buck and you have a few thousand dollars to try and organize and operate. This is a situation where you need adequate funding. I think the level of funding that has been proposed in the current Bill, while one can argue that it is too low or too high, I think it is a reasonable level of funding and obviously there has been input from the farm organizations that has led to the decision that the level of funding that is currently proposed is a realistic one.

It is time, I think, that this type of Bill move forward in a hurry. The reason that I say it move forward in a hurry is that organizations, and we are looking now at a general policy organization, they have been working on this for years. They have spent a tremendous amount of their energy going out and trying to build up a membership. A great deal of their time has been exerted in actually getting the membership and collecting the fees.

Anyone who has been involved in a volunteer organization over any period of time realizes that you

can only anticipate and expect people to go out and volunteer their services for a period of time. Eventually, you get to the point where the farm organization is going to say we have had enough, we just cannot exert the number of hours or put the number of hours that we are currently putting into this for the generation of membership and the collection of fees. Those individuals who are contributing their time to the farm organization are far more concerned with the development of policy. They do not regard themselves as salesmen. They regard themselves as individuals who want to be able to determine the consensus in the farm community and then have the opportunity to put that consensus into policy that, hopefully, will be carried forward to support what they regard as the critical items as time goes by.

Going through the Bill, Mr. Deputy Speaker, the Minister when he spoke to this Bill gave quite a bit of the background history. There is a lot of history to farm organizations in western Canada. For those who are interested, I would comment that they might find it interesting to read the report of the Manitoba Commission on Farm Organizations which was written in 1962.

If you go into that booklet, you will find that there are about three or four pages devoted to just the chronology of farm organizations in western Canada. These farm organizations have come and gone, and you can see that it has been of a cyclical nature. Usually, the farm organizations come along and they work very hard when the agricultural economy is somewhat in the doldrums. The economic situation improves and the enthusiasm is not there because things are going reasonably well and then, at a little later date, the enthusiasm generates again.

The other thing that is obvious in looking at the farm organizations over the years is that there have always been two or three or more organizations in every province it seems. One of the biggest problems that the farm organizations have had over the years is that there tends to be more energy spent on attempting to compete with one another because they have some differences of philosophy. There will be some who would argue that one cannot justify the support of only one organization.

I feel that we have reached a situation in the farm economy where, while there are going to be differences of opinion, I think like any other group that get together in order to exert some pressure, they have to sit down, attempt to come to grips with the differences that exist within the organization, arrive at a consensus and then have the courage to carry forth with that consensus in order to be able to exert the type of pressure that is necessary in order to get anything done.

I have no problem whatever with the concept of certifying only one organization. I think the fact that there is a certification agency is a very logical approach to take, because it takes the certification of the farm organization away from the political scene. I am very pleased to see that the idea is to have a certification agency made up of four or five members and that some of those members have been identified. I can think of no one better than to have people like the president of the Union of Manitoba Municipalities, the president

of the Manitoba Institute of Agrologists, the Dean of Agriculture and the Director of the School of Agriculture. They seem to be very logical individuals to have on there.

I guess from my standpoint, Mr. Deputy Speaker, I like to see those particular individuals on there, particularly those who are associated with the university because, once again, it gives that opportunity for that exchange of ideas and, I think, the opportunity for the communication between the grassroots agricultural component and those at the university who are charged with the responsibility of providing the education and the training that is necessary to attempt to make sure that our agricultural economy thrives.

I think, in addition to that, you have got the application process where any organization can in fact apply to this agency to determine whether in fact they are eligible for certification. The next stage of that is any of those who are eligible for certification then of course can apply to be certified.

The provision that is there, which I think is the most important one and one of course that is open to some controversy, and that is the method by which the certification takes place. It will be based on a decision made by the certifying agency. Beyond that, once that decision is made, there will only be the one agency that is certified, and all producers will be identified as belonging to that group.

The critical thing here is that every one of those producers will have the opportunity to opt out if he or she decides that they do not want to be members. One can always argue that maybe there should have been a plebiscite. Some would say that maybe it would be preferable to opt in rather than to opt out. I think human nature being such as it is, all of us have had things come over our desk or come in the mail, we have scanned them over and said well that is a tremendous idea, but we have not taken the time to go ahead and make that decision and send something in that would have us opt in. I think, while there can be some criticism of an opting-out procedure, I see in no way that it contravenes any rights that the individual may feel they have. They have that opportunity to opt out, and I think that is the only logical way to go in a mechanism of this type.

The membership of the organization that is eligible for certification has to be an extremely broad one. In other words, it has to be an open membership, and anyone who is identified as a producer is eligible to join, so there is certainly no exclusion. The other item that is critical, and I think important within this Bill, is the opportunity for commodity groups to not only be represented in terms of membership in an organization, but those commodity groups can also apply to have the opportunity to have a checkoff on that specific commodity.

The Bill that we will be discussing later, which is the one related to the Manitoba Cattle Producers' Association and the opportunity to have a checkoff there, I think you will find very soon, Mr. Deputy Speaker, that there will be other organizations that will be seeking this option as well. I know for a fact that the Manitoba

Pulse Growers, who I discussed this with just yesterday, will be pursuing that avenue very quickly if, in fact, this Bill moves through the system. I think that it meets the purpose of the overall umbrella group for the general policy. It meets the requirement for the checkoff for the individual commodities.

I think the other provision that is important in there, Mr. Deputy Speaker, is that the certification is for two years only, which means that any organization that may feel that they want to be considered for certification can apply at the end of two years. So this is something that does not provide a guarantee for one organization that they will be the representative forever.

There will be two years, during which time they will have an opportunity to prove their ability to do the job. If there is some dissatisfaction with their performance, then I am sure that there are leaders within the agricultural community who will seek to have another group developed that will in fact then request that they be considered for certification. There is no reason to assume that once this in place it will be there forever.

I think that the necessity is very clear. My view is that there is considerable urgency to this. This is something that has been proposed at least three or four years ago. The previous Government looked at it. As far as I am able to determine, the organization that put in the proposal was never told yes or no. There seemed to be a great deal of procrastination over it, and I can only assume that there may be some philosophical hang-up here.

I think that the time is overdue when the provision of adequate funding to a farm organization has to be there, and it would be my recommendation that this Bill go forward as quickly as possible. There are some minor issues in it that I think need to be dealt with at the committee level, but I am satisfied that we as the Official Opposition can give it our support and I think that it is something that will in time be a milestone in the agricultural community.

To my knowledge, there is only one province in Canada that currently has a Bill of this nature which provides that funding. That is in the Province of Quebec, and I think we are all aware of the effectiveness that the UPA have had in lobbying over the years. They have been a very good advocate, a very strong group in support of the agriculture of that province. I think that it is critical that Manitoba move in that direction as quickly as they can. Thank you, Mr. Deputy Speaker.

**Mr. Harry Enns (Lakeside):** Mr. Deputy Speaker, just a few words to speak in support of this measure, to commend the Government and the Minister for having made a promise and for keeping it.

Mr. Deputy Speaker, and certainly a commendation to Her Majesty's Official Opposition for what I understand to be their full understanding in the importance of this Bill and their enthusiastic support of this Bill. I would truly encourage the Members of the New Democratic Party who, if they want to cash in on the sense of the urgency of this Bill, of the importance of this Bill, and perhaps to broaden their rapport with rural Manitoba and with farmers, that surely

this would be an occasion to show a degree of unanimity in this House on this important matter.

I cannot say anything better than has already been said by the official Liberal critic, all his comments were to the point, very, very, precisely to the point. It would be a tremendous show of support to our agricultural community, to our farmers, if this House acted with dispatch and with unanimity, particularly at a time when we all recognize that agriculture needs a strong voice.

\* (1630)

Once again, I commend the Minister for the introduction of this Bill, the Government for having seen fit to have it as its priority legislation in this the first opportunity that this Government has had to present legislation, and wish it speedy passage through committee stage to final reading. Thank you.

**Mr. Deputy Speaker:** Order, please.

**Mr. Harry Harapiak (The Pas):** I move, seconded by the Member for Elmwood (Maloway), that the debate be adjourned.

**MOTION presented and carried.**

### BILL NO. 29—THE CATTLE PRODUCERS ASSOCIATION AMENDMENT ACT

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Minister of Agriculture (Mr. Findlay), Bill No. 29, The Cattle Producers Association Amendment Act, standing in the name of the Honourable Member for Fort Garry (Mr. Laurie Evans).

**Mr. Laurie Evans (Fort Garry):** Once again I think we are looking at a Bill that is really the reinstatement of what was a good Bill that was brought in a decade ago and, once again, we are faced with what I can only interpret as a change that was made because of a socialistic hang-up.

Surely to goodness when you have an organization such as the Canadian Cattlemen's Association, and the Manitoba Cattle Producers Association, who have gone on record indicating the desire for them to have a checkoff which will enable them to promote their own industry, then I think that one has to be somewhat irrational to assume that one should take that opportunity and that right away from them.

Here you have a Canadian Cattlemen's Association which has promoted the beef industry in this country and has developed that industry to one that has tremendous strength, one that has been able to stand essentially on its own feet for many, many years. And we have now in Manitoba a situation where the Manitoba Cattle Producers Association—and I attended one of their meetings last night—are in the sad situation where, because of the withdrawal of their ability to have a checkoff, they are dependent on a loan from the Canadian Cattle Association in order to keep their office operating here in Manitoba. And the Canadian Cattle

Association have gone on record as saying that Manitoba is a key ingredient to the Canadian Cattle Association in this country and they are willing to provide that credit to them on the assumption that some rational thought will come back into this province, and that the Manitoba Cattlemen's Association will, once again, have the opportunity to have a checkoff of \$1 per head on animals that are slaughtered in this province.

Now it is not a great amount of money, it is not money that is coming out of your pocket as a taxpayer, or my pocket as a taxpayer, it is coming out of the pockets of the producers who are the ones who are willing to contribute this. They are contributing for such things as advertising of the beef as a food product, for research, for extension and for the various other things that are necessary to promote the cattle and the beef industry in this province.

So, with that, Mr. Deputy Speaker, I fully support the re-introduction of the check-off facility within this, and that is the key issue within this Bill. I think here, once again, and I will speak to the other Opposition, you are looking at a situation where the Manitoba Cattle Producers Association, because of the inability to raise this type of funding, and the fact that they have obligations that they have to meet, I think if there is a Bill that is critical that it move quickly, this is the one. It is even more critical than the previous one which I felt was of importance to have it move through the system in a hurry. So I would hope that there will be the will to ensure that Bill 29 is taken to committee immediately so that the Manitoba Cattle Producers Association can see their way clear to maintaining the viable organization that they have had for quite a number of years.

**Mr. Harry Enns (Lakeside):** Mr. Deputy Speaker, my colleague, the Honourable Member for The Pas (Mr. Harapiak), says that I should declare my conflict of interest. I am actively, as others in this Chamber, involved in the production of cattle, but let me tell you that I am again encouraged by what I hear from Her Majesty's Official Opposition. Let me assure you that as yet I have not made any formal alliances with the Liberal critic on agriculture, but if he continues speaking this way it is very encouraging.

I must say, and I cannot say it any better than he has already said it, there is urgency to this Bill. But for a brief moment—and I regret very much that my colleague, the former Minister of Agriculture, Mr. Downey, the Member for Arthur—pardon me, I am not to refer to Members by their names. There is a rather regrettable history associated with this measure which obviously the Member for Fort Garry (Mr. Laurie Evans) is aware of. Seldom has this Legislature or a group of Manitobans experienced the kind of vindictive action that the cattle producers of Manitoba experienced under the hands of the previous administration.

Just very briefly, in 1978-79 under the energetic and enlightened leadership of the Member for Arthur (Mr. Downey), then Minister of Agriculture, did precisely what we are trying to do now, provided the mechanism not to spread largesse of taxpayers' money to any particular

group of Manitobans, or in this case the Manitoba Cattle Producers Association, but to allow them to fund themselves with appropriate opt-out provisions. That certainly did not transgress anybody's rights to make up their own mind as to whether they wished to associate themselves with that organization.

Was there not a more critical time in the history of Manitoba in the cattle industry that a strong voice, a strong lobby be available? In a previous speech on another issue, I indicated the shame and the inglorious record that this province has suffered through in the last 10 years with respect to the cattle industry, how we virtually saw our packing industry disappear from this province, which once used to be known throughout North America as a major packing centre for Canada.

At that particular time, at that particular juncture of history for the cattle producers, a vindictive NDP administration took away the rights to this organization, to these producers to self-fund themselves. That is all it was. It was simply a vindictive piece of action on the part of the New Democrats. I hope that they would have had time to reconsider and even if they adjourn this Bill, as I suspect they likely will, that they will reconsider their actions in the past, recognize the common sense that this Bill presents—(Interjection)—We cannot, as the Minister of Finance (Mr. Manness) says, and mend their ways. There is always time for a person who has made a mistake, a Party who has made a mistake to review past mistakes and learn from their experience.

This Bill, as already has been pointed out, has an urgency attached to it even greater than the one that we have just dealt with. Manitoba cattle producers have managed to struggle through the five-and-a-half years since their funding has been cut off by voluntarily subscribing to their organization certain funds, with the help of loans from parent organizations like the Canadian Cattlemen's Association. Now let us right a wrong that was inflicted upon them unnecessarily and in a vindictive fashion by a previous uncaring Government. I say it very sincerely, if the New Democrats want to wipe that blot off their record as far as primary producers are concerned, they can demonstrate it by voting for this Bill.

**Mr. Harry Harapiak (The Pas):** I move, seconded by the Member for Flin Flon (Mr. Storie), that debate be adjourned.

**MOTION presented and carried.**

\* (1640)

### **BILL NO. 30—THE STATUTE LAW AMENDMENT (TAXATION) ACT, 1989**

**Mr. Deputy Speaker:** On the proposed motion of the Minister of Finance (Mr. Manness), Bill No. 30, The Statute Law Amendment Taxation Act, 1989, standing in the name of the Honourable Member for Elmwood (Mr. Maloway). (Stand)

**BILL NO. 34—THE MUNICIPAL  
AMENDMENT ACT**

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Minister of Municipal Affairs (Mr. Cummings), Bill No. 34, The Municipal Amendment Act, standing in the name of the Honourable Member for St. Norbert (Mr. Angus). (Stand)

**Hon. James McCrae (Government House Leader):** Mr. Deputy Speaker, shall we call it five o'clock?

**Mr. Deputy Speaker:** Does the House agree to call it five o'clock? (Agreed)

Order, please. The Hour being 5 p.m., it is time Private Members' Hour.

**PRIVATE MEMBERS' BUSINESS  
PROPOSED RESOLUTIONS**

**Mr. Deputy Speaker:** On the proposed resolution, the Honourable Member for Minnedosa (Mr. Gilleshammer).

**RES. NO. 22—INCREASE IN  
ELECTORAL DIVISIONS—EQUITABLE  
REPRESENTATION**

**Mr. Harold Gilleshammer (Minnedosa):** I would move, seconded by the Honourable Member for Gimli (Mr. Helwer), Resolution No. 22, that,

WHEREAS the Electoral Divisions Boundaries Commission has submitted to the Government a report proposing certain electoral boundary division changes, based on the 1986 federal census; and

WHEREAS the population outside of Winnipeg could be, and is, described as rural and northern; and

WHEREAS the Commission report would result in a decrease in the number of seats in both northern and rural Manitoba and an increase in seats for the City of Winnipeg; and

WHEREAS Manitobans believe in fair and equitable representation for all regions of the province; and

WHEREAS an increase in the number of electoral divisions would correct this inequity.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba recommend to the Government that it consider bringing forward legislation which would amend The Electoral Divisions Act:

(a) to increase the number of electoral divisions to 60;

(b) to require the Electoral Divisions Boundaries Commission to divide the electoral division so that there are 30 seats in the City of Winnipeg, 25 seats in rural Manitoba and 5 seats in northern Manitoba; and

(c) to extend the time limits in the Act so that the Commission may prepare a report in accordance with this Resolution.

**MOTION presented.**

**Mr. Gilleshammer:** It is a pleasure to present this resolution today and to have the opportunity to speak on it. As a result of the current work of the Electoral Boundaries Commission, many Manitobans have come to the realization that impending changes will have a detrimental effect on the balance that exists between rural and urban areas. People from all over this province are asking for change and this resolution will allow the issue to come forward for open debate and discussion.

I have personally had a great many Manitobans send correspondence to me on this issue and I can assure you that it is a real concern and even an emotional concern in various parts of Manitoba. We are facing in this province something that we criticize at the federal level, whereby there are times that we feel we are dominated by central Canada. With the impending changes in this province, I think we are facing the situation where Manitoba will face the dominance offered by the number of seats in the City of Winnipeg.

There are two things that I would like you to consider. First, there must be a recognition of the distinctive regions that exist in this province. The North, the City of Winnipeg and rural southern Manitoba. Manitoba is a unique jurisdiction with the tremendous growth of a single urban centre with over half the population of this province, and a situation of declining population in rural areas. These distinctive areas must have strong representation to address the concerns of their citizens. As we look at this province, we must recognize the distance to and the remoteness of some areas as well as the communication links which impact to varying degrees on the accessibility of elected Members to their constituencies.

Some of my colleagues tell me that they can travel about their constituency and see their constituents within 10 minutes. This possibility does not exist in rural Manitoba and I think we have to recognize the impact that distance has and the difficulties that rural Members have. If this redistribution continues and goes through, it will make the problem worse instead of better. Town councils and rural municipal Governments and private citizens have appeared before the commission to register their concerns. We have a chance to remedy these problems by adopting this resolution.

The second thing that I believe bears some discussion is the concept of one person, one vote. Most certainly this is a basic tenet of democracy. However, other Governments have, while accepting it as the basis for Government, found ways to compensate to correct problems that it presents. In other jurisdictions, a variance from the strict application of this principle has been allowed. I would like to cite some of the precedents, some of the examples that come to mind.

When the American Constitution was drawn up over 200 years ago, it was obvious that there were large

states and there were small states. A compromise called "The Great Compromise" was arrived at at that time, whereby the House of Representatives operated on a rep-by-pop situation. The American Senate was put into place so that each state would have two Senators, whether they be a small state or a large state. So there was their attempt to address this problem.

At the federal level in Canada, Prince Edward Island is guaranteed the same number of Members of Parliament as it has Senators. That number is four. It leads to the situation where a Member of Parliament in Prince Edward Island represents something like 30,000 people, while a Member of Parliament in southern Ontario may represent 80,000 citizens.

Another example at the federal level, in 1976, a grandparenting clause was put into effect whereby no province would have fewer Members of Parliament than they had in 1976. A number of provinces in Canada benefit from that, including Manitoba, whereby if you adhered strictly to the formula, Manitoba would have 12 Members of Parliament, but because of the grandparenting clause, we have 14. I might add in this upcoming election, seven of them are rural and seven of them are urban.

\* (1650)

Another example of this is the Province of Saskatchewan where the membership in the Saskatchewan Legislature is 29 urban Members, 35 rural Members and two northern, and where a variance is allowed of 25 percent in the South and 50 percent in the North.

So, there are jurisdictions which have gone away from the strict application of the one person, one vote and it has always been to allow for smaller jurisdictions with declining population to compensate and to have a strong voice, that kind of voice we need in Manitoba so that the various regions will be ably represented.

These are the two arguments that my resolution is based on and I sense that there is support for this resolution from a number of quarters. I would like to cite some of them. The Brandon Sun which is the regional daily paper in western Manitoba, in discussing the redistribution, indicated that population statistics alone should not be the sole criteria.

When the Boundaries Commission met in northern Manitoba, a number of northern MLAs appeared before the commission and Chief Justice Monnin noted that an earlier commission headed by then Chief Justice Samuel Freedman attempted to have the number of seats increased to 60 from 57, which was turned down. It says, Storie recommended the commission try again.

I believe that is the Honourable Member for Flin Flon (Mr. Storie). That is what this resolution is doing.

The weekly paper that serves a large part of western Manitoba that I subscribe to is the Minnedosa Tribune. Their most recent edition was last Wednesday, October 26, and there is an article in there, an interview with the Leader of the Official Opposition (Mrs. Carstairs). The interview was conducted by Mr. Tom Ayers (phonetic) and it was at a meeting of the Manitoba

Community Newspapers gathering. It quotes the Leader of the Official Opposition and it says that it is scary and very, very bad for Manitoba that a Government could be formed without rural representation.

I think there is support from other Parties that we take a look at this resolution, because it is a scary thing that one jurisdiction could dominate the Legislature in this province, and this resolution addresses some of those concerns.

In conclusion, I would like to make a few points. I think we must recognize Manitoba's uniqueness. We should not accept the dominance of one urban area. It is important to note that this proposal maintains a high degree of the concept of one person, one vote and it recognizes the distinctive regions in this province.

I would add that this is probably the best time to address this problem because of the minority situation in this province. I recognize that majority Governments would be viewed as being rather heavy handed if they passed legislation of this sort, so I think it is a time when the three Parties can work together and look at this resolution and bring it forward to address the problems that are of a great deal of concern to rural Manitoba, to town councils, to rural municipalities. I know that all of the Parties have been contacted by the rural municipalities to give support to this resolution and I would urge your support in voting for this resolution. Thank you.

**Mr. Gary Doer (Leader of the Second Opposition):**

It is indeed a pleasure to rise on the motion dealing with The Electoral Divisions Act of Manitoba, an Act that has provided in this Legislature and indeed in this Province a forum for the fairest system of boundary review in Canada, a system that we have had in this province with an independent commission that has provided seats on a system of distribution that has been envied by legislators, parliamentarians, demographic experts and others in the country and indeed in the western democratic world.

It has been a system that has featured an independent process using census material. It is a process that has allowed for public hearings to take place. It has allowed the people of Manitoba to participate in the public hearings. It has allowed, upon the completion of those public processes, for a report to be tabled in the Legislature of the Day, and for the Government of the Day to introduce a Bill that passed without amendment by the sitting Members of the Legislature. Because indeed, Mr. Deputy Speaker, the tradition of this Legislature has been for the Members not to interfere in the process, particularly when it is going on, in terms of the design of those boundaries. Members for years have recognized the principle, to interfere in the middle of an electoral boundary process, is to go on the slippery slope of gerrymandering those boundaries, and to go on a slippery slope of a democratic system that is contrary to the traditions of this House.

Mr. Deputy Speaker, every one of us in this Chamber is elected from one of the existing constituencies, and every one of us in this Chamber is in a potential conflict of interest in dealing with the Boundary Commission.

That is why our predecessors in this Legislature have not tried to change the goal posts in the middle of the game, whether they liked it or did not like it. Mr. Deputy Speaker, we on this side of the House do not support everything that is in the proposed map and will not be happy with everything that is going to be in the map that the Independent Boundary Commission produces. We are not happy in losing a seat in the North, not because it is a New Democratic seat but because it is very difficult to represent the people in those remote areas. I know whoever is elected from whatever Party is elected to represent those vast areas of territory will have a difficult time.

We, this Legislature, put in a 25 percent variance provision in that Act. I would have hoped that the commission, in its independent wisdom, would have looked at that 25 percent variance and not sliced the cake in such even pieces in terms of the remoteness provision.

Mr. Deputy Speaker, I would have hoped that some of the municipal boundaries that are now in the second map would have been more easily accommodated and less would have been split up, and I hope in the third map that is produced by the Independent Boundary Commission it is indeed dealt with in a fair way in terms of those municipalities.

But for Members opposite to talk about who is on the commission, there have been other Governments that appointed people who are now on the Commission, and I respect their credibility and their judgment and their integrity and, hopefully, their judgment on this Boundary Commission.

Mr. Deputy Speaker, to change the rules in the middle of the process, I suggest to you, is a principle that we must look at very carefully. We cannot look at who is losing whose seat, whether it is the Member for Arthur (Mr. Downey), the Member for Churchill (Mr. Cowan), or it is the Member for St. James (Mr. Edwards) who has got a worse seat. All those scenarios may be correct. The bottom line is, do we believe in an independent process and, once that process begins, should we start to change the number of seats in this Legislature? What happens in 10 years if a commission comes out and there is a majority Government, and the commission comes out with a report that the majority Government does not like? Do they go to 65 seats, does it go to 70 seats? Do they keep going until they amend the map in such a way that it is in their favour?

I think that is a very important principle. You do not change the rules. Once you have passed the rules in this Chamber, once the ball is over to the independent Boundaries Commission, that Boundaries Commission has, for tradition's sake and for objectivity's sake, carried the ball through the public processes and has carried the ball back to this Legislature.

\* (1700)

We do not like everything they are recommending—no political Party will—but you do not just gerrymander the number of seats because you do not like the way the map has been drawn. That is the slippery slope to

losing the best independent boundary process in North America and I think we should look far beyond the immediate parochial interests of political Parties.

Let me address the second issue, Mr. Deputy Speaker. We believe that the population in this province and the economic development in this province must be much more aggressive. We do not like the fact that close to 60 percent of the population is residing in one urban centre. We do not like the fact that there is a decreasing amount of Members of the Legislative Assembly from the North and from rural Manitoba. We must look at aggressive ways to deal with the rural depopulation. We must look at the whole area of northern economic development. We must put jobs and opportunities back into rural—

**An Honourable Member:** What were you doing in the last six years?

**Mr. Doer:** -(Interjection)- I am not, Mr. Deputy Speaker. We are trying to deal with this issue in a non-partisan way. I know that is difficult for the Members opposite, but on one issue alone, perhaps the Members could put away their partisan interests and start dealing with the principle of an independent Boundaries Commission.

We have to do everything possible to put jobs back in rural Manitoba. We have to do everything possible to put the rural economic development in place—

**Some Honourable Members:** Oh, oh!

**Mr. Deputy Speaker:** Order, please. I would ask all Honourable Members to allow the Honourable Member for Concordia to participate in the debate. If they wish to participate, perhaps they could wait until the conclusion of the Honourable Member's remarks.

**Mr. Doer:** We must work collectively and cooperatively in a non-partisan way to develop our North, to look at increased economic development in the North, to look at increased economic and educational opportunities in the North, to look at increased improvements in rural delivery of programs. We must look at ways of keeping our children in rural and northern Manitoba in the communities instead of always coming to the one centre of Winnipeg.

All of us have been Government over the last 40 years; even the Liberals have been in Government. The Conservatives and the New Democrats have been in Government over the years. All of us, quite frankly, have not succeeded in keeping the population from coming to the one large urban centre. We have all failed. I challenge all of us to come up with solutions to have population in our northern communities so that we can return the number of seats to the North and indeed in our rural communities.

Mr. Deputy Speaker, we are willing to look at any way of dealing with the Boundaries Commission in terms of improving a Boundaries Commission and in terms of improving representation after the Boundaries Commission has been dealt with by this Legislature. We do not want to get in the situation that every time

you get a new map proposed by the independent Boundaries Commission, you look at who is on the Boundaries Commission itself or you look at how many seats there are going to be or you look at decreasing the number of seats or increasing the number of seats. If we were to do that, we would give a precedent to whoever was in Government, because usually there is a majority Government, we would give a precedent to a majority Government to start changing the seats on the basis of the map that is presented. We would be doing a grave insult to our forefathers that came and foremothers that came before us—

**An Honourable Member:** You just about slipped on that one—

**Mr. Doer:** I just about did slip, but I did not. We would be doing a grave disservice.

I do not like the fact the North is going from five to four seats. We do not like it in terms of its representation. The Member for Churchill (Mr. Cowan) does not like it in terms of what it means to him, but there is a principle that is way beyond who is going to win what number of seats. There is a principle way beyond that. We support greater rural voices in all our economic and social and political leverage, but we do not support a system that would allow changes to be made after the Boundaries Commission has begun its process of reporting and reporting eventually to this Legislature. We would be turning back the clock 40 years. We would be leading down the slippery slope which we have in the Province of British Columbia that has been a failure. We would be moving to other electoral systems that have been a failure where the Government in power designs the line and determines the seats and maintains the spoils in perpetuity almost in an insensitive way to the democratic rights.

I would join with Members opposite to look at employment in rural Manitoba, to get rid of some of the disastrous policies such as rail line abandonment in rural Manitoba and to look at programs we can place outside of the City of Winnipeg. I tried to put the deaf operator program in the telephone system in Brandon. I do not think it is there, Mr. Deputy Speaker. I know it is not because of the Minister; I know it was not because of me. There is a constant push to centralize programs in spite of all our good will.

We will work with the Government and the Opposition to put other programs there. We will work with the Minister of Education (Mr. Derkach) to develop a northern educational facility beyond post-secondary school. We will work with people in the Parklands Region to deal with the 10 percent unemployment which is predicted for this winter which would inevitably lead to more people unfortunately coming to this one centre.

I believe the solution for our imbalance—and I say it is an imbalance on seats, Mr. Deputy Speaker—is to deal with the balance of economic development to create the jobs, the educational opportunities, the programs, the services and the ability of our youth and our families to stay in their own communities and not have to move to the one urban centre.

I offer this to the Government, that we will cooperate in as many ways as is possible to work with you with

the drought and with the other economic factors that are going to lead to continued depopulation.— (Interjection)— Well, drought and pestilence and grasshoppers soon follow a Tory election, Mr. Deputy Speaker, but I do not want to get partisan because I said we would not be partisan on this issue of the independent Boundaries Commission.

I think we have to put our parochial issues aside and look at the legacy that we have inherited. We cannot change that legacy. We would do a disservice to this Legislature. I believe though that we have to look at the other side of this equation. It is not fair to rural Manitoba to have decreased economic power. It is not fair to rural Manitoba to have decreased jobs.— (Interjection)— Well, you cannot cut back the jobs in Brandon in the morning and then talk about world concern in the afternoon. I hope the Attorney-General (Mr. McCrae) is going to do a little more for the general lines than just rhetoric from his seat in terms of the jobs in Brandon.

We have a good process but we have to deal with the depopulation. We have to deal with the increased needs of rural and northern Manitoba to have jobs, educational opportunities and population back in their centres and we will work in that respect. Thank you.

**Mr. Paul Edwards (St. James):** I think there is some advantage to having heard both my honourable friends speak on this resolution and I will draw, I think, a bit from both. I want to start by commending the Honourable Member for Minnedosa (Mr. Gilleshammer) for his obvious concern which we share and he is obviously very genuine in that concern. Being a rural Member, I certainly respect his views and the sources he cites.

\* (1710)

We have, in this caucus, studied this resolution very carefully and have looked at it very seriously and have responded in fact with our own specific concern in this area. I hear the Honourable Minister of Agriculture (Mr. Findlay) mention as he heckles my honourable friend, the Member for Concordia (Mr. Doer), what about the make-up of the Boundaries Commission? That is precisely what the Member for Selkirk (Mrs. Charles) has brought forward, and to that extent, I commend that resolution to my friends across the way.

I want to respond specifically to some of the points raised by my honourable friend from Minnedosa (Mr. Gilleshammer) to exemplify the seriousness with which I take his remarks. He states that there is an increasing dominance of the City of Winnipeg in Manitoba due to the declining population of rural areas. He reiterates a concern that we have, obviously from the quote taken from the Minnedosa Tribune, that rural Manitoba continue to be represented with numbers and strong representation, as well as northern Manitoba. He says that we have a chance by this resolution to remedy this situation.

It is our view that this resolution in dealing with that concern indeed misses the point of the Boundaries Commission. To that extent, I hearken to comments

made by the Member for Concordia (Mr. Doer) that indeed there is a long history in the western world and in the parliamentary system of politicizing the boundaries process and making boundaries. That has been the history of abuse that our system and that of the United States and all over the western world has gone through.

It is something that has been rectified by the setting up of, hopefully, neutral and experienced and educated people in commissions to look at it. We have done that in Manitoba and set up a 10-year process by which every 10 years they meet and they review it. The Attorney-General (Mr. McCrae) says they are all from Winnipeg. Absolutely, we agree with that and it is wrong. That is why we came up with a resolution which is not in the Member for Minnedosa's (Mr. Gilleshammer) resolution to specifically put on rural and northern representation. That is the problem. You do not throw the baby out with the bath water, to coin a phrase.

The commission itself has a very important role to play. That role is entirely compromised once you start to attack the neutrality of the commission by bringing specific divisions in this province, geographical divisions—and the Honourable Member for Minnedosa (Mr. Gilleshammer) draws three lines in this province—into the political forum. He takes this back into the regressive times of the past wherein politicians discussed where they wanted boundaries.

He is not drawing 57 or 60 boundaries. He is drawing three, but let us look at those three. In today's House, he is making very political lines. He is drawing a line around the City of Winnipeg. He is drawing a line for southern Manitoba. He is drawing a line for northern Manitoba. He knows full well that in this House the strengths of the three Parties fall in those three areas. To that extent, he asks this House to enter a very political debate about where the numbers should be. That is an unwarranted intrusion into the neutral and important work of the Boundaries Commission. We hearken back to the ages of abuse in the parliamentary system, of the use of a majority in the House to draw lines. That is gerrymandering and that frankly is wrong. It always has been, it always will be.

Let me point out that the deviation factor, which is built into our present Act, deals with I think the concerns that the Member brings forth. It is interesting to me that he cites Saskatchewan as an example of a province that has recognized the need to balance a vast geographical area with population centralization. Saskatchewan builds in a deviation factor, true, greater than that in Manitoba, 25 percent in the South, I think the Member stated, and 50 percent in the North. We in Manitoba have 10 percent in the South and 25 percent in the North.

In my view, it is extremely regrettable and unfortunate that the Boundaries Commission did not use that deviation factor effectively. I think it is interesting to point out that if in fact they had used that deviation factor in northern Manitoba they could have kept five seats there. If they had used that deviation factor for southern Manitoba from the provincial median, they could have put more seats in southern Manitoba. They chose not to and that, in my view, is extremely regrettable.

The Liberal Party in Manitoba made representation before the commission, not elected politicians but the Party itself, and urged the commission to reconsider the decision not to use that deviation factor. That is why it is in the statute. My honourable friend from Minnedosa cites the Saskatchewan example on the one hand as being a proper way to do it, yet does not seem to recognize that in our own Act we have that. Now true, the commission did not use it. We asked in our—

**Mr. Deputy Speaker:** The Honourable Member for Lac du Bonnet, on a point of order.

**Mr. Darren Praznik (Lac du Bonnet):** Will the Member for St. James accept a question?

**Mr. Deputy Speaker:** Will the Honourable Member for St. James accept a question?

**Mr. Edwards:** I would be happy to accept the question on the condition that it not cut into my time to respond to this resolution.

\* (1720)

**Mr. Deputy Speaker:** Order, please. The Rules provide for any Honourable Member to have 15 minutes to debate any matter during Private Members' Hour and, in order for the Honourable Member's time to be extended, he would require leave of the House. (Agreed)

**Mr. Praznik:** Mr. Deputy Speaker, my question for the Member for St. James is a rather simple one. He talked about the Saskatchewan electoral Act and deviations within boundaries. Is the Member for St. James aware that The Saskatchewan Electoral Boundaries Act prescribes a specific number of seats for specific regions of the province, as being proposed by the Member for Minnedosa?

**Mr. Edwards:** Mr. Deputy Speaker, specifically in response to that question, yes, I am aware of that. The Honourable Member for Minnedosa, the colleague of the Honourable Member for Lac du Bonnet who asked the question, cited in his speech, and I am sure that the Honourable Member for Lac du Bonnet will look at Hansard, the deviation factor as being attributable to the success of the Saskatchewan system in balancing regional interests with population diversity.

That is in fact the process which is put in place which allows a boundaries commission to react to changes every 10 years. The Boundaries Commission meets every 10 years specifically to deal with that. I ask the question to the Honourable Member for Minnedosa (Mr. Gilleshammer), what if population shifts from the South to the North, what if population shifts from the city to the South? Will we every 10 years rededebate this in this House and redraw the map? Is that what he is asking?

The point is that the Electoral Boundaries Commission is set up every 10 years as a neutral body specifically to deal with the changes. Now, if they did not do it properly, that is why they have public hearings. That is why you go before the Boundaries Commission and

make your pitch for the use of the deviation and for the drawing of the lines respecting community integrity, as well as representation by population.

Going on to another comment that my honourable friend from Minnedosa mentioned, he stated and he quoted a comment from the Honourable Leader of the Opposition (Mrs. Carstairs) in the Minnedosa Tribune to the effect that it is indeed scary that a Government could be formed without rural representation. He stated that we must recognize the distinctive regions and the best time to rectify the situation is now perhaps, but is this the best way? The answer I think clearly, given the history of the electoral boundaries movement in the western world is, no, this is not the best way. It is not the best way for politicians to draw lines, period.

Mr. Deputy Speaker, the Government, I am sure, will paint a picture of ignoring the interests of rural and northern Manitobans. They have tried to do that. They did that the day that the Honourable Member introduced the resolution. That is not only a false accusation it, in my view, is irresponsible given the resolution that they have put forward.

They have put forward, and I am sure that their rural electorate will be interested to see in 10 years time if in fact the population of rural Manitoba is increased. What then? Will they then propose another amendment? Is that their solution, that every 10 years the House should get involved in exactly what they set up the commission to deal with?

The present boundaries in northern Manitoba are clearly inadequate especially, and I think there is one constituency that was drawn in the first map by the Boundaries Commission that took up some one-third of the geography of the province if not more. That is clearly not acceptable and that is exactly why we propose that there should be representation from northern Manitoba to draw that to the attention of the commission, a representation from rural Manitoba, to bring that to the attention of the commission any deviations in population in those areas and the real needs of those areas to be represented. - (Interjection)-

The Honourable Minister of Labour (Mr. Connery) says the speech is getting better. He notes that I am reviewing my notes to specifically respond to everything that has been put forward by his colleague and that is why I am taking the care to respond to everything, precisely because I treat this with a lot of seriousness and I want to answer everything that has been put forward.

In conclusion, the Opposition wants to improve the process. The Opposition does not want to interfere in the process in a political fashion. That is what the resolution of the Honourable Member for Selkirk (Mrs. Charles) attempts to do, it attempts to improve the commission. It does not attempt to interfere with it. We do not want to interfere with it. We feel that is the purpose behind the commission in the first place. We feel that any drawing of lines and in particular the three lines that the Honourable Member for Minnedosa (Mr. Gilleshammer) draws, which in fact in today's House are extremely political lines, is an absolutely

unwarranted intrusion into the work of the commission, and the commission holds public hearings specifically to deal with the complaints. They heard many, many complaints and we eagerly await their new map and we look forward to seeing whether or not they have listened. We hope they have. We think that their make-up should be improved, so that at the very outset of the hearings in the next 10 years they will have input off the mark from rural and northern Manitoba. That is what we look forward to. Thank you, Mr. Deputy Speaker.

**Hon. Albert Driedger (Minister of Highways and Transportation):** Mr. Deputy Speaker, I want to take this opportunity to compliment the Member for Minnedosa (Mr. Gilleshammer) in presenting this resolution. I find it very interesting when Members opposite say this is a sanctioned cow, do not touch. I mean, laws are not cast in stone forever and I find it very interesting, the observation. The Leader of the NDP (Mr. Doer) must have his head in the sand when he says that we will support activity to try and get more population back into the rural area. It is such a wasted remark. We realize that we have a unique situation in Manitoba where we have one major city, where over half the population resides right now, well over 600,000 out of million people.

Mr. Deputy Speaker, when I got elected in 1977, the composition of 57 seats was 29 rural, and 28 from the city. When the change took place in 1980 for the 1981 election, there were 29 urban seats and 28 rural. Based on the present proposal, we are looking at 31 Winnipeg seats and 26 for the balance of the province. That is, to me, a very dramatic change. Concern has been expressed every time this happened, the shifting of the power. Now we have one city here that can totally run the whole province. I think we have to look at fair distribution, fair representation. Members allude to it but they skirt around it. They said the North, it is not fair because of the big geographic area. When we have to look at why can we not—I find it interesting—you say we should not politicize this exercise.

I do not know how many people or how many parties made presentation to the commission when they went around and had their hearings. If that is not trying to politically influence it, what is? What else is there? Nobody should have made representation, no Party. This is all part of the process. It is a political process. Get your heads out of the sand, it is a political process. Then, to try and stand here and say and make everything look nice—

Last year the Member for Arthur (Mr. Downey) brought forward a resolution indicating that the composition of the commission should be changed, that there should be some rural voice in there somewhere along the line, thrown out. Now the Liberals are coming forward with them, but the hypocrisy of the Liberals, when you look at that, out of the four resolutions that we have on the Order Paper that deal basically with these kind of things, which deal with representation by population, you have the School Division Boundary Review, we have the Composition of Electoral Boundaries Commission and then, by the Leader of the Opposition (Mrs. Carstairs), Proposed Resolutions: Senate Reform.

What is the bottom line here that it says, because it indicates the population distribution has ta-da-da-da-da-da. It indicates THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Government to pursue vigorously, with each province and with the Parliament of Canada, a constitutional amendment making provision for an elected Senate, based upon the principles of effectiveness and equal representation among the provinces and the territories.

What hypocrisy when we talk of effective and fair representation. Many of the Members who are new in here they look at this thing, 31 to 26 in Manitoba is fair representation. Have you seen how Saskatchewan has dealt with it? You have had no hue and cry out there.

I happened to attend a conference in Halifax a little over a month ago and I talked with the Minister of Highways and Transportation out there and he represented a rural area. He represented 7,000 people. His counterpart in Halifax was representing 17,000 people, so there are deviations all over.

This pious attitude that we should not deal with this thing somewhere along the line, I think is naive, but I can see where the Members opposite are coming from. They have the nucleus of power in the city at the present time, so why not retain it that way?

In fairness, when we talk of fair representation for a rural Member, look at the Members on this side of the House who are rural Members, even the northern Members. They move away from their constituency during the week when the Session is on. They are gone from it. It is very hard to represent that area at that time. Even during the time when the House is not in Session, for a rural Member to get around and do proper justice to his constituency in terms of representation is exceedingly hard.

In my mind, what this resolution is basically doing is trying to some degree address the fairness of representation. I represent in my Emerson constituency 33 small hamlets, the biggest one with a population of 1,500 people, the smallest one with less than 50, but to get around the geographic area I have to drive like a maniac. I spend a lot of time on the road just trying to get around making contact with these people, where the urban Member walks up and down the street and makes his contact. That is what the difference is, what this is all about. We are not asking for politicians to draw the line.

This resolution is asking us to take and make provision for 60 seats. You have provision in the House for 60 seats. That is why 60 seats are being used and that is what it is all about, and then to establish, not the political—not the lines, you still want the commission, but I think there should be rural representation on the commission and that they should then let them draw the lines but allow equal representation between the City of Winnipeg and the rest of Manitoba.

When you consider that out of those 26 seats in rural Manitoba we have two that are urban seats as well in Brandon, we have the Portage seat which is basically

an urban seat, the Thompson seat which is an urban seat, so where does the rural part of Manitoba get any representation? This resolution was not brought forward lightly. A lot of consideration was given within our caucus in terms of bringing this forward, because I think it is very important. If we do not make some changes, recommended changes now—I am not talking of drawing the seats as it was suggested, I am talking of changing the system so that we have a fair way of doing it.

\* (1730)

If we do not do it now, the way the system is set up as of January 1, 1990, the new boundaries take effect and at that stage of the game the city will have 31 seats and the rural area combined is going to have 26 seats. That is where the concern is coming forward, that the system is not working fairly anymore. That has nothing to do with this business of rep. by pop., it has to do with fair representation for that everybody should be able to have fair representation. I have had colleagues in the city who have been there a long time representing their seats. For them it is a breeze to be an MLA compared to a rural representative.

First of all, in the city you have a strong City Council and most of the problems are directed directly to the City Council. The MLA in many cases has very few of these problems brought to him. It is the City Council that faces most of the problems, whereas a rural MLA in the country is faced with every issue that comes along, at least if he is a good representative.

**Mr. Deputy Speaker:** The Honourable Member for Fort Rouge, on a point of order.

**Mr. James Carr (Fort Rouge):** Mr. Deputy Speaker, I wonder if I could have leave to ask the Member a question.

**Mr. Albert Driedger:** Mr. Deputy Speaker, as soon as I finish my remarks, I will answer the question.

I will not belabour it that much longer either. All I am saying though is that we are not consistent. When we talk of Senate representation, we want to have the same vote. We criticize the East all the time because that is where the power is. I am one of those who is rightfully upset when the federal election takes place and we hit the Manitoba boundary and the election is already decided. I find that very aggravating.

Still agreeing with the principle of representation by population, I would like to take and I think this would be a reasonable approach to try and change it to some degree. This business, I am not kidding myself about getting substantially more, you know, residents into the rural area. I wish we could just stop the drain on the rural area at this stage of the game. I have community after community that are actually losing their identity because of this trend that happens in the city. It is because there are limited opportunities there and the city offers the kind of life and job opportunities so that it is hard to keep our young people at home, to have jobs for them.

But Mr. Deputy Speaker, I strongly support this resolution. I am disappointed that games are being

played with this kind of resolution. I think this would be a proper time with the minority Government that we could combine forces. If a majority Government did this, mayhem would reign. I was there at the time under the Sterling Lyon administration when that change took place and we did not tamper with it one iota because it would have been perceived as a majority Government trying to influence what was happening.

I will give you an example if you think this commission is such a sacred cow. If anybody wants to look at the mistakes that they have made on the drawings to date, they come out with one set of drawings, make all kinds of errors, go back to the drawing board, and if you want to see a fiasco of things and if you want to know why I am emotional about it, then get out the latest map, look and see what they have done with the Emerson constituency. Just have a look at what they have done with the Emerson constituency, and that is why I am emotional.

For me to be a good representative based on the drawing of the second set of maps, and again I understand they have made mistakes again, so where are we getting off saying this commission is holier than thou; they will not make mistakes, we cannot touch that. It is crazy. They have already proved their policy in these things.

I say, and I ask the Members, let us join together. This is not a political document.- (Interjection)- It is not. It is a fair document.- (Interjection)- I would suggest, Mr. Deputy Speaker, think about it a little bit. If we do not deal with it now, the system deals with them in a different way and we have 31 urban seats and 26 for the balance of Manitoba as of January 1, 1990. I will tell you something. If Parties that are not going to support this think they are going to win public support out there, you go and check with the municipalities. They are very, very concerned about this.

So I ask Members to reconsider. This is an opportunity that does not have to be political and the Leader of the NDP Party indicated it should not be a political thing. Think about this before we take a strong position opposing this. Thank you.

**Mr. Deputy Speaker:** The Honourable Member for Fort Rouge (Mr. Carr) with a question to the Honourable Minister of Highways and Transportation (Mr. Albert Driedger).

**Mr. Carr:** If I could put just a very short question to the Minister, twice in his remarks, he refers to a date of January 1, 1990, when new boundaries would come into effect. We are under the impression that as soon as the commission comes up with its final draft and presents it to the House, and it passes the House, it becomes law.

**An Honourable Member:** No, I do not think so.

**Mr. Carr:** Well, we hear that it comes six months later into effect. I wonder if the Minister could clarify the deadline and the timetable for us.

**Mr. Albert Driedger:** Mr. Deputy Speaker, it was my impression that every 10 years the boundaries have to

change. It was my impression that last time that they changed on the January 1 date. It is my understanding and I could be wrong in the technicality end of it. The report has to come here but I think there is a date when it is effective. That is my understanding. I could be corrected on that.- (Interjection)-

**An Honourable Member:** The report has to be in by the end of this year, then transferred . . . .

**Mr. Albert Driedger:** Yes, but the question—that was my impression but I stand to be corrected if it is not, but that was my understanding, that we go through a system in establishing the process. I thought there was an effective date on that as well. But if I have erred in that regard, I apologize.

**Mr. Jerry Storie (Flin Flon):** Could you indicate how much time is remaining before our hour is—

**Mr. Deputy Speaker:** The Honourable Member would have five minutes.

**Mr. Storie:** Five minutes. Thank you, Mr. Deputy Speaker. I want to indicate at the beginning that I am in a quandary when it comes to looking at this resolution because many of the arguments that are made by the Member for Emerson, the Minister of Highways and Transportation (Mr. Albert Driedger) are the very same arguments that I, and a number of my colleagues, made to the Electoral Boundaries Commission when it was in Thompson.

Clearly, if all Members had an opportunity to represent a rural riding, a northern riding, they would understand that the logistics of travelling hundreds of miles to attend meetings, the logistics of representing communities where communications are not instantly available, where there are no community newspapers, not weekly and not daily and sometimes none whatsoever, where some communities have no telephones, where some communities are so isolated you can only travel there by air. Then you would understand that representing such a constituency is an onerous task.

I am not belittling the task of Members who represent city ridings, where the numbers of people are much larger than mine, where the visibility of MLAs is much more difficult to maintain. The Member for Emerson (Mr. Albert Driedger), I think will concede the point that one of the advantages of representing a rural riding is that you do have a higher visibility. There is a tendency for people to know you because of the nature of your activities amongst those communities.

Having said that, Mr. Deputy Speaker, I believe fundamentally that Members opposite had their opportunity to affect the decision of the Electoral Boundaries Commission. Let there be no mistake about it, when the Electoral Boundaries Commission was asking for advice and input, when they wanted to hear arguments from Members of this Legislature about the nature of the new boundaries for the next election, they invited participation.

Members of this caucus, the NDP caucus, individual northern MLAs were in the North to make those

arguments. Members from the Tory caucus were not. So any suggestion that somehow that if you oppose, in principle, the gerrymandering of boundaries or this particular resolution, you are doing so because you are not supporting the North or rural Manitoba, is absolutely nonsense, because the Conservative Party was not represented, did not make any arguments to the Electoral Boundaries Commission in support of maintaining or increasing representation from northern Manitoba. It did not happen.

Mr. Deputy Speaker, we are talking about a principle. If the Members were really concerned about maintaining seats in northern Manitoba, all they would have had to do is convince the Electoral Boundaries Commission to use the allowed deviations that the Act provides. The 25 percent rule could have been applied by this commission. If the Members would have been interested in maintaining the representation from the North or the rural Manitoba, they would have prepared themselves and presented arguments to convince the commission that those rules should apply.

I will indicate, Mr. Deputy Speaker, that if the rules would have applied there would have been five seats

in northern Manitoba. We argued, and I argued as an individual MLA, that the rationale for maintaining those deviations were there and were supportable. I was dismayed and am still disappointed that the commission, representing extremely intelligent individuals, did not accept the argument that the law provided for those deviations, and the Chief Justice Monnin used the argument that the Charter of Rights would not support that. The Charter of Rights also has provision for discrimination within reasonable limits. I believe those reasonable limits applied in the case of maintaining representation from northern Manitoba.

But, Mr. Deputy Speaker, we are asked—

**Mr. Deputy Speaker:** Order, please. When next this matter is under consideration before the House, the Honourable Member will have 10 minutes.

Private Members' Hour having expired, this House is now adjourned until 1:30 p.m. tomorrow afternoon (Thursday).