

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 12 May, 1981

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Presenting Petitions . . . Reading and Receiving Petitions . . .

PRESENTING REPORTS BYSTANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for Virden.

MR. MORRIS McGREGOR: Mr. Speaker, I beg to present the First Report of Standing Committee on Law Amendments.

MR. CLERK, Jack Reeves: Your Standing Committee on Law Amendments begs leave to present the following First Report.

Your Committee met on Tuesday, May 12, 1981. The resignation of Hon. Mr. Filmon was accepted and Mr. M. McGregor was elected as Chairman.

The Committee heard representations with respect to the bills as follows:

Bill No. 8, An Act to amend The Garnishment Act.

Ms. Sybil Shack and Mr. Richard Elson, from the Manitoba Association for Rights and Liberties.

Bill No. 29, An Act to amend The Highway Traffic Act (2).

Mr. Bruce Whitman, Mrs. Rose Gulak and Miss Elizabeth Semkiw from the Manitoba League of the Physically Handicapped;
Mr. William Stevens, Multiple Sclerosis Society;
Mr. Marcel St. Hilaire, Private Citizen.

Your Committee has considered:

Bill No. 13, An Act to amend The Real Property Act and The Registry Act.

Bill No. 36, An Act to amend The Securities Act.

And has agreed to report the same without amendment.

Your Committee has also considered:

Bill No. 8, An Act to amend The Garnishment Act.

Bill No. 27, An Act to amend The Highway Traffic Act.

Bill No. 41, The Statute Law Amendment Act (1981).

Bill No. 46, An Act to amend The Corporations Act.

Bill No. 50, An Act to amend The Summary Convictions Act.

Bill No. 60, The Statute Law Amendment Act (1981)(2).

And has agreed to report the same with certain amendments, all of which is respectfully submitted.

MR. SPEAKER: The Honourable Member for Virden.

MR. McGREGOR: I move, seconded by the Honourable Member for Emerson, that the Report of the Committee be received.

MOTION presented and carried.

MR. SPEAKER: Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

INTRODUCTION OF GUESTS

MR. SPEAKER: At this time I would like to introduce 50 visitors of Grade 9 standing from St. Johns High School under the direction of Mr. Bochinski. This school is in the constituency of the Honourable Member for Inkster.

We have 16 students of Grade 12 standing from the Melita High School under the direction of Mr. Sinclair McNish. This school is in the constituency of the Honourable Minister of Agriculture.

On behalf of all the honourable members we welcome you here this afternoon.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. HOWARD PAWLEY (Selkirk): Mr. Speaker, my question is to the Minister responsible for Housing. In view of the statement today indicating that Winnipeg can expect greatly increased rents because of the purchase of apartment blocks by B.C. and Alberta investors, can the Minister responsible for Housing and The Rent Stabilization Act indicate whether or not his department has undertaken any analysis as to protected rent increases, if so, the extent of protected rent increases that may be expected during the current year, 1981?

MR. SPEAKER: The Honourable Minister of Consumer and Corporate Affairs.

HON. GARY FILMON (River Heights): Yes, Mr. Speaker, as a result of some earlier reports my department undertook some fairly extensive investigations into the possible effects of this to try and arrive at some projections. They are in the process of gathering information at the present time and they haven't yet completed their response to me on it.

MR. PAWLEY: By way of supplementary to the Minister responsible for Housing, can the Minister responsible indicate when their analysis will be completed so that we can receive a report as to the analysis? Furthermore to the Minister, can he assure us that indeed that report will be made public?

MR. FILMON: Mr. Speaker, that information, I can't tell the member how long it might take. Obviously priority with my department is in dealing with the rental arbitration process and ensuring that people who are protesting rent increases are dealt with quickly and thoroughly and to their best advantage. This information gathering side is of interest to me for projections but I can't say I could give a date to the Leader of the Opposition as to when I might have it.

MR. PAWLEY: Mr. Speaker, by way of further supplementary on the same subject matter. The Consumers Association of Canada indicates that senior citizens and those on fixed income as well as single mothers will be affected sharply by the increasing conversions that will take place to condominiums within the City of Winnipeg as a result of the same factors I referred to earlier; can the Minister advise as to whether or not he has received any reports as to the impact upon the groups that I made reference to in respect to the increased expectation that will take place from conversions?

MR. FILMON: Mr. Speaker, I met about three weeks ago with the executive of the Consumers Association of Canada. Subsequent to that I spoke on a panel at their Annual Meeting and have been in close contact with them so I'm well aware of their concerns in that area. The fact that our government brought forward shelter allowances for both elderly renters and low income family renters is an indication that we are concerned about the problem and are prepared to do something tangible towards assisting them in this problem.

MR. PAWLEY: Mr. Speaker, by way of final supplementary. The Minister makes reference to shelter allowances, is the Minister indicating that the Shelter Allowance Program will be assisting those tenants that are displaced from their suites and left with no alternative but to obtain a down payment in order to purchase a condominium suite; that the Shelter Allowance Program that he has made reference to will be assisting or helping that particular group of tenants that we're dealing with in respect to the concerns expressed by the Consumers Association of Canada?

MR. FILMON: Mr. Speaker, I indicate two things; that firstly we have in excess of a 4 percent vacancy rate in Manitoba that means that people who may have to be faced with a choice of moving as a result of condominiumization do have alternatives and do have other available apartments to rent; on the other hand, Mr. Speaker, members opposite will recall that we put in a provision in our amendments in The Landlord and Tenant Act that allows senior citizens to live in an apartment for a number of years equivalent to the number of years that they have previously been in that apartment prior to the order for condominiumization and, therefore, in many cases seniors can live in their apartments for a fairly lengthy period of time without having to fear condominiumization. We have instances of some that are currently under proposal where the tenants have up to 13 years to live in there as a result of the legislation we brought forward last year.

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

MR. BILLIE URUSKI: Thank you, Mr. Speaker. I direct this question to the Minister of Energy in his responsibility as Minister responsible for Hydro. I would ask the Minister if he was informed that there was an additional cost of approximately \$4,000 to reprint the report after he instructed officials to have it redone?

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

HON. DONALD W. CRAIK (Riel): No, Mr. Speaker.

MR. SPEAKER: The Honourable Member for St. George with a supplementary.

MR. URUSKI: Yes, Mr. Speaker. I ask the Minister; did Hydro officials tell the Minister that there was an extra expenditure after he instructed them to change the report, along the lines that he wanted to, after the deadline of publishing which had to be done in August after the report was already due, Mr. Speaker?

MR. CRAIK: No, Mr. Speaker.

MR. SPEAKER: The Honourable Member for St. George with a final supplementary.

MR. URUSKI: Yes, Mr. Speaker. In light of the Minister's answer is he also indicating that his colleague, the Member for Rhineland, who sits on the Hydro-Electric Board did not advise him of the additional cost since it was the Board — the Minister has indicated that the Board approved those costs — did not advise him either, his own colleague did not advise him that there were additional costs associated with the reprinting of that report?

MR. CRAIK: It could well be, Mr. Speaker, that perhaps he too was not aware of that.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Yes, Mr. Speaker. In the absence of the Honourable Minister for Corrections may I direct a question to the Attorney-General. Is the Minister for Corrections now providing for an additional appeal procedure whereby a person who is disqualified from driving has available to him another means of restoring his driving privileges?

MR. SPEAKER: The Honourable Attorney-General.

HON. GERALD W.J. MERCIER (Osborne): Mr. Speaker, I'll take that as notice for the Minister of Corrections.

MR. GREEN: I wonder if the Attorney-General, in taking this as notice, would look into the case which I'm advised was publicized this morning whereby a person who had his licence suspended for life was found driving and then was sentenced to prison for a year for driving while disqualified; when he went to prison, that is Headingley, he was immediately given a job which involved driving a motor vehicle to and from the City of Winnipeg.

MR. MERCIER: Mr. Speaker, I'm not familiar with that case. I'll bring it to the attention of the Minister of Corrections.

MR. SPEAKER: The Honourable Member for Inkster with a final supplementary.

MR. GREEN: Mr. Speaker, may I ask the Attorney-General also to be prepared to advise the House whether he considers this to be a satisfactory form of rehabilitating people who are driving while their licences are disqualified?

MR. MERCIER: Mr. Speaker, I'll take that question as notice too for the Minister of Corrections.

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

MR. D. JAMES WALDING: Mr. Speaker, my question is to the Honourable Minister reporting for Manitoba Hydro. I'd like to ask the Minister whether he has been advised by the President of Manitoba Hydro in explanation of the two letters that were sent to me regarding the copies of the Hydro Report for 1979, in accordance with the Minister's taking the question as notice about a week ago?

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

MR. CRAIK: Mr. Speaker, I have no further information available for the member.

MR. WALDING: Perhaps I should ask as a supplementary question, Mr. Speaker, whether the Minister has in fact requested such a clarification of the misleading nature of these two letters?

MR. CRAIK: Mr. Speaker, if I have any further information available for the member I will impart it to the House.

MR. SPEAKER: The Honourable Member for St. Vital with a final supplementary.

MR. WALDING: Mr. Speaker, I'd like to ask the Minister whether he did in fact contact the President of Manitoba Hydro seeking an explanation of these two misleading letters?

MR. CRAIK: The same answer, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MS. JUNE WESTBURY: Thank you, Mr. Speaker. My question is addressed to the Honourable Minister of Government Services and I want to thank him for the written reply he gave me to my questions of last Friday. I wonder if the Minister would be gracious and courteous enough to repeat in the House the thanks that he uttered in his letter to me for bringing this to his attention.

MR. SPEAKER: The Honourable Minister of Government Services.

HON. WARNER H. JORGENSON (Morris): Mr. Speaker, I would have been very happy to do that if I had not been ruled out of order because the letter was quite lengthy and I thought best to reply by letter rather than taking up the time of the House. But I would be happy to extend my thanks to the honourable member for bringing the matter to our attention because it could have been very serious had the circumstances been serious.

MS. WESTBURY: Mr. Speaker, in view of the fact that the failure of the department to keep the lines open apparently was for a period of two months, would the Minister like me to table his letter which is

signed and dated in order that all members of the House and the public might be able to see the reasons for the lack of answering at the EMO.

MR. SPEAKER: The Honourable Member for Lac du Bonnet.

MR. SAMUEL USKIW: Mr. Speaker, I wish to ask a question of the Minister of Resources. About two or three weeks ago I posed a question to him with respect to the permitting of cottage lots to be developed below the 722 level above sea level because of the now regulated Lake Winnipeg and the Minister took that as notice and thought he might give it some consideration. I'm wondering whether he had an opportunity to consider the same?

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. HARRY J. ENNS: Mr. Speaker, that question along with the question of making available the sale of certain Crown lands that are in a similar situation is currently on the agenda of the PLUC Committee of Cabinet, the Provincial Land Use Committee for consideration. There is I believe, a reasonable amount of desire on the part of the government to where a lake has been under some regulation, where a regime has been established for a lake, some of the original long-standing Hydro power reserves really ought to be looked at and lifted.

MR. USKIW: Mr. Speaker, I would like to ask the Attorney-General whether he can inform the House as to the extent of use of recorded answering services by the RCMP detachment throughout Manitoba?

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I'll take that question as notice.

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

MR. LAURENT L. DESJARDINS (St. Boniface): Mr. Speaker, my question is to the Minister of Health. I hope that you'll bear with me if I have a few words of explanation.

The Information Service has given out some information re the First Special Olympic Games and it has a picture of the Minister at a flag-raising ceremony highlighting the official opening. I'm very pleased to see that I might say because I know the interest of the Minister. But my question is this — and I think the financing of that is under the Minister of Community Services — doesn't the Minister feel it would be more appropriate if this would be transferred to the Minister of Fitness and Amateur Sport? Doesn't the Minister feel that these people want to live as normal a life as possible and their fitness and recreation should be considered under the same Minister? I wonder if the Minister could give this some thought, not necessarily give me an answer now, with the suggestion that this be transferred for the coming year.

MR. SPEAKER: The Honourable Minister of Health.

HON. L.R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, I think that is a consideration certainly worthy of attention. The young men and women who have competed in those First Special Summer Olympics are athletes in every sense of the word; they deserve to be treated as such and certainly that project recognized them as such. I think that is a very worthwhile suggestion and I will take it under consideration.

I might say, Sir, that the only reason why my picture is attached to the information rather than the picture of my Leader, the Honourable First Minister of this province, is that the First Minister was not able to be present although he wished to be that evening. He asked me to stand in for him and it was certainly a privilege to be there.

MR. URUSKI: Mr. Speaker, I direct this question to the Minister of Natural Resources, seeing that the Minister of Agriculture is not present with us today. I ask the Minister of Natural Resources, the Department of Agriculture has advertised that farmers should give their pastures a rest, seeing as there's been very little pasture availability for cattle farmers. Will a decision be made very soon with respect to the availability of Crown lands for additional community pastures and grazing areas in the interim, seeing as the quality of pastures in the Province of Manitoba is very low, Mr. Speaker?

MR. SPEAKER: The Honourable Minister of Natural Resources.

MR. ENNS: Mr. Speaker, I can in response to the question, indicate to the honourable member that the Drought Committee that operated so well and effectively last year has had its initial meetings. These are precisely the kind of questions that should the occasion arise, would be dealt with by that committee and as Minister of Natural Resources, I am certainly prepared to recommend to that committee the full utilization of our resources to meet any critical drought period that our cattle people may have to put up with. I would hope that we may not have to be in that same position. Certain areas have been receiving rains; we are now getting the warm weather that is causing the grass to grow and perhaps we won't have to look at the situation in the same way we did last year.

MR. URUSKI: Mr. Speaker, I ask the Minister, in light of the fact that last year many of the pastures were not available till the end of July and the cattle had to be moved out in September which gave farmers a very short period of time of grazing, that the Minister can assure me that, in light of the recommendations put forward by his colleague's department, the Minister of Agriculture, that those farmers who are now putting cattle on pastures and the pasture quality is low that a decision will be made shortly as to the availability of these lands so that necessary fencing that was taken down last fall could be put up and community pastures, which are also short in pasture, can be expanded to meet the demand for grazing at least in the short run, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Natural Resources.

MR. ENNS: No, Mr. Speaker, I cannot assure the honourable member that. The lands that we are talking about we have to acknowledge have been set aside for wildlife management purposes. There is a willingness I think within the greater community that in times of stress we maximize all our resources. Certain lands have been specifically held aside for pasturing purposes even under these circumstances beyond a certain date where the damage or the interference with wildlife would be kept to a minimal as in the case of certain lands where some species are nesting and so forth. Mr. Speaker, I don't think it should be forgotten that this is an attempt to provide a multi-use for a particular resource under times of stress, not to be taken for granted, if you like, by farmers to avail themselves to this pasturing area on what could very easily become an annual basis.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: Thank you, Mr. Speaker. I'd like to address a question to the Minister of Economic Development and Tourism and ask the Minister whether the TV ads, which I understand are again appearing on the local media, in connection with Manitoba being a good place to live, whether this is another and separate round of advertising and, if so, how long will this advertising run? In other words, when did this second round start, if indeed it is a second round, and when will it stop?

MR. SPEAKER: The Honourable Minister of Economic Development.

HON. J. FRANK JOHNSTON (Sturgeon Creek): Mr. Speaker, when the ads were announced they were announced to the end of March. We have since bought some more time for those ads to be played during April and part of May and in some of the Stanley Cup playoffs, Mr. Speaker. Mr. Speaker, I'd only repeat what the member believes in, he wasn't here when I mentioned before, these were the basis of various ads in various magazines and I think that this was a very effective way to get the message across that Manitoba was a good place and a good place to do business in and that's what the member said to us in 1970.

MR. EVANS: I thank the Honourable Minister for confirming that indeed we have another round of advertising. Would the Honourable Minister be able to give the House an estimate of this additional advertising, in other words, a cost estimate for placing ads in this second round and — (Interjection)— Yes, well I believe the Minister did indicate that it would run some time into June. So my question relates to what is the additional cost, Mr. Speaker, of the second round of advertising from the time it began to the time that it's anticipated to cease?

MR. JOHNSTON: I can get that, Mr. Speaker. We're also taking a look at maybe changing some of the ads for the future.

MR. SPEAKER: The Honourable Member for Brandon East with a final supplementary.

MR. EVANS: Mr. Speaker, it relates to Tourism advertising. Would the Minister be able to give us an

estimate of the cost of the recent tourist brochure which appeared in the Saturday issue of the Free Press with a smiling picture of the Minister, a very good picture, which I know appeared in other papers as well, but I am particularly interested in knowing what is the cost estimate of placing this brochure in the various newspapers?

MR. JOHNSTON: Mr. Speaker, this is the second year we've done this. The cost estimates are available; they would have been available to the member if he'd asked me during my Estimates. It's a plan that we have had in place for last year and continuing this year.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I took a question as notice from the Member for Inkster earlier on in the question period. I'm advised that matter has been investigated, Mr. Speaker. The work program that is operated prohibits participants within the program from driving vehicles requiring the Manitoba driver's licence. However, there apparently are some situations in which inmates are allowed to operate vehicles for which no driver's licence is required. Two examples are cited: the operator of a tractor to move pallets at Red River Community College and the operation of a Bobcat to lay sod at the Manitoba School for the Deaf, Mr. Speaker. So it may be that the situation, as I understand it, where someone indicated they were allowed to drive a vehicle was probably a situation in which no driver's licence was required.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I thank the Honourable Minister for his answer because it sounded very bizarre as to what the radio station — and by the way the gentleman was on the station himself saying that he was given a job which involved driving. So I wonder if the Minister could determine whether this particular gentleman was driving a vehicle which did not require a licence, the vehicle that appeared on the Peter Warren Show this morning.

MR. MERCIER: Mr. Speaker, as I was given to understand, the gentleman did not identify himself so the department cannot ascertain the specific information. He only pointed out there are some situations where a person is allowed to drive a vehicle as this gentleman indicated but there are situations where no driver's licence is required.

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

MR. WALDING: Mr. Speaker, my question is to the Minister of Communications. I'd like to ask the Minister whether he now has an answer to the question from me that he took as notice about a week or two ago having to do with the public availability of the Manitoba Telephone System Board Minutes.

MR. SPEAKER: The Honourable Minister of Highways.

HON. DONALD ORCHARD (Pembina): I should have that answer shortly, Mr. Speaker.

MR. WALDING: Mr. Speaker, I'd like to ask the Minister when he expects Bill 107 to be proclaimed and can he explain to the House what the delay is in its proclamation.

MR. ORCHARD: We would anticipate proclaiming Bill 107 in the near future, Mr. Speaker, and there is no particular reason for delay.

MR. SPEAKER: The Honourable Member for St. Vital with a final supplementary.

MR. WALDING: Yes, Mr. Speaker, further to Bill 107. Can the Minister inform the House what progress is being made on negotiations between the Manitoba Telephone System and the cable operators with regard to MTS taking over House drops?

MR. ORCHARD: Mr. Speaker, that matter has been under negotiation for approximately four to five months and we see some progress and hope that likewise that matter will be concluded in the near future.

MR. SPEAKER: The Honourable Member for Churchill.

MR. JAY COWAN: Thank you, Mr. Speaker. My question is to the Minister of Northern Affairs and I'd ask the Minister if he can give us some status report as to the negotiations between the Federal Government and the Provincial Government on the Northlands Agreement. We've asked this question in the past and the Minister has indicated at that time that he had hoped there would be an early resolution to those negotiations; perhaps he has some further information for the House, presently.

MR. SPEAKER: The Honourable Minister of Finance.

HON. BRIAN RANSOM (Souris-Killarney): Perhaps, Mr. Speaker, I could answer that since I've been in direct contact with the Federal Minister by Telex on two occasions and by telephone urging the Federal Minister, Mr. DeBane, to give every consideration to concluding the agreement that has been under negotiation for several months now and I'm advised by Mr. DeBane that he would see if he could give us some response by midweek so I'm hoping momentarily to hear from his office.

MR. COWAN: I'd ask the Minister who just answered the question if he can indicate if there was a consensus as to the negotiations which have been conducted so far, in other words, that answer that we should be expecting by midweek, does the Minister expect it to be a positive one or does he expect it to be one which will necessitate further negotiations on the Northlands Agreement.

MR. RANSOM: Mr. Speaker, I'm hopeful that the Federal Government will recognize the value of the programs that have been jointly agreed to by our respective staffs that have been involved in the negotiation of the Northern Development Agreement.

We have, of course, demonstrated our commitment to those programs by including them in the Estimates that have been before the House; we think that they are good programs that will have positive benefits for Northern Manitoba and I'm hopeful that the Federal Government will recognize that and fund their portion, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Churchill with a final supplementary.

MR. COWAN: Certainly, we on this side, Mr. Speaker, share the Minister's hope that the Federal Government will recognize their part in providing a Northlands Agreement that will in fact provide benefits to Northern Manitoba but I'd ask the Minister specifically if, in his conversation with the Federal Minister, he was given any cause for that hope or did in fact the Federal Minister indicate that he could not give him any answer, as of yet, in respect to whether or not they would be accepting those negotiations as they had been conducted and completed or whether, in fact, there would be a necessity for further negotiations on certain parts of that agreement?

MR. RANSOM: The cause for hope that I have, Mr. Speaker, is the negotiations that have been going on for some months now of following up on the Northlands Agreement. The magnitude of the programs that we have been proposing for the new Northern Development Agreement is approximately in the same range of funding as those that were in the Northlands Agreement and I have every indication from the basis of those discussions to believe that the Federal Government would continue to provide a similar level of support. The Federal Minister, of course, has to take the proposal to his Cabinet to get final approval. It would certainly be very disappointing to us and to many people in Northern Manitoba if those negotiations are not concluded as I have had reason to expect that they would be, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MS. WESTBURY: Thank you, Mr. Speaker. My question is addressed to the Honourable Minister of Consumer Affairs. It refers to a question that I asked on the 12th of February to which he gave a tentative answer on the 13th of February. Mr. Speaker, I wonder if the Minister is yet in a position to tell us whether the government and the city have come to any agreement on the disclosure of names of restaurants which are in violation of health regulations, to quote the Minister's own words, "where there is a blatant failure to comply and where prosecutions are being proceeded with", Mr. Speaker. Can the Minister give us a report on that please?

MR. SPEAKER: The Honourable Minister of Health.

MR. SHERMAN: Mr. Speaker, perhaps I should accept that question because I attended the last meeting of the Urban Affairs Committee of Cabinet with the city on that particular subject. The answer is yes. The province and the city have come to an

agreement on disclosure of names of operators and eating establishments in violation of the accepted public health standards.

MS. WESTBURY: Mr. Speaker, I apologize for addressing the question to the wrong Minister. My first question was to the Minister of Health and he referred it to the Minister of Consumer Affairs in February. Can the Minister tell us now, please, when the agreement will come into operation; when we can see it enforced please?

MR. SHERMAN: Well, first, Mr. Speaker, no apologies are necessary. The Minister of Consumer and Corporate Affairs and the Environment and the Minister of Health both serve on that Committee and we work very closely together on matters of public health and the environment. It just happens that at that particular meeting, because the Minister of the Environment was out of the city on government business and I was there, that I felt I should deal with the question. He is just as capable of dealing with it as I am.

Very soon would be the answer to the second part, Mr. Speaker; the second part of the question could be answered by the assurance that it will be very soon. The city wants to move on it very quickly and certainly the province is not going to be the party responsible for any undue delay.

MR. URUSKI: I direct this question to the Minister of Natural Resources and ask him whether he has received a petition from the Marshy Point area dealing with the crossings that were put in restricting the flow of water through Marshy Point, Mr. Speaker?

MR. ENNS: It is quite possible that my office has received one but it hasn't been brought to my personal attention at this point. I am, of course, aware of the situation that he refers to.

MR. URUSKI: Can the Minister indicate the concerns raised in the petition deal with the possibility of flooding the hay lands because of the restricted flows through Marshy Point? Has the Minister examined since last we spoke on this subject, the matter, the situation, and has he made a decision whether he's intending to pull out those crossings?

MR. ENNS: Well, Mr. Speaker, what fond memories it brings back to have the privilege of being on the Opposition from time to time, a situation that I enjoyed for a little period of time. I'm quite happy to be on this side. Just a few moments ago the honourable member was asking me whether I was going to free up wildlife management areas for hard pressed possible cattlemen who need extra hay. Right now, Mr. Speaker, in case members of the House aren't aware of it, he's asking me to take down a facility that last year the Drought Committee was good enough to respond to to provide additional hay for cattlemen hard pressed in that area. Now he's asking me to pull down that facility, you know, all within the same question. As I say the marvelous privileges of being in the Opposition when you can skate on both sides of every issue, never having to take any responsibility for any solution to a problem,

but I acknowledge, Mr. Speaker, it was fun; it's fun doing it while you're in Opposition but, Mr. Speaker, it's hardly responsible.

MR. SPEAKER: The Honourable Member for St. George with a final supplementary.

MR. URUSKI: Thank you, Mr. Speaker. The only one that seems to be having fun, Mr. Speaker, is the Minister because he neglected to mention that his department spent \$25,000 putting in those crossings after farmers of the area had already barged themselves into the area. He neglected to mention that fact, Mr. Speaker. I ask the Minister since he skated around the issue, whether he is intending to pull those crossings off and if he isn't let him say so. Also whether he's considered making compensation to the fishermen who his colleague the Member for Emerson took bills from, who indicated they lost nets as a result of the freezing of nets in the area, a result of the currents that resulted from those crossings being put in. Is he intending to do anything about that either?

MR. ENNS: The first thing I will do is not accept any assumptions made by the Honourable Member for St. George. Secondly, Mr. Speaker, if he talks about the expenditure of moneys on that particular road it was well spent, Mr. Speaker, when you consider at the same time we were paying truckers and railroad companies hundreds of thousands of dollars in bringing in badly needed hay and fodder supplies from as distant points as Southern Ontario. So to expend \$12,000 to \$14,000 as was the original or \$17,000 to make available a considerable quantity of hay, the fact of the matter is it was put in late in the season and full maximization wasn't realized. I trust it will be this year, Mr. Speaker, I trust it will be this year.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. HARVEY BOSTROM: Thank you, Mr. Speaker. My question is to the Minister of Natural Resources and it relates to the change in the quota rollover regulation respecting Lake Winnipeg fishermen. I'd ask the Minister if he's had complaints from fishermen about the change in the regulation which discontinues the opportunity fishermen had of fishing in the summer season all of the quotas that were attached to their licences, that is, many of the fishermen decided for reasons of economy and saving of equipment costs to fish all their quotas either in the winter season or in the summer season. They had that flexibility under the old regulations. I understand now the Minister is proposing to change that so they will no longer be able to do that. I would ask, Mr. Speaker, if he's had complaints and if he's prepared to listen to complaints of fishermen who may be facing some fairly expensive equipment bills in the near future in order to accommodate themselves now to this new change, and if he's taking that into consideration in making the changes.

MR. ENNS: Mr. Speaker, the only personal experiences I've had with respect to the fishery question the honourable member asked me about is one complimentary to the government,

complimentary to my predecessor who brought in the regulation at that time. I would not fool myself by suggesting that there may well be or the department may well have received contrary opinions from fishermen who hold the view that the Honourable Member for Rupertsland expresses.

I remind the honourable member though that there is a particular problem and a rationale for the changeover and the holding to the quotas as they are currently fixed; it does help the Freshwater Fish Marketing Corporation in their capability or ability to handle the flow of product. The method that was in place prior to that allowed for a considerable bunching up of product flow to the plant in Transcona causing in the long run lower returns to fishermen because the product would then have to be kept in cold storage for a greater length of time. I think if the honourable member who is a reasonable observer of the fishery scene will acknowledge that it is not in the long-term interests of the fishermen.

INTRODUCTION OF GUESTS

MR. SPEAKER: Order please. If I may interrupt at this time I would like to draw the honourable members attention to the gallery on the right where we have 14 students from the Matheson Island School under the direction of Miss Smith. This school is in the constituency of the Honourable Member for Rupertsland. We welcome you here this afternoon.

ORAL QUESTIONS (cont'd)

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. BOSTROM: Yes, Mr. Speaker. A supplementary question on the same issue. The Minister should be aware that the regulation allowing fishermen to fish in any season they chose given the fact that they had licences for the seasons, was made available under the NDP administration, not that of his predecessor. I would ask the Minister if he would take into consideration any special problems that fishermen may be facing in terms of economic hardship where they have, because of the operation under the old system, discontinued the use of one complete line of equipment, either the summer equipment or the winter equipment depending on which major season they participated in, in the harvest of their quota.

I would ask the Minister if he would take into account that problem the fishermen may be facing in this first year of this being implemented so that perhaps where fishermen are having difficulty financially in gearing up for the changes that he's proposing, that he would perhaps allow the fishermen some time or through the government provide them with some financial assistance to be able to change over to fishing in both the open water and the winter season again.

MR. ENNS: Mr. Speaker, certainly I'm prepared to acknowledge and to listen to concerns that may come to me from the fishermen on Lake Winnipeg in particular. I would of course also seek the advice of the Advisory Board that does operate with respect to the Lake Winnipeg Fisheries and I'll take those questions as advice and indicate to the honourable

members when next we meet or later on as to whether or not some changes, some flexibility can be built into the regulations as they now exist.

MR. SPEAKER: Order please. The time for question period having expired, we'll proceed with Orders of the Day.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, it will be the intention today to deal with the constitutional resolution and to deal with and complete the Estimates of Executive Council with the First Minister, Mr. Speaker.

Would you firstly call the resolution on Page 3 in the name of the First Minister.

PROPOSED RESOLUTION

MR. SPEAKER: The Honourable First Minister.

HON. STERLING R. LYON (Charleswood): Mr. Speaker, I beg to move, seconded by the Honourable Minister of Energy of Mines that:

WHEREAS the Legislative Assembly of Manitoba is committed to a united Canada under a Federal, Parliamentary, Monarchical system of government, and to our traditional constitutional methods of maintaining and enhancing the basic rights of all of our citizens;

AND WHEREAS the Assembly considers the current unilateral action by the Government of Canada to amend the Constitution to be divisive and destructive of the federal nature of our country;

THEREFORE BE IT RESOLVED:

1. THAT the Assembly reject the amendments to the Constitution proposed by the Federal Government and the method by which it is seeking to impose those amendments;
2. THAT the Assembly approve the patriation of The British North America Act with an amending formula to be agreed by the Parliament of Canada and the provincial Legislatures;
3. THAT the Assembly urge the Federal Government to abandon its present and unilateral course of action and the Federal and Provincial Governments to undertake the immediate resumption of negotiations to reach agreement on a more flexible amending formula recognizing the equality of provinces and the traditional constitutional sovereign rights of the federal and provincial jurisdictions;
4. THAT the Assembly urge that further constitutional amendments not be undertaken until such an amending formula has been agreed upon.

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

MR. PETER FOX: Yes, Mr. Speaker, in view of the fact that a number of questions are before the Supreme Court, can you indicate whether the debate, if it proceeds, will be within very limited parameters to exclude those questions which are before the Supreme Court?

MR. SPEAKER: The Honourable Government House Leader on the point of order.

MR. MERCIER: If I may speak to the point of order, Mr. Speaker, I want to point out that Beauchesne clearly states that the sub judice rule is a voluntary restraint, and I point out the hearing before the Supreme Court has been completed, although of course judgment has not been rendered. Beauchesne also points out, Mr. Speaker, that there is no settled practices in civil cases and, in doubtful cases, the Speaker should rule in favour of debate and against the convention.

Mr. Speaker, I point out to you the resolution before the House has been drawn very carefully to avoid any infringement upon the power of the courts to determine legality. I would refer you, Mr. Speaker, to Pages 9 and 10 of the decision of the Manitoba Court of Appeal and the judgment of Chief Justice Freedman where he has stated that, "Before proceeding with the consideration of the three questions I deem it useful to define the boundaries within which our inquiry should be conducted. Those boundaries are best defined negatively, that is to say by indicating what does not fall within their scope and clearly what does not fall within their scope is the political wisdom or unwisdom of what is contained in the joint address. The attempt by the Federal power to patriate the constitution unilaterally may be an act of high statesmanship or of political folly. That is not a determination that we are called upon to make. Indeed, during the very period when we are hearing this reference and still continuing since then, the Special Joint Committee of the Senate and the House of Commons referred to above, has been holding its hearings, publicly televised, on the matters referred to in the proposed resolution for a joint address but the proceedings and objectives of that committee differ sharply from ours. The members of that committee are concerned deeply and properly, I would add, with questions of policy and wisdom. Unilateral patriation of the Constitution of Canada may be regarded by them as wrong, undesirable, unwise or, on the other hand, it may be regarded as correct, necessary and desirable. What the ultimate recommendations of that committee may be I have no means of knowing and no disposition to guess. It is enough to say that the role of that committee provides a clear contrast with that of this court. We are concerned not with the wisdom or policy of the proposed resolution but only with its constitutional legality. We can continue to function on this reference as a court of law".

Mr. Speaker, I submit to you that the question of legality is not in question and is not the point under debate under this resolution. I point out to you, Mr. Speaker, there have been six or seven other resolutions of very similar nature passed by other Legislatures during the past few months.

MR. SPEAKER: The Honourable Member for Inkster on the point of order raised by the Honourable Member for Kildonan or on the point of order raised by the Honourable Attorney-General?

MR. GREEN: Mr. Speaker, on the point of order that has been raised, I consider, Mr. Speaker, that the point of order underlines the basic affront that is being made by the Federal Government and underlies that affront. There is absolutely nothing in this resolution that deals with the subject matter that is before the Supreme Court of Canada. What is

before the Supreme Court of Canada is the legality of the question; what is before Parliament is the desirability of the question and for those people, particularly the Liberal party who cannot recognize the difference between whether or not something is legal and, if it is legal, whether or not it is desirable. I say, Mr. Speaker, that this point of order should spell out that difference and that you, Mr. Speaker, should not preclude the elected representatives of the people from talking about whether something is desirable or not, because the Supreme Court is trying to determine whether it is legal or not; because even if it is legal, which some people object to, I have a right to discuss whether it is desirable.

Mr. Speaker, I ask you to note that the Court of Appeal of the Province of Manitoba, the Court of Appeal of Newfoundland, the Court of Appeal of Quebec were all considering this proposal and the House of Commons found no difficulty whatsoever in having a full debate on it while it was before those three courts. Now that's because, Mr. Speaker, the legislators were dealing with the desirability of whether the people want such a law. The Supreme Court is dealing with the question as to whether such a law is legal. If this Federal Government proposal goes through, Mr. Speaker, we will often be embarrassed by this kind of objection because it's going to be said, on numerous occasions, the legislators who are elected by the people can't consider it because some court has got it under its jurisdiction at the present time. Exactly what we are trying to avoid, Mr. Speaker; exactly why this objection should be swiftly overruled.

MR. SPEAKER: Order please. The point of order raised by the Honourable Member for Kildonan was whether or not the Chair was going to define the parameters of debate on this particular question. It is not the Rule of the Chair, nor do I believe is it the purpose of the Chair, to try and prevent debate occurring or to limit the areas to which debate is occurring. I believe that responsibility lies with the individual member, to make himself acquainted with the subject matter and to contain himself to the subject matter before debate. On that basis, I don't believe the point of order raised by the honourable member requires a ruling from the Chair.

The Honourable First Minister has made a motion.
The Honourable First Minister.

MR. LYON: Mr. Speaker, I rise today to introduce a resolution which I honestly believe deserves the unanimous approval of this House. I rise to make this speech in support of the resolution on May 12th, which is the date 111 years ago when the Province of Manitoba was created as part of Confederation of the then Dominion of Canada. I think if there is some significance perhaps in the dates, that 111 years ago we were celebrating the admission of our province into Confederation and I think it's a matter in which we can all rejoice to some considerable extent that 111 years later we are still able, as in the body of this resolution, to celebrate the unity of that country of Canada, to celebrate the part that our province has played in contributing to that unity and perhaps even more importantly, the part that we have to play today to enhance the preservation of that unity against forces that are aligned against the unity of Canada in a way that has not been seen before perhaps in our history.

So I do believe this resolution can command the unanimous support of members in the House. I am proud to speak on a motion which restates the commitment of the members of this Legislature to a united Canada. I'm sure that all members will join in restating that commitment. I'm sure that members of the House will be pleased to assert again their devotion to a federal, parliamentary, monarchical system of government which is the essential foundation of a united Canada.

However, I am tinged with some sadness to think that there should be any need in our Legislature, 111 years after the celebration of The Manitoba Act, to go on record in support of these fundamental principles which are accepted from one end of this province to the other. Unfortunately, we now have a situation in Canada which in my opinion threatens our unity, which threatens our federal system and indeed threatens our parliamentary democracy. It is for that reason that the government is asking the House to condemn unilateral federal action, to amend the Constitution through the mechanism of the Parliament in Westminster.

Before explaining or getting into any detail with respect to the government's reasons for opposing the unilateral proposals currently before the Commons and the Senate, I wish to stress to all members of this House that the amendment of the Constitution of Canada should be a matter of broad consensus and a matter may I say, Sir, of pride among all Canadians. It should not be a matter which causes the kinds of division that we are seeing region to region, province to province across this country. It should not be something which borne in the minds of the leaders of our Federal Government, something they are bound and determined that they are going to push and ramrod through this country against the rising will of the people to say nothing of eight of the 10 constituent provinces which make up this Confederation of ours because in our Constitution, Sir, we are dealing with the fundamental law which will govern this country for generations to come, that is the division of powers and the manner under which we operate.

The issues in dispute are difficult ones and powerful arguments have been raised on both sides with respect to these issues. We cannot know how conditions will evolve and what challenges the Canadian people will meet in the next 114 years of our Confederation. But what we can do, Sir, and what we must do is to reason together because of the problems that beset our nation and to analyse our proposed changes seeking to achieve consensus on the best possible set of constitutional amendments that we can see according to our likes in this day and in this age.

In the heat of the debate on the Constitution, Sir, we are sometimes in danger of emphasizing those things that divide us to the point that we forget the far greater ties that bind this nation together. It has never been the Canadian way to trumpet the virtues of Canada, that is to wave the flag or to adopt other forms of strident or more dramatic nationalism that we see in other jurisdictions. Many Canadians, Sir, as we all know feel uncomfortable with kind of public display or overt emotional commitment to the country but I am convinced and I am sure that the members of this House and the overwhelming

majority of Manitobans are convinced that Canada is the finest country in the world.

Our history is truly "an epic of the most brilliant exploits" as the French version of "O Canada" states. Our past is a source of great pride. Our future presents unparalleled opportunity. Can anyone seriously doubt that Canada offers for its people a combination of individual freedom, democratic government, the rule of law and economic opportunity which is beyond the wildest dreams of hundreds of millions of people in other parts of the world and we have it here in Canada at the present time?

So, Mr. Speaker, we are indeed a fortunate people and yet there are those who would attempt to dismember some of the unity that has caused us to build these brilliant exploits in our past and which would hamper our future opportunities as well, sometimes out of a fit of pique and resentment over real or imagined grievances. Amongst those of course would be included those who for their own purposes would choose to separate Quebec away from Canada or in the other regional extreme, those in the west who would choose to separate the west away from Canada. Mr. Speaker, Canada needs all of its constituent parts and I'm sure that each of us in this House engages in the debate in the full knowledge that we are not separatists, we are the opposite of separatists; we are Canadians first and foremost and we want to strengthen and enhance the unity of this country as we participate in this ongoing debate.

So while it's altogether proper that this House should express its commitment to national unity, we must do more. After all, national unity could be expressed in a unitary state as indeed it is in many other parts of the world. Some say that Sir John A. Macdonald considered a unitary government to be the ideal government in abstract terms, but when he and the Fathers of Confederation wrestled with the difficulties of creating a new country, it quickly became evident that the size of the new country and the different interests and the history of the Maritimes, of Quebec and Ontario initially and then later of the western provinces, made federalism not only a necessity but the highest form of government that could be achieved in order to bring about that kind of binding of the country together.

If anything the arguments for federalism are more compelling today than they were in 1867. The expansion of Canada has added new regions to our original three; the very growth of government which has made Parliament virtually a full-time institution means that there would be little time for Ottawa to consider those important matters now dealt with by the 10 provincial Legislatures. There is very little controversy, Sir, over the continued need for federalism in Canada and I expect the members of this House will have no problem in endorsing the commitment to the continuation of federalism in Canada.

There is controversy however, Sir, over the powers which should be given to each order of government and over the relations that should exist between them and that's nothing new in Canada; that has existed from Day One. Certainly no one would question that the Federal Government should be responsible for the international relations in the

defence of the country and those matters that are best organized under a national heading.

May I pause to say, Sir, as I've said in the number of submissions during the course of the continuing constitutional debate, that Manitobans as I read their opinion and Manitobans as I have had the honour to serve them in different parts of this Legislature over the years, Manitobans believe in a strong and a viable central government in this country — let there be no mistake about that — and this government believes in a strong and viable central government. So let there be no mistake about that at any stage in this debate. No one would question the areas in which the Federal Government should have its own responsibility as it has since 1867.

Similarly, Sir, I would expect that no one would question that the provinces should be able to look after those matters that are best attended to by those who are closest to the scene of action with respect to education, with respect to the delivery of health services, with respect to all the organization of municipal government and all of the other traditional areas for which provinces have assumed responsibility in this country.

There are many many other responsibilities which can be discharged by either level of government and over the years we've worked out a *modus vivendi* among the federal and the provincial governments which, in the absence of strict delineation by Section 91 or Section 92 of The British North America Act, we've worked out a practical Canadian solution or compromise so that we do have an efficient and a working structure of government in Canada which I mention again, Sir, is the envy of many many other jurisdictions on the face of the earth.

I am certain that this is something that we should call to mind when we embark upon a discussion of new constitutional proposals because Manitoba has traditionally taken the point of view, and I mention it again here today, Sir, that the onus is upon those who would change the constitution to show that the changes that they would make to this functioning and working constitution of ours are improvements over what we have. That is the No. 1 onus that has to be discharged by those motivated, by whatever reason, who would make substantive changes to these traditional arrangements that have been hammered out by compromise, by negotiation, by the hard pragmatism of Canadian minds, by empirical experience over the years.

Those who want to make the fundamental changes that are in the federal proposal must discharge the extremely heavy onus of demonstrating, as best they can, that the changes that they propose are better for the public interest of Canada than what they would presume to displace them with.

There is another old axiom that those who were trained years ago in Constitutional Law in the Manitoba Law School once learned from one of the professors who was beloved by all of us and that was this: That in the field of Constitutional Law you don't go around tearing down fences until you find out why they were put up in the first place. That's a pretty good proposition, I suggest, for politicians of all parties to pay attention to when you're looking at a fundamental revision of a constitutional document. Why are certain provisions there? There had to be a reason for their being there in the first place and

before you know what that reason is and before you realize, or before you can come to an understanding or an appreciation that that reason no longer exists or that the matter is now outmoded; before that you should not tear down some of the constitutional provisions that have been built up pretty painstakingly over the years.

There is another item that needs to be mentioned, not only because lawyers are acutely aware of it but because the public, the general citizenry of the country, while not as acutely aware of it, are certainly subject to it on a day-by-day basis and that is very simply this, that we have as a nation developed as a parliamentary democracy, as the words of the resolution would indicate, we are a parliamentary democracy where the supremacy of Parliament, which is a pretty high-toned expression for saying that those whom the people elect are the ones who will make the law. Our form of direct democracy has been in effect for 114 years. Mr. Speaker, it works. It isn't perfect but it works extremely well and by comparison with many other forms of presidential and republican and various forms of autocratic government and forms of ersatz democracy that you find in other parts of the world, may I say as a Canadian, and may I say proudly as a Canadian, that the Canadian form of parliamentary democracy need take second place to none on the face of the earth.

Now, with that system in place, the concept of parliamentary democracy in place, in a Federal system with the divisions of power delineated primarily in Section 91, with all of those powers enumerated in Section 91 of The British North America Act going to the Federal Government and all of those powers that are enumerated in Section 92 of The British North America Act going to the Provincial Governments, with that working arrangement that I have described where the lubrication of compromise and Federal-Provincial discussion has looked after all of those other areas that were not specifically accounted for, we've had a good workable system. The test I think of any constitution, even if I'm repeating myself, Mr. Speaker, is this; does it work? And applied against that test one would have to say that the Canadian experiment, and even though something has been in force for 114 years in the long panoply of time it would still have to be called an experiment; the Canadian experiment has worked extremely well. Part of the reason that Canadian experiment and parliamentary democracy has worked well is, to give due where it should be given, we inherit a good part of the tradition and the understanding and the working of this law from the Mother of Parliaments, from Great Britain, and we found that that inherited form of government that was brought over here in the 18th century and the 19th century and matured into the form of self-government that we have in Canada worked pretty well. We didn't take it and transplant it from Britain as a plant that had to grow here as just a British plant, not at all. The minute the transmission of that system of government to Canada occurred it started to change and to become a Canadian entity and there were grafts that were put onto it and there were experiences that were different and it grew up and derived its own health and its own vitality from a Canadian experience; it ceased to be British and it became Canadian. It had

British roots, yes, but it became essentially a Canadian document, a Canadian way of doing it and that experiment again, the transplantation process that we've mentioned, took place in Australia, took place in New Zealand, it took place in other parts of the Commonwealth and developed in different ways in each of those jurisdictions where each country and each of their peoples put their own imprint upon that particular kind of parliamentary democracy that was the heritage of the Mother of Parliament. But it is, may we understand this clearly, Mr. Speaker, it is essentially a Canadian system that we are dealing with; a system to which we owe many thanks and allegiance to the British form of government for the foundations that we adopted from them but which has essentially grown to be a Canadian system over the years.

A very important part of that system, Sir, has been the whole area of the judiciary that has been attached as part of our form of government in this country, the role of the judiciary, of being independent of the executive and of the legislative branches of government, being able to pass judgment upon and to interpret the law of the country as that law was passed by the Federal and by the Provincial Legislatures and indeed by the municipal corporations when that power was accorded to them. In the course of making determinations upon provincial and federal statutes from Day One, from 1867 forward, the judiciary in Canada has been building up what the lawyers call a body of jurisprudence. All that a body of jurisprudence is, is an admixture, Sir — and I'm perhaps oversimplifying it — of common-law decisions, that is decisions that the judges make based on the particular facts of a case as that case is before them, based upon the common law as it has been researched and found for them or based upon the Statute Law of the particular jurisdiction in which the case takes place.

That body of jurisprudence that has been building in this country for 114 years is extremely important to the stability of the country. I say that in a social sense, I say that in an economic sense, I say that in a moral sense and I say that in a political legal sense as well. It's very very important because it imparts that kind of leavening of certainty and security of decisions that individuals can make with respect to the law of contract, to the law of tort or the different transactions that they carry on a day-to-day basis with their neighbours, with their friends, with the companies down the street or whatever. You know in Canada what the law of contract is because it's stated in the different statutes of your Legislature; the courts have interpreted those statutes in a particular way and the law is certain. Mr. Speaker, one thing that settled societies have found down through civilization is that certainty in the law is extremely important if you're going to have a stable and an ordered society.

That is why I take an extra moment to talk about the background and the basis of solid, stable jurisprudence that has been built up in this country so that we can citizen to citizen, neighbour to neighbour, businessman to businessman, farmer to farmer or to co-op or whatever, bank to individual, we know what the law of the country is because it is certain. It has been passed upon; it is there. We have

that kind of certainty in our dealings one with the other that is not the case in many of the newer countries of the world and is not the case in other countries of the world where they have had a jurisprudence that has had to build up with a different foundation, one that is not so orderly as the one we have and are blessed with in Canada.

Well, can anyone have any problem then in the substance of this resolution when we say that we are dealing with a federal system? No. The federal system is something that we all support. A parliamentary system — a parliamentary system as opposed to the Presidential or Republican System — I believe it was the late Premier of British Columbia who said when he first saw Mr. Trudeau's proposals being unveiled in Ottawa in 1968 or 1969 with the entrenched Charter of Rights and some of the other Americanizations that were noted in them, he said, "I thought this was to be a celebration of 1867 not of 1776".

With the fullest of goodwill toward our American friends I merely say the parliamentary system that we have in this country is one that I would not for one — and I'm sure there are millions of other Canadians who feel the same way — that I would not easily or quickly substitute for the Presidential Republican System that our great friends in the United States have. Mr. Speaker, they are entitled to their system. They went through a particular form of uprising which is really rather distasteful to us and the number of forebearers of many many Canadians because they found that distasteful, came back up to Canada and said that's all right for them but it's no good for us. They were known as United Empire Loyalists. We have an awful lot of them among the Canadian population still today. I merely say if you want to have a Presidential Republican System there's no problem — you can drive 65 miles south of here and you can live in a country that has a Presidential Republican System — and I don't see too much evidence of Canadians flocking to join that particular kind of governmental setup when they have as they do in this country the parliamentary form of government. I say all of that, Mr. Speaker, with no evidence of ill will toward our American friends or neighbours whatsoever. It merely seems to me that according to our likes we have the better of the two systems according to our history, according to our development and we should be working to enhance our system of parliamentary government rather than to tear it down and to try to mold it into something that more closely approximates that which the United States of America has.

So we have no problem with our system being a parliamentary system and let's say a word about the monarchy for a moment. There was a time when Mr. Trudeau wanted to make some substantial amendments to The British North America Act with respect to the office of the Queen. I was pleasantly surprised I must say, Sir, to find that there was unanimous objection to the proposals that he was putting forth back in 1978 or thereabouts with respect to the monarchy and how he wanted to see certain traditional powers of the monarchy devolve onto the office of the Governor-General.

I remember very succinctly the words that were used by the Premier of Quebec who's an avowed separatist and a member of the PQ party when he

said, "If you're going to fiddle around with the monarchy I put it to you this say that Quebec would far sooner be in a position of having the Queen with her present powers than having those powers passed over to a Governor-General who is the appointee of the Prime Minister of this country". Now that's a very frank statement that was made by a very frank politician for very frank reasons and that is no reason in itself for supporting the whole institution of the monarchy. But rather it goes to show that we in Canada I think feel very comfortable with the monarchy, with the head of state represented in this country by His Excellency the Governor-General, carrying out those traditional functions that the monarch carries out as Queen of Canada when she is here.

So I do not think there need by any argument because Mr. Trudeau then quickly abandoned the proposals with respect to the monarchy and said that there would no change; that was at the time when he was talking about Bill C-60 and some of the other changes that he had hoped to make to the Constitution at that time. So I think there is no need for us to debate the subject of the monarchy except to issue this word of caution about Mr. Trudeau because he was questioned not too long after — I think it was the very evening of the referendum debate in Quebec a year ago now approximately — and somebody asked him what about the role of the monarchy? He said that's not part of the constitutional discussions at the present time, said Mr. Trudeau.

So knowing what the propensities of the present Prime Minister of Canada are I think we must be ever vigilant, ever vigilant with respect to the role of the monarchy in our Constitution because it is not an institution that the present Prime Minister of Canada has found to be necessary in his vision of what the Canada of the future should be.

So I say, without saying anything further about his motivations, that one must be ever vigilant so long as he is the Prime Minister of this country to ensure that the traditional role of the monarchy in this country is maintained, upheld and strengthened against those who, caught up in the current trendiness of the time, would like to substitute that kind of an institution for something that might appeal to their trendy instincts.

Mr. Speaker, if we are in favour of a federal system, a parliamentary system and a monarchical system of government, to our traditional constitutional methods of maintaining and enhancing the basic rights of our citizens — I've talked to some extent about that but not really going to the heart of it — which has to do with the topic of the Charter of Rights. It is not my purpose at this time — because there will be other speakers in this debate who will I'm sure deal at length with the concept of the charter — it is not my purpose at this time to go into all of the exhaustive arguments that can be made for and against a Charter of Rights. It is no secret that I as a politician, that our government as a government, have consistently opposed the concept of an entrenched Charter of Rights. We have done that, Mr. Speaker, for a number of reasons, the principle reasons of which are set forth in the arguments that I made at the Federal-Provincial First Ministers' Conference in September of last year in a

document which is freely available and which I will not now burden the House with reading or summarizing in any great detail.

Suffice it to say this: The objection that we hold to the entrenched Charter of Rights is essentially twofold. No. 1, you cannot as Mr. Trudeau has in his present proposals, you cannot have an entrenched Charter of individual Rights for Canadians which purports to affect the citizens of Canada in their capacity as provincial citizens of Manitoba or citizens of this province because very simply, Mr. Trudeau's proposed Charter of Human Rights at the present time expropriates, takes away, cuts off traditional areas of sovereignty that this province has had since 1870 without the consent of the people or the government of Manitoba and that is not acceptable.

Mr. Trudeau can have an entrenched Charter of Human Rights insofar as the federal jurisdiction is concerned, that is insofar as he has powers under Section 91 or other sections which confer powers upon the Federal Government. He cannot, Mr. Speaker, he cannot have an entrenched Charter of Human Rights that purports to interfere with proprietary rights, with civil rights of individual Canadians, with education rights, with language rights that are within the sole purview and the sole sovereignty of the province that have been there since 1867 for all provinces that joined Confederation subsequent to 1867. That's No. 1.

No. 2. If you were going to have a proposed or an entrenched Charter of Human Rights that does purport to affect Canadians in their dual role as citizens of the nation and citizens of the province, then those rights that you are purporting to take away from the provinces must be negotiated; they must have the consent of the provinces. The proposal that Mr. Trudeau has for an entrenched Charter of Human Rights does not carry the consent of the provinces, Mr. Speaker, in fact it is actively opposed by eight of the 10 provinces of Canada. Therefore in shortened form I say you cannot have an entrenched Charter of Human Rights as Mr. Trudeau is trying to foist upon the people of Canada at the present time. Not only, Mr. Speaker, will Mr. Trudeau not have it or can he not have it, I say to you very frankly today, Sir, he will not have it — he will not have it.

In saying that, Sir, I'm issuing no threat at all. I merely say that with respect I know Canada better than Pierre Elliott Trudeau; I know the system of government in Canada, so do the eight other Premiers and so do millions of Canadians. You can't have a proposal that purports to tear the very innards out of the division of powers between the Federal and the Provincial Governments without the consent of the provinces. You cannot first of all slice off that area of sovereignty and jurisdiction from the provinces — blackmail the parliament at Westminster to pass it through — and then bring it back to Canada and say whether you agree to it or not here it is because that won't work in Canada. If Mr. Trudeau doesn't know that then he's in for quite an awakening, Mr. Speaker, because eight of the 10 provinces of this country will not permit that to happen.

So very simply I say that we do not want to have an entrenched Charter of Human Rights on the basis that Mr. Trudeau is proposing it because he's gone

about it the wrong way. You can't have the Parliament of the United Kingdom enacting substantive law that does not carry the support of eight of the 10 provinces of this country; that's unheard of and that will not be allowed to happen. Mr. Trudeau had better be ready for a large dose of humility when he finds out that he can't barnstorm. He may be able to barnstorm the Parliament of Canada but that's where his barnstorming is going to end because he's not going to barnstorm the provinces. The kind of unilateral action he is proposing is not in accordance with the traditions of this country.

If anyone wants to read in more detail what I regard as one of the better-reasoned arguments that I've heard — and I'm not going to give it in detail — let them read the speech that was given in the Senate of Canada by Senator Andrew Thompson, a well known Liberal, a former leader of the Liberal party of Ontario, who spoke out on this very point and who said in effect in probably gentler terms than I am saying today, "Mr. Trudeau, you can't do it because it's not part of the history and the tradition of this country". The quotes are all there, from Sir John A. Macdonald on forward to every Prime Minister of Canada, including the present Prime Minister of Canada, Mr. Speaker.

Senator Thompson actually found some interesting quotations from Prime Minister Trudeau in which he indicated that without the approval of the provinces you couldn't have an amending formula; without the approval of the provinces you couldn't have a Charter of Rights that purported to affect the provinces. What all of a sudden changed Mr. Trudeau's mind and caused him to think he could do the illegal in this country, to think he could do the unconstitutional in this country, to think he could do the unthinkable in this country, Mr. Speaker? That's why those of us who have been waging this fight against Mr. Trudeau and his proposals, particularly since last October since the unilateral proposals were unveiled, have known from Day One that we would win. We will win because the Canadian people will win, not because we are necessarily the only ones who carry the standards of right. We know that what he is proposing is so fundamentally un-Canadian that it can't be permitted to win and it won't be allowed to win.

I don't care what devious tactics he uses. I don't care if he says on the one hand that it's wrong for the provinces to go to the courts and accuses the provinces of subverting — I think that was the term he used subverting the courts — and then turns around three months later and says, "Ah well, it must go to the courts, and when the courts have decided it, then that's the whole question". We've seen this kind of flipflopping by the Prime Minister of this country over the last number of years and quite frankly, Mr. Speaker, I now regard it as amusing to see him wiggling on the end of his own petard, because he's gotten himself into a position from which he alone is going to have to extricate himself.

I know what the Canadian people are going to do. The Canadian people are going to say, "This is the way we do things in this country regardless of Pierre Elliot Trudeau". I say, Mr. Speaker, thank God in this country we knew something about freedom, we knew something about the Constitution, about the

parliamentary system, about the monarchical system long before we ever heard of Pierre Elliot Trudeau. I confidently know, Mr. Speaker, that long after Pierre Elliot Trudeau has left the scene in Canada we will still have the same faith and we will still have the same enjoyment in those traditions of our parliamentary system of democracy and so on, notwithstanding some of the actions that he has taken in a unilateral way which are prejudicial to those concepts. I know that just as surely as I stand here and speak in this Legislature today.

So, Mr. Speaker, we are opposed to the Charter of Human Rights not because we are opposed to human rights — that argument is so trivial that I pay no attention to it at all — we're opposed to it because it fundamentally would subvert the parliamentary system; because fundamentally it would take powers from the Provincial Legislatures and from the Federal Legislatures and transfer them to nine appointed judges ultimately in Canada, and would ask those judges to do what judges in Canada have never been asked to do, that is to make judicial legislation. Now that's, Mr. Speaker, another fundamental reason for being opposed to his Charter of Rights because it's wrong in itself — it's wrong in itself — and it would subvert the whole system of jurisprudence that I was talking about a few moments ago that has been built up so carefully in this country over 114 years. As other speakers have said, as I have said from time to time, it would literally turn this country upside down. Canadians are not going to have their country turned upside down by one man with a temporary majority in the Parliament of Canada. That is as clear as my standing here today as well, Mr. Speaker.

So I merely say to you without getting into all of the detail of the arguments for or against the Charter of Rights, I've heard them, I know that you can mount intellectually sound arguments for a Charter of Human Rights. If you were starting off with a new country called whatever you want to call it, it might be well worth debating. But when you're in a senior country such as Canada is in the world family, a senior country with an established system of parliamentary government, with a system of jurisprudence that has been built up on that country, why in heaven's name would you start to tinker with it? Somebody was saying in the election campaign of President Reagan, if it works don't try to fix it and, Mr. Speaker, our system works. Why in God's name is Pierre Trudeau trying to fix it? That's a question he is going to have to answer before the final bell tolls on this debate in Canada.

So we are in this situation because the Prime Minister of Canada has a fixation — and I have no hesitation in using that word — a fixation that verges on being an obsession, that he wants to have an entrenched Charter of Human Rights to deal essentially with two things; number one is education, number two is languages. A number of us have said to him from time to time, "You don't need all of the baggage of an entrenched Charter of Human Rights. If you want to make a bullet amendment through to The British North America Act as patriated with respect to education and rights, let's get down to cases and discuss it".

There were some interesting leaked documents the veracity of which has never been questioned by

Ottawa with respect to discussions that took place between the Secretary of State for External Affairs and his counterparts in Great Britain. The Secretary of State for External Affairs as I recall, the one leaked document said to this effect when speaking to his British counterparts, "The Prime Minister really isn't interested in the patriation formula or even in the Charter of Rights. He is interested in education and in language rights". Mr. Speaker, that is true. I see through the piece.

I have sat in bewilderment and wondered why the Prime Minister of Canada was advocating this whole turnover pie so to speak, of an entrenched Charter which would do so much to turn our system inside out if it was only for those two reasons that he wanted to seek substantial amendments to the current Constitution of Canada. Well, Mr. Speaker, I can only say that situation will not be allowed to come about in Canada. We can deal with the question of education in Canada in which there have been I think, substantial areas of progress made in every province in Canada with respect to education and the two official languages of Canada.

It is at this point where you get down really to the discussion that sometimes obtains on those who hold different points of view. Is Mr. Trudeau interested in the enjoyment of the right, or is he interested in the proclamation of the right? Because in this country, you can have the enjoyment of the right where you may not have the proclamation of it, but you can have the enjoyment of it and conversely you may try to proclaim a right and by proclaiming the right you will be restricting the enjoyment of it. Canadians in their vastly pragmatic and empirical way have learned this down through the generations and they know it quite well.

I'm always dubious about those who would like to enshrine and proclaim something in a written document as being beyond the call of Parliament, beyond the call of anyone save God Himself — that is amongst those who even believe in God — are the ones who sometimes make that kind of proclamation cry, then I wonder about those people. Are they really concerned, Mr. Speaker, about the enjoyment of the right or about the proclamation of it? You do have a legitimate difference in outlook. I say that Manitobans as I know them — and certainly we're not all of the same view — that Manitobans as I know them want the enjoyment of the right. They're not much concerned about whether it's proclaimed in a Bill of Rights or whether it's proclaimed in some document that's in a frame or anything like that at all. They want to know what is the practical effect of a piece of legislation with respect to the rights of them or their children. That is why, Mr. Speaker, you do run into the kinds of fundamental differences that we have seen over the months and the years on this debate.

Well, Mr. Speaker, I turn for a moment now to a way out of the impasse into which the Prime Minister of this country has put this nation. It's an impasse that arises because he has not sought the consent of the provinces; he has not bargained with the provinces in what would be described, good faith. In fact, I have as part of the papers that one always has in reference to constitutional matters, that amazing document that was turned out of the Prime Minister's office prior to the First Ministers'

Conference, that 60-odd-page working document, one of the most cynical documents I've ever seen in Federal-Provincial affairs, advising the Prime Minister before the Conference had started about what his tactics should be after the Conference failed. It was as though the document willed the Conference to fail. It was as though there was a will almost on the part of the Federal people to ensure that there be a confrontation with the provinces.

In a meeting which I attended and which was attended by and seen by millions of people on television in Canada, in which I know there could have been agreement on a small constitutional package which would have avoided all of the divisiveness, all of the confrontation, all of the litigious action that has taken place since that time. So we do have to get into the motivation of the Prime Minister and his government from time to time when we consider the lost opportunity of last September and what could have been achieved had that lost opportunity not been frustrated, primarily by the Prime Minister of his party in government at that time.

It fell then to the Prime Minister to come forward as his document said he would, with the unilateral package, a unilateral package some aspects of which I've already discussed as being un-Canadian. It's not constitutional. The legality of it is being discussed at the present time in the Supreme Court of Canada. But the legality of it, Mr. Speaker, I say along with the Member for Inkster who spoke on the point of order before this debate started, the legality is only one question. Something may be legal but it may not be right. Something may be legal but it may not be Canadian. Something may be legal but it may not be in accordance with our constitutional tradition in this country. So without in any way diminishing or denegrating the process that the provinces — including this province — started with respect to the legal testing of the validity of the Prime Minister's proposals, let no one think that this matter will be settled in any way other than in a political arena.

That being the case, Mr. Speaker, it was last September, it remained and it still is incumbent upon the provinces in the absence of initiative by the Federal Government — in absence of the initiative — a Federal Government that's been retreating from the initiative of trying to get the provinces together again when they've been asked by the provinces to convene another meeting of the First Ministers on the Constitution, they've been faced with stonewalling, evasions, glib answers through TV and so on. Well, that isn't good enough from the Prime Minister of this country. This province, when I was speaking at the conclusion of the First Ministers Conference in September of 1980, I said in my final remarks: Let us take advantage of the achievements that have been made at the conference and move forward from this plateau, have another meeting in January in Winnipeg so that we can carry on with the momentum that we have and get some agreement going. What were we faced with instead? We were faced with unilateral action by the Prime Minister within a matter of weeks when he declared the First Ministers Conference to be a failure. He may get away with that kind of sin of omission or commission but I suggest, Mr. Speaker, that the provinces are not able to do that.

What we did was to get together to continue the negotiations. There were six, of course, who decided initially to take references on the Prime Minister's proposals and take them to the provincial courts. Why? Because the Prime Minister refused to make a reference of his proposals to the Supreme Court of Canada. He could have made a direct reference the minute those proposals were unveiled; he refused to do it. He was the one who said, at that time, Mr. Speaker, that this was a political matter, not a legal matter. How different his tune is now.

Well, the provinces have been consistent. We said that there is a legal matter here to be looked at but we think it will be solved eventually politically. We worked to that end, Mr. Speaker, with the result, as the people of Canada were able to see on the 16th of April of this year, just a matter of a month ago, eight of the 10 provinces of Canada after, may I say, many weeks and months of deliberation were able to come forward with a simple patriation package which I suggest meets the needs of the country today. What does that simple patriation package say? It says, first of all, that we all favour the patriation of the Constitution to Canada, that's No. 1; it says, No. 2, that there has to be an amending formula that the provinces agree upon and that amending formula is attached as a schedule to the accord that was signed by the eight provinces. That accord was signed in such a way that New Brunswick, Ontario and the Government of Canada were invited to become signatories to it so that we could quickly approve the accord at a federal-provincial meeting which we called for at that time, a reiteration of the call that we had made on many many occasions before. We would have our federal-provincial meeting; sign the accord with the amending formula that was attached to it; send that parcel to Britain by way of a joint resolution of the House and the Senate and have Britain then approve that with the full consent of the provinces and the Federal Government; send it back to Canada. We would then have patriated our own Constitution by consent; we would then have agreed upon an amending formula that is agreeable to the provinces as well as the Federal Government by consent; we would then have a Made in Canada Constitution and we could then proceed. We could then proceed, Mr. Speaker, with the other topics upon which agreement will not be so easy, be they an entrenched Charter of Rights, be they offshore rights, be they matters of taxation with respect to natural resources, all of the other matters which hold varying degrees of priority among the 11 partners in this Confederation of ours.

We think, Mr. Speaker, we thought at the time, we think today that is the eventual course that this country will have to follow because, if I may say so, Sir, that's the Canadian way of doing it. We have arrived at a consensus among eight of the 10 provinces; we need New Brunswick and Ontario and the Federal Government to agree to it. That's the path; that's the way that we can solve this impasse that has been put upon us principally by the Prime Minister of this country.

I'm not one who ever makes predictions about events in political life but if I were to make any prediction at all, Sir, it would be that sooner or later, and I pray for the country that it will be sooner, that is the course that will be followed because that's the

course of consensus. That's the course that eight out of 10 provinces have already agreed on and you only need two more provinces and the Federal Government and you've got total consensus in Canada; that's all you need. Mr. Speaker, once you've got that kind of a consensus then you can proceed in a civilized way instead of making an international spectacle of herself, as Canada has been made to appear by our present Prime Minister, instead of making an international spectacle of Canada the Prime Minister could go, once in his life, with his head high to Britain and could say here is something that carries the imprimatur or the approval, the consensus of the people and the provinces of Canada and we ask you to pass it. That could be done proudly instead of in the devious way that he is attempting to do it at the present time, with great embarrassment to Britain, with great embarrassment to our other allies around the world and with consuming embarrassment to all Canadians when we see the spectacle that this one man is making of our country in the eyes of many other people.

Well, Mr. Speaker, that is the way that we can accomplish this; that is the way out of this impasse that we have. The amending formula is there; it has been agreed upon. We want to sit down with the other provinces; we don't believe that we should be asking the Parliament of the United Kingdom to enact substantive law on our behalf unless there is consent. There is no consent with respect to a Charter of Rights; there is no consent with respect to the formula that Mr. Trudeau has dragged up as being his formula, his formula is approved by the Government of Canada and by the Province of Ontario and by the Province of New Brunswick. Does anyone seriously think that formula is going to carry any persuasive weight in Canada even it is brought back as the purported law of this country? That's not the way we do things in this country, Mr. Speaker, and it will not be done. It will not be tolerated if that final course of action is taken by the Prime Minister with respect to this issue.

And so, when other Premiers of the country have been heard to say that, in the event of an adverse decision in the Supreme Court, that the case with respect to the constitutional argument is not over. I say that is very much the case; that is very much the case because the legality of the provisions of Mr. Trudeau's proposals are only one aspect of his proposals, only one aspect. We know that because we're one of the six provinces that initiated the reference to the courts when Mr. Trudeau failed to do that to the Supreme Court himself.

I say very simply, Mr. Speaker, that the matter can be brought to a very successful conclusion; it can be brought to a Canadian conclusion, if I might use that somewhat overworked term, because we have developed, over the last 114 years, certain ways of doing things in this country that are marked by their civility; that are marked by the fact that we know that in a country of this size and with the differences of outlook that we have in different regions that we have to have compromise among us. It has certainly never been a tradition of Canada that one constituent part, be it the Federal Government or one or two provinces, can have their way and let the devil take the hindmost. That's not the Canadian way

with respect to the Constitution, with respect to equalization, with respect to the way we run this country or anything of that nature at all.

So, Mr. Speaker, the hopeful part of this resolution is not stated in the resolution. The hopeful part of this resolution is that the accord, the way out of this roadblock that has been created by the Prime Minister, the way out now exists. There is an accord signed by eight provinces of this country; it does represent an honourable way out of the impasse that has been created. That is why I think that everyone in this House, Mr. Speaker, can reject the amendments to the Constitution proposed by the Federal Government, not only reject the amendments, Sir, because they don't carry the consensus of the provinces, but can reject the method by which they are seeking to impose those amendments.

Let me hesitate for just a moment to talk about that because there seems to be some confusion in some people's minds about the right of the Federal Government to mandatorily impose restrictions upon the provinces, restrictions upon the sovereignty of the provinces which were conferred upon those provinces starting in 1867 and thereafter as they joined Confederation. I'll try to put it, as I understand it, in layman's language as well I can, that the provinces from Day One were always given the right to amend their own Constitutions; no question about that at all. We had certain sovereign rights that were accorded to us under The British North America Act and we were given the right to amend that portion of our Constitution from Day One. The Federal Government wasn't. The Federal Government if it wanted to make changes to Section 91 of The British North America Act relating to its powers always had to go to Westminster by way of a joint resolution of the House of Commons and the Senate to get changes made to the federal portion of the Constitution. Remember that, not the provinces, but the Federal Government.

Back in 1949, when Mr. St. Laurent was the Prime Minister, he sought and obtained a joint resolution from the House of Commons and from the Senate which thereafter permitted the Federal Government, that is the Parliament of Canada, to enact amendments to Section 91 or to the areas of its sovereignty or of its Constitution that were federal in nature for all time. The Federal Government from that point on didn't have to go to Westminster to get amendments to the federal part of our Constitution. The only thing that was left — and we're talking about patriation, Mr. Speaker, this sometimes escapes some of the people who are engaged in this discussion. When we're talking about patriation today we're talking about bringing back the power to amend in Canada those portions of the Constitution that didn't come over in 1949, and what were those? The areas of federal-provincial jurisdiction, joint jurisdiction and provincial jurisdiction. That's all that has to be patriated. In 1949, the Parliament at Westminster sent back to Canada the power for the Parliament of Canada to amend all of the sovereign powers that the Parliament of Canada had within its jurisdiction which previously had to be amended by Westminster. So, when they made that amendment in 1949, without getting into all of the detail of it, they specifically accepted from that amendment the

areas in which the Parliament of Canada could not legislate — that is, in which the House of Commons and the Senate could not legislate — but which would still require a joint resolution to go to the Parliament in the United Kingdom. That was acknowledged and understood by everyone, by all of the Prime Ministers who have spoken on this topic up to that time and so on.

Back in 1965, the then government of Mr. Pearson turned out a White Paper on the Constitution of Canada based upon some of the constitutional initiatives that his government was taking at that time. This paper was sent around to all of the provinces and the text of it was approved and it became the acknowledge handbook on the Constitution in Canada as to what our practices have been.

If you look at Page 15 of that document, which is printed by the Queen's Printer at Ottawa in 1965, you will find that the title of it, for the sake of the record, is "The Amendment of the Constitution of Canada" turned out from the Honourable Guy Favreau — the late Mr. Favreau was the Minister of Justice — February, 1965. You will find that there are four general principles enunciated with respect to amendment of the Constitution in Canada and for the sake of brevity I will read only the fourth. "The fourth general principle is that the Canadian Parliament will not request an amendment directly affecting federal-provincial relationships without prior consultation and agreement with the provinces. This principle did not emerge as early as others but since 1907, and particularly since 1930, has gained increasing recognition and acceptance. The nature and the degree of provincial participation in the amending process, however, have not lent themselves to easy definition." Then it goes on to explain some of the different instances of the definition.

That's a fundamental principle that was acknowledged by the Government of Canada back in 1965 preparing a very thoughtful White Paper on the Constitution. Yet today we have Mr. Trudeau with a proposal that is almost through Parliament saying that he and his Parliament, his majority in Parliament, have the right to take powers away from the provinces without the consent of the provinces. What changed overnight, Mr. Speaker? I don't know. What changed the law? Was there any substantive change in the law? None that I know of at all and that is why I think everyone in this House can say that they reject the amendments to the Constitution proposed by the Federal Government and the method by which it is seeking to impose those amendments because the method is not right, it is not sanctified by the practice in Canada.

The second part of our resolution that the Assembly approve the patriation of The British North America Act, I don't know of anyone who is opposed to that, with an amending formula to be agreed by the Parliament of Canada and the Provincial Legislatures. Well, Mr. Speaker, we've got eight of the Provincial Legislatures out of 10 that have agreed to an amending formula. We need now only the Parliament of Canada and the Legislatures of Ontario and New Brunswick. I think that's a notable achievement; that's as close as we've come to substantive agreement in Canada on an amending formula in a long long time.

No. 3, we urge that the Assembly urge the Federal Government to abandon its present unilateral course of action and the Federal and Provincial Governments undertake the immediate resumption of negotiations to reach agreement on a more flexible amending formula recognizing the equality of provinces and the traditional constitutional sovereign rights of the Federal and Provincial jurisdictions. Can anyone in this Legislative Assembly seriously vote against that proposition? Because what we are saying, Mr. Speaker, is very simply this, that the present course of action upon which the Federal Government is embarked, its unilateral course of action, is not acceptable to eight of the 10 provinces in Canada and, therefore, it can't and it won't fly. It's just that simple because, according to all of the tradition and all of the history, never mind that the spirit of this country that has made the Federal system work in this country, you can't have the senior partner making that kind of an imposition on eight out of the 10 provincial partners.

So we ask the Federal Government to abandon its unilateral course of action — Why? Because we are perverted, because we're opposed to the Prime Minister? No, because it's not good for Canada; because it's not in keeping with the history of our country; it won't work in Canada with one partner trying to dictate what the other 10 are supposed to do — and that the federal and provincial governments undertake a resumption of negotiations to reach agreement on a more flexible amending formula.

Mr. Speaker, does anybody in this Chamber oppose a more flexible amending formula, and what did the accord that the eight provinces agreed to on the 16th of April, what did it come up with? It came up with a more flexible amending formula, not unanimous consent but a more flexible formula which would say that you could achieve amendments to the major portions of the Constitution of Canada with the approval, first of all, of the Parliament of Canada; and secondly, with the approval of seven of the provinces representing over 50 percent of the population of Canada. That is much more flexible than unanimous consent and it's a formula that we can live with in Canada.

So again, Mr. Speaker, the events have actually marched, to some extent, marched by the wording of the resolution. We have that formula already agreed upon by eight of the 10 provinces. It is a more flexible amending formula; it does recognize the equality of provinces and the traditional constitutional sovereign rights of the federal and provincial jurisdictions. So what I'm saying is that the job gets much easier if we just contemplate for a few moments the amount of progress that has been made, essentially by the provinces, in arriving at agreement on patriation of the Constitution and in arriving on agreement on a workable amending formula.

And what's the final paragraph of our resolution? That the Assembly urge that further constitutional amendments not be undertaken until such an amending formula has been agreed upon. Again, Mr. Speaker, events have marched by the resolution in the sense that when we signified approval of the eight provinces for the accord on April 16 in Ottawa we called then immediately for a Federal-Provincial

conference to approve of this accord so that the accord, and only the accord, would be sent to Westminster and that means that the Parliament of the United Kingdom would be asked only to send back to Canada the right for Canada, for all time, to amend those portions of its Constitution that it already does not have the right to amend and that the amending formula that was set up would be the methodology by which that could be done.

And so I started off, Mr. Speaker, by saying that this is a resolution that I think deserves the support of the vast majority, if not the unanimous support of all members of this Legislature, because it is a resolution that bespeaks the common sense and which bespeaks the kind of compromise that is necessary if we are going to accomplish constitutional change in this country, that is patriation of our Constitution, without further dividing our country in a way that it has been divided over the past several months.

I say, Sir, as I terminate my remarks today that there have been criticisms from time to time of the provinces. We're described as being the dissident provinces; we're described as being the provinces who couldn't get their act together. Indeed, there are quotes that I have here that I have not used today from the Prime Minister where he has made misstatements; where he has used half-truths; where he has resorted to statements in support of his proposition which fly in the face of the history of this country and, indeed I regret to report that if one reads the response of the Kershaw Committee to the paper that was turned out by the Government of Canada some two or three months ago, as its first initial response to Mr. Kershaw's Report of January of 1981, you find that the British are pointing out that a Federal-Canadian document is full of misstatements and factual errors of a kind that any Grade 12 student could correct.

I say, without fear of contradiction, Mr. Speaker, that when I read the Federal response to the British paper, to the first Kershaw Report, I was ashamed. I was ashamed that a Federal Government would take the opportunity, through an official document that is supposed to be a well reasoned legal document, to try to advance a very shaky political case in a very untenable way intellectually and factually and that is what they did. When I talk about this Government in Ottawa making a spectacle of itself in the eyes of our friends around the world and in the eyes of the British, it is precisely that kind of example that I refer to. I'll be quite happy to lay on the table of the House a copy of the Kershaw response to the document that was turned out by the Government of Canada in response to the first Kershaw Report as just one cameo example of the kind of half-truths that the people of Canada have been subjected to by the government of Pierre Elliot Trudeau in its obsessive desire to enforce upon the people of Canada this rather distorted view of Canada that is held by a small number of people in Ottawa who think that they can ram it down the throats of eight of the 10 provinces; who think they can push it through Parliament with their own majority; who think they can then blackmail the Parliament of Westminster with it when they get it over there and then have the absolute gall to think that they can then come back to Canada with such a document in their hand and force it on the people of Canada.

Well, Mr. Speaker, they can't and they won't and there are eight governments in this country who will make sure that can't and they won't carry out that kind of action against the best interests of the people of this country.

I make no apologies, as the Premier of this province and as a spokesman for this government and, may I say that at each stage of the debate which has a long debate and has been one with many turns in the debate and many different actions and matters that have had to be considered, I have enjoyed, as I have said in this House before, I have enjoyed the full and the unanimous support of all of the members of the government and for that support I thank them. I thank them very very sincerely because they have been part of this process from Day One.

I think that any Premier of Canada, any Premier of this province, faced with the kind of unilateral action that we have been faced with, faced with the kind of an assault that this Federal Government is attempting to perform against the sovereign rights of the Province of Manitoba, would have had no alternative but to take the action that this government has taken in concert with seven other governments in Canada to protect the constitutional birthright of this province. We cannot, no government worth its salt could stand idly by and see the Federal Government run rampage over the traditional sovereign rights of this province and say nothing about it. We have had to take, Mr. Speaker, every action that we have taken in the courts, in the political sphere and elsewhere, in order to preserve what Manitobans have had since 1870 — and this is the 111th birthday of The Manitoba Act. And here, as I said at the beginning, it is a form of tragedy that 111 years later we have to stand, in effect, on the battlements against a Federal Government which says that it is going to take away from the people of Manitoba traditional sovereign rights that they have had since 1870. But no government worth its salt would permit that to happen and I'm proud to be able to say that this government has not permitted it to happen and won't permit it to happen.

So, Mr. Speaker, much has happened in this Constitutional debate, much has happened with respect to developments since this resolution was first filed in the House back in March and I certainly have attempted today to follow your admonition, with respect to the sub judice rule, but I agree with the Member for Inkster, that if the Parliament of Canada can debate the very proposal that is being referred to Parliament then I see no inhibitions of a legal nature that can be placed upon Members of this House as they choose to debate this resolution which is of great importance to the future of this province.

I thank the members for their attention. I have gone on longer than I perhaps intended to because I know there will be other speakers who will flesh out some of the arguments that I have only touched upon today with respect to the Charter, with respect to the process that has been followed and I look forward to reading and to hearing that debate as it takes place. Suffice it for me to take my seat by saying that I think this is an important and a crucial debate. I thank the Members of the House who have participated in the Legislative Committee that led up to the formulation of this resolution; who sat and

who listened to the briefs that were presented by the people of Manitoba. I thank all members of the House for the interests that they have taken from time to time in this matter, in terms of the questions that have been asked, some of the points of view with which I don't agree perhaps but showing the keen interest that they do with respect to this whole issue because, on the result of this, not of this debate but on the result of this issue, the future of this country may well be formed.

So I commend to honourable members the subject matter of this resolution; I commend it for their support. I think that in voting for this resolution they will be voting for a more unified Canada and within that more unified Canada a better Manitoba.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: I would also like to take this opportunity, on behalf of the Official Opposition, to speak to the resolution introduced by the First Minister.

Mr. Speaker, first I want to make it very clear that the Official Opposition strongly disagrees with the process initiated by the Prime Minister pertaining to the patriation of the Constitution. Mr. Speaker, that form of process has taken place without efforts on the part of the First Minister of Canada to obtain a broad consensus of opinion that is indeed so necessary in a matter such as this. It has taken place, Mr. Speaker, without the necessary efforts to obtain agreement amongst the provinces and we, as official Opposition since last year, have called for convening a First Ministers conference in order to ensure that there is a better coming together of the federal and provincial positions.

In saying that, Mr. Speaker, I want to, however, emphasize that Manitoba is in a unique position. Manitoba is located in the middle of Canada, is located in a position by which it ought to be able to present a position that will recognize the importance of the provincial role within Canadian Federation and the diversity within Canada that exists and that is so well demonstrated by our federal system. On the other hand, Mr. Speaker, Manitoba by its very location, by way of its very relationship to the rest of Canada, by way of its very economic position requires the existence of a strong central Federal Government.

Mr. Speaker, Manitoba is in an excellent position to provide leadership during this trying time within the Canadian context. Manitoba is in a good position, Mr. Speaker, during a time of — yes, a critical time — within the Canadian scene to provide the kind of leadership that should be undertaken in order to provide constructive proposals indeed that could lead to the necessary agreement between the provinces and the Federal Government.

Mr. Speaker, saying those words it is unfortunate the Province of Manitoba has not provided that kind of moderate, middle leadership that indeed should be expected from the Province of Manitoba in respect to the discussions that have been taking place since last year.

Mr. Speaker, the First Minister made reference a few moments ago to this being an important and crucial debate. If this resolution indeed had been dealt with, if these matters had been dealt with

sometime ago then indeed, Mr. Speaker, one could accept the Minister's words at first blush. But, Mr. Speaker, at this point of May 12th, 1981 after all other provinces have either passed a resolution similar to this or are in the process of debating that resolution, one must accept the First Minister's words with a certain grain of salt. British Columbia completed debate on its resolution December of 1980; Alberta, November of 1980; Saskatchewan, March of 1981; Ontario, spring of 1980; Quebec, the spring of 1980; New Brunswick, April 1981; Nova Scotia is still debating its resolution and has not yet voted upon its resolution; Prince Edward Island completed the debate and voted on its resolution in March of 1981; Newfoundland, March 1981.

Mr. Speaker, what we find disappointing in the extreme as members of the Official Opposition that we are indeed debating this resolution today after each and every province in Canada has presented a resolution dealing with each province's position with regard to the Constitution to its own Legislatures and here we are at the tail end dealing with the resolution after the matter has already been presented to the Supreme Court of Canada, after the First Minister has dealt with this matter at the recent meeting of some eight Premiers, after many Federal-Provincial conferences dealing with this matter; the First Minister now comes to this Chamber and asks the support of members of this Chamber for his resolution. Mr. Speaker, it's just not good enough.

The First Minister has talked about federal process and we have agreed with him. The process that the Prime Minister has pursued is one that we and the Official Opposition are not hesitant to condemn. It is a process that has not taken into consideration the various points of view within Canada. It is a process that has not attempted to sit down and deal with the real legitimate concerns of the provinces. But, Mr. Speaker, neither has the process that has been followed by the First Minister been any better.

The committee that was appointed to deal with this matter from the Legislature was brought about as a result of persistent urgings from the Official Opposition and after the committee was established there were again promises. In fact in 1979 the First Minister promised by way of the Throne Speech presented by His Honour, to establish a committee; the House to solicit the view of the people of Manitoba on such proposals relating to the Constitution. On February 9, 1980 the House Leader said that a resolution would be presented to the Chamber within 10 days, February 9 of 1980 the House Leader made that promise to members of this Chamber and of course, Mr. Speaker, that resolution was not presented until March 18 when the resolution was placed on the Order Paper. That is after the committee dealing with the Constitution had completed its report and had presented that report to this Chamber on December the 15th of 1980.

Mr. Speaker, —(Interjection)— someone asked, so what? It is certainly rather strange that indeed there would be such a lackadaisical approach in relationship to the approach pursued in other provinces, particularly when the First Minister only a few moments ago referred to this being a critical and crucial debate — yes, important and crucial debate — and on February 6 this year the First Minister suggested the Official Opposition was not dealing

with the gravest problem in this country, was not discussing that problem in this House. Mr. Speaker, we have been waiting a long time to have the opportunity to adequately discuss this matter in this Chamber.

So, Mr. Speaker, we have to take unfortunately some of those self-righteous statements on the part of the First Minister with a grain of salt. We have to take them with a grain of salt in view of what has been taking place. It would have been much better if prior to the presentation of this resolution the First Minister had seen fit to consult with the Leader of the Opposition but there was no consultation. It is my understanding that in most other provincial Chambers there was some attempt to ascertain whether or not a consensus-kind of resolution could be put together so it would receive the kind of support that was required in each Chamber. But, Mr. Speaker, there was no effort on the part of the First Minister.

So again when the First Minister talks about consultation we can't condemn the Prime Minister properly for lack of consultation. We can't become too enthusiastic here on this side of this Chamber for the First Minister's lack of consultation, for his lack of effort to ascertain whether or not a consensus indeed could be obtained on the part of all members of this Chamber in respect to the resolution that he has seen fit to present. We can't very well be very impressed, Mr. Speaker. . . .

MR. SPEAKER: Order. Order please. We can only have one speaker at a time.

The Honourable Leader of the Opposition.

MR. PAWLEY: So, Mr. Speaker, we do express disappointment, disappointment in respect to the timing of this resolution, that indeed we are being asked to deal with this matter post-fact that we — and I feel legitimately — cannot help but feel that we are being asked to pass judgment in respect to this particular resolution at the time that is after the fact.

Now, Mr. Speaker, there are a number of areas I'd like to deal with in respect to the process that has been followed by the provinces. Mr. Speaker, I as well would like to deal with criticisms that we have of the federal proposal and where we feel the federal proposal ought to be changed and where further discussions should take place on the part of the Premiers of Canada in order to ensure that there are fundamental changes to the federal proposal. At the same time, Mr. Speaker, I want to indicate the disagreement the Official Opposition has in respect to certain positions that have been taken by the First Minister of Manitoba and as well by a number of the other provincial First Ministers.

The First Minister has repeatedly made comments to the fact that this matter should be dealt with within the political forum. Mr. Speaker, we agree wholeheartedly this is a matter that should be dealt with in the political forum. It is therefore with consternation that we must find ourselves in a position of taking the exception to the route by which so many of the Premiers took by referring this matter to the courts. (Interjection)— yes the First Minister led the parade to the courts. Yet the First Minister indicates this is a matter that must be dealt with within the political forum. But if it's a matter that must be dealt with in the political forum, Mr.

Speaker, then we must ask why indeed for weeks and months had we been spending times before the Courts of Appeal in Canada and now are awaiting a decision from the Supreme Court of Canada.

The route by which the First Minister has taken has been a self-defeating route, Mr. Speaker, by placing confidence in the outcome of the Supreme Court of Canada. The First Minister is facing the real prospect of endangering and defeating the very position that he has been taking all along. The Supreme Court in the likelihood and though no one can forecast the result of the Supreme Court, rules in favour of the Federal Government. What will indeed have happened is, the federal court will have legitimized the position that has been taken by the Prime Minister of Canada all along in the minds of so many Canadians because it has been this First Minister and other First Ministers that have referred the matter to the courts of Canada. Therefore, Mr. Speaker, if the courts indeed do rule in favour of the Federal Government, it has been this First Minister and other First Ministers unfortunately that have placed themselves in that trap.

Mr. Speaker, what would have been better — yes I say to the First Minister because the First Minister has his views, I respect the First Minister's views — but let me tell the First Minister I also have my views. I'm going to present my views whether the First Minister likes those views or not in this Chamber. Mr. Speaker, I sense that the First Minister is very thin-skinned and I can understand why the First Minister is very thin-skinned on the strategy of referring this matter to the Supreme Court of Canada, because the First Minister is now recognizing indeed that his referral to the Supreme Court of Canada may not have assisted his cause but in fact may very well have hurt his cause immeasurably in the long run, he may now be recognizing that and it may be why the First Minister is expressing the sensitivity that he obviously is from his seat in this Chamber.

Mr. Speaker, what we should have done rather than depending upon referral to the Supreme Court — and I know the First Minister is going to say well if the Supreme Court doesn't accept our arguments we're going to follow other routes, we're going to follow other methods — I only say that the credibility of the provinces, the tools that are available to the provinces after a ruling if indeed it does happen in favour of the Federal Government, will be such that they'll be so much less effective because of the route that the First Minister has pursued along with the other Premiers.

Mr. Speaker, I would like to underline our objection to the position that has been taken by the Federal Government. First and foremost is that we have always taken the position that unilateral patriation of the Constitution should be avoided within our federal system. Mr. Speaker, that position, for the advantage of the First Minister, was taken at repeated times during the past year. The First Minister has pretended from time to time to not be aware of the position of the Official Opposition. It has become convenient for him to suggest that but it's very clear on record that the Official Opposition, from the very commencement of the debate, opposed unilateral patriation within our Federal system of the Constitution.

Mr. Speaker, secondly, there is an aspect of the Constitution that we on this side of the Chamber

take the strongest exception to and the First Minister has not made any reference to this area. It involves, Mr. Speaker, a provision which gives the Senate the right of vetoing its own reform or its own abolition. Mr. Speaker, if there ever was a body in the Canadian Federal scene that ought to be abolished it is that appointed body that is responsible and accountable to none, the Senate of Canada. And, Mr. Speaker, for the Prime Minister to have weakened under pressure, obviously from the Senate and I understand also from Conservative members, Mr. Speaker, in order to give the Senate veto provision in pertaining to their own future role within the Canadian parliamentary system is unacceptable in the extreme to the Opposition.

Thirdly, Mr. Speaker, we find the proposals pertaining to referendum to be objectionable as they are now represented. Mr. Speaker, . . .

MR. SPEAKER: Order, order please. The hour is 4:30, I'm interrupting debate for Private Members' Hour.

IN SESSION PRIVATE MEMBERS' HOUR

MR. SPEAKER: On Tuesdays, the first order of business in Private Members' Hour is Public Bills.

The first bill, Bill No. 5, standing in the name of the Honourable Member for Minnedosa.

The Honourable Minister of Finance.

BILL NO. 5 THE GASOLINE TAX ACT, THE MOTIVE FUEL TAX ACT, THE REVENUE ACT, 1964, THE RETAIL SALES TAX ACT, THE TOBACCO TAX ACT

MR. RANSOM: Thank you, Mr. Speaker. As I understand the background to this bill, Mr. Speaker, in 1974 when some changes were being made to the Acts in question, some concern was expressed about some clauses within those Acts that were referred to at the time as "snooper clauses" and that the then Minister of Finance — although he acknowledged some concern for those areas — was prepared to go ahead and have the legislation passed and to refer the issue to the Manitoba Law Reform Commission which was done shortly after. The Commission did not bring in its report until late 1979 and, of course, during that period of time there had been a considerable amount of experience with the law as passed. We have reviewed the Commission's report to some extent and are continuing to do so. There are some difficulties with some aspects of the Commission's recommendations: a question of reporting to the Legislature on searches that had been carried out I think would create some unnecessary difficulties for the individuals or corporations involved. I think over the period of time that we have had the present laws in question in place we have not experienced an undue number of complaints, in fact, to this point none have come to my attention. That does not mean there have not been complaints or it doesn't mean that we are not still concerned about the principles that are involved, but certainly it hasn't proved to have been of great

concern from the public in the practice and in the application of the law.

In addition, Mr. Speaker, we find that after some seven years of experience I think it's appropriate now to review, along with the recognition of the recommendations of the Commission, it's appropriate to review the legislation and to see if there are any other alterations in the legislation that might be brought about in order to accomplish some of the same ends. I'm not certain that the recommendations made by the Commission are necessarily the best way to go about accomplishing the ends that I think there's general agreement that we would like to see come about.

So, Mr. Speaker, I think the subject in question requires further attention from myself and from the government and certainly it would be my intention to examine those other possibilities as well and if there are some additional improvements that could be made, in place of recommendations made by the Commission, then it would be my intention to bring those about. If it's not possible to make improvements of that nature then I would expect there would be some modification through the recommendations of the Law Reform Commission and that a bill covering either one of those routes could be expected at the next session of the Legislature.

MR. SPEAKER: The Honourable Member for St. Johns with a question.

MR. SAUL CHERNIACK: Yes, if the Minister would permit a question, Mr. Speaker, I'd like clarification from him that he means that he is not prepared to have these proposed amendments considered by the Law Amendments Committee. Is that correct?

MR. RANSOM: Yes, Mr. Speaker.

MR. SPEAKER: Order please. The bill will stand in the name of the Honourable Member for Minnedosa unless someone else wishes to speak.

Bill No. 14, An Act to amend The Medical Act standing in the name of the Honourable Member for Rhineland. (Stand)

Bill No. 17, The Medical Act standing in the name of the Honourable Member for Logan. (Stand)

Bill No. 18, The Pharmaceutical Act standing in the name of the Honourable Member for Logan. (Stand)

Bill No. 20, The Registered Dietitians Act standing in the name of the Honourable Member for Logan. (Stand)

Bill No. 21, The Physiotherapists Act standing in the name of the Honourable Member for Logan. (Stand)

Bill No. 22, An Act to amend The Architects Act standing in the name of the Honourable Member for Logan. (Stand)

BILL NO. 24 THE CONDOMINIUM ACT (2)

MR. SPEAKER: Bill No. 24, An Act to amend The Condominium Act (2).

The Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, we're prepared to have this bill proceed to committee.

MR. SPEAKER: The Honourable Member for Fort Rouge will be closing debate.

The Honourable Member for Fort Rouge.

MS. WESTBURY: Thank you, Mr. Speaker. The Attorney-General has indicated that the government will not support this bill. I hope, however, that the government would agree to let it go to committee so that we can hear from the public in the matter. Now, Mr. Speaker, the purpose of this bill was to subject the conversions which have taken place only in the recent past, within about the past four or five years, conversions to condominium, to allow them to be treated under the Planning Authority of the city as part of the planning of the city and particularly with a view to enabling community committees to have some control, some say in whether rental accommodation should continue in particular neighbourhoods. I think that's an important principle.

As I stated in my opening remarks on this bill, Mr. Speaker, when the planning program of the city was initiated there were no condominiums in the city. The first condominium in the city was built, particularly as a condominium, around 1971 or '72 out in River Heights. About five years ago, No. 1 Evergreen Place was the first in the Fort Rouge area in which there was an attempted conversion to condominium ownership. In the meantime, in the Fort Rouge area and particularly in that part of Fort Rouge which lies south of the river and west of Osborne Street, there are very few apartment blocks remaining that are purely rental accommodation. This is a matter of serious concern for the people who are living there and who want to continue to rent their residences, Mr. Speaker.

So for that reason I don't think I need to reiterate the arguments I made in opening and we have other bills we can go onto this afternoon. The Member for Logan said they were going to let it go to committee and I really think that is a reasonable way to address this and to enable the public to come to committee to talk about the possibility of protecting rental accommodations, the continuance of rental accommodations in any one particular neighbourhood according to the Planning Authority of the city, the Community Committee, in particular. I would hope the government will be reasonable in this and will allow this to go to committee for further consideration, Mr. Speaker.

QUESTION put, MOTION defeated

MR. SPEAKER: The Honourable Government House Leader on a point of order.

MR. MERCIER: On a point of order. I wonder, Mr. Speaker, if there would be agreement to revert to Bill No. 14. The Minister of Health is prepared to speak to that and was trying to get back to the Chamber in time. If members agree he is prepared to speak to that bill.

MR. SPEAKER: Is there agreement to revert to Bill No. 14? (Agreed)

BILL NO. 14 — THE MEDICAL ACT

MR. SPEAKER: I call Bill No. 14, standing in the name of the Honourable Member for Rhineland.

The Honourable Minister of Health.

MR. SHERMAN: Mr. Speaker, the Honourable Member for Rhineland adjourned the debate on this bill for me, Sir, and I want to thank members of the House for their courtesy in permitting me to revert to Bill 14 in the order of business at this point in time in order to deal with it. I had hoped to be able to deal with it right at 4:30 but was unavoidably detained outside the Chamber at that time so I thank all members.

Mr. Speaker, I have to strongly urge members of the Legislature to reject Bill 14 and to protect the integrity and the responsibility of the College of Physicians and Surgeons of Manitoba in its role, as that body responsible for professional standards and ethics as they relate to the practice of medicine, and through them the protection of the public where medicine is concerned. I can't accept Bill 14 and I would urge all members of the House to oppose it on the grounds that it would make things absolutely impossible in my view, Sir, for the College of Physicians and Surgeons in the role with which it has been charged and the role that I've just described.

There are three principles involved in Bill 14, Mr. Speaker, and it's not possible to deal with it other than by dealing with it from the perspective of those three principles. There is not just one principle, there are three. There are three key sections to the bill and each one deals with one of those principles. One of the principles is the principle of limitation; limitation on the powers of the College of Physicians and Surgeons itself in respect of its protected mandate to conduct an inquiry into the conduct and/or the fitness of a member. I have no hesitation in referring to that mandate as a protected mandate, Mr. Speaker, and I submit to you and members of the House that it has to be a protected mandate because the college is charged with protecting the public of Manitoba. Those who are protected in the final analysis are the men and women, the citizens, the people of Manitoba who avail themselves of the medical services of this province and the professional expertise of their medical professionals. The statute with which we are dealing and to which this amending bill addresses itself is a statute that does indeed charge the college with that kind of responsibility for ensuring that the standards and the ethics of medical practice are such that the public of Manitoba is best served and best protected. So when I talk about the protected mandate of the college to conduct an inquiry into the conduct and/or the fitness of a member, I do so deliberately, Sir. It is a protected mandate and I suggest to you that in the interests of the people of this province, it must be a protected mandate.

The second principle is the principle of the right of appeal by any member who feels himself or herself aggrieved by an order or a decision pursuant to an inquiry or by an order suspending him or her from practice. I think this principle is redundant in Bill 14. It's already effectively covered in my view in Section 38(1) of the existing Act. (Interjection)— I hear the Honourable Member for Inkster, the sponsor of Bill 14, say "no" and that doesn't surprise me because I would agree that in specifics it could be argued that the existing Act really only guarantees the right of appeal where the proposal contained in the bill sponsored by the Honourable Member for Inkster

goes beyond that and suggests that unless during that action the judge of the Court of Queen's Bench dealing with it is persuaded of and convinced by a particular specific aspect relating to the practice of the person who is under investigation, then that judicial officer must do a certain thing. That judicial officer shall set aside the suspension and indeed the existing legislation is not as declamatory as that. There are certainly options available under the existing legislation.

But I think if the Honourable Member for Inkster reads carefully and if others read carefully the existing Act on this point and it's Section 34 in the existing legislation and then look at the proposal contained in the bill proposed by the Honourable Member for Inkster fairly, objectively and intensively, I think they will find, Sir, that the proposition advanced by the Member for Inkster is not in fact necessary; that the situation which he seeks to address and with which he is concerned is fairly dealt with in the existing legislation because it stands to reason, Mr. Speaker, that persons who consider themselves aggrieved by an order or a decision of the council of the college made pursuant to an inquiry by the council of the college or a committee thereof, appeals to the court or follows the appeal process that's already available to him or her precisely because of the factors which the Member for Inkster seeks to address in his proposed bill.

The existing legislation says that person who considers himself aggrieved may appeal from the order or decision to a judge of the court at any time within two months from the date of decision. It would seem to me, Sir, that person would consider himself aggrieved because he had suffered some action by the council such as a suspension precisely because they felt that what he was doing constituted a possible danger to the lives or the health of other persons. Therefore, I suggest and resubmit that the section contained in the bill proposed by the Member for Inkster is redundant.

He says in his section that if the court believes that that life or health of the person is in danger, then the person presumably would not be forced to endure his suspension. But if the court is not satisfied that there is any threat to the life or health of the person, then the court shall set aside the suspension. I think an examination of the two sections fairly and sincerely would reveal, Mr. Speaker, that there is some redundancy and that the proposal of the Member for Inkster is not necessary.

The third principle is the most important of all though, Mr. Speaker, far more important than the question of whether or not there are limitations being posed on the college's mandate to conduct an inquiry and whether or not there is unnecessary redundancy with respect to the right of appeal, because the third principle has to do with the principle of responsibility. I speak here, Mr. Speaker, of the responsibility that reposes under the college itself, under the statutes to protect the people of Manitoba by overseeing the professional standards and ethics of medical practice in our province.

There are standards of practice but there are also standards of professional conduct and ethics of behaviour. These are pursued in the interests of public confidence in medical practitioners. The college has to protect these in order to protect the

public. The college must assume a responsibility for ensuring the conduct both practical and professional of its members, reinforces as best it can at all times the confidence that the public has in the medical practices and procedures carried on in this province and the character as well as the talent and the expertise of those professionals who are the practitioners of that art.

When certain courses of action are taken, when certain things are done that undermine that confidence, then a disservice is done to the whole profession and to the whole health consuming public. The college must meet that responsibility or somebody must meet that responsibility, Mr. Speaker, and if the college has been constituted to do it and statutorily empowered to do it and we as Manitobans, have asked them to do it. Section 3 of Bill 14 is one that speaks to this third principle to which I've referred, the principle of responsibility. As it is dealt with in Bill 14, I have to suggest to you, Sir, that it is a direct attack on that concept of responsibility, that principle of responsibility. I have to suggest to you and the Member for Inkster that it is patently unreasonable to expect the College of Physicians and Surgeons to ensure the application of the highest standards and ethics in the practice of medicine according to accepted medical practices and procedures, if any three advocates as specified in the bill, if any three advocates of any kind of medication, or practice, or procedure could guarantee public defiance of those standards.

I have to remind you, Mr. Speaker, that as the bill is proposed, it talks about three medical practitioners who are professional medical teachers in medical schools, faculties or colleges recognized by the college. Well, that covers a very wide spectrum of activity and there can be in the field of medicine and health care as all members of this House know, continual evolving procedures, philosophies, approaches and medications. There are drugs on the market from time to time that are introduced as wonder drugs that are taken up with a great cry of enthusiasm by vast areas of the public but which prove in the end to be of no medical value whatsoever at best and in some cases to be harmful. There are practices and procedures that fall into the same category, Mr. Speaker, and it's reasonable to assume that in the whole community of medicine it's not difficult to find two or three or four or five advocates of a certain particular procedure or a practice or approach or medication. That does not say that because you've got three or even four or even five of them that the public should be subjected to their particular approach. Until that approach has been thoroughly proven and tested and endorsed by the body of medical experts to whom we turn for our standards and for our guidance, to wit in this case, the College of Physicians and Surgeons. Many of these procedures and drugs, other medical approaches that evolve from time to time and all the time because medicine is that kind of a science are highly controversial. All of them are unproven obviously until they are proven and for legislation beyond the books that would permit as few as three practitioners who happen to endorse one of these controversial methods to defy the accepted standards of convention and practice, to defy those principles and standards being enforced by the

College of Physicians and Surgeons would constitute a great disservice to the public, Mr. Speaker, and a great risk to the public. In my view it would put the public at very high risk and it would make the job of the College of Physicians and Surgeons absolutely impossible. Anybody charged with the responsibility that the College has would be rendered impotent by that kind of legislation in the field of medicine.

So, Mr. Speaker, I have to urge members on both sides of the House to reject Bill 14 on the grounds of those three arguments which speak to those three principles; the principle of limitation on the powers of the College of Physicians and Surgeons to conduct an inquiry and I don't think that those powers should be limited; on the principle of redundancy with respect to appeal and, as I've said, although at first glance perhaps it can be argued that the proposal of the Member for Inkster says something new in relation to the appeal process already sanctioned under the existing legislation; but on second glance, and careful sober second thought, I think that the proposal of the Member for Inkster reveals itself to be redundant and unnecessary, Mr. Speaker; and the third matter, the third principle, the principle of responsibility, the responsibility that the College has and must have to protect the public of Manitoba and the fact that this bill would undermine that responsibility so severely as to remove that protection from the public, in my view, entirely.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. JAMES R. FERGUSON: Mr. Speaker, I move, seconded by the Member for Brandon West the debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: Bill No. 25, The Registered Respiratory Technologists Act, standing in the name of the Honourable Member for Kildonan. (Stand)

Bill No. 28, An Act to amend The Employment Services Act, standing in the name of the Honourable Member for Gladstone. (Stand)

Bill No. 37, An Act to authorize the Rural Municipality of Montcalm to Sell and Convey a Portion of a Public Road within the Municipality, standing in the name of the Honourable Member for Logan. (Stands)

Bill No. 40, An Act to amend the Chartered Accounts Act, standing in the name of the Honourable Member for Logan. (Stands)

Bill No. 47, The Interior Designers Association of Manitoba Act, standing in the name of the Honourable Member for Logan (Stands)

MR. SPEAKER: Bill No. 43, An Act to amend the Public Utilities Board Act, standing in the name of the Honourable Member for Gladstone.

MR. FERGUSON: Yes, Mr. Speaker, I adjourned this for the Minister for Consumer Affairs.

MR. SPEAKER: The Honourable Minister of Consumer and Corporate Affairs.

MR. FILMON: Thank you, Mr. Speaker. In addressing the bill presented to us by the Member

for Inkster I'd like to make a number of comments with respect to the scope of the action being taken and with respect to the possible adverse consequences or consequences that we as a government might not like to encounter because I think basically the bill is a response to a particular situation, particular case, that we have just experienced with respect to the recent strike of the maintenance workers for the Greater Winnipeg Gas Company. I think that there is no question that this is an effort on the part of the Member for Inkster to try and obligate the company to do something which he says that they always have been obligated to do which they have undertaken as a part of their customer service policy, their customer relations policy and have, in fact, provided for after the termination of the industrial relations dispute which was recently experienced.

Now, he said in his introduction of the bill for second reading that he believed that all along that they were obligated to do this and that he's just going to ensure that their response to the obligation, which they voluntarily undertook at the end of the strike or they took as a matter of obligation, which I think they probably acknowledged that they always have tried to live up to this type of service obligation and they undertook to repay their customers who had had service charges during the course of the strike. He says he's now going to force them; he doesn't want to leave it up to their good wishes or their goodwill to provide this for the public.

Well, Mr. Speaker, I think there is a saying and I'm not a lawyer but I've heard it before that hard cases make bad law and I think that in this particular case, in endeavouring to cement a particular obligation in The Public Utilities Act, we would be falling into the trap of ramifications that I don't think that we would like to encounter as part of the operation of Public Utilities in this province, because, I think, Mr. Speaker, if this goes into The Public Utilities Act then we have to suggest that it now becomes applicable to everybody who is under The Public Utilities Act; because it doesn't specify particularly the Greater Winnipeg Gas Company. It refers to a public utility.

Now, there are many public utilities under the jurisdiction of The Public Utilities Board at the present time. In fact, many other natural gas companies as well as other utilities such as the telephone system and, Mr. Speaker, the other utilities, by survey, do not have the same policy for provision of service that currently exists with the Greater Winnipeg Gas Company. So, we in fact would be opening the door by comparison, by the pressure of comparison, to establish further obligations on the part of other public utilities towards this type of service, or at least in the direct comparison, other gas utilities.

I might say that currently the other gas utilities in the province, which comprise Intercity Gas, Plains-Western Gas and Steelgas have a widely divergent policy with respect to this type of service. Intercity Gas, for instance, they only provide service calls without expense to the customer during normal working hours. After hours, any and all calls are charged at competitive rates to the customer and that includes labour and parts. Steelgas, at all times, charges labour, time and materials, to the customer for these calls. Plains-Western Gas has a

combination whereby for major repairs downstream of the meter the customer must obtain the services of private company. For other types of service they are involved to a certain extent.

Now, here we're going to be cementing into The Public Utilities Board Act an obligation on the Greater Winnipeg Gas Company that is dissimilar from the obligation that's on other utilities under the Act.

Mr. Speaker, I don't think, as I say, there is any question that this whole matter needs review. It ought to be aired and it will be aired because the Public Utilities Board has already set the date for the next rate hearings on behalf of the Greater Winnipeg Gas Company, at which they have established that they will be reviewing all of the matters that occurred as a result of the recent work stoppage, the industrial relations dispute, which they encountered and they will be looking very specifically at what were the costs and/or benefits to the gas company in monetary terms of what happened during the course of the strike. I would suggest to you, Mr. Speaker, that under those circumstances the opportunity will be there for a very full and thorough and complete inquiry into this. Right now, we're rushing into legislation, we're being asked to rush into legislation by the Member for Inkster without knowing what the facts are in the case, without having an opportunity to evaluate just who benefited or who suffered as a result of the financial obligations that were encountered during this strike. There is no need for an enquiry to have been conducted because it is within the mandate of the Public Utilities Board to review and investigate all of these matters and I know right now that the interveners, that the consultants, both engineering, financial and otherwise, are accumulating all the information that is necessary in order to arrive at a rational judgment on what effect the strike had with respect to the provision of services to the customers and whether or not anybody was disadvantaged by it.

I can tell you a number of things, Mr. Speaker, from having worked through this over a period of months in which we had debate in the House, over a period of time in which we had very serious concerns, not only by the government, by members opposite and by customers as to what was being done and whether what was being done was appropriate under the circumstances. I can tell you, Mr. Speaker, that the major thrust of this particular concern and of any concern as it relates to an industrial-relations dispute should be whether or not there was a potential risk to the public. Was there a question of safety at any point in time? And, Mr. Speaker, there was not, to the best of our knowledge, to the best of the knowledge of the Public Utilities Board, whose consultants were in touch daily with the gas company and with any and all people who phoned with concerns or wrote with concerns and I received many letters and so did the PUB and so did the gas company and these were all addressed in terms of whether or not there was ever a concern for public safety in the course of this strike. To the best of our knowledge, Mr. Speaker, there was not.

So the question boils down to whether or not due compensation was made to people who had an

expectation of receiving a service from the gas company in one way or another. That's really what it boils down to. Again having regard to the announcement made by the Greater Winnipeg Gas Company that they would pay for the services that occurred during the strike that would normally have been provided had their work been done as usual, we believe that due compensation for those people who had to have services performed that might otherwise have been covered, due compensation was provided.

I think we run the very grave risk, Mr. Speaker, if we put this kind of provision into the Public Utilities Board legislation, of always being on the fringe of conflict in any industrial-relations dispute, conflict with the labour relations and collective bargaining process of this province. Because if we oblige or by legislation, say that people are obliged to provide the service subject to adjudication, I presume by the Public Utilities Board, then we're always going to be running the risk of the board and/or the company having to make a decision that might be construed as strike breaking in order to live up to their obligation of providing that service.

Mr. Speaker, that decision, I think, would cause a great deal more conflict in concern amongst the labour community, amongst the general public, than the current situation which is a question of defining responsibility for compensation and/or provision of service and I think, that, Mr. Speaker, should be addressed in a very thorough and open manner by Public Utilities Board hearings, which are open to any interveners, and which all sides can be questioned and which all sides must provide thorough and full and complete information in which we can then arrive at a proper course of action.

I suggest to you, Mr. Speaker, that the proper course of action may not necessarily be tying it in with The Public Utilities Board Act. It may alternatively be tying something in by virtue of an order of the Public Utilities Board on that particular utility after defining what level of service is appropriate to be an obligation of that utility, Greater Winnipeg Gas Company; or, further still, it might be something that ought to be written into a revision to The Greater Winnipeg Gas Distribution Act and again during the course of debate in this House in my Estimates, again during question period exchanges, the aspect of The Greater Winnipeg Gas Distribution Act and the fact that it comes up at the end of 1982 and is up for review and revision perhaps and even perhaps decision as to whether or not this particular utility ought to continue to provide the gas distribution in Greater Winnipeg. All of that would come out and all of that would be the place perhaps better in which to place some obligation of this nature, rather than under The Public Utilities Act because, Mr. Speaker, placing such a broad clause into The Public Utilities Board Act, as I say, the clause only refers to a public utility and it refers to providing or rendering a product or service is very very broad and it might in fact enter into such a thing as the Telephone Company having a strike of its operators; and because operators are sophisticated technical positions it may well be that the telephone utility cannot obtain sufficient management personnel to carry on the required level of service during a work stoppage or a strike. It

would then be in the position of either making the decision itself, to hire outside people, or have the Public Utilities Board face it with that decision by virtue of it having to come before the Board in order to obtain prior approval for a change or alteration in its operations.

In either case one of those groups stands to be accused of strikebreaking and I suggest to you that this is a very heavy-handed way for us to get involved in determining compensation and who should be responsible for compensation of a given level of service by a particular utility. That rests in a discussion and a decision between the Public Utilities Board and the particular utility, not in a broad general clause to be installed in Bill 43. That unfortunately is the choice that has been provided for us by the Member for Inkster.

So, Mr. Speaker, I suggest to you that we are not dealing with a case of concern for public safety. I suggest to you that we are dealing with a case of concern for whether or not due compensation can and will be provided by the Greater Winnipeg Gas Company in the event of a future decision — due to work stoppage or whatever reason — that allows them to bring open their so-called customer relations and customer service policy for question. I suggest to you we ought to deal with it where its more properly dealt with, at the Public Utilities Board, with that utility only, not providing a broad statement within The Public Utilities Board Act that might have ramifications for other utilities under their jurisdiction.

I say, Mr. Speaker, the Member for Inkster said he was not confident that the gas company would act in a responsible manner. A number of times during the course of debate in the House I indicated their track record indicated that they did act in a responsible manner and I was confident that they would undertake their obligations, which they did. I spoke to them the day after the strike ended. They indicated they would provide the compensation for the services that were undertaken by private operators during the course of the strike; the following Monday they made that announcement and unfortunately the Member for Inkster has decided that this isn't good enough. Well, perhaps the Public Utilities Board will decide that this isn't good enough.

I know from my discussions with the PUB that they will be reviewing this whole matter with all of the facts available on the table and rather than act precipitously in a manner I think will have other ramifications that we may not want to encounter in this Legislature, that we as a government or any other government may not want to encounter, I suggest, Mr. Speaker, that we ought not to proceed with this bill. Based on the findings of the Public Utilities Board hearing this next month into the rate application of the Greater Winnipeg Gas Company, we will find out whether or not they make a decision, firstly, to define the level of service and write it into the agreement they come up with for the next rate term; or alternatively we would then undertake a recommendation to put it specifically into The Greater Winnipeg Gas Distribution Act where it applies to this utility, over which we have concern, over which the Member for Inkster obviously has concern in response to the recent work stoppage. I suggest this is not the way to accomplish that

purpose and I therefore suggest that members defeat this bill, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Crescentwood.

MR. WARREN STEEN: Mr. Speaker, I move, seconded by the Member for Gladstone that debate be adjourned.

MOTION presented and carried.

BILL NO. 49 — AN ACT TO AMEND THE LANDLORD AND TENANT ACT (2)

MR. SPEAKER: Bill No. 49, An Act to amend The Landlord and Tenant Act (2) standing in the name of the Honourable Member for Gladstone.

MR. FERGUSON: Yes, thank you, Mr. Speaker, I adjourned this for the Minister of Consumer and Corporate Affairs also.

MR. SPEAKER: The Honourable Minister of Consumer and Corporate Affairs.

MR. FILMON: Thank you, Mr. Speaker. In reviewing the bill that has been brought forward by the Member for Wellington, I suggest to members of the House that it does not achieve the purpose he suggests it would. I would quote from his introduction to the bill in which he indicates that the purpose of the bill is to guard against situations, Mr. Speaker, with respect to security deposits in situations and circumstances where landlords either go into bankruptcy or misappropriate the security deposit funds for their own purposes.

Well, Mr. Speaker, this bill I suggest to you will not guard against misappropriation of security deposits. This bill intends to require all landlords to place tenant security deposits in a trust account. It would, therefore, require periodic audits of the trust account at the discretion of the Rentalsman and establish a restricted procedure which must be followed by the landlord in paying out any security deposits from the trust account. A corporate or private landlord with a substantial number of rented premises under ownership or management, would find it relatively easy to establish and maintain such a trust fund. It would however, force discontinuance of the use of these moneys as a cash float. The result could very well be the creation for a need for additional borrowings to replace the float but the trust moneys could not be used as collateral for borrowings. Obviously then there would in all probability, be an increase in the cost of operation and those increased costs would undoubtedly be passed along to the tenant.

Even if the money were placed in secure term deposits, Mr. Speaker, the interest earned, less the cost of administration, including periodic audits may not equal the interest required to be paid to the tenants under current legislation. Of greater significance is the effect of the onus that would be placed on private landlords owning a small apartment block, four-plex, duplex or a single family dwelling. Such landlords could open a personal savings account with a financial institution and identify it as a trust account. Even if it is a daily

interest savings account here again, the interest paid on the account less the cost of administration, would likely be less than the interest currently required to be paid to the tenants under our legislation. Even this, however, does not assure protection of the funds.

The financial institution assumes no obligation to enforce the terms of the trust or to police the account to assure that the terms of the trust are met; in other words the landlord could have unfettered access to the funds at any time. Admittedly this would be unlawful but misappropriations would not automatically be stopped by virtue of this requirement, to have security deposits placed in trust accounts. So if the member is attempting to guard against misappropriation he has missed the boat by this particular amendment.

If the Act were amended to include this trust requirement it would establish a statutory trust obligation on landlords and the moneys would not be available to creditors or a receiver in bankruptcy. Nevertheless this would not necessarily stop a landlord from misusing the funds for other purposes, particularly if the landlord finds himself in difficult financial position.

While the financial institutions would not enforce the terms of the trust the bill would require that trust accounts be audited and the audits be reviewed by the Rentalsman. This is rather impractical, not only because of the sheer number of trust accounts that would be in existence, but they would be opened in branches of all kinds of financial institutions all over the province. To place such an onus on the Rentalsman would substantially increase his workload and an attendant increase in the costs of the operation.

In summary on this point, it's obvious that the sum of the increased costs to the landlord and to the government would likely far exceed the amount of money that, in our experience, tenants have lost due to landlord bankruptcy.

I think, Mr. Speaker, one perceives in this bill a desire to protect tenants against loss of their security deposits through the bankruptcy of landlords. It should be realized however, that even if there may be random audits of trust funds there is no guarantee that a landlord would not misuse or mishandle the trust moneys. As I said earlier that person would be in a breach of trust but it still would not guarantee the tenant would receive full restitution in payment of his security deposit and accrued interest.

Now the important thing of course, Mr. Speaker, is to find out what has been our experience with respect to this type of bankruptcy and this type of loss accruing to a tenant. In the past 10 years there have not been more than four or five cases of landlord bankruptcy in which tenants have experienced difficulty in recovering security deposits. In three cases sufficient assets were available to meet the claims of the tenants and in another case the landlord in succession provided a return which was mediated by the Rentalsman. So we are left with the fact that in only one instance in the past 10 years has this type of situation — a landlord bankruptcy — resulted in tenants not receiving back their security deposits and that I'm informed, occurred.

The specific one was referred to in debate by the Member for Wellington as a property in Thompson and it occurred back about 1972, so it is not a commonly experienced situation, in fact it appears to be happening very very rarely. The costs of guarding against it would I suggest, Mr. Speaker, be rather large and in all cases would result in an increased cost of operation both to our department, but more specifically to the landlords who would in turn pass it along to every tenant.

So we have the case to guard against a very very minute possibility everybody, 100 percent of all tenants, would be paying something by virtue of increased costs of operation to live in their premises in order to guard against this very very rare possibility. As well the provisions of the new subsection could very well create conflict with provisions of various subsections in the current bill.

In summary, I stress the following point. The intent of this bill is tenant protection. However it would work hardship on small landlords and increase operational costs of all landlords which would be passed along to the tenants.

Secondly, even trust moneys can be misused or misappropriated and even strict policing by the Rentalsman could not prevent that from happening.

Thirdly, a bankrupt landlord who had misappropriated funds could face criminal charges and upon conviction, punishment, but that would not gain return of the tenants' money. I submit therefore that although desirable in its intent, it does not achieve the purpose, Mr. Speaker.

I want to go one further in suggesting that the Member for Wellington has attempted to legitimize the bill by suggesting if we as a government do not support it, we are not supporting the view of a very well-known trustee in bankruptcy and our own Rentalsman, I think he was quoted as saying. Now I want to assure the member this measure has not been advocated at any time by our Rentalsman; in fact after the incident in 1972 or 1973 when it was under discussion by the previous government, I am advised that they rejected it for all the various reasons I am giving you today because they did not believe it was warranted to, in effect, make everybody pay for very very isolated instances.

His suggestion that people were using the securities money to run off to Las Vegas and get out of their obligations, was a very very, I think, misleading suggestion and one that doesn't apply to this bill. I'm quoting from Hansard, Mr. Speaker, in his debate on the bill and I think it far misses the topic. I think, Mr. Speaker, that he's attempting to drive a tack with a sledge hammer and unfortunately he's missed the tack entirely.

We, I might indicate, have 50,000 to 60,000 rental units in this province and I've given you the 10-year history and I suggest to you that it's not a partisan issue. Just as he has indicated to us in his debate it was previously turned down by the New Democratic administration for the very reasons I've given you; it's not practical, it's costly and it's bad legislation, Mr. Speaker. I recommend that members defeat the bill.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, I beg to move, seconded by the Honourable Member for Point Douglas debate be adjourned.

Tuesday, 12 May, 1981

MOTION presented and carried.

MR. SPEAKER: Is there an inclination to call it 5:30? (Agreed) The hour being 5:30, I am leaving the Chair to return at 8:00 o'clock.