

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 26 May, 1981

Time — 8:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

INTRODUCTION OF GUESTS

MR. SPEAKER: At this time I would like to draw the honourable members' attention to the gallery on my right where we have 25 students from the Emerson School under the direction of Mr. Gillis. This school is in the Constituency of the Honourable Member for Rossmere.

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

ORAL QUESTIONS

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

MR. SAUL CHERNIACK: Mr. Speaker, in rising to acknowledge the filing by the Minister without Portfolio of the Order for Return which I have been seeking almost on behalf of the Member for Fort Rouge for a considerable length of time, I'm wondering if he could inform us in due course and possibly then by letter, what the cutoff date is for the information given in this Return, since the Order itself was dated April 11, 1980. It is apparent that there are subsequent appointments noted since I see some on October 22, 1980, whether in due course we could get information as to what cutoff date was set out for this Return?

MR. SPEAKER: The Honourable Minister without Portfolio.

HON. EDWARD MCGILL (Brandon West): Mr. Speaker, the Member for St. Johns refers to the tabling of the report this afternoon, the one for which he had requested a Return. I'll be pleased to take his question as notice and attempt to determine for him, and in due course advise him of the date on which that Return was cut.

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 responsible for the Universities Grants Commission and ask the Minister of Education whether he is prepared and his government is prepared to support the Universities Grants Commission in the approval of funds for the establishment of a school of nursing at Brandon University?

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH A. COSENS (Gimli): Mr. Speaker, that matter is still under consideration.

MR. EVANS: Inasmuch as the City of Brandon has not only the university already in existence but also an excellent hospital complex plus a large mental health centre with various qualified professional people, therefore providing a basis for such a school, is the Minister prepared to use his good offices to see that some decision is made in the fairly near future, or is this something that will be put off for a year or two, or is it something that we can look forward to in the next five to six months — that is a decision in the next five to six months — because as I understand, Mr. Speaker, there is a problem also inasmuch as the University of Winnipeg is also, I believe, seeking approval for establishment of a school of nursing?

MR. COSENS: Mr. Speaker, I certainly have no quarrel with the member's statement about the fine facilities in Brandon; I think we all acknowledge that. Certainly I would be hopeful that a decision will be made in regard to any expansion that might take place in nursing education in 1981.

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

MR. EVANS: It's related, Mr. Speaker. I wonder if the Minister could comment on whether he's concerned about the duplication of training facilities in the field of nursing within one region of the province, namely the City of Winnipeg. As we know, the University of Manitoba has an excellent program and we know the University of Winnipeg wishes to establish a program. I wonder if the Honourable Minister is concerned about unnecessary duplication and the expenditure of money on a program which is quite similar within the same region, that is within the City of Winnipeg, and therefore would that be a consideration in establishing a school of nursing in another region of the province?

MR. COSENS: Mr. Speaker, duplication is always a concern and it's one of the things that we will have to consider in making a determination on the location or perhaps the location of another nursing course at the university level in Manitoba.

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

MR. BILLIE URUSKI: Thank you, Mr. Speaker. I direct this question to the Minister of Health, a follow-up to the questions I posed to him earlier. Can the Minister of Health indicate whether or not all the alternatives have been explored with neighbouring hospitals, namely of Ashern, and even the possibility of Arborg, and per se more to prevent a closing of the hospital along, as I understand it, the guidelines that are established by MHSC and the government?

MR. SPEAKER: The Honourable Minister of Health.

HON. L. R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, I thank the Honourable Member for St.

George for asking that question. I was intending, after members of the Opposition had an opportunity to utilize a fair portion of question period to speak to the question that was put to me this afternoon by the Honourable Member for Fort Rouge and then by the Honourable Member for St. George, relative to the Elizabeth M. Crowe Memorial Hospital in Eriksdale.

First, I think I was asked by the Honourable Member for Fort Rouge whether I could confirm that the hospital had been closed and that staff had been laid off. I can confirm, Mr. Speaker, that the hospital has not been closed and that staff have not been laid off. However, the hospital is having considerable difficulty obtaining a doctor to take over from a doctor who was serving there on a six month's locum and who will be leaving on approximately June 20.

In response to the direct question just posed to me by the Honourable Member for St. George, I'm assured that everything possible is being done by the Board, by the Physician Placement Bureau, by the Commission, and through the Standing Committee on Medical Manpower, to try to obtain a replacement for the doctor who is leaving. In the meantime the possibility of interim temporary service from Eriksdale, Lundar, Arborg, and other points is being very intensively explored. We have about four weeks — well I can hardly call it lead time, Mr. Speaker, but about four weeks breathing space and I can assure the Honourable Member for St. George that everything will be done as intensively as possible to meet that problem before the four-week deadline runs out.

MR. SPEAKER: The Honourable Member for St. George —(Interjection)

MS. JUNE WESTBURY (Fort Rouge): Mr. Speaker, I did not ask a question that the Minister has answered, I asked if the hospital is . . .

MR. SPEAKER: Order please. Order please. The Honourable Member for St. George. (Interjection)—

Order please. If the honourable member wishes to raise it, she can raise it at the end of the question period. The Honourable Member for St. George.

MR. URUSKI: Thank you, Mr. Speaker. I thank the Minister for his advice and I was aware that notice had been given to staff because of the contractual obligations between the hospital and their union.

I ask the Minister if he would consider in the event that the worst comes about, whether consideration can be given to maintaining the facility at least in terms of the personal care patients that are in the area because of the great shortage of beds, so that if the worst comes in that alternate care and the possibility of maintaining it as a care facility in the meantime be explored so that the entire unit is not completely closed down. It may be closed down for acute care but for secondary care that may be required, whether that could be explored as well, Mr. Speaker?

MR. SHERMAN: Yes, I think that can be done, Mr. Speaker. As the honourable member knows the site and the board recently received approval for renovations to the hospital and construction of a

personal care home. Certainly the Elizabeth M. Crowe is an excellent facility, certainly it would be my intention to maintain it and use it in health care services in the area even if as a geriatric centre and a personal care facility until the new facility is ready and until we have got the necessary medical staff in place at Elizabeth M. Crowe. I can give the honourable member an undertaking that certainly I would pursue that objective.

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

MR. URUSKI: Thank you, Mr. Speaker. I ask the Health Minister just so I am clear on this that there is no intent on behalf of the government to phase out the acute care facility.

MR. SHERMAN: There's certainly no intention on the part of the government and if acute care services had to be temporarily suspended because of a lack of a doctor and the inability to meet the necessary standards, it would be held to the minimum time necessary to find another doctor. There is no intention to phase out the acute care facility. The intention is to find a doctor to maintain the acute care facility, to renovate the hospital, to build a personal care home, to restore and reinforce the spectrum of service that is necessary there.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MS. WESTBURY: Mr. Speaker, you stated I did not have a point of privilege and I had to wait until the end of the question period, Sir. I thought a question of privilege had to be asked immediately. Could I please understand that I do have some questions however.

MR. SPEAKER: If the honourable member has a point of privilege, I will listen to her entertain her point of privilege.

MS. WESTBURY: Thank you very much, Mr. Speaker. My point of privilege is this, that the question I asked this afternoon related to a letter that has been sent by Manitoba Health Services Commission to the hospital stating that it will be closed, not that it has been closed, but will be closed in a month by June 30, if a doctor has not been found to take the place of the doctor who is leaving. And I also asked if it is not so that the staff were today given their lay-off slips effective June 23, and the Minister did not answer those questions. He answered questions as if they were in the past, Mr. Speaker.

MR. SPEAKER: Will the honourable member go to Page 59 of our Rules? A question of privilege ought rarely to come up in the Legislature. It should be dealt with by a motion giving the House power to impose a reparation or apply a remedy. Since the honourable member did not make any motion, I rule that she had no point of privilege.

The Honourable Member for Rossmere.

MR. VIC SCHROEDER: Thank you, Mr. Speaker. I have a question for the Minister of Education.

(Interjection)— I just hope things cool down a little bit.

MR. SPEAKER: Order please. Order please.
The Honourable Member for Rossmere.

MR. SCHROEDER: Thank you, Mr. Speaker. A question for the Minister of Education. I'd asked him several weeks ago whether he had had a meeting with the Chairman of the River East School Division with respect to a proposed German Immersion Program. Has he now had that meeting and if so what was the result?

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH A. COSENS (Gimli): I believe, Mr. Speaker, the honourable member asked the question about a week ago. Yes, Mr. Speaker, I can inform him we did have the meeting. The result was that we had a very good discussion and I have the matter under consideration at this time.

MR. SCHROEDER: A supplementary to the Minister. Is it the intention of the Minister, if it is technically possible to provide a pilot project for this coming September, to provide the funding for that program?

MR. COSENS: Mr. Speaker, there are a number of considerations, certainly the funding is one consideration. The time parameters are perhaps the biggest consideration at this point. To consider putting in a completely new course over a period of some four months, is a rather short amount of time and that may be the prime factor in determining whether or not the course does take place.

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

MR. SCHROEDER: Thank you, Mr. Speaker. A further supplementary to the Minister. If in fact a curriculum can be developed in that short period of time, is it the intention of the Minister to fully fund that pilot project?

MR. COSENS: Mr. Speaker, I can tell the honourable member that the funding is only one of the factors that we have under consideration at this time. I mentioned one or two of the others; there are several that have to be taken into consideration. The funding is perhaps among the lesser factors that we're considering at this point.

MR. SPEAKER: The Honourable Minister of Transportation.

HON. DON ORCHARD (Pembina): Thank you, Mr. Speaker.

This morning the Member for Churchill posed a question as to the availability of driver testing in Lynn Lake and although we have greatly improved the level of service available to the residents in that area, we are unable to comply with the request that he referred to me this morning.

MR. SPEAKER: The Honourable Member for Churchill.

MR. JAY COWAN: Well, Mr. Speaker, I am disappointed to hear that and I will have further discussions with the Minister on it at another opportunity, but my question is to the Minister of Labour.

I'd ask the Minister of Labour what action he is going to take in respect to a recommendation by the Workplace Safety and Health Division occupational health nurse consultant and a request by the union, the International Association of Machinists and Aerospace Workers at Motor Coach Industries, for the establishment of an occupational health service, at that facility in the City of Winnipeg?

MR. SPEAKER: The Honourable Minister of Labour.

HON. KEN MacMASTER (Thompson): Mr. Speaker, as the Member for Churchill knows, we were the first to ever establish such an occupational health service, so there's no question that we think it's a good way to go and in this particular instance we may give consideration to that again. We haven't made a firm decision on that.

MR. COWAN: As the Minister is aware, Mr. Speaker, if I can respond to that, the enabling legislation that empowers them to provide that service was the legislation which was brought in at the end of the last New Democratic Party administration. I would ask the Minister, in respect to the powers that are provided to him under that piece of legislation, if he is prepared to do more than consider it, but if they are in fact prepared to put in place that occupational health service which has been recommended by their own occupational health nurse because of severe potential for health problems arising out of the soldering facilities at Motor Coach Industries in the Province of Manitoba?

MR. MacMASTER: Yes, Mr. Speaker, to answer the first question first, yes, it was the New Democratic Party that brought in The Workplace Safety and Health Act four days before the election was called in 1977. I suppose they had to give some indication that they were interested in workplace safety after eight years of showing no interest.

As I said to the member on his previous question and to reiterate my answer, there is a good possibility that the service being requested in that particular establishment will be put into place.

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

MR. COWAN: Mr. Speaker, I should remind the Minister that that legislation was passed in the 1976 session so his analysis of the situation is not totally accurate.

However, I will ask the Minister what action he is going to take in respect to a report by his own Workplace Safety and Health division that the existing exhaust ventilation at the silver soldering operation in the Motor Coach facilities is, and I quote, "totally inadequate for the effective capture and removal of contaminants generated by silver soldering" and the report goes on further to state that that is going to, or may in fact result in potential health problems for workers at that facility, not related to cadmium in specific, but related to the

whole process of silver soldering and health problems caused by inadequate exhaust and contamination from other contaminants.

MR. MacMASTER: Mr. Speaker, the member is aware that it was a particular type of solder that created the problem in the first place and the best technical advice we had was that the exhaust system had to be implemented last December. It was exactly at that time and the member is aware of this of course that they changed the type of solder. We weren't satisfied that even changing the type of solder, taking cadmium out of it, would be good enough and after they took that type of solder out of the way the experts went back in to see what was happening with the new type of solder. It was established late in spring that even the new type of solder was creating a problem, that a ventilation system should in fact be put in place. The company has experts in there and we have experts in there now and a ventilation system will in fact be put in place in that particular plant.

In relationship to the bill that the member is talking about, a piece of legislation that was passed in 1976, after seven years of wondering what you were going to do about Workplace Safety, they passed a Bill in 1976. They didn't know what to do with it so they proclaimed it five days or four days before the election was called.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MS. WESTBURY: Thank you, Mr. Speaker, very much.

Mr. Speaker, I wonder if the very Honourable Minister of Health would be kind and gracious enough to inform the House whether indeed Manitoba Health Services Commission has sent a letter to the administrative director of Elizabeth M. Crowe Memorial Hospital in Eriksdale, stating that the hospital will be closed by June 30, and whether the hospital has today given layoff slips to its employees effective June 23 on the instructions of the board which met last night?

MR. SPEAKER: The Honourable Minister of Health.

MR. SHERMAN: No, Mr. Speaker, I can't confirm that. What I can confirm is that the hospital board and the Commission have certainly been in close touch during this period of anxiety and the Commission has advised the hospital board that four standard conditions are required in order for the hospital to maintain operations as an acute care facility after the date on which the present physician leaves, but beyond that I can't confirm the implications in the question from the Honourable Member for Fort Rouge.

What happened was the board of the hospital met last night, concerned as they are whether they are going to be able to obtain the necessary coverage and being responsible parties to a contract with non-medical union personnel which calls for a four week notice of a layoff, they have warned the employees that they are in difficulty locating a doctor; that they know they have to meet certain standard conditions to maintain operations as an acute care facility and so they have warned the non-medical union

employees that a layoff may well ensue, but everybody remains determined to solve the problem and certainly my office remains determined and optimistic, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Radisson.

MR. ABE KOVNATS: Thank you, Mr. Speaker. I would like to direct a question to the Honourable Minister of Consumer and Corporate Affairs and the Environment.

I wonder if the Honourable Minister can tell me whether anything has been done to correct the odours that are emitted in the St. Boniface area particularly close to the rendering facilities in that area?

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

HON. GARY FILMON (River Heights): Mr. Speaker, I must admit that I haven't had any evidence of it in the last while so that might indicate that the problem is improving.

MR. KOVNATS: To the same Minister, Mr. Speaker. I was just wondering whether the Minister can advise me and the House whether the odours being emitted in the north end of the city are harder to take than the odours being emitted in St. Boniface?

MR. FILMON: Mr. Speaker, I would say that would require a fairly subjective analysis and I suppose it depends whose nose is involved.

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

MR. KOVNATS: Mr. Speaker, on television the other evening there was a particular movie where there was a kidnapping and in the car there was a blindfolded victim. The blindfolded victim was able to advise where he was by the sounds and the smells that he was able to distinguish while being transported through a particular area. I wonder if the Honourable Minister is allowing the odours to remain so that if anybody is kidnapped and blindfolded that they would certainly be able to tell where they were?

MR. FILMON: Mr. Speaker, I am sure that it's one way of identifying very positively the honourable member's constituency.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MS. WESTBURY: Mr. Speaker, I have another question for the Minister of Health on another matter. I wonder if the Minister is yet able to answer my question of May 4 regarding the reason for a young retarded male being retained for 20 hours in the emergency department at St. Boniface Hospital even though the Minister had stated that there was no shortage of beds in that or any other hospital.

MR. SPEAKER: The Honourable Minister of Health.

MR. SHERMAN: No, Mr. Speaker, I am not able to answer that. I apologize to the Honourable Member

for Fort Rouge. I made an inquiry; I don't have an answer on that question. I will obtain an answer for her and supply it to her this week whether the House is sitting or not.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN: Mr. Speaker, I wanted to direct a question to the Minister of Health and ask him in view of some recently expressed concerns by pharmacists about the theft of drugs and in view of the need to have fairly tight security about the distribution of drugs, has he received any submissions either from individuals or the Pharmaceutical Association requesting that pharmacists as a procedure have access to the medical numbers? Apparently there is a medical list of doctors and they each have a number which if used would help the pharmacist sometimes decipher the signature and in other cases be assured that it is in fact a doctor who has sent in the prescription. Has the Minister had any submissions to that effect?

MR. SHERMAN: Not that I recall, Mr. Speaker, but in this afternoon's sitting of the House the Honourable Member for Transcona asked me about the situation with respect to over-prescription of drugs and unfavourable relationships between drugs that are prescribed for elderly persons and I think I tried to address the subject fairly extensively. I am not sure whether the Honourable Member for Elmwood is seeking information in that sort of same subject area. If he is I would refer him to the exchange between the Member for Transcona and myself this afternoon.

As to his specific question I don't think I have received any specific requests on that point.

MR. DOERN: Mr. Speaker, can the Minister indicate what the problem is with a central registry of drugs? My colleague referred to a case where dozens and dozens of prescriptions were given to a particular person. The matter was raised several years ago in Estimates. What is the holdup in establishing a system whereby doctors and pharmacists know precisely what prescriptions are being used by a particular person?

MR. SHERMAN: I don't think there was any holdup, Mr. Speaker. I stand to be corrected but I believe that I'm right in saying that the system was changed, the regulations were changed, the requirements were changed, and the legislation was changed by the previous government.

I may be wrong on the subject of legislation but certainly the procedures and requirements were changed and there no longer was the close monitoring operation and precision available. That has been changed again and we now have established arrangements between the College of Physicians and Surgeons and the Manitoba Pharmaceutical Association for precisely that reporting process that the member inquires about.

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

MR. DOERN: Mr. Speaker, if there is a central registry which the Minister didn't seem to indicate

before, which would prevent adverse affects of people using drugs and might eliminate some of the high costs involved, how is it that some people apparently are getting dozens and dozens of different kinds of drugs and that drugs are sometimes being prescribed by doctors to counter adverse affects from other prescriptions? Can the Minister explain how that can occur?

MR. SHERMAN: No, Mr. Speaker, other than to point to human nature. There is a tendency for people to shop around, both for doctors and for druggists and there is an element of that in society. We live in a society in which the pill, the therapeutic agent, the prescription drug, the medication, has become to a certain extent a highly recognized social and physical crutch.

It's also become a weapon in the armament of the medical profession and the combination of the two has lead to serious incidents of the use of prescription drugs in North America and that has lead in some cases to over prescription and abuse and overuse and all jurisdictions are attempting to reform and reduce that situation now and certainly Manitoba through the Drug Standards and Therapeutics Committee is in the forefront of those efforts.

MR. SPEAKER: The Honourable Attorney-General.

HON. GERALD W. J. MERCIER (Osborne): Mr. Speaker, Orders of the day?

MR. SPEAKER: The Honourable Member for Churchill.

MR. COWAN: Yes thank you, Mr. Speaker.

I'd like to ask a followup question to the Minister of Labour in respect to the cadmium and silver soldering contamination problem at Motor Coach Industries. It was also suggested by the occupational health nurse consultant that one can anticipate that there will be other health problems arising out of that industry and that a Medical Surveillance Program, those are my words not hers, Mr. Speaker, should be instituted so as to follow those employees to make certain that the impact of this contamination on their health was being studied and was being dealt with.

Is the Minister prepared to commit his department to conducting, to formulating first and implementing such a study, so as they can better research this very serious and urgent problem?

MR. SPEAKER: The Honourable Minister of Labour.

MR. MacMASTER: Mr. Speaker, I don't recall those exact words but I do know that the department is and has been in touch with the employees in the particular area and we're now in the process of attempting to track down X employees of that company.

MR. COWAN: The report by the occupational health nurse also makes mention of a number of cancers in the area but does not attribute them to that particular contamination problem, but the suggestion is that there may be some connection. Can the Minister confirm that the Workers Compensation Board is undertaking a study in respect to workers

who have worked at that facility and any potential carcinogenic affects of their work?

MR. MacMASTER: Mr. Speaker, again I say I don't recall those particular words being in the report and I'm not aware of the Compensation Board being involved in this situation.

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

MR. COWAN: Mr. Speaker, as the suggestion is that there are a number of other industries in the Province of Manitoba who are using solder which may contain cadmium, and I emphasize may because we have no accurate way of telling unless the government undertakes a thorough investigation of the situation, is the Minister prepared to contact the suppliers of silver solder in the province so as to determine if in fact cadmium containing solder is being used in other facilities and if so, so that the department can then provide some warning and some program to reduce exposure to that suspected carcinogen and industrial toxin?

MR. MacMASTER: I'm not sure, Mr. Speaker, but I think our department is doing something along those lines.

While I'm on my feet, the member made reference the other day in one of his questions to the accidents increasing in the Province of Manitoba. He may have been correct in saying the numbers are increasing but I think if he'll relate the numbers of accidents in relationship to the work force in the province, and I think he recalls what we were talking about at the time, that he'll find that the percentages of accidents as it relates to the work force in the Province of Manitoba has decreased pretty dramatically if in fact you consider an average of 10.5 in the mid-Seventies down to the last four or five years of 9.5. So when he's doing his calculations during the summer he may take those different figures and I think he'll find it's encouraging that the percentage is in fact decreasing.

MR. SPEAKER: The Honourable Member for Churchill with a new question?

MR. COWAN: Yes, Mr. Speaker, it arises out of the statement by the Minister and I assure him we have done that research going back to 1969. Can the Minister be more specific as to the difference between the number of accidents per individuals in the work force for the year 1980 and the year 1979, which I believe would be the most recent figures which are available to us?

MR. SPEAKER: Order please. May I suggest that information of that detailed nature be asked for in an Order for Return.

The Honourable Member for Churchill.

MR. COWAN: I would ask him a general question, Mr. Speaker. Can he not confirm that in a year by year basis, the number of accidents per number of workers in the work force fluctuates up and down, to not a significant degree but to a degree which is enough to determine and to analyze statistically and that a one year drop over a year previous is not

unusual, but one has to determine the trend in order to see if in fact actions which are being taken are reducing the levels of industrial accidents and industrial diseases in the province?

MR. MacMASTER: Mr. Speaker, that's exactly what I was saying to the Member for Churchill, if he'd just look at the general numbers in the mid-Seventies, he'd find that it was a 10.5 percent of accidents as it related to this type of work, the number of the work force, and if he looked at the last four, maybe five years and just average them out he'll see that the average is now dropped to 9.5. And I would hope that he would share with me that after three or four years from now he'd look at the percentages and see again it substantially decreased.

MR. COWAN: I do share that hope with the Minister and as I said I find any reduction in the number of industrial accidents and industrial diseases in the province encouraging. However, I'd ask the Minister if he can confirm and this is according to my analysis of the situation that there has been no appreciable decrease in the number of accidents per work force in the last five years, in other words that the change in government has in fact had very little or no effect on that and if you looked at the last three years of the New Democratic Party government and the first three years of the Minister's government that you may in fact find that the numbers are very similar if not higher in the last three years than they were in the previous three.

MR. SPEAKER: Order please. I find the honourable member seems to be entering debate rather than seeking information. The Honourable Minister of Labour.

MR. MacMASTER: Just that the averages are absolutely incorrect what the member is saying and if he wishes I could forward him the information and he'll find that my statements are absolutely correct.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, would you call Adjourned Debate on the Proposed Motion of the First Minister.

ADJOURNED DEBATE CONSTITUTIONAL RESOLUTION

MR. SPEAKER: Adjourned Debate on the proposed resolution of the Honourable First Minister and the amendment moved by the Honourable Member for Inkster — the Honourable Member for Winnipeg Centre.

MR. J.R. (Bud) BOYCE: Mr. Speaker, it's 12 years ago to the day that I had got over the shock of having been elected to the Legislature for the first time and yes, 12 years ago, June, today is the 26th. (Interjection)— In May; I mean it's a month short of it. That's all right. I was at a meeting the other night and I thought the hockey game was on

and I was feeling badly that I was missing a hockey game, but nevertheless, I was sitting here listening to some of the things that were going on and I was just remembering. Twelve years ago, anyway, a month, what's a month?

But over the past 12 years, I guess I've spent probably more time than anybody looking at the symbolism and the rest of the things that kind of remind us of what we're after in this place, and for those people that were elected with me in 1969 or preceded me in 1969, they may recall that one of the things that I attempted to do was to have this body review the administration of justice by way of introducing a private members' public bill and the name of it was the Communal Colony Property Act. We had the august body of the Supreme Court of Canada which had ruled that a particular case which had come to their attention in the dividing up of land which was held by virtue of a deed which is in trust by a colony of the particular faith, could not be put on the market and sold, and the judgment of Mr. Ritchie and Mr. Cartwright; their opinions were such that the judgment that we're making is terrible but the Legislature should act, that this was unjust, that the Legislature should act.

So I introduced this bill and I went to try and brief myself on what had taken place in the administration of justice in our land. And I went to the library because I use to think that that's what parliamentarians were supposed to do; they were supposed to study the subjects with which they dealt. And I looked into the evolution of the idea of equity before the law and I went back and of course in the years of Christ's life on earth, there was an argument between the law and the spirit of the law, and one of the things that was quoted in this context was the argument with some members of the Sanhedrin that he did not come to deny the law but to fulfill the law. And some people take this as a thread that led off into the course of history and the evolution of deciding things in justice that we had courts of equity, courts of chancery and some people are familiar with some of the abuses of this that led to the courts of the inquisition and such things. Nevertheless it was man's attempt to deal with the idea of equity or justice or being fair about things.

I called a press conference, Mr. Speaker, to try and explain to the press at that time what I was trying to do in introducing this particular piece of legislation and the press had absolutely no interest, in fact there's only one survivor in the press gallery. They actually yawned in my face; they didn't want to know anything about this idea of justice or equity. They wanted news, you know, rape, murder, kill, this sort of stuff, so I never will forget . . . May I go back just a bit? The First Minister at the time said, "Bud, nobody is going to understand what you're trying to do." I said, "Well, I think I have to do it anyway because I think the principle is important that we should force ourselves to look at this idea of equity and justice in law and our participation in it." But the present Governor-General is right, nobody understood and even worse than that, nobody really cared. I remember the Member for Lakeside was sitting on this side of the House and there was a group in the gallery and he sent me over a note that the wrath of God was about to descend upon me, and that kind of summed up the attitude and I think

we sprung that bill out into limbo by a technique that was not actually hoisted but it was referred to a committee or something and it never saw the light of day again. But it didn't dampen my ardour for trying to see that we as parliamentarians or legislators strive for this idea of equity.

I said in another Debate, Mr. Speaker, that every act that is on the Statutes of the Province of Manitoba starts off with a preamble, "Her Majesty by and with the advice and consent of the Legislative Assembly of Manitoba enacts as follows:" And, it may sound trite in this day and age but nevertheless I think that's still is of some importance. I don't know how many people know that in the law, in The Court of Queen's Bench Act, it uses phrases like and I'm not going to get into the lawyerese of it but just the expression, "on its equity side, in a suit or proceeding for the same or like purpose purportedly instituted before the passing of The Queen's Bench Act of 1895, the idea of equity before the law," and it says in these law books that if it's a question of equity and law, then equity. But the lawyers, and I don't fault the profession per se but, nevertheless, for expedience sake and to have things processed and proceed, they have come up with rules of evidence and rules of equity and all the rest of it; the concept of doing things equitably.

This is what this whole constitutional debate is about, Mr. Speaker. And in my search for a rather cursory knowledge of what's going on, I happen to have three volumes of the five. —(Interjection)— I have read them. I wish every member in the House would read them; I wish they would, I wish it was required and you had to pass an exam to get in here. I felt very inadequate to be a legislator until I had read them because what is it? It's the McRuer Inquiry into civil rights in the province of Ontario. I know there's a lot of people disagree with the findings of the commission but, nevertheless, this was in the late '60s this inquiry was carried out; and what were the terms of reference of this particular Royal Commission? Because this is what the argument's all about.

The terms of reference of the McRuer Commission:

(1) To examine, study and inquire into the laws of Ontario, including the statutes and regulations passed thereunder affecting the personal freedoms, rights and liberties of Canadian citizens and other residents in Ontario for the purpose of determining how far there may be unjustified encroachment on these freedoms, rights and liberties by the Legislature, the government, its offices and servants, divisions of public service, boards, commissions, committees, other emanations of government or bodies exercising authority under and administering the laws in Ontario;

(2) After due study and consideration to recommend such changes in laws, procedures and processes as, in the opinion of the commission, are necessary and desirable to safeguard the fundamental and basic rights, liberties and freedoms of the individual from infringement by the state or any other body.

That was what the commission set out to do. And after all of these studies, and it included the self-regulatory bodies, the professions, the bodies which are delegated authority by the Crown to administer certain functions, tribunals, licensing and all the rest

of it. Nowhere in this thing does it say that you're going to protect anybody's rights by entrenching it in some kind of a constitution.

One of the things which slips by unnoticed in discussion of rights is that people forget that there has to be remedies; rights and remedies. When you talk about somebody's right to something it's implied that you're going to be able to come up with some remedy should a person be deprived of that right.

Also, Mr. Speaker, the idea that you can expand by listing rights in general form. Take, for example, the right that some people believe was important in having entrenched in the argument that's taking place at the federal level at the present time, native rights. To include in a Constitutional Charter of Rights, native rights. Native rights, what does it mean? Some people have touted this as if it is going to help the native people of this country. Mr. Speaker, I don't know from what experience they speak. I do not, for the life of me, know from what experience they speak.

I have lived in Manitoba most of my life and in the last 50 years I've seen more people of different ethnic origins come to this province, struggle, and prevail. When I was a youngster if you got off a boat in a babushka and felt boots people laughed at you. We ended up here recently with the Mayor of the City of Winnipeg proud to be a Ukrainian. We had people who couldn't get a job of any consequence because they were a Jew or a Catholic. This has disappeared from our community.

For my particular constituency which I represent, after the First World War there was an influx of German people. They lived in that particular area, they sent their children to school, they learned the system, they moved on. Came the Italian people; came the Portugese people; and at the present time we have ethnic Chinese from Vietnam and Cambodia, and these people too, will survive.

What has happened to the native people in Manitoba? The worst thing that happened to them is people selling them the idea that the law is going to protect them; the law will do equity. The law can't, because it won't do equity in our courts. That was one of the reasons I raised that particular case back in 1970, was to try and demonstrate that the courts should do equity. They're charged with the responsibility, under my understanding of it, that equity shall exist as it did in 1875 when they amalgamated the courts of chancery and law. But they don't function this way and if they don't function this way what gives people the basis to think that they will function that way?

There was a classic case of the Justices of the Supreme Court say we cannot do equity because the idea of them doing equity had gone so far out of law that they were unable to do it; they said that the Legislature should act. It was in the judgment, if people want to read those particular judgments they will see the case. There was only one judge said that the decision was wrong and therefore he ruled for the plaintiff in that particular case, and that was Pigeon but the other justices, there were two different opinions but they both gave the opinion that it was a lousy decision.

So for people to think that the enactment of a statute, which is paramount and can only be amended by some formula which we don't even

understand, is going to protect rights I think are naive.

Mr. Speaker, in these remedies that were proposed by McRuer in his look at civil rights he lists, as I said earlier, a number of things that will protect human rights. And it was best summed up, I think it was Lincoln that said, the price of freedom is eternal vigilance; and the place that vigilance should prevail is in this Legislature, in all the other nine Legislatures across the country and in the Parliament of Canada.

Mr. Speaker, this is about the last subject that is before us for consideration and I really wish I had the silver tongue of an orator to prevail upon people to change their minds because it is one of the most important subjects that we can talk about. It is the very fundamental reason for us being here. But we hear people say, all in the same speech, every Legislature should have the right to strike down that which was passed by a prior Legislature. The Member for Rossmere in his address earlier today used that very phrase. But then these people go on and how they come to this conclusion is beyond me. It is beyond me that there exists in this country today a group of parliamentarians in Ottawa who are so wise that they should have for this moment in history that absolute right to set down on a piece of paper, words which will be almost impossible to change.

These people who proposed that route use the example that there are other nations in the world who have written constitutions, who have in the constitutions protections of rights, but they neglect to say that they're comparing apples and oranges. In the unitary states in Europe to which they are referring to, it is not a federation of states, it is a unitary state, and one particular country, I believe Sweden, they have a different way of doing it. They pass an amendment to their constitution but it doesn't come into effect until after the next election. The people have a right to throw those people out of Parliament if they don't agree with that particular amendment so it never becomes a constitutional matter which has supremacy over laws which are passed in the future. But even the next Parliament should they agree with change, having won it, can be thrown subsequently and the process can take place.

What in heaven's name in the name of reason . . . Why can't we bring the constitution back now the way it is and put it through the process for amending in the future? If the amending formula is so good for the future, why isn't it good for the present? Why don't they bring it back now and subject it to this wonderful formula that they're trying to sell us is going to be able save us, should we put something in there which is not in the best interests of the people?

Let me go back to this native rights thing. The Member for Inkster and other people have mentioned it in their remarks that The British North America Act has put the well-being of native people under the protection of the courts. Mr. Speaker, I believe that has been a dampener on their progress because they have relied on an instrument which can't help them, and if there is anything which is demonstrated it is the inability where the last 100 years to help the native people keep pace with the advancements in the rest of the society. As an aside

to this particular point, the entrenchment of native rights in the constitution . . . In my constituency of Winnipeg Centre I have more native people than there are on many reserves in the province. They have voted with their feet that they want to join the rest of society. They want to become doctors, lawyers, legislators, carpenters, plumbers. They want to join the mainstream of life. They have already voted their position on this subject.

But back to this idea, Mr. Speaker, that the present group in Ottawa has any right by any far stretch of the imagination to impose on Canada something which no one can change, virtually no one can change, because if they can't get basic agreement under the present arrangements, the present system, they can't develop a consensus, how they can go about the country telling people that, oh, just bring it home with all these things set down and if they are wrong we can change it? Mr. Speaker, they should go the reverse — if they are right we can change it.

If they bring the Constitution home and they say okay, we want to put in the Constitution, (a), then let it go through the process. If we want to put in the Constitution, (b), let it go through the process. If they want to bring in (c), let it go through the process, because if it is a good process for amending the Constitution, it must be a good process for establishing the Constitution in the first instance.

There is one other point that I want to make in these remarks that I want to try and keep brief, but how can we as legislators ask parliamentarians in another country to pass a law which they would not pass for their own people. This idea of entrenching rights in a constitution is foreign to the British parliamentary system. How can we ask these people to do that? It's like asking this Legislative Assembly here to pass on something that isn't going to have any effects at all on Manitobans but may have effect on people in Saskatchewan. It's like the people from Saskatchewan came to us and asked to pass a law which had no relevancy in Manitoba but applied in Saskatchewan. I think we chased them.

Mr. Speaker, the idea of a written constitution is foreign to the British parliamentary system. As an aside to this, there are lots of things that we do in the name of the British parliamentary procedure that is foreign. I think they pass Orders-in-Council to declare a war or something else like that. The Ministers still have more administrative responsibility than they have in our system.

I am going to conclude my remarks, Mr. Speaker, to ask the people who think that putting something in the Constitution insist, if they are right then the people in Canada will agree with you and if they agree with you then I will go along with it because we will at least have demonstrated that people are willing to have that which they propose be subject to the same process they want the rest of us to be subject to should we want to change what they bring back. So if the Constitution comes back and it has the same impact . . . Imagine, Mr. Speaker, this scenario. If I am right on my point that having enacted in The British North America Act, which for all intents and purposes is our present Constitution, native rights, it hasn't worked. Then where do we go? How do we change it? It's going to be nigh on impossible. I believe I am right when I say it won't

work, so I think bring it back the way it is and let's address ourselves to the problem.

Let's tell the people who want to be protected that the best way to protect yourself is the system as it exists but, Mr. Speaker, we have to elect people who will make sure that it works.

In my view, with the present government, we have had several instances where I don't think that they have addressed themselves to making the system work relative to the protection of peoples' rights. For example, the people in my constituency in which I live have been deprived of representation in this Legislature, because the government refused to act in a particular case. I think that they are being deprived of their right. I think the individual who is involved was deprived of his right.

In other instances, their approach to the idea of delegation of authority, they make it synonymous with abdication of responsibility as far as self-governing bodies are concerned; I disagree with him on that. I believe that they have the authority to do that, but I insist on having the authority to throw them out and put somebody else in there that can change it.

So, Mr. Speaker, once again I will conclude the final conclusion. For those people who insist that the Constitution must be brought back with certain rights entrenched in the Constitution and an amending formula, I would say no, bring it back with no rights entrenched in it; just the way it is and enshrine anything which can be put in there by the process that they want to impose upon the rest of us to take out something with which we disagree.

MR. DEPUTY SPEAKER, Abe Kovnats (Radisson):
The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I indicated earlier that I would be speaking to the amendment by the Member for Inkster on behalf of the First Minister, Mr. Speaker. I hope that I will not need the additional time that will be available but I have indicated in advance that I will be speaking on behalf of the Premier if necessary.

Mr. Speaker, in mentioning the Premier of this province, some members have indicated, Mr. Speaker, and have criticized in this House the role of the Premier of this province for spending too much time on this particular issue. Mr. Speaker, I want to stress once again for the record and finally for the record, Mr. Speaker, that this is not his timetable, Mr. Speaker, nor that of the other seven Premiers, who along with him opposed the unilateral action of the Prime Minister.

I just want to refer briefly, Mr. Speaker, to the Manitoba Government Submission to the Special Joint Committee on the Constitution of Canada that was filed in January of this year, in which the government asked the Federal Government to abandon its proposals at that time and reconvene the negotiating process of constitutional change and that followed along, Mr. Speaker, the First Minister's suggestion at the September Constitutional Conference that the First Ministers be reconvened to meet at the bargaining table to persist in negotiations to resolve the constitutional discussions.

Now those are two very specific occasions, Mr. Speaker, in which the Premier of this province has gone publicly on record in asking for a continuation of constitutional discussions.

So this is not his timetable, Mr. Speaker, but the Federal Government at the same time had persisted in their unilateral action. In fact, Mr. Speaker, as it relates to the amendment of the Member for Inkster, the Minister of External Affairs for the Federal Government has confirmed that their primary objective is not to patriate the Constitution from England, but to entrench a Charter of Rights, by doing in England something that they cannot do in Canada, Mr. Speaker.

The position of the Federal Government has been extremely contradictory, Mr. Speaker. We had at one stage the statement by the Justice Minister, who said "The Western Premiers make me laugh when they say they will not accept as final the results of the Supreme Court of Canada decision on the Constitution". Chretien said "Ottawa will live by whatever the nine Justices decide".

Now, Mr. Speaker, subsequently we have in Monday's edition of the Winnipeg Free Press, "Justice Minister Jean Chretien warned yesterday that if the Federal Government loses its patriation case in the Supreme Court of Canada, it may begin by applying the existing Constitution to the letter. This would mean restricting provincial powers".

Well, Mr. Speaker, that is only one of a number of 180 degree turns that the Federal Government spokesmen have taken on this particular issue. The Justice Minister amazingly can't seem to understand, Mr. Speaker, that just on the assumption that the Supreme Court of Canada were to find the Federal proposal legal that that makes it something that should be properly done within its authority.

I think, Mr. Speaker, that Chief Justice Freedman in the constitutional reference in Manitoba clearly defined that type of issue and the boundaries of the legal case and he said in that case that "Before proceeding with the consideration of the three questions, which have been referred to, would I deem it useful to define the boundaries within which our inquiries 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 statemanship or a political falling. That is not a determination that we are called upon to make".

So the Chief Justice of this province, Mr. Speaker, was clearly able to understand and comprehend the fact that the legal decision is not a decision which will necessarily decide what is desirable, what is wise, what is the best course of action for the Federal Government to follow. I would only hope, Mr. Speaker, that the Federal Minister of Justice at the same time could understand that particular issue.

Mr. Speaker, the amendment to the resolution put forward by the Member for Inkster is in fact a completely new resolution which he seeks to have this House substitute for the resolution put forward by the First Minister. The motion is significant, both in what it seeks to delete from the government resolution and in what it seeks to have this House endorse.

In my opinion, Mr. Speaker, the member's amendment on the whole, while it certainly has the effect and advantage of rejecting an entrenched

Charter of Rights, is inferior to the government's resolution and should be rejected. The amendment would drop any reference to the Federal system in Canada or to the divisiveness of the Federal Government's approach and would concentrate the attention of this House solely upon the preservation of responsible, parliamentary government, not something, Mr. Speaker, which by itself I would disagree with.

While members of the government firmly believe that the preservation of responsible parliamentary government is a cornerstone of Canadian unity, and while our opposition to an entrenched Charter of Rights is as deep as that of the Member for Inkster, I believe it is unfortunate that the honourable member has seen fit to ignore the question of the preservation of Canadian unity.

Mr. Speaker, in a sense, the dispute between the provinces and the government in Ottawa is a dispute over the nature of Canadian federalism and the most appropriate means of preserving Canadian unity. Clearly the Prime Minister sees the government in Ottawa as superior to the provincial governments, and entitled by petitioning the Parliament in Westminster to seek changes in the Canadian Constitution which are opposed by the overwhelming majority of Canadian provinces.

The question of the legality of the Federal Government passing and forwarding such a resolution is currently before the Supreme Court of Canada, but as the Honourable Member for Inkster and others have so correctly pointed out, the question of the legality of the federal resolution is only a subsidiary question to the propriety of the Federal Government acting unilaterally and the effects which such unilateral action may have on Canadian unity.

In the Honourable Member for Inkster's proposed second recital, he correctly points out that the Federal Government is claiming for that Parliament majority prerogatives which have never been claimed by any previous government and which will be precluded from the powers of any future Parliament. But would he be satisfied, Mr. Speaker, if the Federal Government changed its amending formula so that the Canadian Constitution would forever be the plaything of a transitory majority in Parliament? Certainly we, on the government side, believe that unilateral federal action to amend the Canadian Constitution is objectionable in itself and should be beyond the future, not only of any future Parliament, but of this Parliament.

The Member for Inkster's amendment, the third recital, makes references to Parliament abdicating its power and how this will irreparably impair the democratic process. Again, we agree with that concept, Mr. Speaker, I believe it is obvious that entrenchment does indeed transfer from elected representatives of the people to the appointed judiciary significant power to make social policy in this country. Therefore, Mr. Speaker, we are in agreement that the proposed entrenchment of a Charter of Rights will impair the democratic process. I would like, Mr. Speaker, later on, to expand on that particular subject in some detail.

What I find significant however, Mr. Speaker, is that the honourable member never mentions in his amendment to the resolution that the Federal

Government is not only proposing to abdicate its responsibilities, but it is proposing to force the provinces to abdicate their responsibilities, despite the objections of eight of the ten provinces. Surely this is at the heart of the divisions which are being created by the unilateral process adopted by the Federal Government and I am frankly surprised to see that the honourable member has not, in his resolution, referred to the effect of the proposed federal resolution on the provinces.

Again, the government resolution clearly condemns the federal initiative for its divisiveness and is therefore superior to the resolution put forward by the Member for Inkster.

Mr. Speaker, the weaknesses of the member's recitals may not have been significant, if the member had indeed put forward as he claimed he was going to, a new proposal which would save everybody's position. I must say that when the member so described his proposal, I looked forward to hearing it with some anticipation. Unfortunately as he read the motion, I was struck not by the novelty of his position, but by how old a proposal it was. In fact, when his proposal is examined, Mr. Speaker, it is obvious that he's proposing simple patriation with the Canadian Parliament being substituted for the Parliament of Westminster. That is not a new proposal, Mr. Speaker, that was a proposal originally put forward in 1926 by the British government at the time of the Imperial Conferences to discuss the implications of the Balfour Declaration and to draw up the Statute of Westminster.

This was the approach which was opposed by all of the provinces at that time and which led in 1931 to significant rewriting of the Statute of Westminster to ensure that The British North America Act would not be amendable by the Canadian Parliament acting alone.

Not only was it put forward some 55 years ago, it has been revived on a number of occasions since, Mr. Speaker. The Member for Inkster may recall in March of 1976, when he was a member of the Government of Manitoba, Prime Minister Trudeau wrote all provincial governments setting forth three possible approaches to constitutional reform. The first approach was simple patriation. The plan now being put forward is a new proposal by the Member for Inkster.

The second approach was patriation with an agreed amending formula, the approach to constitutional reform which this government is asking the Legislature to endorse, and the third proposal was for patriation with an amending formula and a significant body of constitutional reform at the same time. It was this third approach which the New Democratic government endorsed in 1976 along with the other provinces.

Mr. Speaker, we now believe that the third approach is not workable at this time. There are simply too many variables and combinations to build up a consensus. The Western Premiers who participated in that 1976 decision, Premiers Bennett, Lougheed and Blakeney, have all decided, I believe, that it also was the wrong approach to constitutional reform and that the proper approach is to have patriation with a workable amending formula.

However, no one, to my knowledge has suggested in the current debate, Mr. Speaker, that the proper

approach is the approach that was rejected 55 years ago, simple patriation with the Parliament in Ottawa assuming whatever powers with respect to the amendment of the Constitution that the Parliament in Westminster now possesses. The transfer to the Canadian Parliament of the powers with respect to the Canadian Constitution which are now exercisable in Great Britain is not a minor question, Mr. Speaker. The Parliament of Great Britain retains significant powers as a trustee of Canadian Federalism, and has, through the Kershaw Committee examined in detail precedents and conventions which exist with respect to the amendment of the Canadian Constitution.

That committee has rightly concluded that the action proposed by the Federal Government in its resolution is unprecedented and the Parliament in Great Britain retains power not to consider the merits of the proposed amendments but to consider whether the prerequisites to Great Britain acting to pass a resolution conforming to the request of the Canadian Parliament have been met. It is a function of the Parliament in Great Britain to examine the resolution, to determine whether it affects Federal-Provincial relationships, as that phrase has been used in the Canadian White Paper published in 1965 and by the Supreme Court of Canada and the Senate reference.

It is obvious that the resolution which the Canadian government proposes to forward to the United Kingdom does indeed affect Federal-Provincial relationships. It affects them because it imposes an amending formula on the provinces over their objections and because it alters the constitutions of the provinces by making provincial laws in such matters as education and property and civil rights subject to being overturned on policy grounds by an appointed judiciary.

Once the United Kingdom Parliament has concluded, as it must, that the resolution that may be forwarded by the Canadian government affects Federal-Provincial relationships, then it is part of the duty of the United Kingdom as trustee of Canadian federalism to determine whether the process which has led to the request for changes in the Canadian Constitution respects Canadian federalism by obtaining the requisite degree of provincial support.

The honourable members will realize that the questions which the U.K. Parliament must ask itself before passing the resolution are far different from the questions which have been before the courts in Canada. Entirely different considerations will govern the actions of the United Kingdom Parliament and the merely technical legality of the Federal Government forwarding the resolution.

These important functions which may ultimately be the final safeguard of provincial rights within our confederation would be transferred by the Honourable Member for Inkster to the Parliament in Ottawa. In other words, Mr. Speaker, the Prime Minister and his caucus will have to decide whether their proposed changes in the Canadian constitution affect Federal-Provincial relationships and whether they have sufficient support within the provinces.

We already know how the Federal Government would answer those questions, Mr. Speaker. The Prime Minister and the Minister of Justice have repeatedly stated that in their view, Federal-

Provincial relationships are only affected if there is a transfer of power between levels of government. They have also stated that the provinces need only be consulted if proposed changes in the Canadian Constitution would increase the power of the Federal Government relative to the powers of the provincial governments. In their view, the proposed amendments to the Canadian Constitution will increase provincial powers by giving additional powers to the provinces in the field of resources and indirect taxation and by entrenching an equalization principle within the Constitution.

We do not take such a narrow view of the meaning of Federal-Provincial relationships. Mr. Speaker, we would not expect the Parliament in Westminster to take such a narrow view of its responsibilities.

Does the Honourable Member for Inkster, Mr. Speaker, really believe for a moment that the Federal Parliament will re-examine its unilateral process and suddenly realize that the process does not respect Canadian federalism? Again, Mr. Speaker, the Prime Minister and Mr. Chretien have stated that their proposal does respect Canadian federalism because in their view the fact of an all party support in Ottawa is sufficient to justify the process, even though it is opposed by a majority of provincial governments.

The Federal Government has also justified its proposed resolution by stating that it respects Canadian federalism because it will give the provinces a role in the amendment of the Constitution which the provinces in the Federal Government's view have not before enjoyed.

And so, Mr. Speaker, when the members of this House are considering the substance of the proposal put forward by the Member for Inkster, I believe they should realize that it amounts to giving the Federal Government carte blanche to make amendments to the Constitution over the objections of the provinces, if the Supreme Court should hold that this procedure of passing a resolution and forwarding it to Westminster is technically legal.

For that reason alone, Mr. Speaker, the government cannot support the proposal put forward by the Member for Inkster. He has proposed that the Canadian Constitution should continue to provide for two basic conditions, namely that the elected representatives should ultimately be responsible for laws respecting the social and economic lives of Canadians and that no Parliament should be entitled to enact a law which cannot be repealed or modified by a successor Parliament.

Both of these principles are important. They would be totally useless once this existing Federal Government was given the powers which the member proposes to give it with respect to amending the Canadian Constitution.

Unfortunately these principles which should apply to ordinary law making, cannot apply in the constitutional field. By their very nature, constitutional amendments are placed beyond the reach of either the Federal or the Provincial governments and they cannot be repealed or modified by a single legislative body in the future.

That is why, Mr. Speaker, we must be extremely careful when we propose to pass constitutional amendments because mistakes are extremely hard to undo. Furthermore, the ability of the federal and

provincial levels of government respectively to make laws governing the social and economic lives of Canadians is affected by the very division of powers which is at the heart of federalism. It is the division of power which makes cooperation between levels of government to attain social and economic goals essential in Canada.

Again, the divisiveness of the unilateral process adopted by the Federal Government in the constitutional field cannot help but reduce the ability of governments to work together in other fields.

Mr. Speaker, because the recitals put forward by the Honourable Member for Inkster ignore the federal nature of Canada and the divisiveness of the unilateral procedure adopted by the Federal Government, and because the so-called new proposal put forward by the Member for Inkster would merely strengthen the Federal Government in its unilateral course, we cannot support the proposed amendments.

But as I indicated earlier, Mr. Speaker, to the extent that the Member for Inkster's amendments condemn a Charter of Rights, it has the support of our government and I would like, Mr. Speaker, to speak in some detail on that aspect.

I would like to review, Mr. Speaker, some of the principles of our opposition to entrenchment of a Charter of Rights. We have said from the very beginning, Mr. Speaker, that the issue is not whether human rights should be protected but what is the best method of protecting them.

Mr. Speaker, provincial governments of all political views across Canada have supported and appointed Ombudsmen, Rentalsmen, Law Reform Commissions, Human Rights Commissions, support Legal Aid Programs, Public Auditors, etc. and I believe, Mr. Speaker, provincial governments across this country have demonstrated a commitment to protect human rights.

Mr. Speaker, the provinces generally across Canada, and I think all ten provinces, have enforceable human rights acts. Mr. Speaker, the Federal Bill of Rights passed by Mr. Diefenbaker's Government in the early 1960's has only been applied in court in one or at the most two cases, because the courts have said, Mr. Speaker, that it lacks paramountcy. One must wonder why, Mr. Speaker, these great champions of civil rights in Ottawa have not amended the Federal Bill of Rights to strengthen it, to give it paramountcy, and to make it an effective document. Mr. Speaker, they have known of its lack of effectiveness for at least 15 years and nothing has been done, Mr. Speaker, by the Federal Government to attempt to improve that document. I have suggested and in response to a question in this Legislature, Mr. Speaker, or in response to a speech in committee, I think, or a question from the Member for Rossmere, I suggested earlier on last July in the first week of meetings to Mr. Chretien that here was a compromise position that might settle this whole question that they could make if the wished to strengthen rights at the federal level. They could strengthen the federal Bill of Rights, give it paramountcy and avoid the opposition to entrenchment and see how that experience worked out, Mr. Speaker. That's a point of view, Mr. Speaker, that I am not pretending to say that I was

the only one who thought of that; there are noted constitutional experts across the country who have written on that subject and have suggested that as a method of compromise to the Federal Government.

As we indicated earlier, Mr. Speaker, the entrenched Charter of Rights would destroy the principle of the supremacy of Parliament and of the Legislatures and would transfer final power from elected and accountable representatives of the people to appointed judges who are not accountable to anyone, Mr. Speaker. Now one must determine whether or not that is something that should happen. We have argued, Mr. Speaker, that Parliaments and Legislatures are better equipped to resolve social issues than judges. Mr. Speaker, I don't pretend and I don't think any advocate or opponent to entrenchment has argued that the parliamentary system is without fault and has not made mistakes.

Mr. Speaker, Legislatures and Parliament have available to them task force committees, public hearings, royal commissions, advisory commissions that can hear all sorts of expert and lay opinion with respect to matters, while courts will only receive the information that the litigants choose to place before them in a particular case which is admissible by the rules of evidence and the procedures in that case.

Now, Mr. Speaker, it is obvious that no rights or freedoms are absolute. They conflict from time to time and the role of the legislatures is to strike a balance between or when individual rights come into conflict. Mr. Speaker, for example, the Federal Government, the Parliament, in the past has restricted freedom of the press by limiting the right to report on Juvenile Court proceedings and by protecting the complainant in a rape case from publicity. Under an entrenched Charter of Rights those rights would be subject to review by the courts. In fact, Mr. Speaker, the United States Supreme Court struck down as unconstitutional a Georgia law which made it a misdemeanour to publish or broadcast the name of the complainant in a rape case, which would be directly contradictory to action that has so far been taken by the Federal Parliament.

We have argued, Mr. Speaker, that the courts will be involved in political matters if they become the final arbitrators of our rights under an entrenched Charter. Mr. Justice Monnin, Mr. Speaker, of the Manitoba Court of Appeal in the McIntyre decision on mandatory retirement, in fact in his decision said, "The entire matter" — and this is the issue of mandatory retirement — "either in the civil service, municipal, or private sector is lively at issue." Some three or four cases of a similar nature have been decided or are pending before boards of inquiry. He went on to say, Mr. Speaker, "The matter raised in this lively and hotly contested issue is much more sociological and political in its nature, but since it comes to me as a request for a declaration of rights, I must consider it as a purely legal issue which in fact it is not." He went to say, "It is an issue which should be resolved by the elected representatives of the people and not left to the courts to struggle with unaware of all social, actuarial and other implications involved."

Mr. Speaker, as members are aware we have appointed an inquiry with respect to this matter to review all of the complicated aspects of this

particular issue. Now, Mr. Speaker, the Charter of Rights as proposed by the Federal Government purports to deal with the question of discrimination on the basis of age. Any kind of a decision is possible from a court on that issue. We see in this country, we've seen in fact in recent days, Mr. Speaker, a decision by the Quebec Government to phase in and gradually do away with all discrimination on the basis of age, and I have asked for material on that subject, and I can only conclude that course of action was taken because they have felt that you can't do away with mandatory retirement overnight, that you have to phase it in because of complicated pension plans, etc. Now we are going to examine the material that they have developed on that issue to determine that is right, but under the Federal Charter, Mr. Speaker, a court could come along and suddenly declare on the basis of a case involving two litigants, on the basis of very limited information available to them, unaware of the effects of a decision like that on society as a whole, and make a decision on an issue which would be binding on all elected representatives in this country, Mr. Speaker.

Mr. Speaker, I don't believe members opposite, who through the Minister of Labour's estimates, who through my estimates, and I believe other estimates, expressed various concerns from time to time on this issue of mandatory retirement and who recognize it as a complicated issue really despite the Leader of the Opposition's claim that they want to see an entrenched Charter of Rights, I don't think that they really believe, if they sit back and think about it, they really want that issue decided by the courts for them.

Mr. Speaker, we have argued that entrenchment will involve a loss of judicial impartiality and independence. We have argued that the appointment of judges under an entrenched Charter of Rights will become a matter of public controversy. Mr. Speaker, I alone of ten Attorneys-General in the constitutional discussions upheld the right of the Federal Government to appoint judges to our federal courts in our constitutional discussions during this past summer, because I am firmly of the view that over the long-term is a job that is best done by the Federal Government. But, Mr. Speaker, if the Federal Government chooses to entrench a Charter of Rights, I would argue extremely hard that the province have the right to appoint judges and to have much more of a say in the appointment of judges because the philosophy of those judges who are appointed are going to be extremely important.

We look back in history, Mr. Speaker, in the 1930's President Roosevelt attacked the Supreme Court for being too conservative. They struck down the New Deal legislation. The Member for Inkster has referred to all of that. In the 1960's the Warren court were being attacked for being too liberal and I think a bill for impeachment was brought in the 1960's. The political philosophy of judges under an entrenched Charter of Rights will be extremely important, Mr. Speaker. The Member for Inkster referred during a debate on some aspect today, and he managed to bring in the constitutional issue on a lot of issues but he referred to the book, *The Brethren Inside the Supreme Court*. I have read most of that book, Mr. Speaker. I don't know whether anybody else has, but if they do they will find it to be

an amazing chronicle of what happens on the Supreme Court and how the judges are torn by differing political views, how they lobby on the court. Mr. Speaker, I don't believe it happens in our Supreme Court under our system and I don't think it's a system that we want brought into Canada.

We have argued, Mr. Speaker, that because it can be more easily amended statute law permits a more flexible response to social and other changes to better protect the rights of citizens. I have referred, Mr. Speaker, to the McIntyre case in Manitoba. The Member for Rossmere, Mr. Speaker, made a comment on behalf of some members of his caucus when we were discussing the committee report to the Legislature and he said in fact where governments are generally agreed that the courts are wrong, amendments can be made to the Charter using his amending formula, almost as quickly as any other statutory changes could be enforced.

Mr. Speaker, I don't care which one of the formulas was the one that was adopted, but I would suggest, Mr. Speaker, that if Manitoba containing 5 percent or less than 5 percent of Canada's population was very concerned about some issue that was decided in the Supreme Court and had to, in order to change that, arouse a majority in Parliament to pass a resolution, to get support from six, seven, eight other provinces, Mr. Speaker, that it's extremely unlikely that kind of action would take place in the same time span as would happen or could happen simply by an amendment to the legislation in the Provincial Legislature.

Mr. Speaker, if the Member for Rossmere really believes that the Charter can be changed as easily as legislation, then I would have to ask him what would be the point of an entrenched Charter. I don't think it's a valid point, Mr. Speaker. I would think, Mr. Speaker, when you look at the — and later on I will deal with a number of amendments being made to the US Bill of Rights . . .

Mr. Speaker, when we look at the Statute Law we look at the manner in which Statute Law has been developed, particularly over the last 20 or 30 years, we have seen the developments of Bills of Rights, The Human Rights Act, Ombudsman legislation, legal aid schemes. Mr. Speaker, as late as 1977 this Legislature added the provision with respect to discrimination against the handicapped. Mr. Speaker, I think those people who advocate an entrenched Charter of Rights should remember that immense strides have been made in the area of human rights legislation under our parliamentary system and they should compare that with the tortuous experience of the United States where people have attempted to amend the Constitution to supposedly remedy some legitimate grievances. They can look back on the latest proposed amendment, the equal rights amendment.

Mr. Speaker, we have argued that an entrenched Charter would encourage legislation. We know from the hearings on the Constitution that The Indian Act will be attacked in the courts. We know that MARL, the provincial association, indicates that it considers freedom of religion to be inconsistent with prayers in public schools, so we can expect The Public Schools Act to be challenged in the courts. The law union disapproved of the obscenity provisions of The Criminal Code of Canada and can be expected to challenge them.

Mr. Speaker, the list can go on and on. The Quebec Government, Mr. Speaker, recently listed more than 100 Quebec statutes and regulations which might be attacked in the courts.

Our legal counsel, Mr. Speaker, in the reference to the Supreme Court and the constitutionality of the federal proposal, pointed out that the provincial power to determine the qualification of voters for and members of the Legislative Assembly could be challenged, as well as our present control over the duration and frequency of sittings of the Assembly.

The Charter would restrict provincial authority to legislate as to who may seek employment on a local project or as to professional qualifications. The Charter would, as I've indicated, Mr. Speaker, our Mandatory Retirement Acts could be challenged and on the basis, Mr. Speaker, of that Quebec report, I asked officials of my department to review the Manitoba Statutes.

They indicated, Mr. Speaker, that the task was massive and they illustrated this by pointing out that the first volume of the consolidated statutes alone includes the following potential breaches of the entrenched Charter of Rights.

The first Act in the Statutes is The Age of Majority Act, Mr. Speaker. Ten years ago this Legislature established eighteen as the age of majority. Other provinces have different ages, but clearly the entire purpose of The Age of Majority Act is to discriminate on the basis of age. Will 17 year olds now be able to challenge the constitutionality of our Age of Majority Act?

The next four Acts in the consolidated statutes deal with agricultural matters. Our Agricultural Credit Corporation Act and Agricultural Lands Protection Act, still under debate, Mr. Speaker, appear to be in direct conflict with section 15 of the proposed Federal Charter which guarantees to every individual equality before the law and the equal benefit of the law.

In The Agrologist Act as in so many other Acts, there is a requirement that agrologists to be members of the Association must be residents of Manitoba. This would appear to conflict with the right of every citizen to pursue the gaining of a livelihood in any province.

The Alcoholism Foundation Act requires its directors to be Manitobans. This again could be challenged.

The Amusement Act and the entire scheme of film classification could be in violation of freedom of expression.

The Animal Diseases Act allows an inspector without warrant to enter any place in which he has reasonable grounds to believe that an animal is located and search the place.

Section 8 of the proposed Charter, gives everyone the right to be secure against unreasonable search and seizure.

There is an age restriction in their Apprenticeship Act, setting 16 years as the minimum age for entering an Apprentice Program.

The entire scheme of The Architects Act is to restrict certain work within the Province of Manitoba to members of the Manitoba Association of Architects.

Mr. Speaker, I remind members also, The Manitoba Public Insurance Corporation Act is in that

first set of consolidated statutes and I would ask them after the time that they have spent, Mr. Speaker, how they would react to a court striking down that particular Act.

Mr. Speaker, under an entrenched Charter of Rights there will be no law that will be certain until the highest court in this land has dealt with it.

Now, Mr. Speaker, members opposite and other speakers have talked about the Japanese Canadians and Japanese Americans and how Japanese Americans were so much better treated in the United States because of their entrenched Charter. Mr. Speaker, in fact the American courts did nothing to protect Japanese Americans from the effects of military orders requiring their forced evacuation from the West Coast of the United States. If Japanese American treatment was in any way less inhumane than the treatment of Japanese Canadians, it was solely as a result of actions taken by the United States Congress.

Mr. Speaker, the relevant American legislation did not make any provisions for forceable deportation of Japanese Americans, however the legislation did permit Japanese Americans to choose to reject their American citizenship presumably so that they could return to Japan after the war. More than 5,000 Japanese Americans took advantage of this so-called opportunity presented to them at a time when they had been stripped of their civil rights and herded into detention centres leaving all of their property behind to be dealt with at the discretion of the American military. It was not until 1959 that the last of these Japanese Americans who wished to regain American citizenship were permitted to do so.

The United States Congress ordered a full investigation of the treatment of Japanese Americans when the Second World War was over. As a result of that congressional report completed in 1947, an Act of Congress was passed in 1948, an Act of Congress, Mr. Speaker, providing for compensation for Japanese Americans. In many cases the details in compensation were not settled until the mid-Sixties. But in a book, Mr. Speaker, which I could refer members opposite if they're interested, it's estimated that Japanese Americans received an average of 15 cents on the dollar for their losses without any compensation for interest.

The actual involvement of the United States Supreme Court in these matters consisted of two decisions in 1943 which upheld the right of the military to impose a curfew, exclusively on Japanese Americans and two cases decided in 1944, which upheld the right of the military to expel Japanese Americans from the West Coast.

So, Mr. Speaker, I believe it would have to be conceded, Mr. Speaker, that the entrenched American Bill of Rights proved to be a feeble rampart indeed, for the defence of civil liberties and their statements that Japanese Americans were treated as harshly as Japanese Canadians, in spite of their Bill of Rights, is correct, Mr. Speaker.

Now, Mr. Speaker, I could deal at length, Mr. Speaker, and I did during at various times of the committee hearings with various cases which I am sure, Mr. Speaker, if the public were aware of, we would not have a gallop poll that indicated support for the entrenchment of a Charter of Rights.

Let me, Mr. Speaker, deal with one particular case that members opposite might understand, Mr.

Speaker, and might get some understanding of this issue and the effect that it can have on them. There was a recent decision of the Canadian Labour Relations Board, Mr. Speaker, and the headnote in this case reads: "After learning of a union-organizing campaign being carried out among its reservation agents, the employer addressed a letter of May 9, 1980 to its agents and office employees informing them that it was neither in their interest nor the companies that they unionize. After hearing the parties at a public hearing the Board concluded that the actions of the employer constituted interference in the representation of employees by a trade union in violation of section 184(1)(a) of The Canadian Labour Code". This is a case involving the Brotherhood of railway, airline and steamship clerks, etc., CLC, AFL, CIO, (complainant, an American Airlines Incorporated, Toronto, Ontario). And on page 24, Mr. Speaker, the Board said "as the law now stands in the Federal jurisdiction, it is clear that the wishes of the employee to join a union are as a general rule established by documentary evidence and that the employers involvement through campaigning or otherwise in that process is prohibited." But earlier on at page 13, Mr. Speaker, they reviewed the law and its interpretation in Canada and the United States. That analysis showed basic differences between the Canadian and American approach as regards certification procedures.

In the United States a union can only be certified, following an election, said election being equated to a political election. In that context, the employer in the name of freedom of expression, entrenched in the first amendment of the United States Constitution, has the right to campaign prior to said election, in order to try to convince his employees not to join a union.

Now, Mr. Speaker, I refer the members opposite and I don't want to get into a discussion of the merits, Mr. Speaker, but I refer members opposite to their legislation which they passed, Mr. Speaker, in 1976 and this relates right, Mr. Speaker, to the alleged activities of Mr. Perfumo of the Manitoba Labour Board, but I remind them and I'm sure they're well aware of the amendments that they made to The Labour Relations Act in 1976, Mr. Speaker, which were severe restrictions on an employers right of speech, when a union was being organized.

Mr. Speaker, the Canada Labour Board itself and I don't know anybody on the Canada Labour Board, I don't know who they are, but they've examined the law; they've said the right of free speech entrenched in the American Constitution would result in a completely different approach.

The amendments, Mr. Speaker, that members opposite, the New Democratic Party Government brought about in 1976 would be one of the first set of amendments to be thrown out. But, Mr. Speaker, I'm trying to refer to cases, Mr. Speaker, that members opposite actions in the past, in government, would most particularly be affected by an entrenched Charter of Rights because I think they should much more seriously, Mr. Speaker, consider their position. (Interjection)— Well, the Member for Pembina says, that's all the more reason to have it. That may be, there may be from this side, Mr.

Speaker, there may be, we may have trouble on the vote on this one, Mr. Speaker, because there may be a lot of these instances where members in this side would like to see those kinds of decisions happen.

At the same time, Mr. Speaker, I think there are a number of other areas, Mr. Speaker, that I think we on this side would not like to see an entrenched Charter of Rights. I don't want to get into too much more detail, Mr. Speaker, but there's one incident, one other matter, Mr. Speaker, it's interesting to look at and I don't know how many members have seen this, Mr. Speaker, an article by Rod McLeod, Mr. Speaker, the Assistant Deputy Minister of the Ontario Attorney-General's Department wrote an article, Mr. Speaker, on an American case in which a conviction against an accused person was overturned. This was a case of murder of a 10-year-old girl, Mr. Speaker, where the courts found that the accused had waived his rights of silence, his right to have an attorney present when he spoke in the car. That was the trial of course, but the Supreme Court overturned the conviction saying that his constitutional right to have a lawyer present had been violated and the evidence of the finding of the body in the accused car, should be excluded, Mr. Speaker, and this is the exclusionary evidence rule.

It's interesting, Mr. Speaker, to note that the Attorney-General from Ontario, whose Premier supposedly supports an entrenched Charter of Rights, wrote to every Member of Parliament and said in conclusion: "I would urge you to avoid the introduction into our criminal justice system of American concepts which have substantially undermined effective law enforcement in the United States while failing to enhance the rights of individual citizens."

Mr. Speaker, obviously there is not much interest on the part of members opposite, Mr. Speaker. I've cited a specific case I think which would affect an area of law which they would consider to be most significant and important to their philosophy, Mr. Speaker, and I'm suggesting to them that and many other laws, which they passed in eight-and-one-half years of government, would be among the first to be struck down by the Supreme Court of Canada under an entrenched Charter of Rights.

Mr. Speaker, I'm not going to go through a long list of distinguished Canadians who have opposed entrenchment of the Charter of Rights from Premier Campbell of this province, Mr. Speaker, former Premier Manning. (Interjection)— You didn't see all of these, Mr. Speaker. Senator Thompson, the former Liberal Leader in Ontario; Senator McLraith, former Solicitor-General in the Liberal government, former Justice of the Supreme Court of B.C., J.V. Kline. Mr. Speaker, that list goes on and on and includes eight premiers of this country, it includes Mr. Claude Ryan in Quebec.

I only wanted to speak, Mr. Speaker, to this issue to alert members opposite, if not to the dangers of an entrenched Charter of Rights, at least to some of the uncertainties that may result from an entrenched Charter of Rights. The list of statutes, Mr. Speaker, that could be attacked and would be attacked under an entrenched Charter will only be limited by the imagination and the ingenuity of counsel, and I say to the members opposite the statutes which they passed in eight-and-one-half years, an example of

which for the amendments dealing with certification of unions would be among the first to be attacked. I find it difficult, Mr. Speaker, to think that if they really believed in what they did in eight-and-one-half years of government, and if they really believe in what they say they would like to do, if they were fortunate enough to ever form another government, Mr. Speaker, I find it extremely difficult to believe how they can support an entrenched Charter of Rights.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Thank you, Mr. Speaker. I think that for students of history who may read some of this debate years from now, I think, it should be put on the record that the Lyon Government, which spent the last six months stirring people up on the Constitution and the Premier who ran up and down the country and over to England and promises to go to England and promises to fight to his dying breath, I think it should be clear for the record that the Lyon Government in regard to the Constitution went out with a whimper and not a bang. And that all this talk and all this promise and all this publicity that we've been listening to and all these speeches, including that very long contribution of the Attorney-General, it just demonstrates that in the last analysis the government lost the issue, and whereas only a few months ago they're prepared to go to the people on this issue, now they've hidden it and kept it for the last moment of the last day of the last night and the last hour of the Legislative Debate because all of the dynamite has gone out of this particular issue.

Now, Mr. Speaker, we're seeing a dry run and a very unimpressive one of the next Conservative leadership race. We're seeing the candidates jockeying with one another for press as the Attorney-General just gave us a boring presentation and now he's going to attempt to be topped by the Minister of Finance, and if that's all that they have to offer, then it doesn't auger well for the future and the man who sits right between them may come up the middle. He's coming up the middle right now, Mr. Speaker. "Pothole for Premier" is definitely a slogan that I think we're going to hear more of. Mr. Speaker, well, another colleague suggests "Orbit Orchard", that has a highway's ring as well. (Interjection)— "The Big O", that's another one. Mr. Speaker, the man has great potential as a candidate in terms of what he could use for a slogan. (Interjection)— A big zero, that's another one. That's got a lot of potential. Mr. Speaker, I just want to say that the government in the last analysis on this issue chickened out. They were prepared to go to the people on this issue, they were in position a few months ago where they thought the New Democratic Party was on the ropes. They were going to ignore everything else, call an election, pull the plug on this issue and they were all excited about the Progressives, they were going to go to the people and win an election.

Well, what happened, Mr. Speaker? A failure of nerve] When the chips were down, when they had to look the New Democratic Party in the eye, they chickened out. No guts, Mr. Speaker, no guts. I simply say to my friend from Inkster that I regret to inform him that in the next election he and his party, such as it is, are going to get trampled into the dust of history and will never be heard from again.

Mr. Speaker, the problem is this, and I know this as a person who was in a provincial cabinet, the Cabinet is clinging to power, the Cabinet is afraid. Look at the Minister of Health and they are afraid to meet the people, they are afraid to put their jobs on the line because they are not certain of the result and that, Mr. Speaker, is a failure of nerve and they are going to wait until the last possible moment.

The First Minister of this province had a lot of fun the last six months. He happened by the luck of the draw to be the Chairman of the Premiers' Conference, he avoided all his responsibilities in the province; he avoided the basic issues confronting the people of Manitoba and he travelled up and down the country at taxpayers' expense, had a gay old time kicking and biting the Prime Minister of Canada, thumbing his nose at him, holding his nose, calling him every name in the book and now, unfortunately for him, has blown the ball game.

Mr. Speaker, Joe Clark threw in the towel on this particular issue a few months ago, and in so doing damaged the position of the Progressive Conservative Party of Manitoba and Jake Epp, who's being talked about as leader, gained a lot of valuable experience. The only problem is the issue is going to recede into the distant past, so although it was a useful experience at the time, it is no longer useful to be known as a great authority on the Constitution. Witness this particular debate, witness the fact that the Debate is shoved back to the last moment of the Legislative Session.

If this was a winner, Mr. Speaker, they would have brought it up months ago. They had it on the Order Paper, they could have made much of this, they could have in their own minds, they were waiting for an opportunity to embarrass the New Democratic Party, pull the plug and go to the people. Boy, they sure didn't do that. They sure didn't do that.

So, you know, Mr. Speaker, I feel sorry for the leadership candidate that are mentioned in today's paper jockeying with one another. While there's three of them here, well, maybe four, the Minister of Highways, he's a possible long shot. The Minister of Finance, he's a front runner and the Minister of Consumer Affairs, he's a candidate, but the Minister of Health, he's a candidate, too, I recognize that.

MR. SPEAKER: I believe we have a resolution and an amendment before us that is dealing with the Constitution and I would hope that the honourable member would at some point in his Debate make some reference to the Constitution. The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I just want to point out that it's peculiar indeed that for many months the people who are being considered as leadership candidates have been silent on this issue, silent on this issue. One of the most promising is the Minister of Agriculture, he's been silent. You know, if he played his cards right, he could be Premier. You know, if you could suspend him from an airplane with a piano wire and fly him over the Province of Manitoba . . .

MR. SPEAKER: Obviously the honourable member didn't hear the advice I offered to him. I would hope that he would make some reference to the Constitution in his remarks. The honourable member may continue.

MR. DOERN: Mr. Speaker, I'm simply saying that the leadership candidates of the Conservative Party have not been talking about the constitutional question until today. Now, we're going to get into the dying moments of the Session statements by the leadership candidates. We got one from the Attorney-General; we're going to get one from the Minister of Finance. I simply say to the Minister of Agriculture having watched him for the last three-and-one-half years that if they could fly him over the province by a piano wire, he would fertilize the entire province. You wouldn't have to dig a potash mine. You wouldn't have to go through the expense of developing all that expensive material, he could do it, singlehandedly.

Mr. Speaker, I will simply say that the constitutional question is a fait accompli as far as I'm concerned. It might more accurately be described as a Fed accompli because of the fact that the people in Ottawa made an agreement, the federal party leaders, which has permanently altered this whole question. I believe once that agreement was reached by Clark, Broadbent, and Trudeau, that the whole thing has shifted and that the Great Debate is over. I don't care what people do in the future; I don't care what the Supreme Court decision is. Someone told me today that they knew for sure that the provinces were going to win. I say the Federal Government is going to win. My friend from Inkster says he's not sure, but those are the three positions.

Mr. Speaker, I say regardless of what happens the Great Debate is over. Never again in our time will people get as excited about this particular issue, because the public has had enough of this issue. The public has heard enough of all this constitutional wrangling, of the Premiers and the Prime Minister trying to ram this thing through and the Premiers blocking it. Anybody who starts that process again is going to get hurt, Mr. Speaker. Western alienation — (Interjection)— I was at Valley Forge, but that was only five years ago. Western alienation will continue, that will not change. There'll be constitutional conferences and constitutional discussions, that will occur, Mr. Speaker, but we will not see the excitement and the drama that we have witnessed in the last few months. I say that is over.

Mr. Speaker, I simply say that I think it's about time that this government addressed itself to the problems of the province. I mean, we've had a whole year, going back to late last Fall, up until now, where they tried to make this the prime issue confronting the people of Manitoba and they were almost successful. They almost did it, Mr. Speaker, and if they had brought this resolution in months ago and if there had been a vote on it at that time and if an election had been called, maybe, just maybe, they could have diverted public attention to this issue, away from the basic issues of the province and maybe they could have won another mandate but they waited too long. They waited too long. There was a failure of nerve and a failure of courage and a failure of guts and now this whole issue is really a dead issue and that's what we're seeing.

We're seeing simply the last speeches and I'm one of the last speakers and we're going to hear from the Minister of Finance and we may hear from my colleague from St. Boniface and perhaps that'll conclude not only this debate, but this session, but

mark it well, Mr. Speaker, that this was the burning issue of 1980 to 1981 and it ends with a whimper. It fizzed out because the government struck out, because the government waited too long and blew their opportunity.

So I say, Mr. Speaker, let's get back to the basics; let's get back to the economy; let's dispose of this particular amendment and this resolution and all we're going to be left with, is a memory of the great debate of 1980-81.

We're going to then look at the mega promises, because that's all we have. The Tory record's a disaster. We're going to look at the mega promises and on that basis, we will meet the Conservatives at the election, whether it's going to be in the fall, which is my prediction or whether it's going to be a year from now, or whether they're going to wait until October, because they're going to say, we've got to go until the end.

I think that as history is written, it will be said, that the Conservative Party of Manitoba had an opportunity to win re-election in the spring of 1981; they waited too long; they blew their opportunity and they were voted out of office in the fall of 1981.

MR. SPEAKER: The Honourable Minister of Finance.

HON. BRIAN RANSOM (Souris-Killarney): Thank you, Mr. Speaker.

My colleague, the Attorney-General, has dealt with some aspects of the issues, Mr. Speaker, and I would choose to address myself primarily to two sections within the resolution which the amendment by the Member for Inkster proposed to eliminate and that primarily is the third point, that the Assembly urge the Federal Government to abandon its present 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 sovereignty rights of the Federal and Provincial jurisdictions.

Mr. Speaker, I regret very much that the Member for Elmwood would make the sort of speech which we have just heard him make on this resolution. The speech, Mr. Speaker, is one that could well have been made on the Supply Motion which is still before the House and we would have understood that he was attempting to have a little fun, supposedly at the expense of the government. I think it tends to be more a joke on himself than on the government, but we could understand that, but this is an example of the position being put forward by the New Democratic Party. This is an example of the depth of analysis and thought that has been devoted to this question and, Mr. Speaker, I truly say it more in sorrow than in anger that the members would not realize the significance of this issue and have attempted to analyze it in some sort of depth and place before us and before the public of Manitoba, their considered position.

Instead, Mr. Speaker, we have allegations by the Member for Elmwood that the First Minister, that our First Minister has been running around the country, I believe he said at public expense, enjoying himself, ignoring the issues, I believe also that he said ignoring the real issues. Surely, surely that cannot be

the extent of their understanding of the significance of what is taking place in this country today. I can't believe it, Mr. Speaker.

It's amazing to review the Leader of the Opposition's presentation and indeed, Mr. Speaker, there is very little there. There was no indication in the Leader of the Opposition's speech that he had examined the issues, that he understood the importance of the issues. He quibbled about whether or not there had been consultation and tried to make that as something that was equivalent to whether or not the Prime Minister and the Federal Government had consulted with the provinces, as if the relationship between a government and a legislature to the Opposition is analogous to that of the partners of our federal form of government in this country.

Mr. Speaker, I find it incredible that we should have these positions put forward and I am pleased to know that the Member for St. Boniface is likely to speak on this resolution. The time after all, Mr. Speaker, is only twenty after ten. I don't think that the question of the Constitution of the country and changes that are being attempted to be made in that Constitution are too important an issue to take some time of the House this evening. (Interjection)—

Mr. Speaker, the Member for Elmwood says, why don't we do something about the economy and they have said all along, that our Leader, our Premier, the First Minister of this province and this government have been devoting too much of our effort to the constitutional issue. Don't they understand what is at stake, Mr. Speaker? Don't they understand what is happening to provincial rights and to peoples' rights in this country because of the resolution that's being put forward by the Federal Government? I'm afraid they don't understand it, Mr. Speaker, because what they would have us do, what they would have our First Minister do, is ignore what's going on, ignore what the Prime Minister is attempting to do and retreat into a shell here in Manitoba and have those changes take place in the country.

Mr. Speaker, I'm sure it's the most serious attack on federalism in Canada since 1867 that is taking place. (Interjection)— Well, the Member for Elmwood says, it's rubbish.

Mr. Speaker, I would like to deal with the effect of what's taking place, not within the area of the entrenchment of human rights so much, but with how the action is being undertaken or proposed to be undertaken and the fact that it will affect provincial rights and rather than trying and make that case myself as to the extent of it affecting provincial rights, Mr. Speaker, I simply would quote the authority, someone whom I'm sure the members opposite would acknowledge as an authority and that's the Prime Minister himself and he said in reference to the Bill of Rights and I quote, Mr. Speaker, he said: "This will confer new and very important responsibilities on the courts because it will be up to the courts to interpret the Bill of Rights and decide how much scope should be given to the protected rights and to what extent the power of government should be curtailed."

He goes on then to say again that he envisaged and I quote "a Bill of Rights, broader in scope, firmly entrenched constitutionally, so designed as to limit the exercise of all government power in favour of the Canadian citizens, who would in consequence be

better protected in the exercise of his fundamental rights and freedoms."

Those are two quotations from the Prime Minister of the country, Mr. Speaker, which clearly show that it is the intention of the Prime Minister that the resolution should infringe upon the rights of provinces and I suppose how clearly it is possible for the end results of that action to be debated and to be considered to be desirable. We don't for a minute think that's the case, but clearly that is what they have set out to do and, Mr. Speaker, why does that cause us so much concern and why do we see it as something that is wrong?

One of the things that concerns me most aside from the long term implications of the entrenchment of the Bill of Rights that the Attorney-General has dealt with, is the fact that what is taking place has truly destroyed the element of trust that holds together our federal system of government. It has destroyed that system of trust upon which our system is based.

Now for how long that has been destroyed, I don't know. If the Federal Government is unsuccessful in what they're attempting to do, then I'm sure that that sort of trust can be built up again but I would like to again give a few quotations, Mr. Speaker, in support of the position.

Some of the quotations that I would like to give come from the speech given by Senator Thompson and I must say, Mr. Speaker, that it's evident from reading some of the speeches that have been given in the Senate, that the Honourable Members of that Chamber have been able to devote a great deal of conscientious time and effort and study to this issue and they have presented some of the most learned expositions of positions that I have had the privilege of reading, Mr. Speaker, and certainly the one by Senator Thompson, who is a former Liberal Leader in Ontario, is one of the finest examples of that and I recommend that speech very highly to all members of the House. The question that he raised — (Interjection)— Well, the Member for Inkster said he didn't vote, perhaps not, but he certainly did put forward a position that warrants the examination of all members of this House. I believe he, if I read his speech correctly, the main point that he was making was and I quote from him, he says, "Are we keeping our word? Are we breaking the rules by which we agreed to govern ourselves in the Federation?" And he was recognizing the sorts of agreements that are in law and that have come to be recognized in the 114 years since Confederation and he said that people have given their word and that's what holds us together. However desirable the ends might be that are being pursued by the Prime Minister", he said, "that the ends did not justify the means." He gave a little anecdote in here which I thought was very good where he recounts how he went to work in the fields in harvest time in the west and being new to argiculture, and he describes himself as being small and skinny, that after working for some time he had felt that he had not served his employer very well and he said to his employer, a man by the name of Mr. McGregor, he said that really he hadn't been a very good worker and that he was not obliged to pay him. And McGregor said to him, remember this laddie, you're in Canada and a man's word is his bond, poor bargain or nay. And, Mr. Speaker, that's

the sort of trust that can bind people together when you're not dealing with things set down hard and fast in law, but you're dealing with trust that's established between people and between governments.

Now just let me deal briefly with what has happened to this trust at the hands of the Federal Government. Let me deal first of all with the Kirby. (Interjection)— I'm not even going to respond to that other than to acknowledge that the Member for Rupertsland at least is listening. I'll begin by having a look at the infamous Kirby papers that were leaked or made available to the Premiers at the time that they were meeting last September after extensive meetings throughout the summer of the Attorneys-General from across the country. The Premiers sat down with the Prime Minister, they're attempting to work out twelve settlements on some twelve points relating to the Constitution. This document became available at that point, Mr. Speaker, and let me read one paragraph and I quote: "The First Ministers' Conference is now generally perceived at least by the media and the public to be the culminating point in the negotiating process. The challenge now lies with the Federal Government to try to bring out the agreement on a package which appears to be within reach and failing this, to show that this agreement leading to unilateral federal action is the result of an impossibly cumbersome process or of the intransigence of the Provincial Governments and not the fault of the Federal Government."

What do you suppose Mr. Speaker, that that would do to the trust that the Provincial Governments would have in the Federal Government and in the Prime Minister sitting down with that kind of document in front of them knowing full well that that is the pattern that was being followed by the government? Mr. Speaker, that document a rather extensive document, ends up with some further quotation at the end which shows where the Federal Government gets their direction when it comes to dealing with the provinces, and I quote again, "The probability of an agreement is not high. Unilateral action is therefore a distinct possibility. In the event unilateral action becomes necessary, Ministers should understand that the fight in Parliament and the country will be very very rough, for as Machiavelli said it should be borne in mind that there is nothing more difficult to arrange, more doubtful to success and more dangerous to carry through, than initiating changes in a States Constitution." Mr. Speaker, that is where the Federal Government gets their strategy when they work with dealing with the provinces, they quote him, they quote him in their documents — Machiavelli — a fine statesmanlike example to use when you're trying to strengthen the federalism of this country.

Mr. Speaker, let me quote from a former Liberal Prime Minister and a Liberal Prime Minister of somewhat different character then the one that we now have in Ottawa and this is a quotation from an Address by the Right Honourable Lester Pearson in 1965, and I quote, he says, "In any Federation the two most critical questions are the distribution of powers between the two levels of government and the manner in which the Constitution can be changed. A Federation is necessarily a delicate balance between conflicting considerations and interests. It is to be expected that the most delicate

of all questions should be the way in which such a balance might be altered." — The most delicate of all questions is the way in which such a balance of the distribution of powers between governments might be altered. In how delicate a fashion, Mr. Speaker, are the negotiations now being handled between the Federal Government and the provinces, when the Machiavellian document acknowledges that this is going to be a very very rough fight?

Also quoting from, and I have a couple of rather extensive quotations, Mr. Speaker, which I don't especially like to deal with long quotations but I think they are of such significance that they should be read into the records. One of these is from the Fulton-Favreau report entitled *The Amendment of the Constitution of Canada in 1965*, and I quote again, "The very nature of the Federation requires that the rights and powers of its constituent units be protected. It may be argued that a requirement of unanimity is too inflexible to be applied to the distribution of legislative powers but this distribution is basic to the Canadian Federation. In fact, in the 97 years that have elapsed since Confederation, no amendment has altered the powers of Provincial Legislatures under Section 92 of The British North American Act without the consent of all the provinces.

"This clearly reflects a basic and historic in Canadian Constitutional affairs. The Constitution cannot be changed in a way that might deprive provinces of their legislative powers unless they consent. The law has not said so but the facts of national life have imposed the unanimity requirement and experience since Confederation has established it as a convention that a Government of Parliament would disregard at its peril."

Mr. Speaker, that's the kind of attitude that prevailed in the Liberal Government of the mid-1960s in Ottawa. Those were statements from the Prime Minister of the day, quotations from the Fulton-Favreau report that showed that there was a recognition of the way the country was structured and a recognition of the need to respect that kind of delicate balance and to build on a trust. I believe that the Liberals of the Day have had a rallying cry of cooperative federalism.

Now, Mr. Speaker, let me quote one more recent authority, one more recent authority, because this really puts the finish on the sort of trust that the people of Canada and the provinces can have in their Prime Minister. This is a quotation from the Prime Minister, in February of 1979, only two years ago, and I quote, "So will there be unilateral action by the Federal Government regardless of the consequence of this Conference? Our priority would be to seek agreement and move in areas of Federal and Provincial concern where we could move together but if we are not successful, I repeat, we preserve our constitutional right to change our Constitution, the federal one, just as the provinces keep their right to change the provincial Constitution, and I do not think either the provinces or the Federal Government would want to give up that right. Our priority is to change this Constitution collectively, Federal and Provincial. We will adopt a Charter of Human Rights, we will constitutionalize it. We cannot force the provinces to do it; we are trying to convince them to do it. I can answer unequivocally

that the Federal Government intends to entrench a Charter of Basic Human Rights and of linguistic rights. Now this will bind the Federal Government; it won't bind the province unless they want to bind themselves. But here again we can under our Constitution bind ourselves just as the provinces. Many of you have adopted Charters of Human Rights. Well, we have adopted one and we want to constitutionalize it."

Two years ago, two years ago, Mr. Speaker, the Prime Minister of this country made that statement. He acknowledged that the Federal Government had no right to infringe on areas of provincial constitutional responsibility. He not only acknowledged it, he said that unequivocally they would not infringe on those rights, Mr. Speaker, they would not infringe on them and what are we seeing today? What did we see in the election in February of 1980? Did we see any kind statement, any kind of campaign on the basis of unilateral action to change the Constitution, to change the structure of this country? Not a word. About all we had from them was that they were not going to raise the price of gasoline 18 cents a gallon. We know that that promise is down the drain too, Mr. Speaker. And immediately after that, a year after this statement was made, they turned their efforts, Mr. Speaker, to changing the very essence of the structure of this government in Canada. Is it any wonder that the Premiers are worried about what is happening, because what has happened to the trust that helped to bind it together; what has happened to that trust when you see that kind of statement made and broken and those promises broken that soon thereafter?

Mr. Speaker, one of the reasons that we are concerned is that it's been pointed out by many people and again I'll give a short quotation here on the chance perhaps that the members opposite might prefer to accept someone else's interpretation of the scene as opposed to my own. This is a quotation from a book by Phillip C. Baum who did a very interesting analysis of Mr. Trudeau's statement. He said, "If Trudeau succeeds or decides to act unilaterally and without an agreed upon amendment formula the floodgate is wide open to radically change both Parliament, the Courts, and the whole Canadian society including The B.N.A. Act."

Now this was written in 1977, Mr. Speaker, so it was not written in the light of the acrimonious debates and confrontations that are taking place in Canada today. It was written more in a time when we didn't have that sort of heated exchange and so I judge that it's an objective analysis. He points out what powers would then lie with the Prime Minister and the Federal Government and, Mr. Speaker, I must say that I don't think that the Prime Minister of this country has any regard for a great many of the institutions of Canada. I don't believe he has any regard for the Liberal Party, I don't believe that he has any regard for Parliament and I don't believe that he has any regard for the economic system of this country.

Let me quote an authority that should be impeccable in this regard and I would like to quote the Prime Minister himself, and let me quote first of all some of the things that he has had to say about Liberals, because I maintain he has no respect for

the Liberal Party, he subverted the Liberal Party, but this is what he said and I quote, Mr. Speaker, "Canadian liberalism is an ideology as malleable as silly putty." That's a quotation as recently as 1963, as recently at 1963, at a time when the Prime Minister was making a speech in support of the NDP Party. Then he also said and I quote again from the Prime Minister, "The political philosophy of the Liberal Party is simplicity itself, say anything, think anything you like, but put us in power because we're best fitted to government. What idiots they all are." That is the Prime Minister, the now Prime Minister of Canada, speaking in 1963 about Liberals. I say he has no regard for many of the institutions of this country, Mr. Speaker. We know what he thinks of Parliament; he thinks of Parliament as a Coney Island shooting gallery, he thinks that MP's when they're more than 50 yards from Parliament are nobodys, and so he has over the years changed the rules of Parliament in order to take away power from Parliament and to place it into his hands.

He has no regard for the economic structure of this country, and let me quote again from that same impeccable authority, the Prime Minister of Canada. Mr. Speaker, he said this, "The time has come to scrap the thousand past prejudices that clutter up the present and to start building for the new man." He said, "Industrial democracy must be reached. It is the minds of men which must be changed and their philosophies. Economic reform is impossible so long as legislators, lawyers and businessmen cling to economic concepts which were conceived for another age."

Let me outline one of those economic concepts which he considered was conceived for another age, and I quote the Prime Minister again, Mr. Speaker, and he said: "The erroneous Liberal idea of property helped to emancipate the bourgeoisie, but is now hampering the march towards economic democracy."

That's the kind of regard that the present Prime Minister has for the economic structure. Mr. Speaker, I rather gather, because the Member for Inkster is now smiling and giving an indication that's not bad. One begins to understand why those members opposite are prepared to support what the Prime Minister is attempting to do, because they have long sought to centralize government to a greater extent than it has been and they certainly acknowledge the same kinds of sentiments towards the economic structure of this country as the Prime Minister does. I believe they see some advantage for the advancement of socialism under the present Prime Minister.

When he talks about the people's package, Mr. Speaker, he's really talking about taking away rights from Parliament; he's talking about giving rights to the Courts and through reducing the role of Parliament he is then able to have the public respond to leadership by someone, in this case himself at the top, and to move away from the kind of representative system that we now have, where the public elect their representatives and the representatives make decisions for them. I believe that was also one of the objectives that was being pursued with his plan or his pursuit of participatory democracy. Mr. Speaker, I wonder if you could advise me how much time?

MR. SPEAKER: Eight minutes.

MR. RANSOM: Thank you, Mr. Speaker. So, Mr. Speaker, I genuinely am concerned that the issue before us is a much broader one than perhaps we have imagined. I don't wish to concentrate on the question of whether or not its desirable to be pursuing socialism. I think it's pretty well understood where the divisions between us are on that issue. But what concerns me is that the power that is being taken away from the provinces and is being centralized with the Federal Government. Mr. Speaker, it is evident in all of the relationships between the provinces and the Federal Government today and especially over the past several months, where it is simply no longer possible to sit down with the Federal Government and attempt to negotiate some kind of arrangement that is going to serve the citizens of Manitoba or Canada. It simply is not possible. I've been involved in those negotiations and I can give that assurance firsthand.

An example is our inability to conclude a Northern Development Agreement. The items to be in the Agreement have largely been agreed on for months. The amount of money to be used was an amount no greater than it flowed in the Agreement over the past several years. Why can't we get an Agreement, Mr. Speaker.

(Interjection)— Precisely.
(Interjection)—The two governments that have signed subsidiary agreements are Ontario and New Brunswick. Mr. Speaker, when the Federal Government undertakes to reduce their expenditures by \$1.5 billion or whatever the figure is, on fiscal transfers, financial transfers to the provinces, do they sit down with the provinces and say we've got a problem and we don't think you've been handling your end of the bargain well. We want to work together to arrive at something acceptable. No] They establish a Parliamentary Task Force, first of all, after having dropped hints along the way, they establish a Parliamentary Task Force, and ask that Task Force to go across the country, talk to the governments, and ask the governments to lay their negotiating positions upon the table before the Federal Government has even said what their position is going to be. Imagine the mockery that makes of a Parliamentary Task Force and imagine how difficult it is for a province trying to operate under those circumstances. Where is the co-operative federalism, Mr. Speaker, that previous Federal Governments have recognized as being the essence of making this country work? Where is it?

At the same time we know that they are polling, they are asking the exact questions which will allow them to know what the people are thinking and they will be able to apply their participatory democracy and impose the decision upon the province and they know in advance that it's going to be acceptable to the majority of the people.

Mr. Speaker, that sort of thing is of great concern to me, and it's a great concern to all of the members on this side of the House, because we can see that the constitutional issue is not one that is in isolation from what's happening in this country. It is not simply an effort to protect the rights of people. It is an effort to take away authority from the Provincial Governments and give it to the Federal Government in a system where those two levels of government had their rights fairly clearly defined, and

governments have acknowledged since 1867 that the Federal Government had no right to unilaterally take away rights from the provinces any more than the provinces had the right to take it away from the Federal Government.

Mr. Speaker, one more series of quotations in the time that I have left to me, because it demonstrates what's happening. One quotation is from the Prime Minister again and he said and I quote, he's speaking of rewriting powers in The BNA Act and having more centralized power and I quote again. He says, "Most of the reforms that could come about through greater centralization, could also follow from patient and painstaking co-operation between Federal and Provincial Governments, and the remaining balance of economic advantage that might arise from forcefully transferring more power to the central government is easily offset by the political disadvantage of living under a paternalistic or bullying government." That's from the present Prime Minister.

Senator Thompson in his analysis of the situation said, "Honourable Senators, each of us in our conscience has to decide whether the eight Premiers against this resolution, six of them involved in court proceedings against this measure, are taking this action because they feel they are living under a paternalistic or bullying government." This from a former Liberal Leader in Ontario.

Mr. Speaker, I hope in the short period of time that's been available and by the use of these quotations that I've been able to demonstrate at least to some small degree to the members opposite the significance of the question that faces us. I would hope that the members opposite could see fit to unanimously support this resolution, to carry the message to the Federal Government that the Legislatures, not just the governments, but the Legislatures, at least of the Western part of the country do not support the efforts that are being undertaken because they realize that it is truly a fundamental change and an irreversible, largely an irreversible change that's being brought about in our country.

Senator Thompson, pointed out that no Prime Minister in our history has dared to break the rules of our fragile Federation. We now have a Prime Minister who is daring to break the rules of our fragile Federation. He will reap the consequences.

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

MR. LAURENT L. DESJARDIN (St. Boniface): Mr. Speaker, I certainly will agree with the last speaker that this should be a very important debate. I think that unfortunately at this late date it'll be next to meaningless and certainly will not accomplish very much. Mr. Speaker, I'm going to try not to pay too much attention to some of the members before I have a chance to say what I have to say. Of course, one of the Members here is throwing insults across the aisle as usual.

Mr. Speaker, I think the important thing is that we brought in — the last spokesman spoke very well, very calmly, but he set the tone, the tone that we've had all along, it was a negative, negative speech and it was all to try to taint, to destroy the credibility of the Prime Minister of Canada. If that is right then he

should not have objected when the Member from Elmwood did the same thing with the members sitting across.

Mr. Speaker, what we have now is not a debate — and I'm talking about across the nation, not here in Manitoba — it's not a rational debate, it is a confrontation, unfortunately, and that's all it is. It is a subject that is so important, I agree with all Canadians, and I'm not just saying that now, I've been saying that for a number of years, when the present government of Manitoba was saying that that wasn't.

Now the Member for Elmwood is being criticized for saying that there is other issues. Of course there's other issues, but I don't necessarily agree with them, he was jumped on. But not that long ago this is what the members from this side or some of the members from this side were saying. Well, all right, that side, I suppose Hansard will not show that I am pointing out. This should be a subject where the people have the right to express themselves without being accused of everything. There should be a dialogue and there should be a compromise and there should be give and take. I daresay, Mr. Speaker, there is a position, an earlier position, for every Canadian. I don't think that it is that much important to say that a group will show unity and all have exactly the same position on that. I think that if it was a free vote there's not too many of us that would agree in every instance. I think that is the important thing. So it doesn't bother me too much that some of the members that I sit with do not agree with me on everything. I don't think that that's the most important thing.

Now there is no doubt that the three parties are very much divided on this issue and you have some Members of the three parties on both sides, on either side. If we're going to talk about this let's try to be fair. Let's try to be fair and not say that everybody that does not agree with us is wrong. Then impute all kinds of motives that they are not sincere or anything. I'm not saying that the members from this side and I'm not saying that the Premier of this Province is not sincere, I'm not saying that, but I don't think that he should say that other people are not. There is no doubt that it's an emotional think and there's all kind of things and things change.

Now when I say let's be fair I'm talking for instance, all I've heard is unilateral decisions of the Federal Government. Well, unilateral as far as I'm concerned means one side only. The best example of unilateral, I think, has been the action of this government. You know, we've talked about that over a year ago in a way to try to co-operate to work together. The Minister talked about trust and trying to negotiate and sit down and show a uniform front. We wanted that. We asked for meetings before they had this referendum in Quebec, we wanted a chance to be brought together to talk about these things, but that was refused. We then requested when the First Ministers met, could we send maybe our Leader and somebody else as observers to get into the spirit of these things, and then maybe to be able to offer, to make a contribution. That was refused, Mr. Speaker.

So what did we have? Do you really realize that this is the third day that this has been called on, the third day to have discussion in over a year that we've

been requesting that, and everybody has been talking about it but in Manitoba this is the third day. The third day and as we know there could be pious statements that, all right, we'll take all the time; we'll sit till four or five o'clock in the morning. That's true. I've had 22 times that I've sat till three or four in the morning until we finished a session. But we know that the caps are off up to a point and there's been a little bit of starting the celebration of finishing this Session. Look at the Press Gallery, there might be the odd one listening, probably not. At this last date we are saying, well, be good fellas, work and work together, we're talking about this unilateral thing.

Then we ask for a Committee to listen to what the people have said. The Provincial Government made their position very clear. The Premier of Manitoba did not say, let's get together and formulate a position; this is my position and he said that even before discussing it with his own group. That was from way back and he said, I am going to fight until the last breath. I'm saying right now that I'm giving all credibility for being sincere; I'm not going to do like some other members, I'm saying that he's sincere, that he thinks he's doing the right thing, but it was his opinion, it's one man's opinion.

We tried and then the Committee was set after this was done. The Province had already gone to Court. This was the position that they were presenting to the people. We weren't asked to participate, not at all; we weren't asked to participate at all, we weren't given any chances at all. This Committee came in and I was a member of this Committee, and I daresay that if there was an advantage the people — I'm not going to try to make a big thing for and against the Constitution, that's not the type of speech I want to make at this time, because that I don't think you're going to change. There's emotion; some people say there's a question of conscience for certain people, and I don't think you change too many of these things. You might. I've listened to everything that was said with an open mind I can tell you, but I don't think that at this late stage that too much will be accomplished, that too much will be changed. But anyway this Committee can in and I daresay the majority, maybe not a big majority, but the majority were in favour of an enshrined Bill of Rights. This is the first Committee that I've seen, when you're talking about a Committee of people getting together to try to formulate this and they say, you Westerners work together and present a united front. We would have loved to at least have the chance to try that.

We listened to briefs; there wasn't another meeting called to say, well, okay, you've seen the briefs, what do you think? The next meeting the Government came in with a strong position. That was the situation and take it or leave it and it was brought in this House and now this resolution, Mr. Speaker.

You know, if you're going to say let's put this thing to rest, the unilateral; it was done in a way in the Federal Government and it was done the same way here. Somebody was saying to the Member of St. Johns this afternoon, don't go and hide and cry; if you're going to fight, fight fair. My friend here doesn't believe that you should fight fair. I think, especially in a case like this, you should at least fight fair or at least be honest with each other.

MR. GREEN: Who doesn't believe that we should fight it?

MR. DESJARDINS: You, you said that in a speech.

MR. GREEN: I didn't.

MR. DESJARDINS: I don't know.

MR. GREEN: I said the Tories don't want to fight.

MR. DESJARDINS: So, Mr. Speaker, how unilateral can one be? Now, I said, and I can really say that I had an open mind and I'm not ashamed of that. We're saying that the Federal Prime Minister is so pig-headed and then when he wants to give they say look he's turning around 180 degrees. You can't win. You're damned if you do and you're damned if you don't. Well, I started with an open mind. The first Committee meeting, my friend here made a very good speech. I was shaken, I figured, hey, maybe that isn't bad. Then I've heard others and I've read everything that I could put my hands on. I haven't got a very, very, very strong position on the Bill of Rights. I'll accept one now, if I have a vote I want a Bill of Rights. I want a Bill of Right and I'll tell you why. You know there's always the ifs and buts, but I always came back you may not have lived that, you didn't live it and you might think I'm exaggerating and you might think that it's not important, but to me and my people it was important. For 90 years we have been unjustly treated here —(Interjection)— You made your speech I'm going to make mine. All right, the thing is that's true. I know what he's going to say, he's going to say that it was like to Bill of Rights because it was in The British North American Act, but we didn't know that. If it would have been in The British American Act . . . That's right, that's right, we didn't realize that and I'll tell you that if it was now, it wouldn't take a hundred years before we would come back and say, hey, that's not fair, that's not fair, Mr. Speaker.

If there had been that kind of a discussion there might have been give and take, I might have gone along. You can't necessarily get everything your way. I might have gone along if there would have been this kind of co-operation, this kind of thing of trying to get together. I personally might have gone along with, let's say, a very small list of Bill of Rights or a compromise, a compromise like every single person but one that was called on this Committee, all those that said they were against an enshrined Bill of Rights. There was a member of the Committee that said, would you compromise, would you go on a Bill of Rights with the question of language, and all of them but one said yes. Some of the members of the Conservative Party were on that and privately said yes. But we have never done that. You know, this is the kind of compromise and dialogue that you might have, but I just go back and see . . . Another thing which I resent, I know it's not meant to hurt anybody and it's said sincerely, but I resent when somebody gives the platitude of saying it served us right for so many years, why do you want to rock the boat. It did not serve me right for so many years. It might be that if my rights and the rights of my people had been respected that we would be living in harmony in Manitoba, the French and English, and an example to the rest of the country of what it could be, instead of having to fight for everything, of being pushed on everything and then being called every name under the sun, Mr. Speaker.

So my point is I'm not saying that you're not sincere if you don't believe that. But please don't say that I'm not if I disagree with you. Please don't say that I'm not if I disagree with you and that is the important thing.

Now, Mr. Speaker, there is another thing. A Premier and a Prime Minister has to have credibility. Now it is not something that I'm going to point my finger only at this Party or this Government, but unfortunately — and there's more and more all over the world, I guess it comes in with all this thing that's going on with all this shooting everybody and so on. I don't know what this world is coming at. I mean there is less respect between politicians and everything else, we come as adversary, we have a right it seems, practically a duty of trying to discredit each other. Not only say, well, all right I don't believe — there's other Committees, there's people who are successful. We're not afraid to say you've got a good idea, but we can't say that if we're on the opposite side. We can't say that, we can only insult each other. We couldn't say that. (Interjection)— Well, all right, I won't, but I remember the last one who did in this House was probably me this afternoon who congratulated the Minister of Fitness and Amateur Sports because he brought a program that I believe in. All right, okay, I won't.

Well, Mr. Speaker, I probably know better than anybody else, but unfortunately this is what there is, it's this name calling. You've got to establish credibility. Let's look at the Premier who has made himself or was the self-styled leader and defender of the people. Well, what kind of credibility that we had, you say that we want to get together, he forced everybody, people who don't agree with him there's name calling all the time. Look what the newspapers are saying all over the country, see what he's thought of in other places outside of Manitoba, and what you really think if you're not afraid to say and if you ought to fair and when he falls down you'll be the first one to kick him, because it is not the way to deal and it's not the way of insulting people saying that they're crazy and they're dumb and they're communists and they're socialists, and that kind of stuff. You can't go on with that. That doesn't set up a person who will be the ideal negotiator, that won't be the guy that will be the negotiator.

Now understand, Mr. Speaker, that there's been a big thing made out of eight provinces together. Well it took them years and finally with pushing they finally brought some kind of an agreement. They couldn't agree themselves. At the end they brought in a kind — I wish these two would discuss this somewhere else, I didn't interfere when they were speaking on this and I think this is an important subject, and I'd like to be able to finish my speech.

Mr. Speaker, now the situation was that even those eight provinces are not that united. If they had been together, and I would be the first one to go along and we said that when they went, but all this is passé now. There is no chance that the two sides will get together. There is no chance and we know it and you know it and I know it. That is the thing that we've got to remember, but the situation was, Mr. Speaker, there was no doubt, I'll give them all the sincerity in the world, but the First Minister became the leader and he was used. He was used. He was used by Alberta to start with. You can understand,

you don't agree with Alberta, don't be too concerned about all this thing. The main thing is the question that it's a battle of power between two levels of government, that is the main thing.

Mr. Speaker, I can understand that the people of Alberta and the people of Saskatchewan wanting to have more and more power, not wanting to share the wealth to much of this country. I don't agree with it, I can understand it and maybe we would do it, maybe I would do it if I was in their place. We want to start looking after the interests of the provinces and that is natural but that's why we also have a Federal Government, and that is why we have to have a strong Federal Government.

Mr. Speaker, I don't understand how the Premier of Manitoba can go along with that one, we're a have-not province. When you're saying this is what we have and start talking about too much spending in Ottawa and start making a big thing about the police, the RCMP, we're not getting enough on all these programs. We want to be on the gravy wagon. We want to be on the gravy wagon but we don't want that strong of a Federal Government.

Mr. Speaker, the Premier of this province was used and what was their price. To soothe him to make him happy? All right, it was the Charter; the Charter of Rights. Because I've heard said that I don't think that they're that adamant on that. They went along as give and take . . . unite the provinces, I heard that nearly all the Premiers one time or other that they could at least negotiate.

And you know, they talk about the Federal Government. And they said, well, he doesn't want to negotiate. It's a package but it wasn't a negotiation, it was a surrender, an unconditional surrender and the Federal Government is doing exactly the same thing so that you have two forces coming together and you have confrontation. And the Federal Government is wrong and the provinces are wrong. Don't just think that you can have us go ahead and mough these things about the Federal Government but at least I can understand what the Federal Government has done. You know, we've been trying to change the Constitution here and all of a sudden it's very important by the same people are that were saying, well it's not that important.

I remember years ago when every effort was made to no avail. The provinces would not get together. Wacky Bennett wouldn't even bother going to the constitutional conferences. He wouldn't bother at all; it wasn't important to him. And these were the things and all of a sudden we have this. The Premier of Manitoba is being used by the provinces, by the province of Alberta especially and, Mr. Speaker, I remember when I made a statement in the House here that, God, it was revolutionized, I should be chastized, you know. And the First Minister now is in bed with Levesque, a separatist, for different purposes, for different reasons of course. That is what is going to destroy Canada an awful lot more.

Mr. Chairman, having said that, I don't want to give the opinion that I think that everything that's done in Ottawa is good. There's a lot of things I don't like. Lot of things I don't like and if you want my . . . we've been challenged to give our opinions on that. I haven't got no clear-cut thing. My idea was as soon as possible, or earlier, we should have got together and tried to discuss it. That wasn't possible

because these two chose to insult each other and to block each other and to bring a confrontation and it was a battle of power. Mark my word, there's no doubt about that.

Mr. Speaker, that was the situation. I don't like, for instance, the situation of, to say what can happen, talking about language. I'm not going to fool anybody; you know I'm interested in that. But only in certain provinces, not others, that you have to give something for . . . on the side. I don't agree with that. I think that we're talking about the Constitution and lot of things are being said and this hate. It's built on hate, these discussions are built on hate of the Prime Minister and unfortunately it's not his fault. It is the system. It is the system. It is the west and there is no doubt that the people . . . you can shake your head all you want. This country is so diversified. There are so many different needs that it is impossible to please everybody. (Interjection)— So you're going to look like all politicians because of the setup, you're going to look at what the votes are. That's unfortunate; I think our effort should be to try to have a better representation from the west.

One other thing that I deplore the most is that they decide, because the Senate, a bunch of tired old men, an old folks home, I figure they'd get rid of some people, not all of them, I don't want to include everybody in there but I mean the way it is set up and it's a political thing. It is a political thing, Mr. Speaker. The main thing is I think that this Senate should be reformed. And I think that there is a chance if nothing else to try to bring a better representation to the west; then we'll be able to discuss. Because right now don't blame the Prime Minister; it is the situation here and then the provinces and the Premier of this province have tried everything to do the opposite to put this anti-Trudeau in the west. You've got a situation; there is so much anti-Trudeau that the people don't ask what is the question. They ask what side is Trudeau on? That is why the NDP, the Federal NDP in Saskatchewan voted against him, because they had a pool and they know they would all be defeated if they didn't vote, that they knew they would all be defeated. Well, that is pretty darn sad. (Interjection)— No, I happen to know because I've talked to them —(Interjection)— Right.

But, Mr. Speaker, this is one of the situations that we have because of this vast country of ours. That is why I think we need a reform in this country. But the last speaker spoke about trust and he spent his time talking about quoting one person who was a genius, who was a terrific guy, he was a Liberal, and he changed. When I changed though, that was treason. So you know, it's fair, you think to suit yourselves. I could quote a lot of things. I could quote for instance people that I respect an awful lot and people who have not be associated with parties, if anything, I think he was a Conservative, I'm not even sure of that. There's an article and I'm not going to start quoting because as I said earlier I'm not going to convert anybody and nobody's going to convert me. I just want to say let's play fair; if we're going to have anything. If the First Minister believes that he should not change, that he's going to go fighting, well then, let him do it but let's not accuse somebody else of doing the same thing. It's not a dialogue, it's not a compromise, as I said earlier. It is

a surrender that you wanted. Complete capitalism, that's what he wants.

I refer the members to the Readers Digest of December 1980, why we need a Charter of Rights, and it's Senator Foresee, and I don't think I have to explain who Senator Foresee is. Is he a New Democrat now? Well, that's news to me. Then there was also another expert, so considered, expert on the constitutional matter, Mr. Gerard La Forest who is Professor of Law at the University of Ottawa and they both favour the Constitution, Mr. Speaker. So that doesn't mean they're right. I'm saying there's an awful lot of people that say. Now the First Minister said I'll go on fighting and they can't have it, against the people of Manitoba. Two days after there was a referendum. Even in the west, Mr. Chairman, in the Prairies, those that favour a chartered Bill of Rights was 56 percent. Those that said no were 15 percent and I don't know or undecided 29 percent. Nationally it was 62, 15 and 23.

So, Mr. Speaker, these are the important things but the Premier of this province considers himself as a very strong defender of democracy, and democracy as far as I was concerned was the governing of the people by people, in other words, the means to govern themselves in their own hands through their elected representative. And when you get the kinds of insult across, when you get these kind of things, when you get the First Minister getting up and saying as far as he's concerned no matter what's going to happen he's going to keep on fighting and you know the people are going to be against it.

Mr. Speaker, the position is that this thing is passe, and if this government was so right, if they have that strong a position, I think they would go along with the amendment that the Honourable Member for Inkster has. What does this amendment do? It sends things back where they are except that it forces the provinces to get together to try to get an agreement or the Federal Government that's they will make all kinds of changes. But the changes could be changed by another government.

Mr. Speaker, I certainly will vote. I would be tempted to vote with the Member for Inkster but not at this date, not at this date, because I don't think that there will ever be any meeting of the minds, that there'll be any discussion and I think unfortunately now you've got to push through and there's lot of things I don't like in that but I would support the position of the Federal Government and I certainly can't see myself supporting the provincial government on this, Mr. Speaker.

Now the position, it was said many times, and there's been a lot of quotes, so I guess maybe I could quote about this famous meeting of the eight Premiers. I'll quote from the McLean's of April 27. They said, "The eight Premiers did not really need any meeting with Pierre Trudeau last week. By the time they finished their own hotel suite meeting at two in the morning, they had what they came for. The eight after all had not laboured for months over their Constitution scheme primarily to make a deal with the Prime Minister in Ottawa. Their main aim was always just to reach a compromise with each other. In a staged television ritual next day they were able for the first time to present a unified alternative to Trudeau's constitutional plan despite . . . they

were divided. The agreement said Saskatchewan's Allan Blakeney was important because it was said to be impossible. They said their back was against the wall and this is where they agreed in some of the provinces, okay, if that's what you want, Lyons, well okay, you can have the Constitution, we'll be against the Bill of Rights."

Now this goes on to explain that the Premiers didn't really want to meet with the Prime Minister at all. And when he did say, here, I'm available, they were stuck, they didn't know what to do. Because they weren't trying to hammer out to get something ready so that they could go and present to him; they wanted to get something that they could confront him with and they'd been taunted so much that they had no unity, they weren't standing together and the big thing was to show strength of unity. If they had had a discussion, Mr. Speaker, you would see that many of them, as I said, would be ready to discuss, and when you discuss, when you say to somebody, well, come in, we'll see if we can get along, you put everything on the table. You can't say, well come, if you're going to change your mind. But we're not going to change our minds at all. That is not the compromise; that's not the give and take.

So, Mr. Speaker, I think that this country is strong enough, I think we're going through a difficult time, but I think this country is strong enough, and I think democracy is strong enough. I think that we will live through it. You know, many times we've had crucial times during the flag debate, I'm not going to make a comparison that the flag debate was the same as the Constitution, but at the time many things were said, that was going to be the end, that was going to destroy the country and the country has become stronger out of that.

Now you know, we have the kind of people that usually land on their feet. I don't like what is going on but I think that we have to something because if something isn't done now, if we wait for the provinces and Ottawa to get together, this will never happen. (Interjection)— It's contrary to the . . . so what? Well that's just it; so what. In other words, his next sentence will be, it'll serve us right; we don't need that. Well I don't agree with that. I don't think that it will serve us right. And we all made a commitment, every Canadian, when they lost the Quebec referendum. We were going to do something to change. That is the important thing and that's what has to be done.

I am going to excuse Mr. Trudeau to a point because I think he's tried to compromise, to say that he brought a program; that's not the way it happened at all. He had a program. He tried to get the Senate with him, he had to give and take, I don't like the things that he gave. He gave to Ontario; I didn't like that, but I say, I say that if the Premier of the western provinces, they could have said we were going to negotiate and they could have got something out of him, they could have gotten something much more. Now they've lost it all because it was a question, it was a thing of a fight, it was just a struggle, it was no compromise, nothing, and they lost the vote. My friend from Elmwood is absolutely right. This government blew it. They blew it, Mr. Speaker, and that is why they're in trouble, this is why in the last day of this session they're going to lecture us and say —(Interjection)—

Pardon? No, I refused that appointment. Does that please you? Mr. Speaker, —(Interjection)— Well, all right, this is fair, I don't mind that. I've been around for a while; I'll take care of myself, anywhere, in the hall, in here, I can discuss with pothole here, anybody else, it doesn't bother me. If that's what you want.

A while ago we were going to discuss the Constitution, but now they're going to try to attack me personally, to ridicule me. That's acceptable as far as I'm concerned; I don't mind that. I don't mind that. My conscience doesn't bother me a damn bit. I've tried to make a contribution; I'm not a genius. I've tried to be honest in this House for 22 years and I can say that my conscience doesn't bother me at all. I think I've accomplished as much as anybody around here, so —(Interjection)— Well, that's one man's opinion. That's right, it's my opinion. You know, I'm not that clever, Mr. Speaker, that I can give everybody's opinion. I can give my own and I tried to stay with that and let everybody else give their own opinions but my friend knows better, he can give everybody's opinion. When he talks, it's everybody's opinion.

Well, Mr. Speaker, I don't think we're getting anywhere with this business. I've explained my position. I feel sorry we're in a position like that but I have confidence in this country; I have confidence in the democratic system. I feel unfortunate that the Premier who had a chance, was in a position that he could have obtained, not everything he wanted, but who closed the door and decided instead to keep on with this name-calling and made it impossible for anybody to negotiate. He's to blame as much as anybody on the Federal side. We had a unilateral program on one side way less on the Federal side than on the provinces. Now if you want a clear definition of unilateral, see what has been done by the province, by this Minister — who's calling this bill now for the third time and it's been the most important thing we're told. The Minister to his credit worked so hard that he maybe endangered his health. We here on the last day of the session say, please, let's be united. Help us to vote on that, which is passe to a resolution that is meaningless. It doesn't mean anything at all. You've got to face it. There are two forces; nobody wants to give in. One will have to crush the other and that's it, right now at this stage. I want to see changes because I want to get busy with the economy, with inflation, with all these things. I want to take this out of the political arena in Manitoba so the people in Manitoba will know the real issues here.

We'll know about people who talk about restraint for many years and then all of a sudden are not talking about restraint, although every argument they advance is more appropriate. There's even more reason now, if you believe in restraint. I admire them when they say that but I don't admire them when all of a sudden they pull out and they say we've turned the corner because you see, that is why they're saying all of a sudden it's the most important thing.

If one was to search Hansard you will find out that the same members, including the Minister of Finance today who said that's the most important thing, not long ago was saying, this is a joke. Why is the Prime Minister spending his time with that when there's so much — the economy and all that and the restraint

and the inflation — those were the issues. But all of a sudden my friend from Elmwood has been right. This has been a fiasco. The program has not worked. Maybe it would have worked if they'd had the courage to stay with what they believed but they did it for three years and all of a sudden they backed away because there's an election. They're pushing themselves into a corner. They blew this. This would have been a good election. It's finished now. It's finished. —(Interjection)

It was very much of an issue and your Premier and our Premier tried to make it an issue and he spent an awful time on that but he blew it because he waited too long. He didn't try to dialogue where he could have said, at least I tried. He can go to the people and he can say, here, this was my attitude. I'm against them. They're communists, they're this and they're that, and then see if he can win an election with that. I don't think you'll call an election now. I don't think you'll call an election in the fall. You're going to wait until next spring when you're forced to call an election. Things are not going to get better because inflation and all that is going to get worse and by then you won't have this issue to knock around.

So maybe you'll quit this name-calling. If you're talking about sincerity and all that, be sincere and treat other people like human beings, people with feelings, people who have credibility, people who also have ideas and people who are sincere and not just say, well, they're against us. They're a bunch of communists. It's the big lie and it's this, and try to ridicule our Leader. There's more dissension in your corner than there is here. —(Interjection)— There you've got a dictator and you're all afraid of him. That's what's going on and he's going to bring you down with him.

MR. SPEAKER: Are you ready for the question on the proposed motion of the Honourable Member for Inkster, the amendment to the main resolution?

QUESTION put on the amendment, MOTION defeated.

MR. GREEN: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Has the honourable member support? Call in the members.

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

YEAS

Messrs. Boyce, Enns, Green, Hanuschak.

NAYS

Messrs. Adam, Anderson, Blake, Bostrom, Brown, Cherniack, Corrin, Cosens, Cowan, Desjardins, Doern, Domino, Downey, Driedger, Evans, Ferguson, Filmon, Fox, Galbraith, Gourlay, Hyde, Jenkins, Jorgenson, Kovnats, MacMaster, McBryde, McGill, McGregor, McKenzie, Malinowski, Mercier, Miller, Minaker, Orchard, Parasiuk, Pawley, Mrs. Price, Messrs. Ransom, Schroeder, Sherman, Steen, Uruski, Ms. Westbury.

MR. CLERK, Jack Reeves: Yeas 4; Nays 43.

MR. SPEAKER: I declare the motion lost. On the proposed motion of the Honourable First Minister, are you ready for the question?

QUESTION put, MOTION carried.

MR. MERCIER: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

YEAS

Messrs. Anderson, Blake, Boyce, Brown, Cosens, Domino, Downey, Driedger, Enns, Ferguson, Filmon, Galbraith, Gourlay, Green, Hanuschak, Hyde, Jorgenson, Kovnats, MacMaster, McGill, McGregor, McKenzie, Mercier, Minaker, Orchard, Mrs. Price, Messrs. Ransom, Sherman, Steen.

NAYS

Messrs. Adam, Bostrom, Cherniack, Corrin, Cowan, Desjardins, Doern, Evans, Fox, Jenkins, McBryde, Malinowski, Miller, Parasiuk, Pawley, Schroeder, Uruski, Ms. Westbury.

MR. CLERK, Jack Reeves: Yeas 29; Nays 18.

MR. SPEAKER: I declare the motion carried.
The Honourable Government House Leader.

REPORT STAGE

BILL 58 — AN ACT TO AMEND THE AGRICULTURAL LAND PROTECTION ACT

MR. MERCIER: Mr. Speaker, would you call Bill No. 58?

MR. SPEAKER: Report stage, Bill No. 58. Shall the bill be concurred in?
The Honourable Member for Gladstone.

MR. JAMES R. FERGUSON: Yes, thank you, Mr. Speaker. We have several amendments to Bill No. 58, An Act to amend The Agricultural Land Protection Act. I would hope you will bear with me because it's going to be quite lengthy.

THAT section 1 of Bill 58 be amended by striking out the figures "1(1)(ii)" in the first line thereof and substituting therefor the figures and letter "1(1)(a)(ii)".

MOTION presented and carried.

MR. FERGUSON: Thank you, Mr. Speaker.

THAT proposed clauses 1(1)(e) to (k) of The Agricultural Land Protection Act set out in section 2 be struck out and the following Clauses substituted therefor:

- (e) "effective control" includes any control over any right, title or interest in or to agricultural lands or over a corporation that a person or corporation exercises directly or indirectly
- (i) through direct or indirect ownership of the right, title or interest, or of the shares or securities of the corporation, or

- (ii) through direct or indirect control over a corporation, syndicate or other body which has direct or indirect ownership of the right, title or interest or of the shares or securities of the corporation, and "effectively controlled" has a corresponding meaning;
- (f) "foreign controlled corporation" is a corporation that is effectively controlled directly or indirectly by a person who is not a resident of Canada;
- (g) "ineligible person" means a person who is not a resident of Canada and includes a foreign controlled corporation;
- (h) "land holding" includes
 - (i) any interest in land held under an agreement to purchase the land that may directly or indirectly result in the vesting of title or confer the right to possession of that land, or confer any right or control ordinarily accruing to an order of land,
 - (ii) any lease of land that would vest in the lessee possession and control of the land,
 - (iii) land legally or beneficially owned by a corporation whose shares or securities of a kind or class designated in the regulations for the purposes of this clause are owned or held by ineligible persons, and
 - (iv) any other interest in land, other than those specified in sub-clauses (i) and (ii), but does not include any land or an interest in land held by way of security for a debt or other obligation;
- (i) "minister" means the Minister of Agriculture;
- (j) "resident of Canada" means
 - (i) a Canadian citizen, or
 - (ii) a landed immigrant who is permanently resident in Canada, or
 - (iii) any individual who is lawfully permitted to reside permanently in Canada, or
 - (iv) a corporation effectively controlled by Canadian citizens, landed immigrants or other corporations that are residents of Canada whose lands in Manitoba, if any, are effectively controlled by Canadian citizens, landed immigrants or other corporations that are residents of Canada.

Mr. Speaker, I would point out that these particular amendments come from the Member for Inkster, a portion of them.

MOTION presented.

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

MR. URUSKI: Mr. Speaker, I wonder if the Minister can elaborate. Is it strictly technical change? We've looked at the amendment. I want to know what the substantive change of this is.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Mr. Speaker, the motion before the House, as far as the motion is concerned, is to more clearly define the term of effective control of the corporations. It is with that in mind that these amendments have been introduced, Mr. Speaker.

MR. GREEN: Mr. Speaker, the honourable member says the new definition of "resident of Canada" is what I suggested. I want to indicate to him that it is slightly different than what I suggested and I'm not even going to quibble about whether it comes out in exactly the same way because I'm not sure.

"Resident of Canada" means, (i) a Canadian citizen; (ii) a landed immigrant who is permanently resident in Canada; (iii) any individual who is lawfully permitted to reside permanently in Canada. Now the placing of the "or" there I don't think changes it but I am concerned with "a Canadian citizen or landed immigrant who is permanently resident in Canada". I gather that the "i" and the "ii" are considered by the Counsel to separate the first clause from the second clause and, on that basis, I am proceeding. I just want to indicate it's not exactly how I see it.

QUESTION put on the amendment, MOTION carried.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. FERGUSON: THAT section 3 of Bill 58 be amended by striking out the proposed subsections 1(1.1) and (1.2) of The Agricultural Land Protection Act set out therein, by renumbering the proposed subsection (1.3) of The Agricultural Land Protection Act set out therein as subsection 1(1.1) and by striking out the words "an agricultural" in the first line of the proposed subsection and substituting therefor the word "a".

MR. SPEAKER: Can I have the seconder for that motion?

MR. FERGUSON: Seconded by the Honourable Member for Roblin, Sir.

MOTION presented and carried.

MR. FERGUSON: Moved by myself, Mr. Speaker, seconded by the Member for Roblin

THAT section 5 of Bill 58 be amended by striking out the figures "2(2)" where they appear in the first line thereof and again in the first line of the proposed subsection "2(2)" of The Agricultural Land Protection Act set out therein and substituting therefor, in each case, the figures "2(1)".

MOTION presented and carried.

MR. FERGUSON: Moved myself, Sir, and seconded by the Member for Roblin

THAT the proposed clause 3(4)(c) of The Agricultural Lands Protection Act as set out in section 6 of Bill 58 be amended by adding thereto, immediately before the word "addresses" in the first line thereof the word "mailing".

MOTION presented and carried.

MR. FERGUSON: Moved by myself, seconded again by the Honourable Member for Roblin

THAT the proposed subsection 5(1) of The Agricultural Lands Protection Act set out in section 7 of Bill 58 be amended by striking out the last three lines thereof and substituting therefor the following lines:

acres or less, not later than 2 years from the day of the acquisition of the land, or such

period as the board may on application allow for the purpose of avoiding undue hardship."

MOTION presented and carried.

MR. FERGUSON: Moved again by myself, Mr. Speaker, and seconded by the Member for Roblin

THAT the proposed subsection 12(5) of The Agricultural Lands Protection Act as set out in section 14 of Bill 58 be struck out . . .

MR. URUSKI: Before we jump to that amendment, Mr. Speaker, I do have an amendment on section 9, Mr. Speaker.

I move, seconded by the Member for Ste. Rose

THAT the proposed subsection 7(2.1) of The Agricultural Lands Protection Act as set out in section 9 of Bill 58 be struck out.

MOTION presented.

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

MR. URUSKI: Thank you, Mr. Speaker. In moving this amendment, Mr. Speaker, to The Agricultural Lands Protection Act I want to make it clear, and at least the impression was created by the Minister in the House when last this item was debated last Friday in the supply motions, that members on this side somehow were opposed to the stiffer penalties that were proposed in this Act, Mr. Speaker. That was not the case at all; the members on this side wanted a stronger piece of legislation.

Mr. Speaker, this bill tonight, by the amendments that were moved by the Member for Gladstone, clearly set out, clearly indicate that no matter how many times you amend this bill — and you can amend it until you are blue in the face — the way the bill is written now, you will not be able to control what you are really setting out to do, is to keep farmlands for Manitoba farmers, Mr. Speaker. You've pretty well rewritten the Act tonight, Mr. Speaker, by the basic definitions and the basic changes we've made to the present legislation that was proposed we've rewritten the legislation. But not only that the section I'm proposing to remove, Mr. Speaker, we really don't need the bill.

All we needed in the legislation, if we were to keep this section in, is keep this one section in The Farmlands Protection Act. What does this section say, Mr. Speaker? "Notwithstanding any other provision of this Act where the board is satisfied that effective control over land or the owner of land is vested directly or indirectly in an ineligible person, the board may order the owner or the ineligible person to reduce his holdings to the maximum permitted under section 2". Mr. Speaker, what are we really doing here? We really don't need the legislation; we need this one section and you have your bill. You may as well transfer all the powers from this Legislature to that board that you've appointed and let them make the decisions. That's really what you're saying here.

Don't fool the people. If you're intent on saying we are not going to allow foreigners to purchase the land then why bring this bill in? Bring this one section in and you've got your powers. Vest them in the board and let them make the decisions because

that's really what you're doing. We're not opposed to the penalties in terms of dealing with the individuals, in fact, Mr. Speaker, the Act that was previously in force before the change of government, the penalties that were changed under that Act were reduced by your administration. All you are doing is trying to fool the citizens of Manitoba that there is going to be a piece of legislation that will be effective.

Mr. Speaker, how many times do we have to repeat, the only time there will be effective legislation is if there is a move to have the ownership of land in resident owner-operators. When you leave the corporations out of the legislation you will be able to have more effective control. Even then you may not have full control, Mr. Speaker. The Minister of Agriculture last Friday — he's trying to make a case, Mr. Speaker, that this legislation, and I quote from Hansard on Page 3739, he said: "The concern is that we have to maintain the agricultural land base in the hands of Manitoba farm people or Canadian farm people or people who want to come to this nation or this country and to become farmers". Mr. Speaker, if that's the intent he should bring back the legislation that was on the books prior to your changing it, because you're not going to do it. What does he mean, Mr. Speaker? He knows all the transactions that have been coming in where Canadian corporations have been set up legally and the legislation has been circumvented and it will continue to be circumvented, Mr. Speaker.

This Section 7(2.1) is really a section one can describe that even if you didn't break the law we're going to stop you, that should be the headline of the section because that's the powers that will be given to the board in Manitoba. Mr. Speaker, you may as well — the Member from Gladstone — if they're really intent on keeping this section in the bill, they may as well pull out and repeal all the other sections because then you can at least say, notwithstanding we are going to vest this authority in our Farmlands Protection Board and let them do as they please, Mr. Speaker, let them do as they please even though we say we have a good strong law. We say we have a good strong law on farmlands protection, that's not good enough because we want to give this board the extreme Draconian powers of saying, even though you're not breaking the law we're going to stop you, Mr. Speaker.

Surely the Conservatives should be confident enough in their own legislation that they really don't need this section, if they say their bill is as strong as it is and the powers that have been given to the Farmlands Protection Board are as strong as they say it is, then why do they need this section to give them some additional powers? Additional powers that nobody knows what they will decide upon. Almost the same argument, Mr. Speaker, that we made in some of the profession bills we were talking about, giving the powers to the Professional Association Board to deal with their own members but this will be dealing with all the citizens in the Province of Manitoba, notwithstanding any provision of this Act. No matter what this act says, we will do what we see is right, Mr. Speaker, that's really the intent.

You see, Mr. Speaker, the violation under Section 2 which allows foreigners to own 20 acres in the Province of Manitoba, if you look at the provincial

land-use guidelines, what do the land-use guidelines tell you? That you don't, if I recall, any subdivision under 80 acres requires permission through the municipality, through The Planning Act. So, Mr. Speaker, are they now going to be repealing their land-use guidelines in the Province of Manitoba to allow anyone who is coming in to have a subdivision of 20 acres? Are you saying to any prospective buyer that you can have this subdivision as a foreigner? If you're going to allow any foreigner to purchase 20 acres and have it conferred by this legislation, Mr. Speaker, you're going to have to repeal your own land-use guidelines.

Mr. Speaker, it's very clear that the bill by this section is ineffective, is pure window-dressing. There's no doubt about it. We've said it and we say it again, Mr. Speaker, that this bill is pure window-dressing; that no matter how — and even the Minister of Agriculture has the gall to say that we want to maintain the agricultural land base in the hands of Manitoba farm families — and he went on to say that what we are attempting to prohibit, Mr. Speaker, is people who may be an industrialist or any other individual living in another land, deriving, living, putting all the benefits of their businesses there and all their tax base being in that country and coming to this country and adding nothing to it. Mr. Speaker, that's what the Minister indicated that this legislation will do.

Mr. Speaker, what is the difference between those people and a non-farming Canadian corporation that wishes to purchase farmland? What is the difference if they're not going to farm it? I mean that's what the Minister indicated in his remarks that this legislation will do. I mean who is he trying to hoodwink here, Mr. Speaker? Who is the Minister of Agriculture trying to convince? Surely he should be trying to convince his own leader, the Premier of this province, under whose direction this original legislation was written.

Clearly it was the Leader of the Opposition who came to committee and argued on behalf of the Conservative party most vociferously against the previous legislation. He said that anyone in Canada, a Canadian corporation or individual should be treated the same; the penalty should be lessened for Canadian corporations and there should be no restriction on the purchase of farmland by anyone in Canada, Mr. Speaker. So, they brought in this legislation.

But now, let not the Minister of Agriculture try to stand up and defend the policy, that this is the policy of keeping farmland for resident owner operators because it is not, Mr. Speaker, it is clearly not but he's certainly attempted to indicate that this is the case. Mr. Speaker, last Friday he even attempted to say that the Opposition changed its mind with respect to this legislation, that somehow it flip-flopped. Mr. Speaker, nothing could be farther from the truth. It may have been a figment of the Minister's imagination, that someone had a change of heart. Mr. Speaker, we are not objecting at all to the penalties contained in this Act but to show that the Conservatives really mean this legislation is as powerful as it is, why do you have to vest powers in a board that you would not give to anyone else; powers that no one knows because it's notwithstanding any provision of this Act.

So, Mr. Speaker, we want strong Farmlands Protection legislation in the Province of Manitoba. We have clearly stated that. We want farmlands to be primarily kept for owner-operators, not for absentee ownership as this bill will continue to expand, Mr. Speaker. This bill will continue to allow absentee ownership of farmland, to continue purchases to be made continually and increase, notwithstanding any assurances that the present Minister of Agriculture and the government might indicate, Mr. Speaker.

So we will continue to have those purchases going on, Mr. Speaker. We believe that this measure in this section here is not a penalty section, Mr. Speaker, it is a section that will take out — and may as well — they may as well have taken the rest of the bill out and just left this section in because it would have been as effective, in fact more effective, because then the board could have dealt with any situation, the powers of the board.

MR. SPEAKER: I realize the honourable member is trying to make his point but I would hope that he doesn't become too repetitive.

MR. URUSKI: Mr. Speaker, I've made my point on this section and I want to say again we want strong Farmlands Protection legislation in Manitoba. This legislation clearly indicates that there will continue to exist, loopholes in the legislation as large as you can drive a train through. It will be circumvented clearly, Mr. Speaker, there is no doubt about it. Until the government decides to remove the aspect of corporate buying out of the legislation and primarily keep farmlands for resident owner operators, that problem will continue in the Province of Manitoba no matter what you do. You can stand on your heads and farmlands will continue to be bought up and we will have an increased amount of absentee ownership.

An increased amount of absentee ownership will have what kind of effect and it's having that effect on rural communities, Mr. Speaker? Rural communities will decline. The numbers of farmers will steadily decline; we will have more and more consolidation; you will have towns disappearing and you will have small businesses continue to go bankrupt. — (Interjection) — The Member for Gladstone can give me the raspberry all he likes, Mr. Speaker, I am pleased to receive his raspberry because it will be some of his own communities that will disappear as the consolidation process goes on as farms become larger and larger.

Mr. Speaker, unless we are prepared to say that we don't want to follow the American experience — to have one large farm as the Conservatives try to paint through our land-lease program, through the purchasing of farmlands and through the state farm program to have one large farm — Mr. Speaker, you don't have to go very far, you just go south of the border. You could have one farm raising all the turkeys in Western Canada as they do in Wisconsin and in Minnesota, Mr. Speaker. We could have one farm. We could have the farm have the hatchery, have the turkey barns, the production, the processing and the trucking outfits and the whole thing in one little operation if you want to go that route. I mean it's here. It's here already.

So what do you want in terms of rural lifestyle in the Province of Manitoba? You are opening the door.

You have opened the door several years ago. It will continue. We know that consolidation will continue in any event to some degree, that it can't be totally prevented but, Mr. Speaker, clearly you are enhancing and speeding up the process. If that's the direction you want to take in terms of presenting a rural policy, a rural lifestyle for the people of this province, go on and pass this piece of legislation, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I raised this point last week. The Honourable Member for St. George has apparently got the point as to the arbitrariness of the legislation but he has missed the point completely as to whether the kind of legislation that we are dealing with is going to make it available for people who wish to go into farming in the Province of Manitoba, to be able to do so. He apparently feels that you can cure the disease by cutting off one little portion of it and that's not the fact, Mr. Speaker. I will vote certainly to remove this which I referred to as a fascistic section from the Act and I think that the Minister is going to have to agree this section be removed from the Act.

The difficulty is, Mr. Speaker, that what the Member for St. George says is correct, that the moment you go into this type of legislation you are going to be continually told there are loopholes and you are going to be continually told they're going to be blocked off. What the Member for St. George says in that he wants a stiffer bill, if you're going to have a stiffer bill you're going to have to have more such sections and the fact is that when you remove this section you're going to have to add more fascistic sections in order to give you a bill that is going to control the purchase of farmlands in the Province of Manitoba by a particular person. If that person happens to be identified as a foreigner you're going to have to have all kinds of rules to continue to try to seek that person out and eventually you'll wind up with a section. In order to cover all the rules and all the loopholes you will eventually wind up with a section that says the board will decide that he doesn't like the ownership of this land.

Now it's not the section that is the problem, it's the philosophy of the bill that's the problem and the philosophy of this bill, Mr. Speaker, is that you're going to solve the problem of farmland availability by getting after the foreigner, that's what you have said. You have taken a section which I will say, Mr. Speaker, that I would have to concede that the efforts to deal with non-residents, not described as foreigners, were probably just as futile but at least they didn't make it jingoistic. At least we weren't talking about people on the basis of their citizenship so that a person in Toronto could own all the land in the Province of Manitoba; but a person who lived in Noyes, couldn't. There was an attempt at taking the jingoism out.

When the Conservatives came to power they put the jingoism in and said that a foreigner is a person who is non-Canadian and they thought they made the Act more palatable and, Mr. Speaker, I'm going to say within the confines of these four walls — (Interjection)— are there four walls? It's kind of a circle. That it made it more palatable to many New

Democrats too. Well, Mr. Speaker, it made it more palatable to many New Democrats too because many New Democrats also believe in this form of economic nationalism that says if a Canadian is the owner it is good, and if a foreigner is the owner it's bad. They talked that way about oil companies, they talked that way about the mining companies and they talked that way about farmland and it is not the problem as to whether it is foreign owned or Canadian owned, that's not the problem.

The problem really is whether it is publicly owned or privately owned. —(Interjection)— That is correct, Mr. Speaker. Mr. Speaker, I have no difficulty in this. I have said continually and I repeat, that the vast majority, the vast majority, I would say the minimum in the foreseeable future and in the indefinite future of 95% of the agricultural lands in the Province of Manitoba are going to be owned by private individuals, privately and hopefully most of them will be farmed by the individuals who own them.

But there should, Mr. Speaker, be an option available — and by the way if that option had been continued, if the farmers who elected to rent lands from the public in the years 1976 and 1977 had kept those leases on those lands they would be the only farmers who don't have the interest problem and the investment problems in their lands — Mr. Speaker, every other farmer has got one or two problems. Either he's sitting on \$1 million worth of land which is not giving him a return based on the \$1 million, or he's paying interest now on land that he's bought at a high rate and the interest is killing him in terms of his earning power. So what the Minister did was make available only to those who wanted it — and the Conservatives would deny it to those who wanted it — they would make it compulsory you not want it and they would say it's freedom to make it compulsory that you not want it.

Mr. Speaker, the Conservatives would make it a law that you must own it otherwise you are not free. So all of these efforts — and the New Democrats are just as much to blame as the Conservatives — all of these efforts are going to lead to that kind of section and they're going to lead to a section that you've got further in the Act, that a farmer who sells his land to a foreigner — I brought these two sections out the other day and there are others — the whole Act is fraught with them and will continue to be fraught with them because every year your bureaucrats will come to you and they'll say to you, we need some more tougher sections. The Member for St. George will say we need to plug the loophole and every time you plug the loophole you will bring in one of these sections which are foreign to our system of jurisprudence and do us much more harm than a foreigner owning a piece of land in the Province of Manitoba, much more harm. (Interjection)— Yes, okay then why are we doing it? What is the window dressing? So we can get a jingoistic kick and go back to the constituency, we're keeping those foreigners out of owning land in the Province of Manitoba. That's what's happening, Mr. Speaker.

Well alright, Mr. Speaker, do you want to play that game? I never played it. I never said it; when I was with the committee I never said it; I didn't say it when we were passing the bill and when we passed the bill we kept out that part of it. We said non-

resident. I admit that the bill was not nearly as important as the Minister of Agriculture's program. If you are going for bill, plugging loopholes, keeping out the foreigners, go ahead, but then you wind up with these sections, Mr. Speaker.

Certainly I'm going to vote to throw out this section because it's a reprehensible section. I will vote for the other amendment, also which I brought to the attention of the House last week in terms of farmers selling land but after I do that, Mr. Speaker, I'm not going to say I approve of the bill. I'm going to say I'm against this bill; I'm against the very philosophy of the Act and the reason I'm against it, Mr. Speaker, is it doesn't solve the problem of farmers in the Province of Manitoba.

MR. SPEAKER: Are you ready for the question?
The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, I would just like to put on the record that I cannot support the amendment by the Member for St. George.

However, we are prepared to introduce another amendment that would reduce the Board somewhat and following the vote on this one, would see that the Members have an opportunity to further look at a change in this particular section, Mr. Speaker.

I would like to make one further comment. The Member for St. George indicates that the whole weakness of the bill is that it is not going to do the job it's expected to do and yet he introduces a proposal that would in fact give the authority to the Board to do that. So I, Mr. Speaker, suggest that I'm not supporting the striking out of this part but will be reintroducing an amendment to further make some changes to it.

MR. SPEAKER: Are you ready for the question?

QUESTION put on the amendment, MOTION defeated.

MR. SPEAKER: In my opinion the nays have it. On division? Is that agreed?
The Honourable Member for Gladstone.

MR. FERGUSON: Yes, thank you, Mr. Speaker. Moved by myself, seconded by the Member for Roblin that the proposed Subsection 7(2.1) of The Agricultural Lands Protection Act section on Bill 58 be amended by striking out the words "Notwithstanding any other provisions of this Act".

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: I wasn't going to explain it, Mr. Speaker. I'll tell you what I think happens, Mr. Speaker. Now we read it as if those words weren't there. Okay. So cross out those words. It says: "Where the board is satisfied that effective control over land or of the owner of land is vested directly or indirectly in an ineligible person, the board may order the owner or the ineligible person to reduce his land holdings to the maximum permitted under section 2".

Now, Mr. Speaker, if that had come in that way 7(2.1) and started, "Where the board is satisfied", I would have looked at that section and said it says

exactly the same thing, "Where the board is satisfied that effective control over land or of the owner of the land is vested directly or indirectly", I would have said that after you've defined all of these things you've added a provision that "Where the board is satisfied that effective control over land is vested directly or indirectly in an eligible person", it can order the board to renew. Now, Mr. Speaker, I'm not sure that removing those words has any effect and if I looked at that section and the words weren't there, I would have had just as much concern with it.

What I think the Minister would want to do is say, "That where the board is satisfied that control over land is held contrary to the provisions of this Act", it could do these things. Well, Mr. Speaker, it doesn't say that it's contrary to the provisions of this Act. It says "Where the board is satisfied that effective control over land or over the owner is vested directly or indirectly in an ineligible person, the board may order the owner or the ineligible person to reduce his land holdings to the maximum permitted under Section 2".

Now I would say that after the words "ineligible person", it should say if you want to define it as under the Act, "contrary to the provisions of this Act", because otherwise they merely have to be satisfied that it's held in control of an ineligible person. I wonder, Mr. Speaker, and I'm not really in a great mood to try to correct, but I wonder whether I am wrong in asking that those words be added "in an ineligible person contrary to the provisions of this Act", because then they have to go to the Act to be satisfied that it is held by an ineligible person.

Now Legislative Counsel maybe thinks this is not necessary and if he does I'll just say, I thought it would be. If he says that the words being added does help, then I would suggest that those words be added.

MR. SPEAKER: Order please. May I point out Subrule 8 of Rule 88 — "Where the order of the day for the consideration of the Report Stage of a bill is called, any amendment of which notice has been given in accordance with Subrule 5 is open to debate but no motion to amend the amendment shall be accepted except by resolution of the House."
The Honourable Member for Lac du Bonnet.

MR. SAMUEL USKIW: Mr. Speaker, I want to raise the same point but before I do, I want to remind this government and this Minister that they have no mandate to do what they are doing in this legislation. Mr. Speaker, they have no mandate to do what they are doing because they came into the office of government, Mr. Speaker, three-and-a-half years ago on the basis of Free Manitoba, of deregulation, of less control, —(Interjection)— oh yes, that's exactly what they came in on. They didn't come in on the basis that they were going to regulate people from one end of this province to the other, Mr. Speaker. Here you have an authoritarian section in a bill that doesn't belong in any democratic system, Mr. Speaker, that's what you have.

Mr. Speaker, any time a political system gives this kind of power to a bureaucracy, they are abdicate their responsibility, they are not fit to govern. The idea that the legislation is spelled out chapter and verse and then at the end of that they say, but if the

legislation isn't strong enough we empower the board to do whatever they wish to do, is not something that should be found in democratic systems of government, Mr. Speaker.

I suggest to the Minister of Agriculture and to the members on that side that they had better examine what they are doing.

MR. SPEAKER: Order please. We can only have one speaker at a time. I recognize the Honourable Member for Lac du Bonnet.

MR. USKIW: Mr. Speaker, I don't mind saying here right now that during the course of eight years of government, that I have had my own experience as a Minister in dealing with bureaucracy. I can tell you that I ran across occasion after occasion where bureaucracy always wanted more power than what was in legislation than what was intended, to achieve the aims of the department, to achieve the aims not necessarily of the Minister, Mr. Speaker, but the nature of a bureaucracy is to become more and more in control and more powerful of the system and this kind of provision has no place in this province, Mr. Speaker.

This government who came in on the theory that they wanted to have less regulation, deregulate the people of Manitoba, minimize the rules that govern the people of Manitoba, to bring in this kind of a section in a bill that empowers a board to go beyond the Act and to use their discretion in so doing, Mr. Speaker, I give up, I can't understand that kind of language from a Conservative administration.

Mr. Speaker, there is another way in which this Minister could improve this section if he wants to keep it, although I think that he should ideologically agree with the motion of the Member for St. George — I think he can agree with him ideologically, Mr. Speaker — but if he wishes to have this section, there is another way of correcting it and that is, that instead of leaving it as it is if we were to delete the words "the board is satisfied" the bill would then read: "That where effective control over the land or the owner of the land is vested directly or indirectly in an ineligible person, the board may order the owner or the ineligible person to reduce his land holdings to the maximum permitted under section 2". If they did it that way, then the onus is on the board to prove ineligibility, Mr. Speaker.

So, Mr. Speaker, under no terms am I prepared to accept this kind of legislation as being legislation that is in keeping with democratic principles in a system of responsible government, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: On a point of order, Mr. Speaker, I believe the change that was suggested would, by leave of all the honourable members, be accepted and I believe that was what the Minister is now obtaining. I want to make it clear, Mr. Speaker, that although I suggested this change to make it more palatable I still don't agree with the Bill.

MR. SPEAKER: Order please. Before we can accept any change it would have to be by unanimous consent of the House. Is there that leave? (Agreed)

The Honourable Minister.

MR. DOWNEY: Mr. Speaker, I am quite interested to hear the Member for Lac du Bonnet come out with the kind of speech he gave. I would not, at this particular time, take him on and try and correct for the people of Manitoba just what he did leave us with when we came in and took over this particular position of government with the restrictions that were on Manitobans and non-agricultural people and foreigners and he's now saying that in fact we are so terrible. I agree with what the Member for Inkster has said, Mr. Speaker, that there should be some further change made and I would ask that we have leave. I appreciate the opportunity to have one of my colleagues reintroduce a further amendment to that section of the Act, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID BLAKE: Mr. Speaker, I move, by leave, seconded by the Honourable Member for Crescentwood

THAT the motion be amended by adding thereto, at the end thereof, the words; and by adding thereto immediately after the words "ineligible person" in the third line thereof the words "contrary to the Act."

MR. SPEAKER: Can the honourable member repeat that amendment?

MOTION presented and carried.

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

MR. URUSKI: Mr. Speaker, I move, seconded by the Member for Lac du Bonnet

THAT the proposed clause 12(2)(a) of The Agricultural Lands Protection Act, as set out in Section 14 of Bill 58, be amended by striking out the words "or sells". That is 12(2)(a).

MOTION presented.

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

MR. URUSKI: Mr. Speaker, it appears that members on this side are having to assist, contrary to statements that have been made by the government, assist the farmers of Manitoba and rewrite some of the legislation that's being proposed by the Conservative party. This section, the implications of it — and I have to admit we missed it on the first round; we did miss it on the first round — the implications of this section. Mr. Speaker, this section would have put the farmers of Manitoba, the onus on them, whoever wished to sell land, to have to prove to whom he is selling land; that the person who he is selling the land to has to be eligible under the Act. That if, for some unknown reason he couldn't check that out, the farmer, the vendor, would be as guilty and in contravention of the legislation — (Interjection)— Well, Mr. Speaker, the Member for Gladstone says we've bought your amendment so what do you want? It clearly points out by the amendments tonight.

I remember, Mr. Speaker, a debate in this Assembly when the Member for Lac du Bonnet, the former Minister of Agriculture, brought in The Farm Machinery Act when there was a whole host of amendments and we debated them for hour on end and the Opposition at that time said, you know, you shouldn't have brought in that legislation; that legislation had to be totally rewritten; it was not good legislation; we've had to rewrite it from front to back.

Mr. Speaker, what have we had here tonight? We've had amendments that have completely changed the initial intent of the Act. We've had loopholes upon loopholes try to be plugged which still won't be plugged; we've had Draconian measures that have been placed in the Act to be changed; we have other measures which have put farmers, Mr. Speaker, at a total disadvantage under this legislation and we'll see whether the government accepts this amendment.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I know that the Member for St. George, when he talked about how the Opposition corrected the legislation of the government and had to deal with this problem that arose, that he will tell his constituents that the Progressive party was the one that indicated to them that the change had to be made. I know that the Member for St. George will do that.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, I would be very pleased to accept that amendment from the Member for St. George and the Member for Inkster is very correct, it was he who pointed it out during the Committee stage that that particular part should be changed. I believe in giving credit to those who deserve it and I will give them credit for recommending it and of course bringing it forward.

QUESTION put on the amendment, MOTION carried.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. FERGUSON: Thank you, Mr. Speaker. Moved myself, seconded by the Member for Minnedosa

THAT the proposed subsection 12(5) of The Agricultural Lands Protection Act as set out in Section 14 of Bill 58 be struck out and the following subsection substituted therefor:

Time for prosecutions.

12(5) Notwithstanding the provisions of any other Act of the Legislature, a prosecution for an offence under this Act or the regulations may be commenced at any time within two years after the date of the alleged offence and a prosecution for an offence under this Act or the regulations which relates to or arises out of any misrepresentation or fraud on the part of the accused, may be commenced at any time before the expiration of two years after the date on which the misrepresentation or the fraud became known to the Minister or the Board.

MOTION presented.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MS. WESTBURY: Very briefly on this amendment, Mr. Speaker, and of course on the original bill as well. The Liberal party wants to go on record as being of the opinion that the period of two years is too short a time as set out in the amendment.

QUESTION put on the amendment, MOTION carried.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. FERGUSON: Moved by myself, seconded by the Member for Minnedosa

THAT the proposed Clause 13(e) of The Agricultural Lands Protection Act as set out in Section 15 of Bill 58 be amended by adding thereto, immediately after the word "shares" in the first line thereof, the words "or securities".

MOTION presented and carried.

MR. FERGUSON: Moved myself, seconded by the Member for Minnedosa

THAT section 17 of Bill 58 be amended by striking out the words "the day it receives the Royal Assent" and substituting therefor the words "a day fixed by proclamation".

MOTION presented.

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

MR. USKIW: Mr. Speaker, we are now in the last section and that is the operative section. I appreciate the fact that the Minister has again accepted our suggestion that he not proceed with it by way of Royal Assent but rather by proclamation in order to give him further time to analyse his legal position and to determine how he is going to implement this program. Having said that, Mr. Speaker, I want to leave it on the record that this bill will not stop the purchases of property in Manitoba, of farmland, on the part of foreigners anywhere in the world. I don't believe that we have devised one when we were in government that was foolproof; I don't believe that this is going to do it, Mr. Speaker. It may result in a little change in the way in which the legal people apply their work to get around this legislation, Mr. Speaker, but that is going to be the sum total effect of this legislation. Anyone that wants to buy land after this legislation is proclaimed and wants to buy it with foreign capital will continue to do it and will get around this legislation.

QUESTION put on the amendment, MOTION carried.

QUESTION put on the MOTION as amended and carried.

MR. SPEAKER: The Honourable Government House Leader.

THIRD READING

**BILL 58 — THE AGRICULTURAL
LANDS PROTECTION ACT**

MR. MERCIER presented Bill No. 58, An Act to amend The Agricultural Lands Protection Act, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. HARRY J. ENNS (Lakeside): Mr. Speaker, I would like to address myself to Bill No. 58 for a few moments at this third and final reading stage. I'm concerned about one aspect of it. It is an Act entitled An Act to amend The Agricultural Lands Protection Act and while we have attempted to place a great deal of attention on the fact that we want to exclude the foreign speculators from buying up Manitoba agricultural lands, we have been paying less attention to the fact that we do not, in any way, suggest that foreigners who have shown an interest in becoming Canadian citizens by applying for landed immigrant status are welcome; their expertise is welcome; their entree into Manitoba agriculture is welcome and their capital and their money is welcome. While Canadian citizens choose to opt perhaps for the urban way of life we continue to need, Mr. Speaker, those people who have a dedication for the agricultural way of life.

I would simply like to put on the record at this late hour that in the kind of focus that we have placed in the discussion of this bill about the exclusion of foreigners, of people who are not now native Canadians, to the agricultural industry in Manitoba, it should be and I'm sure I have the recognition, the cognizance, of the House that just as so many of our forefathers came to this country in this way, that continues to be that way. There is no indication, as I read it, from either the members of the New Democratic party and certainly the Minister of Agriculture that we in any way wish to exclude or suggest that people wishing to choose Canada as their future home, farmers from other countries that choose Canada as their future home, are welcome in this country.

Mr. Speaker, I think that should simply be stated at this third and final reading of this bill that, while we preoccupy ourselves with the question of protection of agricultural land, who were we protecting this land from? We are attempting to protect it from speculators who do not intend to farm and do not have a commitment to this country, to this province. Mr. Speaker, we are attempting to amend a bill that the former administration passed in their wisdom. I am simply suggesting that while we —(Interjection)— Mr. Speaker, I will sit down in a moment. I just simply want to put it on the record because I am concerned. I am concerned that the message goes out clear to those people who are involved in the business of encouraging foreign people from different parts of the world to come and pursue agriculture in Manitoba, they are welcome in Manitoba provided they show a dedication to becoming Canadian and Manitoba citizens. I think we concur with all of that and I think sometimes that has to be said as we talk about the exclusion, as we talk about keeping people away. We need that infusion of

new blood, fresh blood, expertise and talent in this country. Thank you.

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

MR. USKIW: Mr. Speaker, the Minister of Natural Resources in his usual eloquence is trying to portray a position of almost holiness on the subject matter. The fact is, Mr. Speaker, that everyone recognizes the value of immigration which is in fact the basis of our very existence as a nation here. No one I believe wants to suggest for a moment that there be any restriction against those who wish to immigrate to this country, to participate in the agricultural industry and to participate in the ownership of land.

But, Mr. Speaker, one of the things that members opposite overlook because of their ideological hang-up, is that the previous administration looked at the land question in a much more humane way than does this administration. We were not merely concerned with the fact that people with huge sums of capital were gobbling up and consolidating land, Mr. Speaker, we were concerned about the fact there were many people in Manitoba who were not able to reach the stage of ownership of land in Manitoba and therefore we had a tandem approach to that problem.

The tandem approach, Mr. Speaker, was that for those who can't afford to buy it we had an option for them that they didn't have to raise the capital to come into control and possession of land and to have security of tenure, notwithstanding their financial inability, notwithstanding the fact that they couldn't raise mortgage funds, notwithstanding the fact that they couldn't raise a down payment on land, Mr. Speaker. All we required of a Manitoban, a Canadian or a landed immigrant, Mr. Speaker, is that they had the will and the initiative and the know-how.

MR. SPEAKER: Order please. Order please. We can only have one person speaking at a time. I recognize the Honourable Member for Lac du Bonnet.

MR. USKIW: Mr. Speaker, the point the members escape is that there is a greater dimension to this question than just a question of controlling outside capital from taking control of Manitoba land. The biggest question that has to be answered has to do with how we are going to make that land available to those who want to farm the land, to those who have the knowledge on how to farm the land but simply lack capital but have a genuine desire to participate in the agricultural industry.

Now, Mr. Speaker, it was an extension of freedom in Manitoba when we made that possible, an extension of freedom. While we made that possible we also wanted them not to have to compete with people who were not interested in production from the land, who simply wanted to own land for speculative reasons. So yes, we brought in the legislation that control the ownership of that land but it was a tandem situation, Mr. Speaker. Legislation for those who couldn't afford to buy and legislation against those who had no interest in farming the land but simply wanted to invest dollars in land in this province. The two together made a tremendous amount of sense, Mr. Speaker, to satisfy all of those needs. This government ideologically decided, for

ideological reasons, that they are going to eliminate the most important component of that package and that is the option we gave to young people or the opportunity, to participate without regard to having the capital they would have to raise, the mortgage financing.

Mr. Speaker, this is a very important point because members opposite fail to appreciate that the people who came to this country as immigrants came here and were given a homestead for \$10.00. The state gave them that start, Mr. Speaker, originally. Mr. Speaker, what is wrong with giving that kind of a start to a young perspective farmer today who cannot raise \$.5 million to buy a piece of property on which to set up a viable farming operation? What is wrong with that, Mr. Speaker? It was good for our grandfathers. But these people over here have forgotten their heritage, Mr. Speaker. They have forgotten the fact that they were given their opportunities through their inheritance from their forefathers who came here and received public land for nothing — for nothing, the state set them up, Mr. Speaker.

Mr. Speaker, nobody at that time said it was state farms, Mr. Speaker, no one at that time said it was state farms.

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

The Honourable Member for Lac du Bonnet.

MR. USKIW: Mr. Speaker, the fact is that the people who came here from various parts of the world and in particular from Europe, came here with a desire to have an opportunity to own some land. But, Mr. Speaker, their descendants are being denied that opportunity. The consolidation of land, the process of consolidation that has taken place over the years — and it's now over generations in this country — Mr. Speaker, if you project that forward and look at the escalation that is taking place in that regard paints as a picture of putting our grandchildren back to where our ancestors were when they left Europe, of being a landless people, of having a rural elite. Yes, Mr. Speaker, back to elitism of a rural elite that denied the rights of property ownership to the masses of the people and that is what they are proposing with their policies. Mr. Speaker, that is not going to be good enough. That policy will come back to haunt those people over there, Mr. Speaker, only time will bring it about, because every human being has a desire to participate on an equal basis.

Mr. Speaker, that opportunity has already been foreclosed for most Manitobans. It has been foreclosed by a direct act of this government who doesn't see any value in maintaining that kind of opportunity in particular for our young people. All they can think of is the market system, Mr. Speaker, that says if you have the fattest wallet you can own the most, that is the basis of their ideology, Mr. Speaker. The people with the market power shall own it all and eventually, Mr. Speaker, the masses own nothing and a handful of people own everything. Mr. Speaker, they are creating the next revolution with those kinds of policies. — (Interjection)— That's right, they are creating the next revolution.

Those are the kinds of policies that created the situation in the Soviet Union, Mr. Speaker. Oh yes,

they are the policies that created socialism in Europe, Mr. Speaker, that's right — the denial of the basic rights of participation in the economy — the right to access to property. All of those questions created havoc politically in many parts of the world. I don't know, Mr. Speaker, why we have to invent the wheel again. Most members opposite will know the same that if you don't learn from history you're bound to repeat it and my friends opposite are bound to repeat it and they will if they were given the opportunity.

MR. SPEAKER: Are you ready for the question?

The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Speaker, I can't let the words of the Honourable Member for Lac du Bonnet go into the record unchallenged because we certainly have his record as a Minister of Agriculture in this province and the policies that the Member for Lac du Bonnet and his government implemented in those days and some of the types of legislation they passed during their regime.

I certainly do in this debate, Mr. Speaker, recognize some of the concerns that have been raised by the Honourable Member for Inkster and other members in the Opposition and on the government benches with this type of legislation. I fully recognize, Mr. Speaker, the people that I represent are a mosaic of many people and many many lands. It's another example of the constitutional debate we had earlier this evening — how great this country is when there's people today who still want to come here from all parts of the world to live in this country and acquire farm land — this is a great country and we should be proud that we are debating this matter tonight as how we're going to allocate this land because there's no more left, that's all there is. Whether we do it by legislation or however we do it, Mr. Speaker, it's a very difficult matter.

It makes me very happy to be able to stand up on this . . .

MR. SPEAKER: Order please. It would appear there are far more people wanting to talk than listen. I would like to listen to the remarks of the Honourable Member for Roblin.

The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Speaker, that is our job in this Legislature. That's a job of government, it's a job of us as legislators, to try and deal with this matter. It's a matter of great concern all across this province today of what are we going to do with this resource? This land resource that's here, it's so valuable and everybody wants it, Mr. Speaker, and whether in fact we sit back and — as the Member for Lac du Bonnet just said, let it go like the old days as it was when they came and got their homestead — that day is long gone. —(Interjection)— I know but it is long gone.

We have people today who want to come here from many parts of the world and acquire large tracts of land and I'm sure the Member for Lac du Bonnet doesn't agree with that. Land values as we are sitting in this Chamber debating this bill tonight are escalating because of this legislation, no doubt. Land values are escalating for other reasons because

of the climate we have, the good government we have in this province, the fact that we are great Canadians and this country is so great.

But I certainly recognize the concerns of the members opposite in this debate and I thank them for their contributions because it's a matter I think in which we need all political parties to deal. It's a difficult problem. But the matters are being raised daily by people all over this province of how we're going to deal with it. I've been most grateful to have listened to the contributions from the Member for Inkster, the Member for Lac du Bonnet, the Member for St. George, the Minister and others that have spoken on this debate and I'm still not happy with this type of legislation. I'm not happy with this type of legislation.

I am still concerned but nevertheless I'm satisfied that the thing has been debated well for several days. We've all had a chance to provide our amendments to the bill and I sincerely hope that the Minister can take it back in his office and make it work. If he can't — and I'm not sure that he can because it's not an easy matter to resolve by legislation — but I sincerely hope that the joint efforts of all the members of this House which has been an example of this bill where amendments from all sides of the House are on the record and in the bill, I sincerely hope it will work, at least be better than it was before. Thank you.

MR. SPEAKER: The Honourable Minister of Transportation.

MR. ORCHARD: Thank you, Mr. Speaker. I want to make a couple of comments in response to the statements of the Member for Lac du Bonnet.

He has consistently with his cohort, the Member for Inkster, brought that State Farm Program to the floor of this Legislature as the godsend of the farm community in Manitoba under their regime. Mr. Speaker, I can assure them now as I have on several other occasions that it was a principle reason for their abysmal record of vote in rural Manitoba because Manitoba farmers still prefer to own the land rather than have the state own the land. The program that they were into was a State Farm Program which was going to lead to more and more ownership of the land by the state.

The Member for Inkster tonight put an interesting statistic on the record. He said he believed — and he had to hum and haw for a while — that 95 percent of the land should remain in private ownership and only 5 percent should be owned by the state. The way they had their program set up, their state farm program set up is that it was perpetual leasing by the lessee of the land owned by the state, with no incentive whatsoever at any time to ever exercise a purchase offer. As a matter of fact it took the Opposition, Conservative Opposition, to make amendments and changes to that to make it more workable and that is the only reason why they are buying that land today. What the Member for Inkster says in 95 percent private ownership is not correct because, under his state farm program, no one would give up a lease and the only way he'd get more young farmers into farming in his system would be to buy more land and put more people on state-owned land and state farms.

It would be less than 95 percent private ownership, the longer that he was in power with that program

because, Mr. Speaker, the flaw of their program was they removed a long-term mortgage available to young starting farmers in the Province of Manitoba; they stripped it away for state ownership. They know it, they were wrong and they will do it again, Mr. Speaker.

The Member for Lac du Bonnet earlier today said there was some kind of a comparison between our ancestors who moved to this country for \$10.00 and set up a farm for \$10.00 and he compares his state farm program to that as an opportunity to start farming. That is an absolute distortion of fact, Mr. Speaker, because what the member had, what the former Minister of Agriculture had, for a land-option program was a state-owned farm. What our ancestors had for an option when they came to this country was the ownership of the land. That \$10.00 gave them deed in their hands; yours gives them a lease and the deed was owned by the Province of Manitoba. So, it's not comparable; it's not comparable whatsoever, Mr. Speaker and it makes me indeed baffled when I see the Member for Lac du Bonnet get up and talk about our ancestors who moved to this country to own land, to have the freedom of owning land. His party in Ottawa and his party on that side of the House are willing, if there is ever an entrenched Bill of Rights in this country, they are willing to not put in the right to own land. They talk in pious terms about how this country was settled; our forefathers came over because they left the regimes in countries where they couldn't own land and they came to Canada for the lure of the land — to own it — and they won't entrench it in a Bill of Rights, Mr. Speaker. The Member for Lac du Bonnet says it's nonsense. Mr. Speaker, the Member for Lac du Bonnet knows very well that the New Democratic party spearheaded the omission of the right to own property in the proposed Charter of Rights that the Federal Liberal Government has got before; they would not entrench the right to own property, Mr. Speaker.

The Manitoba New Democrats support that federal position; they do not want ownership of land because it might interfere with their state expropriation program and any time he tries to tell the people of Manitoba differently he is going to be told that he is not telling the truth to the people of Manitoba. You are totally ignorant of the facts, Mr. Member from Lac du Bonnet. I would like you to answer why you would not entrench the right to own property in a Bill of Rights.

MR. USKIW: Very simple.

MR. ORCHARD: Very simple, because you couldn't nationalize any industries. You want to deny the ownership of property to individual Canadians; that is why you won't have it in there; that is why you are wrong and that is why your state farm policy was wrong and always will be wrong for the Province of Manitoba.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Speaker, it is quite obvious that the Minister is spending too much time in his office, he hasn't even been out in his own constituency talking to his constituents who are screaming about

the cost of owning land in the Province of Manitoba. (Interjection)— I listened to you; you didn't have anything to say but I listened anyway. You always seem to listen with your mouth open though, you have that propensity.

Mr. Speaker, we're talking about putting the truth on the table. Our ancestors came to this land that was owned by a group of people in their system of holding land and we drew a bunch of lines on it and said, now this is yours and this is mine. But we should always remember that the state, as he likes to call — let me digress just a moment. In Alberta, you see, they've switched, they're Progressives in Alberta; they don't talk about the state there anymore; they talk about Albertans . . . the resources of the province are owned by Albertans but these people like this member here — the red scare — keeps going with it. He wants to get out and talk to his constituents a bit. In a Torrens system of holding land the state owns all the land. — (Interjection)— See, they don't even know what they're talking about. It's true, you've got a piece of paper, a deed, which gives you possession of that land as long as the state doesn't want it. That is a fact; that is the law of a Torrens system of holding land. You have it as long as the state doesn't want it. So, we're telling the facts about it — as long as the state doesn't want it. —(Interjection)— Well, no we had that Leviticus debate once before.

But let's just correct the red baiter here. No, let's be as smart as they are in Alberta. Instead of talking about the state let's talk about Manitoba, let's talk about Manitobans like they do Albertans and worry about the protection. Watch television once in a while and watch your farmers. Three news casts last week there were farmers screaming about the cost of owning land. Why don't you go out to your constituents and say, you know, in selling gas in the City of Winnipeg there's a board set up that's going to soak the people who buy gas in the City of Winnipeg, a rate which gives them a return on their investment. Why don't you go and tell your constituents. If you're sitting on \$1 million worth of land you should have at least as much without doing a darn thing, without doing a thing. Go and tell your constituent that you're entitled to a return on your investment at least as good as the people who own stock in the Greater Winnipeg Gas Company; go tell them that but don't scare them and say, this big red herring's going to come and git ya.

But really, Mr. Speaker, I've got to like the Minister. He's a pleasant person really, but he's deluding himself, the Member for Pembina. But let's not forget; (1) the very concept of the Torrens system of land and when we bring our ancestors into it, we have some problems there on native rights and the rest of it. My ancestors were starving to death in Ireland about six generations ago and I came too and I don't apologize for what my ancestors do; I'm going to try and deal with the problems of the day and one of the problems is looking at the realistic approach to current problems, not going back into the past and trying to scare the hell out of people.

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

MR. URUSKI: Thank you, Mr. Speaker. In making a few comments on third reading on this legislation

there's really one question that really comes to mind in this whole debate, Mr. Speaker. What is the program and the policy of the present administration to have young Manitobans to take over farmland in Manitoba? What kind of programs do we have to allow farmland to be transferred and have young people farm this land? Are we going to continue with the process of consolidation, the nice word, when you want to have bigger and bigger farms we say that's the consolidation process, Mr. Speaker. I think the most optimistic estimates that, by the end of this decade, we'll have at least 20 percent of the farmland in absentee ownership, Mr. Speaker; 20 percent of the farmland. What will happen, Mr. Speaker? It will be rented out. Now, does it matter, Mr. Speaker, does it matter that we are going to have less and less farmers in the Province of Manitoba; we will have less and less people on the land. The Minister of Natural Resources tried to paint a picture that everyone is opposed to speculation that this legislation will deal with the person who doesn't want to come to this country and wants to invest.

This legislation, Mr. Speaker, does not deal with the speculator at all, be he foreign or be he Canadian, be he a Winnipegger. If anyone wishes to speculate in farmland and doesn't wish to farm it this bill allows it, clearly; but if you're really intent on having farmland owned and operated then what is your policy? Clearly the option, as the days go by, that we had with respect to the Land Lease Program, clearly that option is becoming more and more spoken about because, as you go around rural Manitoba with young people wanting to farm, what is the thing that they say? Well I don't have a grandfather or a father who's going to will me the land so that ones out; I haven't got \$200,000-\$300,000 so that one is out. That isn't enough, so I'm out; I can't borrow that money, no one will lend me.

So what is my option, Mr. Speaker; what is the option? Then I either go and lease, Mr. Speaker; share crop, Mr. Speaker. The very notion that the Minister of Transportation spoke about and said, you know, they want ownership, Mr. Speaker. Clearly that is the preference but what is the option and how are we going to place young people on farmland? How are we going to continue the rural lifestyle which I think most of us want to preserve in Manitoba. But it's clear, Mr. Speaker, that that option has been taken away. The Minister of Natural Resources in remarks also created the impression that this legislation was NDP legislation that they have amended. Mr. Speaker, that is not accurate. The fact of the matter is the former legislation was withdrawn and repealed; it was called The Farmlands Protection Act. What do we have now? A completely new piece of legislation.

So, you cannot stand here and say that this is really NDP legislation that we're trying to make work better; because that's not the fact of the matter. That is not true. The fact of the matter is this legislation does not prevent absentee ownership but increases it and the fact of the matter is your government, the Conservative party, is void of any policies because they are closing off entirely any options to have young people to be able to farm and be able to operate and Manitoba farmland will

continue to go on to be concentrated in fewer and fewer hands, Mr. Speaker. That's exactly what will happen, Mr. Speaker, into fewer and fewer hands.

We are going the American route and you will see, Mr. Speaker, that even the most optimistic estimates will show that before the end of the decade we'll have 20 percent absentee ownership in farmland of Manitoba and it will point clearly to the bankruptcy of the policies that you have in terms of trying to make rural Manitoba a viable place for young farmers, young people, to live and make their lifestyle that they so much desire that they cannot now get into.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, I'll be very brief in my comments and I would just like to say that I would hope we could get support on the amendments that have been introduced to The Farmlands Protection Act and I think there'll be time for debate in other times to make the points I want. However, there are two areas that I should elude to. One is the availability of Crown land that has been made by the Province of Manitoba that now people can assume land that has been traditionally Crown land, become owners of it. That's a new development that has taken place and is an opportunity for people to take over the ownership and I think it should be left on the record. The Member for St. George has indicated that he is anxious to see new and young people get into the farming business, it isn't unlike, in a lot of areas where we have supply management in the farming operation and he's quite familiar with that. In fact some of the reasons why people can't get into the business and expand is because of the restrictions on production of certain agricultural commodities. The value, the price of agricultural production of course is a big problem today — all the costs of inputs. The major one that we have to deal though is to get a fair and adequate return to the producers for the work and the effort they put into their operations. I would hope we get support, Mr. Speaker, on this bill.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. A.R. (Pete) ADAM: Thank you, Mr. Speaker. I'm going to be very brief. In fact, it was not my intention to speak on third reading of this Bill but listening to the Minister of Highways, this is the second time he has made those statements, he talks about the federal members in Ottawa who objected to having the entrenched property rights in the Constitution.

The reason I stand up to point out to him, that we have listened to two or three of his colleagues here tonight speaking on the Constitution who said we do not want property rights entrenched in the Constitution, we don't want anything. So the Minister should have his hat on when he is speaking because he is speaking through his hat. I just rose to point that out to him because it's the second time he's made that statement in this House and it's just a lot of nonsense because the Conservative party don't want any rights in the Constitution. They want a blank piece of paper, that's all they want.

MR. SPEAKER: Are you ready for the question? Is it the pleasure of the House to adopt the motion?

QUESTION put, MOTION carried.

MR. SPEAKER: I declare the motion carried.

MR. DOWNEY: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Has the honourable member support? (Agreed) Call in the members.

Order please. Order please. The bill before the House is third reading, Bill No. 58.

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

YEAS

Messrs. Adam, Anderson, Banman, Blake, Bostrom, Brown, Cherniack, Cosens, Cowan, Craik, Downey, Ferguson, Filmon, Fox, Galbraith, Gourlay, Hyde, Jenkins, Johnston, Jorgenson, Kovnats, MacMaster, McBryde, McGill, McGregor, McKenzie, Malinowski, Mercier, Miner, Orchard, Parasiuk, Pawley, Mrs. Price, Messrs. Ransom, Schroeder, Sherman, Steen, Uruski, Uskiw, Ms. Westbury.

NAYS

Messrs. Boyce, Green, Hanuschak.

MR. CLERK, Jack Reeves: Yeas, 40; Nays, 3.

MR. SPEAKER: I declare the motion carried.
The Honourable Government House Leader.

MR. MERCIER: I move, seconded by the Honourable Minister of Finance, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider and report of the following bill referred for third reading, Bill No. 55, An Act for Granting to Her Majesty Certain Sums of Money for the Fiscal Year Ending March 31, 1982 and to Authorize Commitments to Expend Additional Money in Subsequent Years and to Authorize the Borrowing of Funds to Provide for the Cash Requirements of the Government.

MOTION presented and carried and the House resolved itself into a Committee of the Whole with the Honourable Member for Radisson in the Chair.

MR. SPEAKER: The Honourable Member for Radisson.

COMMITTEE OF THE WHOLE

BILL NO. 55 — MAIN SUPPLY

MR. CHAIRMAN, Abe Kovnats (Radisson): Committee will come to order. Bill No. 55, An Act for Granting to Her Majesty Certain Sums of Money for the Fiscal Year Ending March 31, 1982 and to Authorize Commitments to Expend Additional Moneys in Subsequent Years and to Authorize the Borrowing of Funds to Provide for the Cash Requirements of the Government.

Section-by-section? (Agreed)

The Honourable Member for Ste. Rose.

MR. ADAM: Thank you, Mr. Chairman, before the supper hour I was speaking on this Bill and I had not completed what I wanted to put in the record. The reason why I want to make a few more comments is because I did not have an opportunity to speak when the Budget was introduced.

Mr. Chairman, I was saying before the supper hour that the predictions I had made back three or four years ago have indeed come to pass. There has been an economic decline in the province; I think that is evident. It's evident in many areas of this province at the present time because no matter where you look, Mr. Chairman, the headlines all over the country indicate that as well. I did say three years ago that we would have unfortunately, people in soup lines and that has happened. I said we would be moving towards a police state and that has happened. We have seen evidence of that in a number of bills that have been introduced in this House and we in the Opposition have had to fight all the way to try and bring in amendments to stop that kind of a process we see happening in this province, Mr. Chairman.

There is a serious decline in this province and what is the press saying, what are the reports? Well here's one, Mr. Chairman, "Manitoba is not less rich, it's poor", and what does it say? There is empty office space everywhere. A few blocks from the bustling Eaton's centre there is a modern low-rise shopping complex that stands half empty. Over lunch, Mr. Chairman, with friends, the talk is of politics and the state of the economy. They joke that things are so bad that Premier Sterling Lyon makes an announcement in the Legislature whenever a house is sold, citing this unusual happening as evidence that the economy is on the upswing.

It goes on further to say, "Manitoba is not just less rich than the rest of the west; it is poor." This fiscal year, 40 percent of the province's budgetary revenues will arrive in the form of equalization payments from Ottawa. Manitoba is the only jurisdiction in the west still losing population. In Manitoba as in British Columbia, the NDP have been selling memberships like hot dogs at Coney Island. You know the Minister of Finance was talking about Coney Island awhile ago. Well, he can talk about this one as well because —(Interjection)— yes, it's true. The New Democrats have been selling memberships in the Province of Manitoba like hot dogs at Coney Island and, as well, this reporter indicates that that is happening in British Columbia as well.

The Manitoba New Democrats now have an all-time record paid-up membership of 25,000 and there are however, a few other common denominators shared by B.C. and Manitoba. Indeed, the more you look at Manitoba, the more incredulous you become at the man's politics — and they're referring to the Premier, of course. Further down, Mr. Chairman, it says here, "Last year Canada fell from 4th to 11th place world wide in per capita income. In British Columbia the reaction is to look for a typographical error but to visit Manitoba is to be reminded that the Maritimes aren't only part of this nation suffering economic reversal."

Mr. Chairman, I mentioned about soup lines and here there is a headline in one of the Vancouver papers: "Soup lines symbolizes Manitoba's

economic slump." —(Interjection)— I predicted this three years ago, four years ago. "You don't have to go south to South America to see the Third World. We've got it right here on our own doorstep in downtown Winnipeg", said George Heshka, a high school principal involved in a breakfast program serving 20 downtown schools. You don't have to go to Latin America, you know. Pessimism permeates Manitoba these days, you can read it in recent economic statistics and you can hear it from Gordon Swail, President of the Winnipeg Real Estate Board, who thinks the recent flurry of action in local housing is illusory.

More than 2 million square feet of commercial office space lies vacant as does 1.6 million square feet of industrial space in this city of 610,000. More than one-third of 2,040 acres of industrial park lie dormant and available and so the commentary goes on and on. We look at another headline from the Winnipeg Real Estate News, April 24th, the headline reads: "Bankruptcy the Last Resort". Of course they're referring to housing and mortgages and personal bankruptcies. They say that during 1980, 829 consumers found themselves in enough financial difficulty to warrant them claiming personal bankruptcy. The commentary goes on, Mr. Chairman. We have another headline in one of the farm papers. The headline reads: "Farm Bankruptcies Rising".

Mr. Chairman, I said I lacked confidence in the policies of the Conservative Party. Who supports me, Mr. Chairman? None other than the Minister of Finance, because I listened to his presentation on the Budget Speech, Mr. Chairman, and it's riddled throughout with lament. During the next campaign, if there ever is one, I'll be referring to this document as Ransom's Lament.

We've listened for an hour-and-a-half to the Minister of Finance blaming everything under the sun for the problems in Manitoba, blaming everybody else in the country for the economic decline in Manitoba. Let's just go over a few of the remarks he made. On Page 276: "But the kinds of challenges and the kinds of opportunities that face us now are different from those we've had to cope with in the past". A lament, an excuse: "The difficulties are significant. The real growth rates of the 1960s and the first half of the 1970s have disappeared". Another lament: "The international financial markets are facing the most serious problems since the 1930s". Another lament, Mr. Chairman: "Canada and the world are experiencing record inflation". Everything else, blame everything else. "Unprecedented interest rate levels" — another lament. "Volatility combined with chronic high rates of unemployment; investment climate in Canada as a whole is considered to be, at best, uncertain", again lamenting. Sad lament: "Governments in Canada to work together in responding effectively are also limited, more limited than what we would like". Excuses. An hour-and-a-half of excuses and laments on their own failures, Mr. Chairman.

This presentation was a scathing condemnation of the free-market system, that's all it is. It's a condemnation that the system is not working, if we are to take the Minister of Finance's word at face value, everything is wrong with the system. He is pointing them out item by item all throughout, line by line. The only thing he didn't mention, talked about

inflation; he very, very scrupulously avoided saying anything about the inflationary trend caused by high energy costs. He avoided saying anything about that at all because, Mr. Chairman, they believe in having world prices for energy. That is what they believe in so they avoid talking about this in the presentation, Mr. Chairman.

Mr. Chairman, the Minister goes on to say, "Against this kind of national and international background and against additional background of the particular problems which Manitobans have faced as a result of last year's drought". Well, we can't blame the drought, Mr. Chairman, on the government but again, we're using that as an excuse for our failures, for the economic decline in this province and other weather problems.

The opportunities are here for those who will reach out for them in terms of access to requirements for a good life and from housing to health care; he makes that statement here if you want to reach out for them. He goes on to say further; this is on the next page and it says: "It was also an era of unsuccessful attempts to fine tune the economy by various combinations of broad stimulus and special make-work programs". He talks about again failures of the free-market system; that's what he is saying. It defies a solution, that's what he is saying. He talks about opportunities if you reach out for them, they're there. Here he says: "While unemployment increased and inflation went into double-digit range, trapped by false expectations we are more than usually cautious in our forecasts because of the volatile international interest-rate situation and a variety of other external factors". And again, it's a lament and an excuse and an apology for the failures of this government.

Within our own province we face the challenges of providing adequate employment opportunity and access to public service for residents of rural, remote and northern areas. Here is where the contradiction

MR. CHAIRMAN: Order please. Could we have a little consideration for the member who is speaking in his place and being recognized by the Chair?

The Honourable Member for Ste. Rose.

MR. ADAM: Thank you, Mr. Chairman, I'm quite used to interruptions by members opposite. I know what they're trying to do; they're trying to throw me off my train of thought. It doesn't bother me at all, Mr. Chairman. I just want to point out one glaring contradiction in the Minister's statement when he says that opportunities are here for those who will reach out for them and then, on the other page, he goes on to say that within our own province we face challenges of providing adequate employment opportunities and access to public service for residents in rural, remote and northern areas, Mr. Chairman. He says all you have to do is reach out and the opportunities are there and then he goes on to say that's impossible.

We know that because on May 12th, Mr. Chairman, there was a delegation in from Northern Manitoba and throughout the province from the Northern Association of Community Councils. They were here to talk to the Premier, Mr. Chairman, but not about the constitution that the Premier was delivering his comments on at that very time. It was

around 3 o'clock or thereabouts. They were here not to talk about the constitution, Mr. Chairman. I asked them why they wanted to meet with the Premier and they said, "We came here for jobs. We want jobs in our community; there's nothing happening". You look throughout the north and that's what's happening, Mr. Chairman.

When I said three years ago and four years ago that the policies of this government would not work; they are not working. This government has failed and they have failed disastrously. They have failed to meet the challenges and the problems people in Northern Manitoba face, Mr. Chairman. The Minister was very careful not to mention the price of energy because they would like to see the price of energy move up to approximately 85 percent of the world price, I believe that is what their position is. We listen to the Minister of Agriculture from time to time talk about the three-and-a-half cents a gallon tax to Canadianize some of the oil industry. He talks about this 3 percent. He doesn't talk about the losses sustained by the farmers when they supported the Clark government on the embargo of grain to the Soviet Union; he doesn't talk about that very much.

Mr. Chairman, what is happening now on energy is that for 15 percent of our requirements which we import we are paying the world price; for 85 percent of our requirements we are paying 17.75 a barrel. What this government is supporting the policies they want on energy is that we pay approximately \$34 a barrel right across the board; that would be about 85 percent of the world price. It doesn't take any mathematician, Mr. Chairman, to figure out that we are far better off under the present situation even if we have to pay \$40.00 to \$45.00 a barrel for what we import from the OPEC countries or Venezuela, or for that matter of fact from Mexico or wherever we do.

What would happen, Mr. Chairman, what would happen if we move to that price? I happen to know that the oil companies are estimating their reserves not at \$40.00 a barrel but at \$60.00 a barrel. That is the value they're putting on their reserves and for our price to go to 85 percent of the world price, we can see very well what's going to happen to the economy in this country. What would happen? We would have massive bankruptcies all over the place, that's what would happen. We have have maybe temporarily short-term activity in the oil industry; there would be a few jobs created temporarily but on the small business sector, on the rural economy and in the City of Winnipeg we would have bankruptcies. That is what would be happening in the Province of Manitoba if we were to follow that policy. So we do know we are much better off than we are at the present time, Mr. Chairman.

Again the Minister of Agriculture was very uncomfortable this morning; he was visibly embarrassed and he got emotional — he got emotional about it when we asked him how many times he had asked the Federal Government to come up with the losses that the farmers had sustained because of this government's policies — and he got emotional about it, Mr. Chairman. It is this government that's supported the Flora-Joe wheat rattle — it wasn't sabre rattling it was wheat rattling. —(Interjection)— Flora-Joe, Flora and Joe. —(Interjection)— They were wheat rattling.

Now the Minister says well yes, we supported the embargo but you know we didn't want the farmers to lose, we didn't want them to lose — they did lose, they have lost — they've lost because of that policy and they're going to have a hard time to get it back. That is why I got up this morning and asked the Minister to get with it and start pressuring the Federal Government to come up with this, to rectify their mistakes, this government's mistakes and the previous government in Ottawa's mistakes for going along with that embargo. That's not going to wash. You can go ahead and talk all you want about oh yes, we don't want the farmers to lose it; you are responsible for it and it's not going to wash because the people out there know that; they know that all right.

I believe the government's even embarrassed when they have to talk about the Port of Churchill. They're embarrassed because they're federal members. In fact I've never heard a Conservative M.P. get up and support the Port of Churchill. We have the Minister here get up but I believe he is sincere; I believe he is sincere when he gets up and says, we want the Port of Churchill but he's embarrassed because of people like Jack Murta who says that the Port of Churchill is a luxury that we can't afford.

So I ask the Minister of Agriculture when he has his meeting in Dauphin, will he be inviting Mr. Jack Murta to come to that meeting? Will he be inviting the Manitoba Pool to come down — Mr. Corbett, not the Manitoba Pool, not the grassroots — but will he be inviting them to come down and find out whether the people want the Port of Churchill? I do believe, Mr. Chairman, that the federal Conservatives have failed in that area. It's unfortunate that their federal counterparts are saying that the Port of Churchill is a luxury that we cannot afford.

Mr. Chairman, I want to say they've gone over the line of questioning here tonight and I'm not going to go into that. But I just want to say that we've heard comments from the government from time to time that they had lower taxes in this province but I look around and I don't see that. I don't see that anywhere, Mr. Chairman. I see where the government has tacked on, piggybacked onto the high price of fuel already, they've tacked on another 5.5 cents a gallon on retail fuel tax. Mr. Chairman, they added \$81 million onto the Manitoba taxpayer to hand over to Manitoba Hydro which they didn't need, Mr. Chairman, which we found out in Committee from Manitoba officials that they could have got along without that. In fact they made \$91 million I think it was last year or the year before and they could've handled it. In fact I believe their revenues were 123 million in the two years. They could have easily handled the 81 million that this government took away from the taxpayer and handed over to Hydro. That is increase in taxes, Mr. Chairman. There will be more increases very shortly when the new price of fuel is announced by the Federal Government. I'm sure it'll be dovetailed; it'll be another increase in the retail sales tax on gas to dovetail in with the increase at the well-head or at the federal level when it's announced.

I believe there have been increases in cost to Manitobans for services provided by the government, like trying even to get a birth registration has increased from \$3.00 to \$5.00 — a 66 percent

increase. You look throughout the system whether you want to probate a will or whatever it is, documentation you want to do, the costs have gone up and up astronomically. So what they have done is they've created an illusion of tax reductions and they have imposed taxes through the back door, like the gas tax, like all these added costs to people who come to government for services. We know that is true because you look at your budget and your revenues are considerably higher.

Mr. Chairman, I just want to ask the Minister — I'm not sure whether he's going to respond — but I asked the Minister the Finance a question during the session about what was happening as far as provincial investment in Northland Bank and the Minister responded there were funds there but they were in trust. I wonder if the Minister would be willing to explain what he meant when he said that there was money for investment in Northland Bank but they were held in trust.

Mr. Chairman, I have raised some questions with the Minister of Natural Resources and he has not responded to my questions even though he did rise about last week and apologize for not bringing the information back. I asked the Minister in committee if he would provide me with information on regional sales of Crown lands on a regional basis. I also asked the Minister to provide me with a list of recreational lots available in the Province of Manitoba and where these lots were situated. That has not happened, Mr. Chairman, and hopefully the Minister will get back to me but they have not done a good job of that.

Mr. Chairman, the views of this government and this party are old; they are so old they have become obsolete and I'm sure the people know this and I'm sure that the government knows it too. They won't admit it. But they must be wondering why the polls are negative as far as their popularity is concerned. So what we have seen, Mr. Chairman, is a record of broken promises and I'm sure that it's a record that will defeat this government. In fact you are your own worst enemies; that is what is happening. You are your own worst enemies, Mr. Chairman.

I will make another prediction that if the people are unfortunate enough to re-elect this government, there will be further attacks on the Wheat Board, there will be attempts with Manitoba under a Conservative government to join with Alberta in undermining the Wheat Board. I see that as a very definite prospect. I say to the farmers at this time, beware, because that is what's going to happen if they re-elect a Conservative government in the Province of Manitoba.

MR. CHAIRMAN: Page-by-page?

The Honourable Member for Lac du Bonnet.

MR. USKIW: Mr. Chairman, I hesitate to begin my comments at this hour and I want to say to members opposite that it is not my intention to repeat the speeches that were made throughout the course of the session. So perhaps maybe that might alleviate some concern on the other side.

But I do want to address a problem that we have, Mr. Chairman, and I want to indicate that unless we have some response I think we will be here for awhile yet tonight. I address the question to the Deputy Premier, Mr. Chairman, and that is, that for over two

years we have asked for information that has been accepted by the Premier and by the Minister of Agriculture by way of an Order of Return and which has not been responded to over that two-year period plus. (Interjection)— Well, it isn't a joke. The fact of the matter is, Mr. Chairman, the Member for Roblin ought to know he's been here long enough, that the rule is that if a Minister accepts an Order for Return there is no debate on that question. If the Minister is unprepared to accept the Order then we have a debate at that particular time. They have prevented the debate from taking place two years ago and I believe we have given them ample opportunity to get the information together. We have, in essence, pleaded with the Minister and with the Premier over the last couple of months to have that information brought forward and it has not been; the Minister has played cute with us.

Now, Mr. Chairman, if he is wanting to be funny, if he is wanting to be cute, then I say to him he is doing it at the expense of his image and he is doing it at the expense of the Minister of Finance because I believe the Minister of Finance, at least, would want to make certain there is no information being withheld that would in some way embarrass him. For that reason alone, I would have thought the Minister of Finance would have prevailed on the Minister of Agriculture to get with that Order for Return and table it so that his position at least would be clear.

Mr. Chairman, the fact that the Minister does not want to do so, the fact that he doesn't want to tell us why he is unable to table the Order for Return, Mr. Chairman, leads us in the direction of speculating at least, that there is something the government is hiding. Now this Order for Return involves the disposition of Crown assets. In fact the sale of Crown assets where, Mr. Chairman, the Crown had accepted bids from single bidders, so to speak; that where they were not prepared to ask for more than one bid before they released the property or accepted the bid that came in. In the case of the family of the Minister of Finance — as I recall the debate at that time — there was only one bid. It was accepted by this government. The Minister sits on the Executive Council, Mr. Chairman.

Surely we are entitled to an explanation, Mr. Chairman. The Minister of Agriculture refuses to tell us why he is unable to furnish us with that information. Now we have an ample opportunity in this particular debate for the Minister of Finance and the Minister of Agriculture to indicate to us what it is that is preventing them from giving us that information.

In the absence of that, I want to ask the Deputy Premier to give us a commitment that he will undertake an inquiry into the Department of Agriculture and to bring back a report as to why we are unable to get that Order for Return. I believe it requires that at this stage, because the idea of an Order for Return was never the idea that we should withhold information by that mechanism, Mr. Chairman. It was never intended to be used in that way. I say it's a flagrant abuse of our rules, of our procedures, of our customs and that it should not be tolerated, Mr. Chairman, and I'm not happy with it. I would hope that the Minister of Agriculture uses this opportunity to explain to us more fully why it is that he is not prepared to give us the information.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Chairman, I just can't believe the courage and audacity of a former Minister of Agriculture who will stand in place tonight and talk about an Order for Return. When he was a Minister of the government of that day and I submitted an Order for Return in good faith and it was accepted by that government and I promised if that Order for Return was submitted, I would supply my Hydro bill. To this day, Mr. Chairman, I have never had that Order for Return, and I don't know the reasons and I don't want to know the reasons, because either I shouldn't have put the Order for Return in or there was something wrong; the Minister couldn't get the information, but I still don't have an answer today why I didn't receive it; why they didn't tell me they couldn't get the information, Mr. Speaker. The former Minister of Agriculture who accepted my Order for Return now turns around and two-faced says that we owe him one. I say to members of this House, get me mine first. Get me mine, that's the first one. When we deal with that, then we'll deal with this other one, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, the machinery of the government is in the hands of the party of the member who is seeking that Order, so how do you expect somebody on this side of the House to fulfill it? If there is material that was failed to be provided, then you had a perfect right to demand it, and if you still want it, it is available to you. But in the meantime, there had been an Order for Return outstanding for two years and the least that the Minister could do was to tell the member who has filed the Order as to what is going to become of it. If it is not going to be produced, then the Member for Lac du Bonnet has a opportunity right now to accept that as a denial and to conduct debate for that Order for Return, because that's what was precluded if the Order wasn't intended to be fulfilled. If the Minister is going to fulfill the Order, then let him say so, let him give the member a reasonable explanation, or at least if there is no explanation, a time when that Order is going to be fulfilled. If he doesn't intend to fulfill it, let him say so and the thing will be debated.

MR. CHAIRMAN: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Chairman, I would have to indicate to the members of the Committee that I have every intention to produce the Order that has been requested. I have indicated that when that Order is ready and that it is prepared that it will be presented to this House and it will be, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for St. Johns.

MR. CHERNIACK: Mr. Chairman, there are many of us who have served in government for a long time who know that the departments function very well, who know that the material that is asked for can be

produced and I don't believe —(Interjection)— I'll answer the Minister of Health. I recall very well the many occasions when Orders for Return were accepted and allowed to die on the Order Paper at the end of session in Conservative Governments and in NDP Governments and the Minister of Health should remember that there was a change in the rules and the rules continued them beyond the end of a session. That's why this Minister of Agriculture is required by the rules to respond and that's why many Orders for Return that died on the Order Paper at the end of a session never were dealt with and I don't pretend for a moment to excuse him. Now the Minister of Health is pointing at the Member for Roblin.

Mr. Chairman, I suspect that there is something peculiar about the Minister of Agriculture's failure to respond over two years. I do not believe that the Department of Agriculture is unable to respond to the questions which the Minister of Agriculture accepted and if they are unable to do it, then it is simple to say in the replies, information not available, information can't be found, information is lost. Whatever the reason, it is possible to reply if one wants to.

Now let me deal with the Member for Roblin for a minute. I suspect very much that the Member for Roblin would be terribly embarrassed if he got the answer to the question he's been asking for, because the Member for Roblin has been hiding behind this fictitious matter. I call it fictitious because he knows very well there is no rule that requires that to be filed. He also knows very well that all he has to do is to make a plea to the Minister of Agriculture to get whatever information he wants, which he thinks would be terribly embarrassing to the former Minister of Agriculture. He knows he can get it, but he fails to ask for it and why, Mr. Chairman? Because way back when, he was making a speech over about here and he said that his hydro bill which was \$10 is now \$50.00; when he was talking about the big increase in the hydro bills blaming the NDP Government, and I asked him was he prepared to produce those bills to show that tremendous increase and he said, of course, I will do it. Ever since then, Mr. Chairman, he's been seeking every means to avoid honouring his word and honouring his undertaking. Mr. Chairman, how silly is it for a government that's been in power three-and-a-half years for the Member for Roblin still getting up and pleading with his own Minister, "Please, I am a Conservative. Please, Mr. Conservative Minister of Agriculture, please give me that information." What kind of nonsense is that? A man who sits in the same caucus; a man who sits in the backbench; a man who sits so close to the Minister of Agriculture he could almost touch him. Yet he pleads with him out loud in his crocodile-tear way, please give me the information.

If the Member for Roblin doesn't have the capacity to get the information if he truly wants it from the Minister of Agriculture, he doesn't deserve to be sitting on any side of this House, Mr. Chairman. The reason I'm exercised about it is that he has been avoiding honouring his undertaking for years now and I do happen to have somewhere around the Hansard where he made the promise, he gave the pledge, he said he would do it. He never did it; I

think he never intends to do it. He doesn't want the information from the Minister of Agriculture that he's pleading for. He never made it a condition until afterward, never made it a condition. He gave a clear undertaking; he never honoured it.

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

HON. DONALD W. CRAIK (Riel): Mr. Chairman, isn't this most interesting that the Honourable Member for St. Johns with his heart full of poison and his mouth full of oil should get up and pour all of that. Wasn't that just a big help and isn't his memory very short? Doesn't he remember when the government changed in 1977 and we had asked for years for a report on what had happened under The Succession Duty Act? We could never get the Order for Return and it took until the government changed for us to find out what that Order for Return was. From the day I walked into the Finance Department, that Order had been prepared for months and was not presented by the former government for the simple fact that it really showed what was really happening under the Act that he had put through in the House. It really showed that 80 percent of the people that were being impacted by that were farmers whose lands were changing hands and he didn't want to file that Act in the House.

Now you talk about, Mr. Chairman, where there is a singular case where there was an Order withheld, and I'll tell you that was the case, where it was. That Order had been asked for repeatedly over the years, had never been tabled, had been avoided and that is not just one case. There were a multitude of cases where Orders were not. How many Orders were left when the government changed in 1977? There were any number of Orders that had not been fulfilled as the request of this House and the Member for St. Johns has the audacity to get up and dump on the Member for Roblin a case where he had talked about one hydro bill as his major defence of the position that he's taking, where in fact he could have gone back and looked specifically at a case where a law that he passed when he was on government side where hundreds of people were affected by it and he refused as a member of a government — at least a member of the backbench at the time . . .

MR. CHERNIACK: You're remembering now, aren't you?

MR. CRAIK: I remember very well. I remember very well that the Member for St. Johns passed a law, immediately vacated to the backbench, because he couldn't take the heat on the front bench. There are some long memories on this side of the House too, Mr. Chairman. He would have been better off not raising this topic; he would have been better off not raising it at all. There are many members who recall his tenure on this side of the House where he vacated to the backbench in a moment of pressure and heat and never did come back. He started out in the Opposition as a matter of fact on the backbench on the far side and then came down when you find you didn't have to take the responsibility and could come forth with all his fuss and bluster and pour it out on the members opposite and then try and mount a case over the Member for Roblin about a

hydro bill; for goodness sake, of all things, to mount a case, but completely forgets the fact that he passed a law. He passed a law while he was, I believe, the Minister of Finance but denied an Order for Return, not as the Minister of Finance, but denied an Order for Return when he was a member of the back bench as part of a party that could have seen that it was tabled that affected many hundreds of people, but did not. I refer specifically to The Succession Duty Act that demonstrated that the people who were impacted by his foolish law, his foolish law, which he didn't even have the courage in the final analysis to call a standing vote on when he talked against it, Mr. Chairman, but when that foolish law was removed and he sat quietly by, talked against it, but didn't want to be caught voting against it.

But also, as part of a government denied an Order for Return that would have demonstrated exactly how that foolish law was working. Not just one single little hydro bill that made a difference between \$10.00 and \$50.00 but a law that affected several hundreds of people and I say 80 percent, close to 80 percent, of who were farm people that were affected by land changing hands. And I suspect that that's why they didn't want to; they maybe didn't. I can't impute motives to them, I can only suggest to you that in my opinion that the reason they never tabled that Order for Return was that some close to 80 percent of the people that were affected by that were people who were affected in the transfer of farmlands and that's why they didn't want to do it. It really didn't impact the government terribly great but what it did impact was their philosophy. Their philosophy was that that should not occur; farmlands should not transfer hands, nor should any other capital in an estate change hands, Mr. Chairman.

Therefore, they denied that Order for Return and goodness knows how long they denied it for. I can tell you that it was well more than a year. It was possibly two years and it may have been greater than that; but it never did see the light of day in this House until the government changed.

So, you know, who are these people? Who are these people to stand up and now pour out their vitriol at this stage of the game? Do they think there are not memories that go back to some of the real, the very real abuses that took place on Orders for Return, the real abuses? There are no abuses, Mr. Chairman, of the Order for Return procedure here and as the Minister has indicated in due course the Order will be a Return.

MR. CHAIRMAN: The Honourable Member for St. Johns.

MR. CHERNIACK: Mr. Chairman, the Deputy Premier rose with all his insulting ways to attack me for failing to file an Order for Return and halfway through he remembered that I hadn't been Minister for quite a while. So then he said, well, sitting in the back bench now you are responsible. If the Minister indeed believes that a backbencher, like I was, is responsible for failure to file an Order for Return then I would ask every backbencher how they can stand for the Minister of Agriculture sitting on an Order for Return for the third year? Why is it that the Member for, what's his name, the Member for Gladstone, who sits beside the Minister of

Agriculture who is responsible in the way the Deputy Premier suggests I was when I was a backbencher, why doesn't he have the Minister of Agriculture produce the Order for Return? May I ask the Member for Roblin who is a backbencher, why doesn't he have the Minister of Agriculture file the Order for Return? May I ask the Deputy Premier, why does he sit by and let the Minister of Agriculture fail to carry out the rules that as they are in this House to file the Return for the Order? Do I have to tell the Member for Gladstone that not one Order for Return had to be filed after the end of a session under the former rules? Do I have to tell him that? He knows it. But he started to defend the Member for Roblin for what he says is one hydro bill and of course the Member for Roblin was telling us an exaggerated, a grossly exaggerated story and cannot prove it now. So the Deputy Minister is rising to the defense of the Member for Roblin.

I ask, Mr. Chairman, the Minister of Agriculture, we shouldn't have to ask everybody else; would the Minister of Agriculture tell us what the problem is? Just tell us why it is that he hasn't been able to file the Order for Return.

MR. DOWNEY: Mr. Chairman, there is no difficulty. It's a matter of preparing the information and providing it for the House, which I have taken a commitment and I will do. I will put urgency to it and I will proceed to get on with it in a very quick manner following the pursuing weeks that I have in my office, Mr. Chairman.

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

MR. USKIW: Well, Mr. Chairman, I couldn't help but notice the way in which the Deputy Premier tried to slough off his responsibility, Mr. Chairman. The fact of the matter is that even if his analogy was correct and even if there was a failure to deliver on an Order for Return that the Opposition was entitled to, one has to at least make the distinction between the two orders, Mr. Chairman, even if he was correct, which he was not, and that is that what we're dealing with here is a possible conflict of interest. That's what we are dealing with here, Mr. Chairman. Not so with the example of the Minister that the Deputy Premier raised, Mr. Chairman. That is a matter of information to prove a debating point for him that he was seeking. (Interjection)— Yes, of course it was, fine. Let's accept that. I'm not going to argue that point. But what we are debating here is whether or not the government is hiding a conflict of interest situation. That's what we are debating and, Mr. Chairman, that is a much more serious situation. Surely the Minister of Agriculture doesn't want to cloud the name of the Minister of Finance and I'm surprised that the Minister of Finance is taking it so lightly. You know, the Member for Roblin gets up and tries to come to the defense of his two colleagues, Mr. Chairman.

But, Mr. Chairman, if one wants to go down the conflict of interest situation the Member for Roblin is related to the Minister of Finance. (Interjection)— Oh yes, Mr. Chairman, I don't know what it is. (Interjection)— Well no, I'm not saying there is anything wrong with it. All I'm saying is that we have a land transaction, more than several land transactions, where we have asked for the names of

people that have submitted bids, the amount of the bids, who it was that was the successive bidder, was there competition. We've asked a series of questions and one of those transactions involves a member of the family of the Minister of Finance. Now if there is nothing wrong, Mr. Chairman, then let's have the Order for Return. You know, I can't understand why it is that the government is dragging their heels on that Order if it was a clean Order, if it was not something that was going to embarrass someone along the way, Mr. Chairman. It seems to me that that is very logical to assume. Now if the Minister is committing himself to the bringing forward of that Order in a reasonable period of time, I'm satisfied with that, Mr. Chairman, but let's tell us when, Mr. Chairman.

MR. DOWNEY: Mr. Chairman, I want to make it very clear that there is absolutely no conflict, that the Order will be produced in a very short order, that there is no abnormalities to it and, Mr. Chairman, that is further backed by the statements of the Auditor of this province some year ago or so in the Estimates of the Department of Agriculture and I will produce the information, Mr. Chairman, and it's absolutely straight and clean, Mr. Chairman.

MR. USKIW: Well, Mr. Chairman, I would ask the Minister and if not the Minister, then the Deputy Premier, whether or not they would commit themselves to a definite time frame. You know, is it a month; is it six weeks, Mr. Chairman, is it going to be before the election? I mean the timing is such that the longer the government delays on that request the more they convince me that they are indeed trying to preclude a revelation before an election campaign and that they are trying to cover something up. I don't like to speculate on that, Mr. Chairman, but you don't give me any choice, Mr. Chairman. The Minister does not give me a choice. I have to speculate on whether or not there is something in that information that is truly going to embarrass the government or any particular member of the Executive Council and if there isn't then let's have it, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Chairman, on a last appeal to the Minister of Agriculture because at the time that I submitted that Order for Return it was told by me and many people and there were allegations and charges made in Roblin Constituency of people getting public funds that were not entitled to it, and as the allegations were much similar to the charges that have been made by the former Minister of Agriculture, Mr. Chairman, that's why I submitted the Order for Return. And unfortunately the Minister, and I'm asking the Minister of Agriculture to go through those records in that department and get me that Order for Return because the people in Roblin are still waiting and the allegations and the charges and that's why I put the Order for Return in because there were public funds as alleged going to people that were not entitled to those funds. So if he's going to devote all that time to search for the information that he's looking for now, I hope that the Minister of Agriculture will give his staff in fact even overtime to

find the information that the people in Roblin Constituency are still waiting for to this day.

MR. USKIW: Mr. Chairman, the Member for Roblin makes the usual contribution that he's so capable of, Mr. Chairman. He has made that kind of contribution on many occasions where he tries to paint a picture of wrongdoing somewhere along the way, not spelling it out, Mr. Chairman, never spelling it out, never spelling it out, just making allegations, never backing them up, never being able to produce the evidence, Mr. Chairman. (Interjection)— Yes, only rumours. The Member for Roblin engages in rumours and in this example he's engaging in rumours that people participated in feed assistance who weren't eligible to participate in feed assistance under a feed assistance program. Mr. Chairman, if the Member for Roblin is familiar and knows people who have cheated the Province of Manitoba, it is his duty to reveal that information to this Chamber. It is his duty, Mr. Chairman, if he is aware of that to either reveal it or to shut up, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Minnedosa on a point of order.

MR. BLAKE: On a point of order or a point of privilege, you may have to rule in it, Mr. Chairman.

MR. CHAIRMAN: Order please. I think that this is starting to deteriorate into a fight in the gutters or in the back lanes. I would suggest to the honourable members that this is the Chamber of the Legislature of the Province of Manitoba and if you want to fight in the back lanes, get out and fight in the back lanes and let's get on with the Business of the House. The Honourable Member for Minnedosa.

MR. BLAKE: Yes, you may have to rule, Mr. Chairman, whether it's a point of order or a point of privilege but I'm sure the House is aware that His Honour, the Lieutenant-Governor, has not been enjoying robust health lately and we understand an hour ago that he didn't know whether to go to bed or stay up and I think we've imposed on him long enough with the nonsense that's gone on for the past hour. I would suggest, Mr. Chairman, if the members opposite have some agreement that we could come to the conclusion of the matters of the House and have the Lieutenant-Governor come in and close it down.

MR. CHAIRMAN: To the honourable member, he doesn't have a point of order.

The Honourable Member for Roblin.

MR. BLAKE: Is it a matter of privilege, Mr. Chairman?

MR. CHAIRMAN: You have nothing. The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Chairman, I'm not going to let the comments that were made by the Honourable Member for Lac du Bonnet go into the record unchallenged. The reason that I put that Order for Return is to try and correct those allegations and charges that are still being made in Roblin today. Unfortunately, the Honourable Minister never did

give me the information I was seeking so I still don't know whether the charges were facts or not because I never did get the Order for Return.

MR. CHAIRMAN: The Honourable Member for Fort Rouge.

MS. WESTBURY: Mr. Chairperson, I have a number of complaints which I am not going to enunciate because I think everybody is too tired and I think it's time we wound this place down.

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

MR. USKIW: Mr. Chairman, everyone that is familiar knows the Member for Roblin, recognizes the fact that it is one of his habits, the idea of bringing in some allegations, some rumours and charges but never in all of the years that he has been in this Assembly has he ever been able to document any such thing; never, Mr. Chairman. He raised the question whether or not there were people cheating the Province of Manitoba in a feed program. He has constituents who are stealing money from the Province of Manitoba; he has knowledge of that, Mr. Chairman, but was unwilling or unable to furnish that information. Mr. Chairman, we asked the Member for Roblin, if you know of it, please tell us, we will enquire. The Member for Roblin had nothing to say. Mr. Chairman, he had nothing to say. He said there are rumours. I know that the Conservative Party knows how to create many rumours. Mr. Chairman, if the Member for Roblin wants to know how well the Conservative Party engages in rumours, I can tell him from my experience in the last election campaign. I can tell him from my personal experience that you never know where these things are coming from but somewhere they are coming from, rumours about personal things. Yes, the Premier had to put up with that too, by the way — the ex-Premier, Mr. Chairman. My own supporters in Lac du Bonnet said how much did the Crown pay you for the land that you sold to the Crown? That's right, as late as two years ago. (Interjection)— Yes, Mr. Chairman, they said how much did you get from the Crown for your land when you were Minister? So I said, you know, I never sold any land to the Crown. Come on, everybody knows that you sold land to the Crown, Mr. Chairman. It was all over the place. New Democrats believed it, only they were defending it. They said if I did it, it must have been proper. I know how well the Conservatives engage in rumours, Mr. Chairman, and the Member for Roblin is at the top of the list and don't let us have any guff from the Member for Roblin because he has zero credibility when it comes to that, Mr. Chairman.

MR. CHAIRMAN: The Honourable Minister of Finance.

MR. RANSOM: Mr. Chairman, the Honourable Member for Lac du Bonnet says that he doesn't wish to engage in speculation about . . .

MR. USKIW: That's right.

MR. RANSOM: . . . any possible conflict of interest. He says that as he peers up at the press gallery. He

went on this fishing expedition about two years ago, I believe, and information was made available to him by me in the House at that time. He also discovered I'm sure from his search of records that he was not able to substantiate the case that he had intended to make. I assure him that he would be wise not to speculate and I recommend the bill to the House, by the way, Mr. Chairman.

MR. CHAIRMAN: To the honourable members, I would just like to make one statement before we proceed. I remember when I was a young lad, very young, we used to play a game called, "I tagged you last." It appears that it was a very childish game and we appear to be playing the same game. It's changed a little bit. It's not "I tagged you last", it's "I made the last remark" or "I have made the last insult." I would hope that we can proceed with Bill 55.

The Honourable Member for Lac du Bonnet.

MR. USKIW: Mr. Chairman, would the Minister of Agriculture confirm that he will be in a position to submit to our caucus that Order for Return within the next six weeks, let's say by July 1 or by the 15th of July? Is he prepared to give us a commitment that we will have that Order for Return within a reasonable time?

MR. CHAIRMAN: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Chairman, I've already done that but I am prepared to proceed and get it to him in a reasonable amount of time, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Chairman, I think the new name for the game . . .

MR. CHAIRMAN: A question? I have a man speaking.

MR. BOYCE: I think the new game for the game that you're referring to was, "Your dumb things are dumber than my dumb things." That's about the level of the debate at the moment.

MR. CHAIRMAN: May we proceed? The Honourable Member for St. George.

MR. URUSKI: Mr. Chairman, could I ask the Minister of Agriculture, in his terms, what is reasonable is terms of time limit?

MR. CHAIRMAN: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Chairman, I've given the commitment that I will proceed to put priority on the tabling of the information. I will do it in a very reasonable short period of time.

MR. URUSKI: Mr. Chairman, if I recall, the Order for Return has been in for over two years and we've been getting that answer — what is short and reasonable? —(Interjection)— If the Member for

Gladstone is very unhappy, let him ask his own colleague to tell us what is short and reasonable. Is six weeks long enough, is two months long enough? Do you want three months as to how long it will take you or what choice do you leave members on this side, Mr. Chairman? What choice does the Minister of Agriculture leave?

MR. CHAIRMAN: Are we prepared to proceed? The Honourable Member for Lac du Bonnet.

MR. USKIW: Mr. Chairman, there are in that piece of information no more than about a dozen, no more than 20 at most, transactions. They are on record in MACC, Mr. Chairman. It's a matter of getting them over from Notre Dame and Keewatin to Broadway; that's as far as it is. I suspect it is on Broadway. The Minister has not decided yet whether he wants to give it to us at this particular time for some reason. But if it isn't, it's just a five minute or ten minute drive from Notre Dame and Keewatin — if that's where the Agricultural Credit Corporation is still housed — to the Legislative Building to the Minister's office. It took him two years. I don't know what kind of a vehicle he drives; I don't know whether he's going around the North Pole to get over to Notre Dame to look at those files, Mr. Chairman. There has got to be some explanation why it's taking him two years to find the information on a dozen or so land transactions, land sales, that the Minister of Agriculture is responsible for, Mr. Chairman. I mean there were Orders for Return for each one of those. There were Orders for Return for each one of those transactions, but the Order for Return doesn't reveal, Mr. Chairman . . .

MR. CHAIRMAN: Order please. The Honourable Minister of Natural Resources on a point of order.

MR. ENNS: I believe it has now come to the point of order where the Minister has agreed to respond to the Order that has been requested. Mr. Chairman, I need not tell you that the history of returning Orders for Return vary from time to time. There are in fact outstanding Orders that we requested when we were in the Opposition that still have not been returned from the members opposite. Mr. Chairman, we can prolong this debate as the Member for Fort Rouge says, we can carry on this debate for a long time. The Minister has given the answer and I now suggest it is an answer that you, sir, as a Chairman have to accept, and the honourable members of the Opposition have to accept. (Interjection)— I'm sorry, you have to accept that. Tradition in this House acknowledges that and I suggest, Mr. Chairman, that is in fact a point of order at this stage of the proceedings. (Interjections)

MR. CHAIRMAN: Are you ready for the question? Are we going to be prepared to carry on or is there anybody to speak?

The Honourable Member for St. George.

MR. URUSKI: Thank you, Mr. Chairman. This reminds me a bit of that committee hearing that we had on the professional bills. All that we heard all evening was jabbing and jabbing and jabbing, not even wanting to listen to an honourable member speak. All that is requested is — how many times

does a member have to get up in this House and ask a Minister to say give us a time that you are going to have it? If you want six months, say that it's going to take us six months to do it, we will do it.

Mr. Chairman, you can raise all these speeches about old governments and governments alike. You know the rules as well as we do that when a government is defeated and changes, everything dies. You want to carry it on? You are the responsible Minister, bring those Orders for Return on, the Minister of Mines. Bring those Orders for Return on. You are the responsible Ministers if you want to bring them on. Absolutely, bring them on, bring in the Member for Roblin's resolution. Absolutely bring it in, Mr. Chairman, if there is any information. Obviously he couldn't substantiate his allegations, so now he's asking for the impossible.

But, Mr. Chairman, it isn't impossible for the Minister of Agriculture to phone 1500 Notre Dame Avenue and ask the Chairman of the Manitoba Agricultural Credit Corporation to send him the information and put it together. Surely that is not an impossibility to do and it's been over two years, Mr. Chairman. It's been over two years in terms of the request and it was accepted. If they didn't want to accept it, that's another story. Don't accept it and debate it and say we are not giving you the information. Mr. Chairman, that is an affront to this Legislature to accept a motion and say we will provide it — and never do provide it. They never do provide it. That is an affront if there ever was one on this Legislature, Mr. Chairman. That's really an affront, Mr. Chairman, and to have accepted it and say, no problem, we're here. That leaves the Minister of Finance and other people in a cloud. It can't help but leave them in a cloud over the intransigence of the Minister of Agriculture. Why is he so stubborn, Mr. Chairman? The Member for Gladstone should ask him. I mean, I know the Member for Gladstone is a fairly stubborn man because we saw that in terms of committee as to how he wanted to deal with members of the Opposition and the members of the public in terms of the hearings. We know how stubborn he is but maybe he can let loose on the Minister of Agriculture and persuade him to say, look, I'm not now going to give you that information. At least we would know that they are not going to give it, but, Mr. Chairman, to leave it hanging as it is just makes a mockery, Mr. Chairman, of what the Minister of Mines has said of the Minister of Agriculture of Agriculture in the last six months of this years.

MR. CHAIRMAN: Page-by-page? Pages 1 to 14 were each passed; Preamble — pass; title — pass; Bill be reported — pass. Call in the Speaker. Committee Rise.

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

IN SESSION

MR. SPEAKER: The Honourable Member for Radisson.

MR. KOVNATS: Mr. Speaker, I beg to move, seconded by the Honourable Member for Springfield, report of Committee be received.

MOTION presented and carried.

**THIRD READING
BILL 55 — MAIN SUPPLY**

Bill No. 55, An Act for Granting to Her Majesty Certain Sums of Money for the Fiscal Year Ending March 31, 1982 and to Authorize Commitments to Expend Additional Money in Subsequent Years and to Authorize the Borrowing of Funds to Provide for the Cash Requirements of the Government, was read a third time and passed.

ROYAL ASSENT

DEPUTY SERGEANT-AT-ARMS (Mr. Myron Mason): His Honour, the Lieutenant-Governor.

His Honour, F.L. Jobin, Esquire, Lieutenant-Governor of the Province of Manitoba, having entered the House and being seated on the Throne:

Mr. Speaker addressed His Honour in the following words:

MR. SPEAKER: May it please Your Honour.

The Legislative Assembly, at its present session, passed several bills, which in the name of the Assembly, I present to Your Honour and to which Bills I respectfully request Your Honour's Assent.

No. 8 — An Act to amend The Garnishment Act.

No. 10 — The Builders' Liens Act.

No. 11 — An Act to amend The Municipal Assessment Act.

No. 12 — An Act to amend The Municipal Act.

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

No. 16 — An Act Respecting Montreal Trust Company and Montreal Trust Company of Canada.

No. 17 — The Medical Act.

No. 18 — The Pharmaceutical Act.

No. 19 — An Act to amend The Veterinary Medical Act.

No. 20 — The Registered Dietitians Act.

No. 21 — The Physiotherapists Act.

No. 22 — An Act to amend The Architects Act.

No. 25 — The Registered Respiratory Technologists Act.

No. 27 — An Act to amend The Highway Traffic Act.

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

No. 30 — An Act respecting The Sperling Joint Community Centre District.

No. 31 — An Act to amend An Act to Incorporate The Mennonite Collegiate Institute.

No. 33 — An Act to amend An Act to amend and consolidate An Act to incorporate Manitoba Pool Elevators.

No. 34 — An Act to amend The Consumer Protection Act.

No. 35 — An Act to amend The Planning Act.

No. 36 — An Act to amend The Securities Act.

No. 37 — An Act to authorize the Rural Municipality of Montcalm to Sell and Convey a Portion of a Public Road within the Municipality.

No. 38 — An Act to amend The Child Welfare Act.

No. 39 — The Ecological Reserves Act.

No. 40 — An Act to amend The Chartered Accountants Act.

No. 41 — The Statute Law Amendment Act (1981).

No. 42 — An Act to amend the City of Winnipeg Act.

No. 44 — An Act to amend An Act respecting The Beautiful Plains County Buildings.

No. 45 — An Act to amend An Act respecting the Town of Dauphin (2).

No. 46 — An Act to amend The Corporations Act.

No. 47 — The Professional Interior Designers Institute of Manitoba Act.

No. 50 — An Act to amend The Summary Convictions Act.

No. 51 — An Act to amend The Fires Prevention Act.

No. 52 — An Act to amend The Insurance Act.

No. 56 — An Act to amend The Education Administration Act and The Public Schools Act.

No. 57 — An Act to amend The Teachers' Pensions Act.

No. 58 — An Act to amend The Agricultural Lands Protection Act.

No. 59 — The Statute Law Amendment (Taxation) Act (1981).

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

No. 62 — An Act to amend The Workers' Compensation Act.

No. 63 — An Act to amend The Income Tax Act (Manitoba).

MR. CLERK, Jack Reeves: In Her Majesty's name, His Honour the Lieutenant-Governor doth assent to these bills.

MR. SPEAKER: We, Her Majesty's most dutiful and faithful subjects, the Legislative Assembly of Manitoba in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and Government, and beg for Your Honour the acceptance of these bills:

No. 48 — An Act to Authorize the Expenditure of Money for Capital Purposes and Authorize the Borrowing of the same.

No. 55 — An Act for Granting to Her Majesty Certain Sums of Money for the Fiscal Year Ending March 31, 1982 and to Authorize Commitments to Expend Additional Money in Subsequent Years and to Authorize the Borrowing of Funds to Provide for the Cash Requirements of the Government.

No. 61 — An Act for Granting to Her Majesty Certain Further Sums of Money for the Public Service of the Province for the Fiscal Year Ending March 31, 1982.

MR. CLERK: His Honour, the Lieutenant-Governor, doth thank Her Majesty's dutiful and loyal subjects, accepts their benevolence and assents to these bills in Her Majesty's name.

HON. FRANCIS L. JOBIN: Mr. Speaker and Members of the Legislative Assembly:

The work of the Fifth Session of the Thirty-First Legislature has now been completed. I wish to commend the Members for their faithful attention to their duties including many hours devoted to consideration of Bills and Estimates, both in the House and in the Committee. I convey to you my appreciation of your concern for the public interest and for the general welfare of our Province.

I thank you for providing the necessary sums of money for carrying on public business. It will be the

intention of my Ministers to ensure that these sums will be expended with both efficiency and economy by all departments of the government.

In relieving you now of your present duties and declaring the Fifth Session of the Thirty-First Legislature prorogued, I give you my best wishes and pray that under the guidance of Divine Providence, our Province may continue to provide the things which are necessary for the health, the happiness and the well-being of all our people.

MR. MERCIER: It is the will and pleasure of His Honour the Lieutenant-Governor that this Legislative Assembly be prorogued until it shall please His Honour to summon the same for the dispatch of business, and the Legislative Assembly is accordingly prorogued.

God Save the Queen was sung.

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