



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

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**DEBATES**  
and  
**PROCEEDINGS**

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31-32 Elizabeth II

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The Honourable D. James Walding  
Speaker*



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**VOL. XXXI No. 23A - 2:00 p.m., THURSDAY, 10 MARCH, 1983.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

Name	Constituency	Party
<b>ADAM, Hon. A.R. (Pete)</b>	Ste. Rose	NDP
<b>ANSTETT, Andy</b>	Springfield	NDP
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BANMAN, Robert (Bob)</b>	La Verendrye	PC
<b>BLAKE, David R. (Dave)</b>	Minnedosa	PC
<b>BROWN, Arnold</b>	Rhineland	PC
<b>BUCKLASCHUK, John M.</b>	Gimli	NDP
<b>CARROLL, Q.C., Henry N.</b>	Brandon West	IND
<b>CORRIN, Brian</b>	Ellice	NDP
<b>COWAN, Hon. Jay</b>	Churchill	NDP
<b>DESJARDINS, Hon. Laurent</b>	St. Boniface	NDP
<b>DODICK, Doreen</b>	Riel	NDP
<b>DOERN, Russell</b>	Elmwood	NDP
<b>DOLIN, Mary Beth</b>	Kildonan	NDP
<b>DOWNEY, James E.</b>	Arthur	PC
<b>DRIEDGER, Albert</b>	Emerson	PC
<b>ENNS, Harry</b>	Lakeside	PC
<b>EVANS, Hon. Leonard S.</b>	Brandon East	NDP
<b>EYLER, Phil</b>	River East	NDP
<b>FILMON, Gary</b>	Tuxedo	PC
<b>FOX, Peter</b>	Concordia	NDP
<b>GOURLAY, D.M. (Doug)</b>	Swan River	PC
<b>GRAHAM, Harry</b>	Virden	PC
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry M.</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupert's Island	NDP
<b>HEMPHILL, Hon. Maureen</b>	Logan	NDP
<b>HYDE, Lloyd</b>	Portage la Prairie	PC
<b>JOHNSTON, J. Frank</b>	Sturgeon Creek	PC
<b>KOSTYRA, Hon. Eugene</b>	Seven Oaks	NDP
<b>KOVNATS, Abe</b>	Niakwa	PC
<b>LECUYER, Gérard</b>	Radisson	NDP
<b>LYON, Q.C., Hon. Sterling</b>	Charleswood	PC
<b>MACKLING, Q.C., Hon. Al</b>	St. James	NDP
<b>MALINOWSKI, Donald M.</b>	St. Johns	NDP
<b>MANNES, Clayton</b>	Morris	PC
<b>McKENZIE, J. Wally</b>	Roblin-Russell	PC
<b>MERCIER, Q.C., G.W.J. (Gerry)</b>	St. Norbert	PC
<b>NORDMAN, Rurik (Ric)</b>	Assiniboia	PC
<b>OLESON, Charlotte</b>	Gladstone	PC
<b>ORCHARD, Donald</b>	Pembina	PC
<b>PAWLEY, Q.C., Hon. Howard R.</b>	Selkirk	NDP
<b>PARASIUK, Hon. Wilson</b>	Transcona	NDP
<b>PENNER, Q.C., Hon. Roland</b>	Fort Rouge	NDP
<b>PHILLIPS, Myrna A.</b>	Wolseley	NDP
<b>PLOHMAN, John</b>	Dauphin	NDP
<b>RANSOM, A. Brian</b>	Turtle Mountain	PC
<b>SANTOS, Conrad</b>	Burrows	NDP
<b>SCHROEDER, Hon. Vic</b>	Rossmere	NDP
<b>SCOTT, Don</b>	Inkster	NDP
<b>SHERMAN, L.R. (Bud)</b>	Fort Garry	PC
<b>SMITH, Hon. Muriel</b>	Osborne	NDP
<b>STEEN, Warren</b>	River Heights	PC
<b>STORIE, Jerry T.</b>	Flin Flon	NDP
<b>URUSKI, Hon. Bill</b>	Interlake	NDP
<b>USKIW, Hon. Samuel</b>	Lac du Bonnet	NDP
<b>WALDING, Hon. D. James</b>	St. Vital	NDP

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, 10 March, 1983.

Time — 2:00 p.m.

**OPENING PRAYER by Mr. Speaker.**

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

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**MR. SPEAKER:** The Honourable Minister of Health.

**HON. L. DESJARDINS:** Mr. Speaker, I'd like to table the Annual Report of the Department of Health for the calendar year 1982.

**MR. SPEAKER:** The Honourable Minister of Municipal Affairs.

**HON. A. ADAM:** Mr. Speaker, I would like to make a statement to the House. I have copies here for distribution.

Mr. Speaker, I want to make a statement on the provincial and municipal tax-sharing payments, which to the municipalities will amount to \$29.8 million in 1983. These payments are made through the allocation to local governments of 2.2 points of personal income tax and one percentage point of taxable corporate income. The amount estimated to be available for distribution this year represents an increase of 4.2 percent over the total amount distributed in 1982. Payments will be made on the basis of \$25.45 per capita to all organized municipalities and to the Minister of Municipal Affairs on behalf of unorganized territory.

In addition, there will be an urban services supplement, payable to cities, towns, villages and urban local government districts, amounting to \$3.75 per capita for centres up to 5,000 population and \$5.25 per capita for centres of more than 5,000 population.

In addition, there will be transitional adjustments, payments made to four municipalities, to insure that their 1983 entitlements will not be less than the amount which they received last year. It is anticipated that transitional adjustment payments will be made to a number of northern communities and Indian bands as well.

I am pleased to be able to make the announcement at this time when municipalities are preparing their 1983 budgets. My department staff will be advising municipalities of the entitlements which they may expect in 1983.

Thank you.

**MR. SPEAKER:** The Honourable Member for Swan River.

**MR. D. GOURLAY:** Thank you, Mr. Speaker. I would like to take this opportunity to thank the Minister of

Municipal Affairs for making this announcement. Normally, we would expect this announcement to be made before the end of December. I believe, last year, the Minister was somewhat late in making this announcement. The municipalities, most of them, would have their budgets drawn up by this time and I'm sure that they are going to be somewhat disappointed in the 4.2 percentage increase over last year, in view of the fact that the municipalities had urged the government to retain their spending at least within the 6 percent guidelines.

We all know what has happened with this year's Budget where spending is up some 17.2 percent. Wage settlements are up much more than the 4.2 percent, as we see here that municipalities will be receiving, but I'm sure the municipalities will be grateful at knowing how much they are going to be receiving at this time.

**MR. SPEAKER:** The Honourable Minister of Labour.

**HON. M. DOLIN:** Thank you, Mr. Speaker. I would like to table the Annual Report for the Civil Service Commission for the year ending December 31st, 1982; and the Annual Report for the Manitoba Labour Management Review Committee for the year ending December 31, 1982.

**MR. SPEAKER:** The Honourable Minister of Education.

**HON. M. HEMPHILL:** Mr. Speaker, I ask leave to table the Manitoba Annual Report for the Department of Education for 1982; and also the University of Winnipeg Auditors' Report and Financial Report for the year ending March 31, 1982.

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

**HON. W. PARASIUK:** Mr. Speaker, I beg leave to table the Annual Report of the Mineral Resources Division of the Department of Energy and Mines for the fiscal year ending 1981-82.

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

**HON. J. BUCKLASCHUK:** Thank you, Mr. Speaker. I would like to table the Annual Report of the Co-operative Loans and Loans Guarantee Board for the fiscal year ended March 31, 1982. I would also table the Annual Report of the Co-operative Promotion Board for the year ended March 31, 1982; and I'd like to table the 11th Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending October 31, 1982.

**MR. SPEAKER:** The Honourable Minister of Northern Affairs.

**HON. J. COWAN:** Yes, Mr. Speaker. I'd like to make a statement to the House - I have copies.

Mr. Speaker, I'd like to inform the House that this afternoon the Manitoba Government will be formally signing an agreement with the Honourable John Roberts, Federal Minister of Environment, for a joint scientific study on mercury levels in the waters of the Churchill River Diversion System.

This Federal Provincial Research Program will continue through 1986. It will cost \$760,000 and will be shared, 50 percent each, by the two levels of government.

This study is primarily designed to improve knowledge of mercury problems in the Churchill River Diversion System and the ability of the two governments to respond to these problems. For example, the study will determine the degree to which mercury is present in the river system and identify the probable sources. There will also be a study of pathways and mechanisms by which mercury moves from water to fish and wildlife through the food chain.

The joint study will also involve monitoring the concentrations of mercury in aquatic plants and comparing it with available data on the presence of mercury in people living along the shores of the Churchill River System.

The study will also hopefully suggest practical remedies to local mercury problems and develop a means of predicting future occurrences of mercury contamination. This agreement has been the result of detailed negotiations between our government and the Federal Government.

As most members of this House are well aware, this agreement arose out of the residence and our government's concern over increased levels of mercury in fish, along the Churchill River system and the diversion route.

It should also be noted that the arbitrator under the Northern Flood Agreement recommended this further examination of the mercury problem along the Churchill River Diversion System.

Mr. Speaker, it's an honour to announce that the agreement is being signed this afternoon at 3:30 p.m. in Room 254 with Mr. Roberts, and that the study is now proceeding.

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, we are pleased that the Minister of Environment, in co-operation with his Federal colleague, is going to be able to undertake this study. There have been studies into this perplexing problem for a number of years now, and the preliminary studies which were undertaken were not providing the answers that people had hoped they would, and it has now become evident that this sort of study was necessary, and indeed, we would join with the Minister in hoping that they will find the answers to the problem and that there may be, as he says, practical solutions to that problem.

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

## INTRODUCTION OF GUESTS

**MR. SPEAKER:** Before we reach Oral Questions, may I direct the attention of honourable members to the gallery where we have 18 students of Grades 7 and 8 standing from the Churchill Junior High School under the direction of Mr. Storoschuk. The school is in the constituency of the Honourable Minister of Economic Development.

There are 34 students of Grade 9 standing from the Joseph Wolinski Collegiate. These students are under the direction of Ms. Bernice Mayne and the school is in the constituency of the Honourable Minister of Cultural Affairs.

Also in the gallery is a former Sergeant-at-Arms of this Assembly, Mr. Ragner Gislason.

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

## MATTER OF PRIVILEGE

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, before Oral Questions, I wish to rise on a Matter of House Privilege. This being the first opportunity, Sir, to raise this matter, which pertains to statements made by the Attorney-General, and having only received Friday's Hansard yesterday, this is the first opportunity.

I intend to demonstrate, Sir, that a prima facie case exists to show that the Attorney-General has misled this House and that my statement will be followed by a substantive motion.

On Friday, December 10th, my leader rose in the House and asked the following question. I quote, "I have a question for the First Minister. Did the First Minister, Mr. Speaker, any member of his caucus, or any third party, for or on behalf of the First Minister or members of the government, make any contact, directly or indirectly, with Mr. Speaker on December 9th relative to his rulings during the speech given by the Honourable Member for Fort Garry on the afternoon of December 9th."

The First Minister responded to that question with the following answer, and I quote again, "I called upon Mr. Speaker personally at 5:35 p.m. yesterday in order to advise the Speaker that I wanted a copy of the transcript pertaining to the proceedings in the latter part of the afternoon and indicated to the Speaker that I felt that some unparliamentary language had been utilized, particularly in respect to some references by the Member for Fort Garry in relationship to myself, and that I expected, upon perusal of the transcript, to raise a Matter of Privilege at 8 o'clock."

The Honourable Attorney-General, the Government House Leader, also rose and said, and I quote, "Mr. Speaker, first of all, further in response to the first question asked by the Leader of the Opposition, at approximately 7:50 p.m. yesterday evening, I called at your office to pick up a copy of the transcript which had been requested by the First Minister and picked up that transcript, and shortly after left your office. That will complete the record on that as far as I'm aware."

Mr. Speaker, during the debate on Monday, December 13th, the First Minister made much of the right of people

to go to your office to get a transcript and there is a considerable amount of comment made by the First Minister on Page 181 with respect to obtaining transcripts from your office, Sir. Later on, in that same debate that day, the Attorney-General, the Government House Leader, rose again and this is on Page 186 of Hansard and said, and I quote, "On a point of personal privilege, the record speaks for itself. On Page 149, I stated that I called upon you," and it's in quotations here as well, 'to pick up a copy of the transcript which had been requested by the First Minister and picked up that transcript and, shortly after, left your office.' That quote ends and then the Attorney-General said, "The record is clear."

Sir, on Friday last, the Attorney-General rose in the House - this is on Page 519 of Hansard - and said, I quote again, "On the same point of order, let the record show and the Leader of the Opposition denied me the opportunity to state that at the time, that on the time in question, when I, at five minutes to eight on the evening in question, went to see you, there were several people in your office and you had already made and were dictating your decision. I was not, at that time, party to the previous proceeding and simply went to see you on whether or not you had a ruling that you would be making. Let the record show that," said the Attorney-General.

Sir, these two statements by the Attorney-General are very clear evidence that the Chief Law Officer of this province has misled the House by, on the one hand, saying that he only went to pick up the transcript; and on the other hand, on March 4th finally saying - "... and simply went to see you on whether or not you had a ruling that you would be making." That coming, Sir, after the First Minister having been to see you at 5:35 p.m.

Mr. Speaker, in view of these two conflicting and misleading statements by the Attorney-General, I move, seconded by the Member for St. Norbert, that this House do censure the Attorney-General for misleading its members with respect to the purpose of his visit to Mr. Speaker's quarters on December 9th, 1982.

I have copies of the three most relevant passages from Hansard for your immediate reference.

**MR. SPEAKER:** Order please. When a Matter of Privilege is moved in this House there are, as the member noted, two facts to be satisfied; one of them being that it's the first available opportunity, and it clearly is since there was some slight delay with Hansard over the last few days.

Secondly, where there is a prima facie case which has been made the two later remarks appear to be at odds with each other.

I would then rule the motion in order.

It is moved by the Honourable Member for Turtle Mountain and seconded by the Honourable Member for St. Norbert that this House do censure the Attorney-General for misleading its members with respect to the purpose of his visit to Mr. Speaker's quarters on December 9, 1982.

The Honourable Attorney-General.

**HON. R. PENNER:** Yes, Mr. Speaker, I have no hesitation or difficulty whatsoever in dealing with this motion, nor

would I care to have it resolved on technical matters such as whether or not it was the first opportunity and accordingly I welcome your ruling in that respect.

However, I'm bound to say in circumstances when one is accused, as I have been, wrongly, as I will show in a moment, of the kind of an offence which is suggested in the motion that one is entitled to something more accurate in terms of particulars, and a statement of the bill than appears in this motion because if it is suggested that I misled the House, then the Opposition House Leader might have indicated, since he seems to have some notion about it, which one, if either, of the statements he thought was misleading. In fact, they are, neither of them, misleading nor inconsistent because, as the record will show in the last instance when I rose, that is the one on March 4th, when I rose to deal with the issue I was interrupted by the Leader of the Opposition and did not complete my statement.

I have no hesitation, let me say here, in now completing my statement because I am making it, Sir, not only in the presence of yourself who cannot intervene, nor do I expect you to intervene in this debate, but in the presence of the Clerk of the House, who was at that time Acting Clerk of the House, who was there at all material times. So my words stand to be contradicted at any occasion should I be wrong, and so I will very carefully, but very briefly, and very gratefully, because I haven't been provided the opportunity before, put on record precisely what transpired.

Apparently back in December, in the late afternoon of the day in question, something occurred in the House, two things in fact, and note should be taken of that.

One had to do with a point of order that had been raised, I believe, by the Minister for Natural Resources, on which you may or may not have ruled. There was some question about that but it was thought that you had ruled. And also, during the course of the last few words which were spoken on that occasion something had been said from across the House relative to my Leader, the Premier.

Over the supper hour, the Premier and I both attended a meeting, I think it was with the Catholic Womens' League in the private dining room, the Premier said, I think there is a problem that I want to raise, relative to myself. Will you see if you can get a transcript? I think he had asked for a transcript - will you pick up the transcript with respect to statements made about myself and I'll see whether I am going to raise a Matter of Personal Privilege. And I believe the Minister of Health was present at the same time, attending the same dinner.

At the conclusion of the dinner I was also advised that there had been a question raised about a ruling and when I came to your office at 7:55, 7:56 whenever it was, you Sir, were in consultation with the then Acting Clerk having decided on some ruling and indeed there was support staff at the typewriter prepared to type out that ruling. That did not concern me.

The Speaker then advised me, with respect to the point with respect to which I called, namely the transcript, and I advised him that it was the wish of the Premier should he find on reading the transcript that indeed there was a question to, at the opening of the Session that evening, raise a question of privilege relating to himself.

You then advised me that you would be making a ruling - and I hadn't any background about that - that you would be making a ruling and you intended to make your ruling first and then if the Premier wished to raise his point he could raise his point. That is exactly, completely and precisely what happened.

So let me just now, having stated that in the presence of two people who can at any suitable occasion call me a liar if they will, and they won't because I speak the truth as I always have, let them do that, I am clear and free in my conscience. Let others across the House say as much if they can. And I at no time, either in or out of the House, have in the slightest degree sought to influence the Speaker. The notion that I have is bizarre, it is ludicrous, it is demeaning, and it is absolutely shameful done on such slender evidence.

I would have hoped that we've got to the point now where we stop raking over the coals the December incident. It was not a good incident, we'll readily admit it here as will others in the House, in many ways, and get on with the business of the House.

But with respect to myself, both of those statements are absolutely right. I went to get a transcript at the request of the Premier and at the same time I was advised by you that you would be making a ruling. If, because my statement on March 4th was interrupted, it is less than complete, then I apologize for it being less than complete but I wasn't the one who interrupted myself on that occasion. I have now had an opportunity to make a full statement and I'm glad of the opportunity to do so. There is absolutely no ground for that motion. To call upon me to be censured for that kind of thing indicates a certain continuing vindictiveness which augers ill for the business of this House. I hope it doesn't last.

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

**MR. G. MERCIER:** Mr. Speaker, I regret very much that it is necessary to deal with this type of a motion, particularly with respect to the holder of the office of the Attorney-General in this province.

Mr. Speaker, we've heard from the Attorney-General and he, I believe in his comments, contradicts the statement he made on Friday, March 4th in this House which ended by his statement, that I simply went to see you on whether or not you had a ruling that you would be making, which is contrary to what he has indicated now, in that he went to get a copy of the transcript and you indicated that you had made a ruling. He clearly indicated on March 4th that he went to see you on whether or not you had a ruling that you would be making.

Now, Mr. Speaker, in that statement on March 4th, the Attorney-General indicates that the Leader of the Opposition denied me the opportunity to state what he had done previously.

Mr. Speaker, in Hansard which you have before you of Friday December 10, 1982, Page 149, there is no indication whatsoever that the Leader of the Opposition or anybody else denied him the opportunity to state anything he wanted to state. The Opposition House Leader read the first paragraph of his statement on Page 149. He went on at length in a second paragraph,

Mr. Speaker, and the Attorney-General went on at length in a speech which the Opposition House Leader has also referred to.

So, Mr. Speaker, he had every opportunity at any time he wished to complete the record before this House and I can only say I regret that his comments today contradict again his comments of Friday, March 4th. They clearly contradict the statement that he went to see you on whether or not you had a ruling that you would be making.

**MR. SPEAKER:** The Honourable Member for Lakeside.

**MR. H. ENNS:** Thank you, Mr. Speaker. I too, would like to express my concern at having this kind of motion before us and having to speak in support of the motion. After all, we are dealing with the chief law officer of the Province of Manitoba . . .

**HON. R. PENNER:** Shame on you, Harry.

**MR. H. ENNS:** . . . who, not only as such by appointment by the Premier and by this government, but also is by his own personal background while trained in law and knows the purport of words and what their meanings are. He said a few days later on the 13th that the record is clear and the record is complete, again playing on words that he now leads us to believe that it is only now, today, that he has had the first opportunity to clarify and complete that record.

Well, Mr. Speaker, the reason why this is, of course, so important is what this whole past disturbance has been all about, has been of course precisely that issue of the First Minister and indeed the Government House Leader, the chief law maker, the Attorney-General visiting your offices at a time when a critical decision was being made. Mr. Speaker, it behoves us to remember what that decision was all about. At 5:20, or thereabouts, on December 9th you, Sir, ruled in favour of the Member for Fort Garry on a particular issue at a point in his debate. At 8:00 o'clock, you, Sir, ruled against the Member for Fort Garry and subsequently asked him to leave this Chamber by naming him.

Mr. Speaker, I can't express it anymore clearly because obviously there is some difficulty even among astute and experienced observers of the scene in the Legislature or in the public gallery or members of the Fourth Estate to fail to understand the significance of what this whole problem has been about that has troubled, and as the Attorney-General quite rightly says, cast a certain amount of acrimony in the discussions in this Chamber. It's not different to use a more common analogy, Mr. Speaker, than to have had at a hockey game at the closing minutes of the second period a referee call a particular penalty against the home team or the opposing team, it doesn't matter, and then during the 10-minute break between the second and third period with the opposing coach seen visiting with the referee, have that referee come back on the ice and reverse that call, and that is what happened, Mr. Speaker.

I'm not suggesting, Mr. Speaker, I cannot, in the legalese terms that the Attorney-General wants me to suggest in this Chamber exactly what kind of influence,

whether or not, to what degree of influence, or whether in fact any influencing of the Speaker took place.

**HON. R. PENNER:** Now you've got it.

**MR. H. ENNS:** But, Mr. Speaker, will he at least not acknowledge that we in the opposition have every right when a decision that was made in favour of our colleague is reversed after a supper hour meeting with the Government House Leader and the First Minister being seen in the corridors of the Speaker, then, Sir, we have no other choice but to do what we have been doing the last several weeks in expressing our non-confidence, Sir, in the equitable, the fairness, the way in which the Speaker's Rulings are made in this Chamber.

That is what all this is about and I, Sir, am very happy - and it only happened yesterday by careful perusal of the Hansard and by the Attorney-General's own doings because he has a problem of speaking himself or talking himself into trouble from time to time - that we have this clear evidence before us now that it was the concern of a ruling that you were about to make, Mr. Speaker, that the visitation to your office was made. It doesn't matter any further degrees of whether or not influence was in effect exercised or not.

But, Sir, that was not what you purported to us on the days in question immediately after the incident of December 9th, or December 13th, or December 16th, and, Mr. Speaker, I welcome, as do honourable members of the opposition welcome, this opportunity now provided us out of the mouth out of the words uttered by the Attorney-General himself to have this further debate on this issue, because it is not an issue of counting who asks a number of questions on either side of the House.

You know if we wanted to play that game I could suggest that we could check back in the records when my colleague, the Member for Virden, was the Speaker and no doubt in any given Session the opposition then had 450 questions to ask as compared to 10 or 15 for the government members of that day. That's not at issue. The issue dates back to the central problem that was created on December 9th when a decision of the Speaker was changed and it was changed only after, Sir, the Attorney-General, the Chief Law Officer of this province, and the Premier, had made specific requests to deal with you, Sir, on this delicate matter.

So, Mr. Speaker, I support the motion; I think it needs to be stated in the strongest terms, that particularly in a system the way we operate, where we have a politically partisan Speaker, perhaps we could avoid it if we had a permanent Speaker, and the Speaker was not chosen from one of us whose roots are and whose background is obviously political. It makes it that much more important under our system, therefore. When we have to choose a Speaker from among our own ranks and, of course, it's the governing party that chooses the Speaker, that those who deal with the Speaker, particularly senior officers of the government deal with the Speaker, do so with a great deal of caution.

Mr. Speaker, the First Minister, I recall making those remarks, the Attorney-General making those remarks, back in the days of December 9th and 13th, made a great to-do about the right of every member to prevail

upon you to seek your guidance and advice from time to time, to visit you, to ask for transcripts, well of course that's always been the case, Mr. Speaker. There's been no question of that. But Sir, the Government House Leader, at a time when there's a dispute on in the House and a ruling is about to be made, does not go and see the Speaker. And if that is hard to understand by honourable members opposite, by members of the media, by members in the public galleries, then we have a great deal of educating to do in this House with respect to how this House can operate.

Mr. Speaker, for those reasons, I support the motion that's before you, placed there by the Honourable Member for Turtle Mountain.

**MR. SPEAKER:** The Honourable Member for Brandon West.

**MR. H. CARROLL:** Mr. Speaker, I'm not misled. I have to accept what the Attorney-General has said. Perhaps - well, he shouldn't be censured. He should perhaps be chastised for breaking one of the rules that even the youngest law student knows, that once an issue is settled you keep your mouth shut. Perhaps the Attorney-General should have done that.

**MR. SPEAKER:** The Honourable Minister of Natural Resources.

**HON. A. MACKLING:** Mr. Speaker, it is with deep regret that I rise to comment about this resolution, this motion before the House. I regret it very much, Mr. Speaker, because here we have another instance where the integrity of an individual is called into question. During the course of the debate in this House, I expect to be faced with tough decisions about government policy and programs, but I see in the efforts of the opposition an attempt to frustrate, an attempt to block, an attempt to assassinate by innuendo and suggestion, unfounded on fact.

The night in question, I rose, because in my opinion the Rules of the House were being abused. The Honourable Member for La Verendrye says the Speaker made a ruling, and that is why I heard from the Honourable Member for Lakeside. And, Mr. Speaker, I returned to my seat unsatisfied because you, Mr. Speaker, had made no ruling, and that was one of the problems of the sitting in December, with all respect, Mr. Speaker. I'm not suggesting qualifying the integrity of the Speaker. There was indecision as to whether or not you had made a ruling. Certainly I didn't find in your conduct that you had made a ruling.

And if the record is examined, when you returned to the Chamber, you indicated in the evening that you had, in effect, not made it clear what your decision was. I haven't got Hansard in front of me, but that's what your decision indicates.

And so for the Honourable Member for Lakeside to say that a decision of the Speaker had been changed is to suggest an untruth. Let the record show that.

That's the kind of innuendo that has pervaded in this House from the opposition. That is a disgrace, Mr. Speaker, and I am ashamed of the fact that we have to indulge in this House in dealing with a motion like that. I have every confidence in our Attorney-General.

What he says is the truth and I will certainly be proud to stand and put down this motion.

**MR. SPEAKER:** The Honourable Member for Arthur.

**MR. J. DOWNEY:** Mr. Speaker, I want to just speak briefly in support of this motion. Not being a lawyer, but an individual who basically believed that the Chief Law Officer of the Province of Manitoba was an individual, or the office of an individual that worked from that basic premise, that it didn't have to be taught in law school, but it was just a general part of good common sense and honest upbringing, that in fact we have seen evidence today, Mr. Speaker, that it is contrary to that - I think pretty sound and documented evidence that there are two statements that have been made. There had been ample opportunity for clarification, Mr. Speaker, to put before this Legislature, but was not done so until the evidence was provided by the opposition.

In the meantime, as has been very capably covered by my colleague from Lakeside and my other colleagues, we have seen the leader of our party, Mr. Speaker, undergo a very severe penalty, which was introduced by the Chief Law Officer of this province, who by doing such a thing tried to cover up for his own omissions. That is why I stand here to support this motion.

**MR. SPEAKER:** The Honourable Minister of Health.

**HON. L. DESJARDINS:** Thank you, Mr. Speaker. I also would like to participate in this debate, maybe not for the exact reason that we've heard so far, but I think they're important enough reasons.

I might say, Mr. Speaker, that I've been present in this House under six or seven different Speakers, and we've always had problems. Once in awhile, the idea or thought of naming a permanent Speaker was considered by different sides of the House, different governments in office and members of the opposition, and for some reason - I don't want to comment, any reason - it has been decided to keep on the way we are going. So it is only natural that many times the members of the opposition feel that they have been wronged.

I remember, Mr. Speaker, that I sat where the Member for Arthur is now presently sitting and where the Member for Roblin is sitting, there was Mrs. June Westbury. Look at my size, Mr. Speaker, and you know Mrs. Westbury wasn't that big a lady, and I had to stand up constantly and the Speaker, I thought, had to look around me to try to find Mrs. Westbury to recognize her, and in fact it became a joke in the House with the members of all the House. To make that point, I even had to bring a little bell and ring the bell to show that I was here and I wanted to speak, Mr. Speaker.

I accepted that as one of the things that couldn't be controlled, but the important thing, Sir, is not playing on technicalities or to try to see who is wrong. The important thing is that today we're talking about the future of democracy and the parliamentary system. It is obvious, and even in this debate, the Member for Lakeside was out of order because he talked about something that was already decided. He's talked, mind you, about a referee. He said, if you make a decision

in the first period and you come back in the second period and reverse the decision, but there was no decision made. There was no decision and I challenge you to show me the Speaker said - (Interjection) - then, I'm wrong and I apologize. The next Speaker could bring it, because I certainly was under the impression that there was no clearcut decision. That is why, I think, - it might have been ambiguous. The words of the Speaker might have led to that understanding and that is why I thought, at 8:00 o'clock, that the Speaker said in case there's any misunderstanding.

But what could he do? And by the way, talking about reversing your stand; it's been done. It's been done in many games and it's been done that maybe the Commissioner or somebody, even when there is no penalty called, will throw a game out, because there was something that wasn't according to Hoyle. But the main thing is, if you want to be consistent, if you want really fairness in this House, read the speech that was made at that time from the Member for Fort Garry and see if these words were truly parliamentary. I think that's the main thing. In is odd, Mr. Speaker - and I think that the Member for Lakeside came pretty close in admitting it - that this was an occasion to try to use that to make a point again. How long will this harassment go on?

We've had, not only do people leave, nobody can prove what has happened in there. I know that I was at the same meeting where we discussed, the three of us, coming back, walking the stairs, climbing the stairs from that meeting, where we talked about getting that document and finding out exactly what was said. We asked the Attorney-General to go and get it. That I know, because I was there. I don't know what happened when he was there. I can only take his word, but I can't see any proofs of wrongdoing.

You know, for somebody that is so touchy trying to influence people, the Leader of the Opposition when he was sitting in this seat did not take the trouble of going across but he waved his hand at the then Speaker, and if that wasn't influencing him, where the Speaker concerned called a halt to the proceedings and then came back and there was, just as easily understood on my part, a reversal of a decision that was made, and I am talking about the Wilson case.

So the appeal that I make - I think the members on the opposition know they're not going to get anywhere in this; that we certainly will not support them; that they haven't got enough information on that. I think that everybody will know, but the point is that we have had a Leader of the Opposition, who repeatedly has made it quite clear that he is going to get him, that he is going to get the Speaker, that the Speaker is finished. He has repeated that.

I say to you, is that the way - can we conduct anything? It is going to be anarchy or complete chaos if we don't have rules. If we don't like the rules, let's get together and change them and probably there is always something that could be improved, I imagine. But the thing is, that was decided; rightly or wrongly, that was decided; there was a vote; that's finished, that's gone, and I think that there is no point in continually keeping this attitude of bitterness between the two sides of the House. For what? To prove a point, and nobody's going to be the winner in this. Nobody is going to be the winner at all.

Let's look at the situation, if there is a possibility of a full-time permanent Speaker, but the whole system - especially the lawyers that I've spoken to - because the system is the same. Every judge is named by a government, the Government of the Day, and I haven't seen too many that are not strong, that have not been at one time or another strong militant active members of a party. They become judges and we have to have a system and the Leader of the Opposition, himself, has shown in the past how much confidence he has in the system, how much confidence he has in the integrity of these people. If it's a sin to be a member of a political party and if you can't serve at another capacity with the experience that you have, well then it's a pretty sad world and democracy should be looked at.

I would say, Mr. Speaker, that there is no way that I could support this motion. I haven't got more knowledge except the matter that I stated, that the Attorney-General volunteered to get the information that both myself and mostly the Premier was seeking. That's all there is. There is nothing else. Very conveniently in the motion, and I thought it was a well-prepared and documented motion until I realized, on Page 119 on Friday, it is quite clear - and the House Leader of the Conservative Party did not say this, but - it is quite clear that the Attorney-General was interrupted and on more than one occasion. I would like to quote, on Page 519, of Friday the 4th, Mr. Lyon spoke and then the Honourable Attorney-General was recognized and this is what he said, "On the same point of order, let the record show and the Leader of the Opposition denied me the opportunity to state that at the time, that on the time in question, when I, at five minutes to 8:00 on the evening in question, went in to see you, there were several people in your office and you had already made and were dictating your decision." That is not influencing anything if the decision is being dictated. "I was not, at that time, party to the previous proceedings and simply went to see you, on whether or not you had a ruling that you would be making . . ."

**MR. SPEAKER:** Order please.

**HON. R. PENNER:** Let the record show that . . .

**MR. SPEAKER:** Order please.

**HON. R. PENNER:** . . . and let that man stop his bullying . . ."

The interruption was there and I don't think that there is any, certainly not a case that would stand up in any court, and the Leader of the Opposition knows it better than anybody else, that there was undue or any influence at all on you, Mr. Speaker, to try to get you to change your position. There is no doubt, I think, that we came the closest thing to it when the First Minister, himself, said quite truthfully that he wanted the information. He told the Speaker and he said that last year, that same day, that he was quite concerned with some of the words in that speech and he wanted the record to see if he should bring a complaint and ask for a ruling from the Speaker.

I think we should let it go at that and start looking after the affairs of our province.

**MR. SPEAKER:** The Honourable Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Speaker, I assure you, Sir, that I will not digress from the subject at hand, as the Minister for Resources did, to make accusations as to the reasons why this is before us today, nor will I digress, as the previous speaker has. I would just like to briefly point out, Mr. Speaker, that on Page 149 - and I'm not a lawyer, Mr. Speaker. I'm just a member who has been here a long time - on Page 149, the Attorney-General says, "That will complete the record on that, as far as I'm aware." There was no interruption on that day, Sir.

On Page 186 he said, "the record is clear." I won't read the whole paragraph, you have them before you, Sir. He says, "the record is clear." On Page 519, Sir, he suggests an entirely different thing, that he went up, and makes the statement, "and simply went to see you, on whether or not you had a ruling that you would be making . . ." And today in the House, Sir, when we all have a chance to peruse Hansard, I think the Attorney-General made a reference to you - said to him, you'd be making a ruling. He seems to be putting the reflection on you, Sir, that you made the suggestion.

Sir, the Attorney-General says right here, on whether or not you had the ruling that you would be making. He said that today, or that then, and later on today, he said, "I didn't go up to ask about a ruling. I went up to ask about transcripts of the House."

Under those circumstances we have approximately three different interpretations of what the Attorney-General was doing and there should be no doubt - no doubt in anybody's mind in this House - there should be no doubt in anybody's mind of the people of Manitoba, of what the Attorney-General is doing, and if we have that doubt, and I have, Sir, because of his statements - not any that anybody else made - because of his statements - we have that doubt, therefore I support the motion.

**MR. SPEAKER:** The Honourable Minister of Housing.

**HON. J. STORIE:** Thank you, Mr. Speaker. I'm not rising to defend the Honourable Attorney-General, he needs no defence. His integrity, or the respect with which he is held, needs no defence in this Chamber, or outside of this Chamber.

I rise in response to a question that was legitimately asked by the Honourable Member for Lakeside. His question was, "What is this all about?" I think for the record that it's important that we put on the record what this is indeed all about.

We have had a particularly difficult Session and there have been a number of occasions when members opposite have been asked to leave the Chamber, have been asked to withdraw. I think it's important to ask the question, why were they asked to withdraw?

The suggestion has been that there has been some kind of unfairness exhibited in this Chamber, and I think the record is clear that that is not the case. The suggestion has been that there has been an attempt, by this side, or somehow through this side, and through you, Sir, to muzzle the opposition and I think that is not the case, as well.

If we look specifically at the examples, where members were expelled from this Chamber, it was for

a breach of the rules. That breach of the rules was for using, in most of the cases, unparliamentary language.

There have been any number of times when members on this side had used unparliamentary language and I can remember a couple - the Honourable Minister of Agriculture, the Honourable Minister of Natural Resources - and when they were brought to order on those points, they withdrew the remarks, which is the parliamentary thing to do and the correct thing to do. We have a system of rules in this House, we are obliged together to follow them.

Members opposite, for their own reasons, we might imply arrogance or some other motive, but we know that when they were challenged - not because of some substantial argument that they were making - but because of an infringement of a very minor rule, they refused to comply. They refused to comply. They refused to withdraw unparliamentary remarks. We're not talking about arguments of substance; we're not talking about major policy issues, which we were somehow muzzling the opposition from saying. They were asked to withdraw and the courtesy of this House, the decorum of this House, demands that they withdraw those remarks. They refused.

Their motives for refusal and their subsequent expulsion, why they let that occur, I suppose, is a question for them to ask. But let it be clear that's what it's about. It's about following the rules and clearly, for whatever reason, members opposite have chosen not even to follow, not to be willing to follow, the most apparently innocuous of rules.

Is there an explanation? I don't think that we have to look to this side of the House, Mr. Speaker, to ask that question. The question needs to be asked of members opposite.

**MR. SPEAKER:** The Honourable Member for Virden.

**MR. H. GRAHAM:** Thank you very much, Mr. Speaker. I listened with a great deal of amusement, Sir, on a very serious matter, but the remarks of the honourable gentleman who just finished speaking, have to be amusing, if not regrettable. He talks about following the rules and one of the fundamental rules of Parliament, Mr. Speaker, is that members of the Assembly must accept any statement by a Minister of the Crown as being correct. Factual. And when that member says that it is complete, then we must accept it.

However, what do you do in the parliamentary system when later you find out that he is incorrect; that he has misled the House; that he has misinformed the members by his own statements? What do you do then? You again use the parliamentary system, which we are using today. That is what has happened.

The Minister of Health, the Minister of Natural Resources, and all others, can attempt to confuse the issue, divert the attention, do whatever they want, to evade the real issue that is here before us. And it reminds me, Mr. Speaker, of something that occurred when I was a young lad attending school. We had to memorize certain passages from English literature, and there was one phrase that came back to mind today, and I believe it's from Shakespeare, but I'm not positive. It says, "Oh, what tangled webs we weave, when first we practice to deceive." And we are seeing evidence

of that today, in my opinion, Mr. Speaker. We're seeing evidence of it again today.

Ministers of this House, or any other House, should and must be truthful, in giving answers to questions that are asked of them. If those Ministers were truthful, all of this, all this hubbub, would never have occurred. It's when we find they are untruthful, that we get into these problems and so, Mr. Speaker, you will note that this is a very parliamentary resolution. It's not dealing with any matter that the House has already dealt with. We are dealing purely with the unfactual remarks of the Attorney-General, the first law officer of this province, who, by his own record in Hansard, has proven that he has not told the House the truth.

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for Pembina.

**MR. D. ORCHARD:** Thank you, Mr. Speaker. Members opposite have contributed to this censure motion in a manner not dealing with the motion that's before the House, but in attempting to divert the attention to other matters. That is not what we intend to do and that was not the intent of bringing the motion before the House, Mr. Speaker.

The Attorney-General of this province responded to a question, and we can accept as has been said before that when he responds to a question that he is telling us the whole truth, nothing but the truth, so help me God, in theory.

When the Attorney-General responded to a question on December 10th, he said, "That will complete the record on that as far as I'm aware." That is in response to a question, Mr. Speaker.

The two other occasions in which the Attorney-General has made reference were not in response to questions, but information volunteered of his own volition. There was no interruption. The Attorney-General had every opportunity on both occasions, on the 13th of December and on the 10th of December, to provide us with all the information that he chose to do and all the Attorney-General did on those two occasions, once in response to a question, once on his own volition, was to indicate and he says, "The record is clear," that he was simply calling upon you to pick up a transcript of Hansard; only that and nothing more. That is what the Attorney-General volunteered to us and gave to us as a factual answer in response to a question.

Mr. Speaker, the problem occurred on Friday, last week, on March 4th, when once again the Attorney-General was volunteering information, not in response to a question in which he is bound to tell the truth, but volunteering information.

The information that he volunteered to us on March 4th, Mr. Speaker, was quite different from the information that he gave to us in response to an answer, in voluntary means, in which I will quote again, he said, "The record is clear." - on December 13th and, "That will complete the record on that as far as I'm aware." - on December 10th.

The information that is at odds, that is a misrepresentation, follows on March 4th where he clearly indicates that he had called to see you, Mr. Speaker, with no reference to picking up a transcript

of Hansard. None whatsoever, Mr. Speaker, in the answer he volunteered on March 4th, but rather on whether or not you had a ruling that you would be making.

The question, Mr. Speaker, that cannot be diverted from in this motion is whether indeed the Attorney-General as the Chief Law Officer of this province gave us the complete information on two occasions, or whether in fact only now we are getting the complete information from the Attorney-General.

There are two different stories spoken by the Attorney-General. There are two different sets of facts given to this House by the Attorney-General. The first set of information given by the Attorney-General is then reversed and misrepresented in the second set of information.

The question clearly, Mr. Speaker, is, when can members of the opposition and indeed the public of Manitoba assume that when the Attorney-General says the record is clear after making a seemingly factual statement, that indeed it is, and that indeed the Attorney-General has told us all of the facts relevant to the question being posed and has not chosen to leave certain facts out and to misrepresent the situation as clearly these three quotations on three separate days indicate the Attorney-General has done?

Mr. Speaker, I have no option but to support the resolution censuring the Attorney-General for misrepresenting and misleading the House.

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Thank you, Mr. Speaker. I'll be closing debate on this motion.

Mr. Speaker, this is not a question dealing with anything other than what this House has been told by the Attorney-General, and the contribution by the Minister of Natural Resources, the Minister of Health and the Minister of Housing were all irrelevant to the issue before the House today.

**HON. R. PENNER:** We're not that naive, Brian.

**MR. B. RANSOM:** The Attorney-General says he's not that naive, he knows how to mislead, Mr. Speaker, and there is evidence of trying to divert the attention from the Attorney-General. The Attorney-General, Sir, as the Chief Law Officer in this province is learned in the law, he knows how to use words, he knows what words mean, he knows what statements are and he told this House last December that the only reason he had gone to your chambers was to pick up a transcript and he said, and I'd better use the exact words, he said, "That will complete the record on that as far as I am aware."

This is not some layman, Mr. Speaker, who is accustomed to putting his foot in his mouth. This is a lawyer, a law professor, the Chief Law Officer of the province saying, "That will complete the record as far as I'm aware." And for the Attorney-General to rise, and for his colleagues to rise in the House today, and tell us that he was somehow interrupted before he was able to clear the record.

Let it go on the record once again that he said that was all there was to it as far as he was aware. Two

days later he said again, he quoted from his first statement and said, "The record is clear." There is no indication at that time that he had been prevented from making a complete statement earlier on. Not at all. He repeated it and said, "The record is clear."

We must all recall that in December the issue of the day was deflected by the Attorney-General and by the First Minister by saying that the purpose of the visit to your quarters, Sir, was simply to get a transcript, and for the First Minister to advise you about a point which he hoped to raise. On that basis the issue was deflected. The House having been told by the first law officer of this province that he had put the whole story on the record, and we find out from an admission by the Attorney-General himself that was not the case, that he now says that he went to see you on whether or not you had a ruling that you would be making. What would the Attorney-General be going to the Speaker's quarters to ask about a ruling for anyway, Mr. Speaker? That was the issue in December, and the Attorney-General at the time told us that issue was never raised and that was the complete story as far as he was aware; and he said two days later, "Let the record be clear."

On both occasions, the First Minister has not seen fit to rise in this House and defend his Attorney-General. This is a very serious allegation against any Minister of the Crown, Mr. Speaker. It is doubly so when it involves the Attorney-General and the First Minister of the House, having been challenged by my Leader in December to rise and clear the record, failed to do so, and he failed to do so again today. But, to his credit at least, he didn't rise and try and drag red herrings across the trail the way the Minister of Natural Resources, the Minister of Health and the Minister of Housing did. He realizes that it was an indefensible act and that it's better to sit quiet and say nothing than to rise and try and defend the indefensible, Sir.

Mr. Speaker, this casts serious doubt on the word of the Attorney-General, and this is going to have an impact beyond the House and beyond this issue that the people of this province will be able to see on their own. They can read the record, Mr. Speaker. They can see what the Attorney-General has said and they will be able to judge whether or not the word of the Attorney-General can be accepted. We, Sir, do not believe that it can be accepted and that is why, regretfully, we have had to bring this resolution before the House today.

**MR. SPEAKER:** Order please.

**QUESTION put, MOTION defeated**

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Yeas and nays, Mr. Speaker.

**MR. SPEAKER:** Call in the members.

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

**YEAS**

Messrs. Banman, Blake, Brown, Downey, Driedger, Enns, Filmon, Gourlay, Graham; Mrs. Hammond;

Messrs. Hyde, Johnston, Kovnats, Lyon, Manness, McKenzie, Mercier, Nordman, Orchard, Ransom, Sherman.

### NAYS

Messrs. Adam, Ashton, Bucklaschuk, Carroll, Cowan, Desjardins; Mrs. Dodick; Mr. Doern; Ms. Dolin; Messrs. Fox, Harapiak, Harper; Ms. Hemphill; Messrs. Lecuyer, Mackling, Malinowski, Parasiuk, Pawley, Penner; Ms. Phillips; Messrs. Plohman, Santos, Schroeder, Scott; Mrs. Smith; Messrs. Storie, Uruski, Uskiw.

**MR. CLERK, W. Remnant:** Yeas 21; Nays 28.

**MR. SPEAKER:** The motion is accordingly defeated.

### ORAL QUESTIONS

#### Manitoba's Capital Project Proposals

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**HON. S. LYON:** Mr. Speaker, I have a question for the First Minister. Some few days ago, he passed around to members of the House, along with an announcement that he made at that time, a list called, "Manitoba's Capital Project Proposals to the Government of Canada," which said list, I understand, the Minister of Finance has now passed along with not too much success to his colleague, the Minister of Finance in Ottawa.

My first question, Sir, would be to ask the First Minister how many of the projects which are itemized in this list of what the government probably accurately calls its "Wish Proposals," how many of them, for which the province has constitutional authority for initiation for administration and finance, were either authorized by the previous Conservative administration, which I had the honour to lead, or last year authorized by his own administration? In other words, how many of them are just a repeat, a rehash, a retread of what was going to be done in any event?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, in response to the question, the honourable member would recall, in regard to personal care homes, large sums of monies were authorized, but there was a freeze re the proceeding of personal care homes. So I'm not at all clear as to the honourable member's question as to in what way that would be relevant. Mr. Speaker, maybe the honourable member should be better informed as to the basic reason for the list of projects.

The Finance Minister Lalonde in December requested from each province a list of projects that Provincial Governments would be interested in seeing proceed if there was a federal initiative arising from the upcoming Federal Budget which we're expecting in late March or early April. It's my understanding, Mr. Speaker, that every province, with the exception of one, has submitted to the Federal Government the so-called "Wish List," and that Manitoba has done likewise.

Mr. Speaker, there is a total number of projects cost-wise would comprise approximately \$1 billion. It would be only anticipated that the Federal Government from that list would choose those projects that would be of greatest interest or priority to them. They are projects that, in return, the Provincial Government would be interested in seeing proceed.

**HON. S. LYON:** Well, Mr. Speaker, either wilfully or otherwise, the First Minister seems to be avoiding my question. My question very simply, Sir, and I think even he could understand it, is how many of these projects about which he makes a list, which he then presents to the Minister of Finance, were not already in the books to be done or already under way?

I use by way of example, to refresh his memory, that the twinning of No. 75 Highway was announced, if my memory serves me, at least a year and one-half ago and that, indeed, the first part of the work on the twinning of 75 Highway took place over the last summer, that right-of-way was acquired, work was done.

Now, if the purpose of submitting projects to the Government of Manitoba to seek federal cost-sharing is the only purpose of this, then fine and dandy. If the Feds will come in and share on projects that are old, fine; but if the purpose is to tell the public of Manitoba that here is a wonderful new list of things that we intend to do, then the list, I must suggest, Sir, is a bit of a fraud.

**HON. H. PAWLEY:** Mr. Speaker, again, unfortunately, the Leader of the Opposition chooses knowingly or otherwise not to understand the basis of the list. Mr. Speaker, it is a list, as I indicated, submitted to the Federal Government in the anticipation that the Federal Government, if it proceeds with its intentions as expressed last December, would choose items from that list, and any items chosen from that list would receive the full support and co-operation of the Government of Manitoba.

Mr. Speaker, many projects are announced, and it is true that the previous government announced a number of projects but then did not proceed with those projects. Mr. Speaker, we dealt with the health care institutions the other night and the honourable member should recall very, very well his freezing of announcements that were made in 1977 by the former government headed by Premier Schreyer. Tenders had been issued and they were stopped, Mr. Speaker. — (Interjection) — Mr. Speaker, if the honourable member wants to address the Chair . . .

**MR. SPEAKER:** Order please.

**HON. H. PAWLEY:** . . . I request that he do so. In the meantime, I would like to respond to the question from the Leader of the Opposition.

**MR. L. SHERMAN:** Don't say we dealt with it. You dealt with it. I haven't dealt with it yet, and I'll deal with your speech . . .

**MR. SPEAKER:** Order please.

**HON. H. PAWLEY:** Mr. Speaker, the Member for Fort Garry appears to be unduly excited because he knows

full well from his own experience in 1977 what he did by way of freezing projects from the Province of Manitoba.

**MR. L. SHERMAN:** Name one. Name one project we announced.

**HON. H. PAWLEY:** Selkirk General Hospital, and I could list many others.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order please. The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, I think somebody protests too much in this Chamber.

Mr. Speaker, a number of projects, indeed, have been announced. I would hope that through federal and provincial coordination there could be an acceleration in regard to the development of those projects.

Specific mention has been made to the twinning of Highway 75. There is no way, Mr. Speaker, that the twinning of Highway 75 can proceed as quickly as we might otherwise wish it to proceed unless there is the kind of co-operative venture that I've made reference to.

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**HON. S. LYON:** Well, Mr. Speaker, I think we're beginning to get at a form of answer from the First Minister. He mentions Selkirk Hospital for which I turned the sod. As the Premier of Manitoba, he was invited to be there as the member for the constituency in case he forgets that. The hospital, as I understand, is now completed and open. That was done; that was not a delayed project, Mr. Speaker. It was only on the books in the Schreyer Government and the First Minister didn't have enough pull with that government to get it done. We built it because it had to be done.

Mr. Speaker, getting on to matters for which the province has not the power of initiation constitutionally, or the power of initiation, I ask the First Minister if the Federal Government, according to his "Wish List" and according to his hope, were to advance money for this project under "D. Industrial - Upgrading of the Hudson Bay Rail Line from The Pas to Churchill," is he suggesting that the Province of Manitoba, the taxpayers of Manitoba, would put money into that project?

**HON. H. PAWLEY:** Mr. Speaker, what we have indicated to the Federal Government, and the honourable member ought to again know this full well, that the Province of Manitoba is interested in certain projects being examined by the Federal Government, by the Provincial Government. These are a list of projects. We wish from the Federal Government a response as to those projects they would be interested in proceeding with; just as indeed is the case with every other province in Canada which submitted a similar list with the exception of Alberta.

I know, Mr. Speaker, that the Honourable Leader of the Opposition does not appreciate this kind of initiative.

He does not support a stimulative kind of approach; but what is necessary, Mr. Speaker, that each province do exactly as Manitoba has done - and every province indeed has with the exception of Alberta - and submit lists to the Federal Government so that those projects can be discussed and determination could be made as to which projects ought to proceed between the two levels of government.

Mr. Speaker, I do not wish the honourable member's comments to go unresponded to pertaining to the Selkirk Hospital. There were other hospitals such as Ashern. Ashern had already reached the tender stage when it was frozen but it was frozen by way of progress. Mr. Speaker, in the case of Selkirk - and I'm really surprised the Honourable Member for Fort Garry would not acknowledge this - approval had been given to functional plans. The late Jack Donner, architect, had already done thousands of dollars of work in the preparation of the architectural plans with the anticipation that hospital would proceed. It was the former Minister of Health, the Member for Fort Garry, that prevented the proceeding with of that hospital, as well as many other similar institutions in the Province of Manitoba.

**MR. L. SHERMAN:** . . . that is absolutely untrue.

**HON. H. PAWLEY:** You wouldn't know the truth if you saw it.

**MR. SPEAKER:** Order please. The Honourable Leader of the Opposition.

**HON. S. LYON:** Well, Mr. Speaker, the First Minister seems to be rather . . .

**MR. L. SHERMAN:** You didn't even have it on the books. It was hypothetical abstract talk and you know it. It was not an approved capital project under you and you know it.

**MR. SPEAKER:** Order please.

**MR. L. SHERMAN:** A bunch of abstract promises. Anybody can promise anything, but we built it.

**MR. SPEAKER:** Order please.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order please. Order please. The Honourable Leader of the Opposition.

**MR. L. SHERMAN:** I'm tired of that nonsense about health care. Just tired of it.

**HON. S. LYON:** Mr. Speaker, I can understand why the First Minister is distraught, because he is beginning to find that every time untruths are spoken from his side of the House, they will be challenged in this House, and they'll be challenged daily, if necessary, and especially if he speaks them.

Now, Mr. Speaker, the question, to get back to the original question, the question was this. One of the items suggested in the capital list, under (d) Industrial,

was the upgrading of the Hudson Bay rail line from The Pas to Churchill. My question was, if the Federal Government was to accept that proposal, would the Government of Manitoba be putting provincial taxpayers' money into what is a federal matter?

No. 2 - another "Wish" project that the government has submitted. A railroad rolling stock manufacturing facility for energy-efficient freight cars for Canadian and export markets to be located at Selkirk, Gimli, The Pas, or Thompson. Would it be the expectation of the overburdened taxpayers of Manitoba, that they would be asked to put good tax dollars into that kind of a venture?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, I would be tempted to preambule my remarks, and I prefer not to, because I think it's best not to respond to threats from the Leader of the Opposition.

**HON. S. LYON:** Tell the truth and you won't have any problems.

**A MEMBER:** Why don't you try it once in awhile?

**A MEMBER:** Simmer down.

**MR. SPEAKER:** Order please.

**HON. H. PAWLEY:** Mr. Speaker, I would hope that at some point, this Chamber and Government and opposition members could get about to do the business of the Province of Manitoba, rather than uttering of threats; rather than uttering wild comments; as we so often, unfortunately, are hearing from across the way.

Mr. Speaker, insofar as — (Interjection) — The Leader of the Opposition, for the record, just yelled from his seat, "Tell the truth if you can", Mr. Speaker.

**HON. S. LYON:** Right, right.

**HON. H. PAWLEY:** Just for the record, I have never had any problem in telling the truth at any time. Just for the record.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order please. Order please.  
The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, again — (Interjection) — Mr. Speaker, if there's some return of decorum, I would like to respond to the question from the Leader of the Opposition.

Mr. Speaker, as I indicated earlier, a list has been submitted to the Federal Government of projects that this government supports in principle. If the Federal Government selects from that list, projects that they, too agree with in principle, we are interested in sitting down with the Federal Government, examining the viability of each and every project, and working out a joint system of co-operation, in order to initiate those projects.

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**HON. S. LYON:** Mr. Speaker, does that mean that the First Minister is prepared to put the money of the taxpayers of Manitoba into a project, to upgrade the Hudson Bay rail line, from The Pas to Churchill, which responsibility has been heretofore of the Canadian National Railway and/or the Government of Manitoba; and into building a railroad rolling stock manufacturing facility at Selkirk, Gimli, The Pas, or Thompson. Is he prepared to put the taxpayers' money into that kind of a project?

**HON. H. PAWLEY:** Mr. Speaker, we are interested in bringing these projects to the attention of the Federal Government. We're interested in obtaining their response and if the projects are indeed viable, after joint study, we will make an announcement.

**HON. S. LYON:** Mr. Speaker, very simply, will the First Minister commit taxpayers' money, from the taxpayers of Manitoba, into these projects?

**HON. H. PAWLEY:** Mr. Speaker, I believe I've answered the Leader of the Opposition's question as clearly as I could.

**HON. S. LYON:** No, you haven't.

**HON. H. PAWLEY:** Mr. Speaker, I wish I could ask a question in return to the Leader of the Opposition, because I'm gaining the impression that the Leader of the Opposition opposes an upgrading of the rail line to the Port of Churchill.

**HON. S. LYON:** Mr. Speaker, all sides of the House are accorded the same privilege. No, I don't oppose it. I oppose the taxpayers of Manitoba being dragged in on some "Wish scheme" by crazy socialists, who are trying to cover up the fact that they have lost 30,000-odd jobs in Manitoba, or 19,000-odd jobs, and that 30,000 more people are unemployed, since they came into office. They're trying to cover it up with fantasy programs about boxcars in Thompson, and so so.

**HON. H. PAWLEY:** Mr. Speaker, I don't really want to - I shouldn't probably concern myself about the Leader of the Opposition's attack upon eight other provincial governments in the country, because as far as I'm concerned, Mr. Speaker, I think they indeed have been honoured by the comments of the Leader of the Opposition in the last few moments. He said some "Wish list" of some silly socialist initiative or venture, Mr. Speaker, again the Leader of the Opposition hadn't heard clearly, I suppose. A few moments ago, when I reported to this House that it's my understanding, from the Minister of Finance, that nine of the ten Provincial Governments in Canada have submitted to the Federal Government a so-called "Wish list" in response to what I submit, Mr. Speaker, was a responsible request from another non-socialist - that the Leader of the Opposition - I know he's always so concerned about colour - from the Liberal Minister of Finance in December to all Provincial Governments. Nine Provincial Governments

responded, and of those nine, six would be Conservative, one would be Social Credit, one would be New Democrat, and I believe, even the Parti Quebecois Government in the Province of Quebec, indicated its interest in working together with the Federal Government in such an initiative across the country.

**HON. S. LYON:** Mr. Speaker, will the First Minister - to go back - will the First Minister give us a list of the projects that were already announced, and under way, and provided for, in provincial Estimates, out of the list for which the province has responsibility - No. 1; and will he, No. 2, in compiling that list, for the purposes of the House and the people of Manitoba, tell the people of Manitoba which of those "Wish items," and that term is his term, Sir, not mine - "Wish List" is his term - under the industrial category, two of which I have mentioned, tell the people of Manitoba, whether or not he is prepared to commit their tax dollars to those projects, if they be approved by the Federal Government.

**HON. H. PAWLEY:** Mr. Speaker, I think we've already answered that question . . .

**HON. S. LYON:** No, you haven't. That's why I'm asking it.

**HON. H. PAWLEY:** We've indicated again, Mr. Speaker, that we are interested, if the Federal Government expresses an interest in respect to these projects, any one or other of these projects; we indicated a support in principle, the desire to sit down with the Federal Government, in regard to any project that they select from that list, to ascertain the viability, in order to initiate the commencement of such projects.

Mr. Speaker, we have no difficulty in supporting any of the projects listed in the document that the Honourable Leader is referring to, in supporting any one of those projects in principle. My only concern, Mr. Speaker, if I can confide concern, — (Interjection) — if I could confide my concern, Mr. Speaker, that there is still in this land, unfortunately, too many in positions of power that unfortunately share the same philosophic bent as the Leader of the Opposition and will not really join in with an all out massive effort to attack unemployment or the initiation or projects such as this from one end of the country to the other.

**HON. S. LYON:** All you had to do is get the Grid and Alcan, if you haven't let your incompetent Minister to lose the Grid and Alcan you'd have the jobs. You fumbled the ball. Don't cover up for him.

### Adoption Moratorium

**MR. SPEAKER:** Order please. Order please. Order please.

The Honourable Member for Fort Garry.

**MR. L. SHERMAN:** Thank you, Mr. Speaker. My question is to the Honourable First Minister and I would ask him whether he can advise this House whether he has had brought to his attention statements made

publicly earlier today by Betty Schwartz, the Executive Director of The Winnipeg Childrens' Aid Society, to the effect that a number of children in the adoption stream now require psychiatric treatment because of the long delays in having their adoption procedures completed due to the moratorium that's been placed by this government on out-of-province adoptions?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, I'll have to take that question as notice.

**MR. L. SHERMAN:** Mr. Speaker, I would ask the Minister at the same time whether he will investigate and report to this House whether the backlog of children awaiting adoption, awaiting placement, has now reached a crisis point with respect to the welfare and well-being, and particularly the emotional health of many of those children in the stream?

**HON. H. PAWLEY:** I'll take that question as notice, Mr. Speaker.

**MR. L. SHERMAN:** Mr. Speaker, would the First Minister also investigate and report to the House as to whether it is possible for Native children to be adopted by white foster parents in Manitoba and yet not be placed with Native foster parents a few miles away in northwestern Ontario?

**HON. H. PAWLEY:** Mr. Speaker, I can respond to that question, the answer is no. That is not true.

**MR. L. SHERMAN:** Finally, Mr. Speaker, I would ask the First Minister whether he can advise the House as to when the moratorium on out-of-town adoptions will be lifted?

**HON. H. PAWLEY:** Mr. Speaker, the announcement that had been made, as I recall at the time of the appointment of the Kimmelman Commission, is that it would remain until such time as the Kimmelman Commission made its report.

### Filing of Report by Minister of Natural Resources

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, my question is for the Attorney-General in his capacity as House Leader. There is a legislative requirement for a great many reports to be tabled in the Legislature within 15 days of the opening of the Session. The Attorney-General, the House Leader, has placed the routine motion on the Order Paper extending the deadline to the 21st of March for the filing of those reports. Yesterday, the Minister of Natural Resources indicated that he would not be filing a report, which was in fact due last October, that he would not be filing that report prior to the 21st of March.

My question to the Government House Leader is: in view of the statement by the Attorney-General, which

is contradictory and unacceptable, what action does the House Leader propose to take? — (Interjection) — Excuse me, Mr. Speaker, in view of the statement by the Minister of Natural Resources, that's correct.

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. R. PENNER:** It's my understanding, having raised this question with the Minister of Natural Resources - I'm sorry he's not here to deal with it at this time - that the report which was asked for was the five-year report that was made available, I believe, in October. It was the understanding of the Minister of Natural Resources that it was to be filed at any time, in terms of the legislation governing that report, during the subsequent Session, that is this Session, and I've asked him to check on that.

He advises me that he is reviewing that report with the full intention, of course, that he will comply with the rule that indeed it will be tabled in the House during this Session. I would hope that when he is in the House he can add to that answer in terms of the governing legislation.

If the Opposition House Leader has some other views as to the governing legislation, I would be interested in hearing them so that I can take up this matter further with the Minister of Natural Resources.

**MR. B. RANSOM:** Mr. Speaker, I'm very disappointed to have that response from the Attorney-General because it clearly shows that he does not understand the Legislature requirement. This report was due within six months of the close of fiscal 1981-82, which was the 1st of October, 1982. The issue was raised with the Minister of Natural Resources during December and he undertook to look into it and report, I believe, and at least to file it as soon as possible. We have not pressed the issue knowing that it is a difficult and a new requirement, but to find the Minister of Natural Resources simply saying he's not going to table it by this time is unacceptable, Mr. Speaker, and I would ask that the Attorney-General tell us exactly when the report will be tabled in order that his motion may be dealt with in a relevant fashion and that we may have that report as soon as possible.

**HON. R. PENNER:** Yes, I'll take that as notice, and hope to provide a reply to the House through the Opposition House Leader tomorrow or Monday at the latest.

### Lord's Day Act

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

**MR. G. MERCIER:** Mr. Speaker, during the constitutional discussions on the entrenched Charter of Rights, one of the favourite examples used by former Premier Allan Blakeney was the possibility of striking down Lord's Day Act legislation. The news reports yesterday indicate that the provincial Lord's Day Act has indeed been struck down as being in contravention of the Canadian Charter of Rights, Mr. Speaker.

My question to the Attorney-General is, will he give consideration, Mr. Speaker, to using the override provisions allowed in the Canadian Charter of Rights in order to allow the provincial Lord's Day Act to remain in force in Manitoba?

**HON. R. PENNER:** Mr. Speaker, the question is hypothetical. There is no challenge to The Lord's Day Act in the Province of Manitoba or to its functioning in the Province of Manitoba, if indeed the reference by the former Attorney-General is incomplete. There is some court case which has made a decision applying or purporting to apply the Charter. I would of course be interested in seeing that. It, in any event like any other such decision, will have to go the appellant route before there is a decision which is in fact binding on the Province of Manitoba. There is no present intention on the part of this government to deal with that legislation in any way or with its application.

I can only say this, with respect to the second part of the question having to do with the "notwithstanding" clause, I made statements both in and out of the House in terms of the position of this government; that is, that it would not use the "notwithstanding" clause.

I want to remind members of the House very briefly that the first section of the Charter subjects major provisions of the Charter, Section 2 and Section 7 to 15, to such reasonable limits as may be demonstrably justified in a free and democratic society, and that section in effect says that if a limit is reasonable in terms of one of the fundamental freedoms or other parts of the Charter, then the particular limit will be upheld and I think that's a reasonable way to go.

**MR. G. MERCIER:** Mr. Speaker, is the Attorney-General saying that if on appeal - and I appreciate, and I understand it from the news reports that the decision will be appealed - the trial court decision remains, Mr. Speaker, and The Lord's Day Act legislation is struck down, that is ultimately to affect our Lord's Day Act legislation, Mr. Speaker. Is the Attorney-General saying that he would not use the override provisions of the Charter in order to maintain the Lord's Day Act legislation?

**HON. R. PENNER:** The question is hypothetical. Whether or not anything will have to be done in terms of the application of that legislation in the Province of Manitoba is purely hypothetical and I do not propose to deal with it any further than I have today.

### Snow and Ice Storm, Manitoba

**MR. SPEAKER:** The Honourable Member for Minnedosa.

**MR. D. BLAKE:** Thank you, Mr. Speaker. My question is to the Honourable Minister responsible for Manitoba Hydro. In view of the unprecedented sleet storm and the inestimable damage that was caused in my area - a good estimate would be something in excess of \$1 million for repairing the damage - and the fact that area seems to be prone to sleet storms - whenever they occur, that area seems to get hit worse than any other areas - I wonder if the Minister would undertake

to look into the possibility, when the repairs are undertaken, to have the cables placed underground which would prevent any further occurrences such as power outages, which I understand in some of my area may be restored this morning, but it's been out since Sunday.

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

**HON. W. PARASIUK:** Yes, I'll undertake to look at the costs and benefits of putting the wires underground.

**MR. D. BLAKE:** A final question to the same Minister, Mr. Speaker, I wonder if he would undertake to do that reasonably quickly, because when they do do the repairs and put all the new poles in place, it's going to be a considerable cost and, once that's done, it is unlikely that they would tear them out again and put the cables underground. So if the temporary repairs could remain in place and then permanent underground cables put in, it would save a considerable amount of money.

**HON. W. PARASIUK:** I'll certainly take this matter up very shortly with Hydro, as was my intention.

### Jobs Fund - allocation of funds

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, my question is for the Acting Minister of Finance. I would like to ask the Acting Minister of Finance if he or she would undertake to get the distribution of the capital authority, which is to be carried over from last year into the Jobs Fund, and to provide the distribution of the \$83 million planned for in the Crown corporation spending, which is shown as an item in the Jobs Fund as well.

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, I'll take that question as notice on behalf of the Minister of Finance.

**MR. B. RANSOM:** Mr. Speaker, I was rather hoping I would get a commitment to get that information because it has been promised for some time and we don't seem to be able to get it.

### Outstanding Borrowing Requirement

**MR. B. RANSOM:** Another question then to the First Minister, can he advise the House how much of the 1982-83 borrowing requirement is still outstanding and how much of that borrowing is expected to be undertaken before the end of March.

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, I'll take that question as notice on behalf of the Minister of Finance.

### Northern Union Insurance Company

**MR. SPEAKER:** The Honourable Member for Lakeside.

**MR. H. ENNS:** Mr. Speaker, the other day, my colleague, the Honourable Member for Tuxedo, asked questions concerning the policyholders of the now defunct Northern Union Insurance Company and I note, in today's paper, an ad placed there by the liquidators, Dunwoody Limited, reminding policyholders that if they have not already cancelled their insurance coverage that they have to make special application for that cancellation to take place. I am asking the Honourable Minister responsible for insurance whether or not - you know, is this a reaction from questions that we're asking on this side of the House or what steps are being taken by the now responsible party, the liquidator, in ensuring that the policyholders are advised that it is specifically necessary for them to write to cancel their insurance with this company.

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

**HON. J. BUCKLASCHUK:** Thank you very much, Mr. Speaker. To the Member for Lakeside, I have to say that the notice that's in the paper today is certainly not in reaction to anything that the members of the opposition may have said in this House.

I have indicated, on previous occasions, that one of the first things the liquidator, Dunwoody Limited, did was to notify the agents that the licence for Northern Union had been cancelled. Letters have also gone out from the Superintendent of Insurance. A number of letters have gone out. I don't have my file handy, but I have seen copies of various letters that have gone out informing agents that the company's licence has been cancelled. The liquidator will be informing each of the policyholders that the termination date will be set. But, in the meantime, until such a time as the termination date has been set, he is doing his utmost to advise policyholders and he is doing it in the form of newspaper ads.

**MR. H. ENNS:** A supplementary question, Mr. Speaker. It is my understanding, and the Minister can correct me, that unless that specific request for cancellation is taken now, policyholders that perhaps have just purchased insurance coverage during the time of difficulty or several weeks ago are not eligible for any hope of any reclaim of the premium amount paid. Is that kind of specific information getting out to the individual policyholders and should that information not be getting out to individual policyholders?

**HON. J. BUCKLASCHUK:** With respect to policyholders, I think legislation is quite clear. Whatever assets are to be found within Northern Union, the liquidator has first claim against them to help recover his expenses of liquidating the firm. The second priority are those persons who have outstanding claims against Northern Union. Third priority are those persons who have policies and are eligible for some form of rebate.

It is my understanding that letters have gone out from Northern Union to persons who have claims, informing them of the status of their claims. I am sure that when the letters go out to policyholders that

Dunwoody Limited will explain to them what the priorities are insofar as whatever assets remain within Northern Union.

**MR. SPEAKER:** The Honourable Member for Tuxedo.

**MR. G. FILMON:** Thank you, Mr. Speaker. My question is for the Minister because his response has clarified a point that I wrote to him about, about a week ago, following up on a particular case as an example of what is happening to people who have outstanding claims and in a particular case of hardship where a family may not be able to live in their home until their claim is settled. Given the fact that this process that he has detailed is likely to take several months, is there not any possible way that, through his department or through the Superintendent of Insurance, people might be given or advanced some reasonable portion of their claim, such as something in proportion to what they think the settlement might be on an interest-free basis? If the claim is valid and can be obviously assessed, could this not be done to help people in a case of hardship to be able to return to their home? Is there no mechanism, in view of the fact that it was the action of this Minister that caused the firm to be put into receivership? Therefore, these people are placed in that jeopardy because of some action of the government. Could that not be done, Mr. Speaker?

**HON. J. BUCKLASCHUK:** To the Member for Tuxedo, we are aware of a number of situations which I wish that we were able to do something about, but I gather what the Member for Tuxedo is asking us to do is to help bail out Northern Union. We have no way of knowing at the present time what the assets of Northern Union are, so it wouldn't be possible to prorate any type of anticipated benefits. Until such time as we know that there are in fact any assets, Dunwoody Limited is not able to satisfy, either wholly or in part, any of the outstanding claims.

**MR. G. FILMON:** Mr. Speaker, is the Minister saying that, in fact, there may be no assets to the company?

**HON. J. BUCKLASCHUK:** That is certainly a possibility. At this present time, we do not know what the financial picture is with respect to Northern Union. I have, on a number of occasions, indicated that it was a fairly complex arrangement between Northern Union and its parent company and the agencies out in the field across Western Canada. The liquidator has, for the past month or so, been trying to put together a statement. Certainly a statement was presented to the courts when a request was made for the dissolution of Northern Union, but we, at the present time, do not have the entire picture as to the financial situation.

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

**MR. G. MERCIER:** Mr. Speaker, just one question to the Minister of Consumer Affairs. Could he confirm or is it not correct, Mr. Speaker, that in order for a policyholder to properly claim a refund of premium, that it is necessary for him to send a letter by registered

mail to the company or the liquidator formally notifying the company of the cancellation of the policyholder's policy and claiming a refund of premiums? If he wishes to take that as notice and consult with the superintendent, that's fine, Mr. Speaker.

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

**HON. J. BUCKLASCHUK:** To the specific question about a policyholder sending a registered letter to the company, I don't know the answer to that. I'll take that as notice, but I do know in many circumstances the agents acted in a responsible manner as possible and replaced the existing policies with other companies and notified Northern Union of that particular transaction.

**MR. SPEAKER:** Order please. The time for question period having expired, Orders of the Day.

## ORDERS OF THE DAY HANSARD CLARIFICATION

**MR. SPEAKER:** The Honourable Member for Swan River.

**MR. D. GOURLAY:** I would like to request a change in Tuesday, March 8, copy of Hansard, a correction. On Page 593, on the last column, I said, ". . . it does provide an out for many non-whites . . ." I meant to say, non-Indians.

## ADDRESS FOR PAPERS

**MR. SPEAKER:** The Honourable Member for Tuxedo.

**MR. G. FILMON:** Thank you, Mr. Speaker. I move, seconded by the Honourable Member for Virten,

THAT an humble address be voted to Her Honour the Lieutenant-Governor praying for copies of all of the following:

1. Correspondence or written communication between the Minister of the Environment and/or the Minister of Urban Affairs and the Shoal Lake Indian Band No. 40 or the Government of Canada with respect to the solid waste or sewage disposal problems at Shoal Lake.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. R. PENNER:** Thank you, Mr. Speaker.

We want to accept the request, subject to three minor conditions. One is that we will return, in addition to the correspondence specifically requested as between the bands and the Government of Canada, relative correspondence from the City of Winnipeg, so that it forms a cohesive picture.

Secondly, that in such situations where we accept an Address that might involve correspondence received in confidence, then we would have to, of course, if that were to be the case, respect the confidence. What would

be done would be to ask the other government, be it the Government of Canada or the municipal government, to release us from that confidence.

Thirdly, although the grammar is not entirely clear - perhaps the member can clarify this - it would not, I take it, include Minister to Minister correspondence, because that would not be included in our Return; that is, Treasury Bench Minister to Treasury Bench Minister.

**MR. SPEAKER:** Is it the pleasure of the House to adopt the Motion? The Honourable Member for Tuxedo.

**MR. G. FILMON:** Mr. Speaker, I assume that the Government House Leader is just talking about correspondence between the two relevant Ministers of this Provincial Government, not a federal and provincial Minister.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** The Honourable Government House Leader,

**HON. R. PENNER:** Mr. Speaker, would you please call the adjourned debate on the proposed motion of Mr. Uskiw, beginning on Page 5, but continuing in substance over Page 6 and standing in the name of the Member for Arthur.

### ADJOURNED DEBATE - CROW RATE

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Agriculture, the Honourable Member for Arthur.

**MR. J. DOWNEY:** Thank you, Mr. Speaker. I rise to speak today on what has been, and I'm sure will continue to be, somewhat of a not only controversial, but a fairly major issue to not only all the prairie grain farmers, but to the people of the rest of Canada.

Mr. Speaker, I have to start from the position that we, as a Progressive Conservative Party, since getting into office in 1977, have been basically and very much consistent in our position in what we have been wanting to accomplish in the development of the movement of western grain and, of course, following on that the development of the western Canadian economy, which in fact has a major impact on all of the economy of Canada.

I start from a basis, Mr. Speaker, somewhat different from the Honourable Minister of Transportation who, in his comments the other day, said that he was now prepared to compromise his head-in-the-sand position - he didn't say that, but basically he said that was the position that he had traditionally held but had moved somewhat from that, because the whole business of discussions on grain transportation and the movement of grain in Canada had moved somewhat from that particular position and that, in fact, they had, and by admission, been not being involved and by sitting back with that position, I think, have somewhat jeopardized the position of the Manitoba farm community, not to a point where it couldn't be recovered, Mr. Speaker, but to some degree have not really been fair.

There was evidence of that, Mr. Speaker, in the resolution that was introduced last year which appeared

to give us some difficulty as an opposition to try and put on the record things that would embarrass us and try and say that we really didn't have a position.

Mr. Speaker, our position is, and I don't mind putting it on the record, because every time I've had a chance to speak and every member of this caucus, when they have that opportunity to speak, say that they - and I'll put it in the proper terms - have not had any difficulty with discussions on Crow rate, as long as the benefits of the present Crow rate were retained for the farmers of western Canada.

That, Mr. Speaker, is a fairly straightforward position, and it's no secret that during our term of office and, in fact, I think it's important to put it on the record just what happened in those few years that we had the opportunity and our Premier of the day, Sterling Lyon, had the opportunity to play a leadership role in that whole field, where in fact, there were many positive developments taking place without, in fact, changing the Crow rate, without getting right into the discussions of it.

But one of the things, Mr. Speaker, that was in my mind the important thing was that there was a common thread, a common desire, to work together with the Federal Government of Canada, to work together with all the other Provincial Governments who were involved, and to work with the farm community, to work with the labour people, all those people who had an up-front and a major stake in current short-term situations and in the longer term situations and development of Canada. That, Mr. Speaker, hasn't changed. That hasn't changed to this point.

There is that same common desire, by all my colleagues, to be a part of the development, and from what I heard the Minister of Transport say the other day, I think he has now come to that - not to the same position - but to a position of being so far out of tune with what is happening in the farm community and the rest of Canada, that he's now prepared to say, because what has been proposed by Pepin, and the urgency of the move that is now taking place, we all have to co-operate so that we can - yes, we can stop the present plan, Mr. Speaker, is really what we want to get into, is the present Pepin plan that he's now saying that he is not happy with.

Well, Mr. Speaker, let me say that I am not particularly happy with the present proposed Pepin plan. However, I'm not afraid, Mr. Speaker, to put clearly on the record, some of the reasons why I'm not quite so happy with it. One of those reasons, Mr. Speaker, and I'll commend Mr. Pepin for dealing with it in a straight-on manner. As I say, I don't necessarily agree with him, but I think he's taken a position, a position in this country, that could be somewhat considered not in the best interests of his political future.

I think he did so, partially because he felt a need to do so, partially because he had a personal goal within his own cabinet and within his own jurisdiction, and felt that it was a place for him to make his mark. We have the Prime Minister who took a different approach. He wanted to change Canada, so people could remember him. We had the Minister - I think it was Chretien - who wanted to have his name go on the record books, as changing the constitution along with Trudeau, and Lalonde, of course, who has made his mark, and now, I think we have Pepin who sees the real opportunity to make his mark.

One of the main problems, Mr. Speaker, that I have with the present proposal is, somewhat how it was arrived at. You know we had, Mr. Speaker, a series of provincial and federal meetings that I think, when you look at the records that are now pointing out to us, and I refer to the accomplishments that are reported in the Grain Transportation Authority Annual Review, Mr. Speaker, where this last year 1981-82, we saw a record movement of some 27.2 million tons of the six major grain products moved out of western Canada. That exceeded the target that was set by the Canadian Grain Industry by 1.2 million tons, Mr. Speaker. That, Mr. Speaker, is an increase from some 21 million tons the year before.

Now, Mr. Speaker, that didn't all come about because people were sitting procrastinating over whether the Crow rate should be changed, or whether it shouldn't. That all came about, Mr. Speaker, because there was a co-operative movement made from all segments in the industry to get on with the job of working on the particular problems that were within each and every one of their realms. That, Mr. Speaker, of course, is part of, what has been traditionally the Crow rate.

How was the Crow rate changed in any way during those times? Mr. Speaker, you had the Saskatchewan Government buying \$100 million in hopper cars; you had Alberta buying \$100 million in hopper cars; you had the Provincial Governments being involved in, what really has been a railroad and a Federal Government jurisdiction. And, Mr. Speaker, the positive action that has been proven by the movement of grain, puts us to a position where there were projections made by the Gilson report, within about 3 million tons that we were supposed to achieve by 1985.

So, Mr. Speaker, when you see a co-operative effort by everyone involved, getting involved with that objective in mind, then certain things can be accomplished. But what happened in the process, Mr. Speaker? The Federal Minister, Jean-Luc Pepin said, look, we've had series of meetings under, when Downey was the Minister and when - and let's remember that there were several different political parties that were involved in these meetings. There was the Social Credit from B.C.; the Conservatives from Alberta; the New Democratic Party from Saskatchewan; and the Conservative Government from Manitoba; and the Federal Liberal Party, and yes, Mr. Speaker, that was a mix of political backgrounds that were able to meet, probably on a six-month basis, or as often as they felt necessary to get together, to keep the political people involved, so that they could all justify to their own people, the people they represented, either in the farm community, or wherever, there was a movement taking place. That I go back and give credit to our Leader, Mr. Speaker, at that time, it started right here in this building in January of 1979-80, and that was really the spirit or the mood was set at that time and the record now is speaking for what came out of those initial starts.

But where Mr. Pepin went wrong, Mr. Speaker, he forgot to continue to have the consultative process with the Provincial Governments. He said, I will now bypass those Provincial Governments and I will go directly to the farm community. I'll take a very credible person, and last year when Dr. Gilson was appointed, we complimented the appointment, because we felt that he was a credible individual and he is.

I have a couple of contentious points with his particular proposal, and of course, we're aware that Pepin did change that, when he introduced the package, which I would refer to in a few minutes, but the process of keeping the politicians of all political stripes working together to accomplish a goal was changed. It was changed by leaving, I think - and I think the Minister of Transport in Manitoba would probably agree that, seeing some of the history of it, would probably say that if you keep the politicians working together and have the same objective in mind, that it keeps the kind of breakdown in communications and the kind of disruption that we're now seeing take place within not only the political scene but the politics of the farm community, where he indicated in his speech the other day, we have Manitoba Pool saying they want the particular problem solved this way with the funds that are available from the Federal Government; the cattle producers are saying they want it solved another way; the Farm Bureau is saying a different way.

The politicians are now saying, you know, we have to make a judgment on what really is the best, but we're doing it in an open arena, not sitting as a nucleus around the table where we can set our differences to rest or come from that meeting with the same common objective; but it's a lot of finger pointing again where we started back in the 1977-78 period, and there was a major breakdown in the whole political movement of what I think could have been handled a lot differently.

Well, Mr. Speaker, the selection of Dr. Clay Gilson, I think was a proper choice. However, I would have felt more comfortable, even though I don't believe in the same philosophical beliefs of the Minister of Transport, but even if the political structure that represented the Province of Manitoba were allowed to sit in on those farm organization meetings, the Gilson meetings and the farm industry, that they all were to sit together and put forward their proposals so that they could be boiled out in that, I think it would have been better in a public meeting.

Mr. Speaker, what are some of the main difficulties that I would have with what the Dr. Gilson report would have put together? Well, the inflationary costs, first of all, I don't believe are caused by the farm community. I think that the Government of Canada and the governments of the provinces have played a pretty major role in bringing about some of the high inflationary costs that each and everyone of us are faced with, and I don't believe that the farmer should have to pay 4.5 percent inflation. I don't believe that they should, after the period of five years, go to a 6 percent inflation. I don't think there should have been any inflationary charges placed on the farm community for the movement of grain. That's a debatable point but, Mr. Speaker, what I'm saying is I think it's a proposal that at least could have been put forward and debated in that arena.

The question of 31 million tonnes, Mr. Speaker, I again have to say is really telling the farm community what you have had for an unlimited commodity and a movement of product is now going to be capped at 31 million tonnes. I truly have difficulty with that, Mr. Speaker, because I think it truly is taking away from what I think would have been a spirit of giving the farm community that feeling that they're not getting restricted in any way; what they have for over the long period of

time felt was almost limitless, but now realize there are changes that had to be made. I do have some problem with that.

The other difficulty that I have, Mr. Speaker, and this is something that I haven't heard anybody mention in the whole process of negotiations on whether the farmer should pay more, shouldn't pay more, how it should be done, and the problem I have is that there is \$100 million in hopper cars put into the system by the farm community already. I have to ask the question: Is that a donation to the railroads by the farm community? Is it a donation from the Province of Saskatchewan that they put in \$100 million or the Province of Alberta with their hopper cars?

I haven't, Mr. Speaker, in all fairness, heard that addressed. You know, it's maybe not a lot of money in the total picture when you see that you're getting a commitment from the Federal Treasury of some \$650 million annually, but it is a particular point that I think not only in a monetary sense, but again goes back and supports the point I made earlier that the provinces should have been sitting at the negotiation table because they did have money in it, Mr. Speaker. They had dollars and cents in it, the farmers of Manitoba. Through the Wheat Board and, in fact, through the leasing of hopper cars, we were participants. The continuation of the Saskatchewan use of hopper cars, I think, gave need for the Saskatchewan Government to be a part of the negotiations that are going on as well as the Alberta Government. So, again, I want to use those examples to support why I think in the negotiations that everyone should have been a part of them.

You know, it's kind of interesting; I'll put it that way, because the Minister of Transport now comes in with this resolution which he brought from Saskatchewan. If I didn't know him better, I'd think he'd be trying to say, you know, he's really going to try and embarrass the Conservative Party in Manitoba. Then he stands up and he says, well, the one problem I have with the report is that Gilson didn't really deal with Churchill. Well, I would have liked to have seen in the resolution something to deal with Churchill. When he introduced it, he would have had the opportunity to put another clause in there and I think he would have probably had a little more justification for his actions in saying we want to speed it up.

Again, if I were sitting negotiating on behalf of the farmers of Manitoba, negotiating with Mr. Gilson or in discussions with Mr. Pepin, you know, there's something that has to be said and it has to be done in this country, and before you ask the farmers and anybody else in society to trade off or to negotiate a major part of what has been traditionally - whether it was necessary to change it is not the question - but you're asking them to trade off a long-term right given to them in statute, and the objective is to maintain and to have the best transportation system available.

Well, you know, I have looked back at many records. The grain transportation authority has indicated each year that they've put out a report that the problem - and I'm not taking a shot at them because I don't think it's fair; it's got to be an objective approach - that the labour disruptions have caused serious problems. I think what has to be put in here, as was in our part of the resolution last year, that we have to certainly improve

our rail system, move the grain out of the country; but we have to put in there some place where that system is sitting there, paid for by the taxpayers of Canada, by the farmers, and by all the individuals involved; then let us deal with that labour issue at the same time. Let us have a system that's in place. Let us have a system that's going to be worked without the disruption of a few people.

I think the farm community would feel a little bit more comfortable sitting down saying, if I'm paying for it then I know that there's not going to be anything that disrupts the movement of that grain. Mr. Speaker, I think that has to be as well put on the table. You know, I indicated the concerns that I think that I - and I have mentioned them briefly with regard to the recommendations that Dr. Gilson had.

Now, the federal proposal, and I want to make one more reference, because we are really talking about federal-provincial co-operative activity; really we are. It's a true example of how that kind of exercise can take place.

You know, as I indicated there is a lot of trade-off taking place, and there are certainly certain people giving up things that they have felt have been traditionally theirs and really their right. But you know we see the Federal Government saying to the railroads, because we want you to invest large sums of capital we're going to give you the capital costs allowance extension for a number of years. And you know, that's what you call a tax incentive, and you know, I guess in general terms one wouldn't have a lot of difficulty with that. You know, last year my colleague from Pembina and I supported it, and we've continually pressed for, as a farm community who produce that grain - I want to just refer back to my Throne Speech Debate - I indicated at that time that the farm community were working, for the last four years they've seen a decline in their net income by some 7 to 8 percent a year over the last four years. So they are operating under extremely difficult circumstances.

If I were sitting down with Mr. Pepin as a provincial representative or with Mr. Gilson, and they said to me, we are going to give the railroads this tax incentive to upgrade the railroads, I would honestly have to say if you're going to do that then why don't you give the farm community a tax incentive or a tax relief on their farm fuels as we've been asking for, Mr. Speaker. Let's be fair in this negotiation because really that's what we're doing. We're talking about how are we going to maintain the benefits and trade-off the things that we now have and move into a world of uncertainty at a time, Mr. Speaker, as we indicated when the announcement was made, at a time when farming or agriculture in this country is facing its worst economic time since the 1930s and that, Mr. Speaker, has to be taken into account.

Mr. Speaker, I know that the present resolution deals pretty much with the issues and I will, I hope, have an opportunity to finish my comments at another time. I'd like to know how much time I have left in today's debate if you could give me an indication. —(Interjection) — Mr. Speaker, that's fine I'll finish out my two minutes. I'll have some time again.

But the main point that I want to conclude my remarks with today is that we have had, and I'll sum it in this way, we have had a position as a Conservative Party

which has been consistent, it has been in the mood of co-operation and development. We don't want to see, Mr. Speaker, the Federal Minister, and I'm afraid this Provincial Minister of Transportation has been hoodwinked or snookered into hurrying up the process.

You know that's what bothers me with some of the people who say if we don't go for this package that is being offered then all is going to be lost. That's not correct, Mr. Speaker. There has been a tremendous development in the last few years. I think that because of the major implications of the proposal, because of some of the things that I have mentioned today, and some of the other things that I want to mention dealing with this particular issue, that it can't be hurried. And that somewhat supports the plea that the Minister of Highways suggested the other day, that legislation shouldn't be hurried and that's why maybe we shouldn't hurry this resolution. We should take a little bit more time on it and truly and thoroughly go over what the points are and make what is a positive recommendation.

Mr. Speaker, I will be suggesting that we will further be proposing an amendment to this resolution and will be speaking to that particular proposed amendment the next time I have an opportunity.

**MR. SPEAKER, Hon. J. Walding:** Order please. The time being 4:30, Private Members Hour, when we next reach this resolution the honourable member will have 18 minutes remaining.

#### PRIVATE MEMBERS' HOUR

**MR. SPEAKER:** The first item on Thursday is Second Readings of Public Bills.

#### SECOND READING - PUBLIC BILLS

##### BILL NO. 32 - AN ACT TO AMEND THE MUNICIPAL ASSESSMENT ACT

**MR. G. MERCIER** presented Bill No. 32, An Act to amend The Municipal Assessment Act for second reading.

**MOTION presented.**

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

**MR. G. MERCIER:** Mr. Speaker, this Bill No. 32 would be an amendment to Section 2(5) of the Municipal Assessment Act, Mr. Speaker, and in general Section 2(5) of the Municipal Assessment Act allows for, or provides for certain exemptions from taxation for school purposes. The exemptions in this legislation I imagine were drawn and were developed in the past, many, many years ago, Mr. Speaker, and they for example, provide for an exemption of taxation for school purposes for a charitable institution, on land used by that institution exclusively for the charitable purposes of relief for assistance of the aged, the indigent, or the sick.

My purpose in introducing this bill, Mr. Speaker, is to allow a nursery school or day care centre for children operated by a non-profit corporation, to be exempt from taxation for school purposes.

There are, Mr. Speaker, very few day care centres or nursery schools in the Province of Manitoba who actually own their own land and building. There are only two or three to the best of my knowledge.

One of those is in my constituency, the St. Norbert Nursery School Inc., Mr. Speaker. And just a few years ago a number of people in the community of St. Norbert got together and formed a non-profit corporation, and were able, Mr. Speaker, by way of obtaining a grant of some \$20,000 from the developer in Parc la Salle to purchase two pieces of property, side by side where they operate a day care and nursery school, at the present time for some 111 children in the community.

Now, again they are one of the very few day care operations that own their own land and building and because of that, Mr. Speaker, and because of our assessment procedures in Manitoba, they are classified as a commercial operation, not a residential operation. Because of the definition of residential, they are excluded from being classified as residential and thus pay the high commercial classification rate. Mr. Speaker, they received notice of their assessment and they appealed their assessment through the Court of Revision of the City of Winnipeg and then to the Court of Queen's Bench and were unsuccessful because it was found that their operation did not come within the existing exemptions of The Municipal Assessment Act. They did not come within the exemption of Section 2(5)(d), wherein a charitable institution that owns land and uses land and property exclusively for the charitable purposes of relief or assistance of the aged and the indigent or the sick. It was found that their property was not used exclusively for that, and they did not come within Section 2(5)(h), buildings owned by a community association or other public body serving the community and that are occupied, used and operated not for profit as a community centre. It was found that they did not come within that exemption.

So, Mr. Speaker, I am proposing this bill to the Legislature which would not only exempt them from school taxes, but would exempt any other non-profit corporation which operates a nursery school or day care centre for children to allow them to be exempt from payment of school taxes. In doing so, I remind members, Mr. Speaker, that any such day care centre would be classified on a commercial basis and therefore paying the much higher rate over the residential rate. I think it is justified, Mr. Speaker.

In Mr. Weir's report of the Manitoba Assessment Review Committee on Page 152 they stated, when they talked about exemptions from school taxes, as follows: "The committee, in its consultation with municipal officials and the public at large, found that the majority of people believe that certain associations and organizations contribution to a community are sufficient to offset any loss in school tax revenue experienced by the community. The community agrees that the property owned by many of these organizations and associations should continue to be exempt from school taxes," Mr. Speaker. And I think that they are certainly in a similar position, for example, as the YMCA and the YWCA who have a specific exemption from payment of school taxes, Mr. Speaker.

The point - most of the operations, as the Member for Wolseley perhaps will indicate hopefully when she rises to support this bill, Mr. Speaker, is most day care

centres lease their facilities, and as a result do not experience the high rate of taxation that the few non-profit day care centres or nursery schools who have actually purchased their property are subjected to.

Again, I repeat, the only reason why they were able to purchase their own property is that when the developer in Parc LaSalle Guaranteed Homes first developed that community in St. Norbert about 10 or 12 years ago, it was part of the development agreement that he set aside a fund of money, some \$20,000, that was invested and was to be used for a purpose beneficial to that community. Then the community, in consultation with the developer, made the decision to operate a nursery school. So the nursery school is operated by residents of the community of St. Norbert, particularly in Parc LaSalle. It is a non-profit corporation; there is no profit whatsoever.

It is a well-used facility with some 111 children and the fact that they have to pay, Mr. Speaker, real property taxes based on a commercial classification on their property is proving to be an onerous burden. They, after all, have had the payroll tax imposed upon them in the last few months which was not budgeted for and they have this additional burden of paying taxation, both municipal and school, on a commercial basis. They are, Mr. Speaker, performing an important service for the community and are entitled to the exemption, I would submit, in the same way that others who are listed in Section 2(5) of The Municipal Assessment Act are also entitled to. I think they are simply found not to come within the specific words of that section, but certainly within the spirit of that section in that they are a non-profit association performing a community service, Mr. Speaker. I would have hoped that if the Minister of Municipal Affairs had introduced new legislation that he would most certainly be very sympathetic to the objectives of this kind of operation.

So, Mr. Speaker, I would commend passage of this bill to members of the House. As I say, it comes within the spirit of the current exemptions in The Municipal Act. I think it comes within the recommendations of the Weir Committee Report. It is performing an important service to the community in the same way that other similar groups who perform services to the community are also exempt from payment of school taxes. I hope, Mr. Speaker, that after due deliberation, members opposite will see fit to give this day care centre and nursery school some relief from the onerous taxes it is paying under somewhat unusual circumstances.

I should say, Mr. Speaker, that with respect to the one or two other day care centres that are operated by non-profit corporations where they own their own building in other municipalities that some have received in the past grants from the municipal councillors, I believe. If the Minister of Municipal Affairs wants to check that with the Community Services Department, I think he will find that information out. So although they did not come within the exemption provisions under The Municipal Act, they have I believe received some assistance from the municipal councils affected.

In any event, I think, Mr. Speaker, it is only equitable that this Legislature pass this specific amendment to extend the exemptions under The Municipal Assessment Act. I hope the Municipal Affairs Minister would not say that we should await new legislation

which may be two or three years away, Mr. Speaker. I think this is a deserving situation that can be dealt with at this time and I hope members opposite will see fit to support it.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The Honourable Minister of Municipal Affairs.

**HON. A. ADAM:** Mr. Speaker, I move, seconded by the Minister of Agriculture, that debate be adjourned.

**MOTION presented and carried.**

## **RES. NO. 2 - AMENDMENT TO THE NATURAL RESOURCES TRANSFER AGREEMENT**

**MR. SPEAKER:** On the proposed resolution of the Honourable Member for Turtle Mountain, No. 2, standing in the name of the Honourable Member for Swan River who has three minutes remaining.

**MR. D. GOURLAY:** Thank you, Mr. Speaker. In summing up my remarks to this resolution, the last time we dealt with the resolution, I had outlined some of the problems brought to my attention, by describing actual incidents related to night-lighting by Treaty Indians, throughout the Swan Valley Area.

In my opinion, there is absolutely no justification in allowing anyone to hunt with the aid of night lights. It is my impression that the same kind of problems exist throughout all of Manitoba, and I would suspect that this is the case in The Pas and Eastern Manitoba, or the Sprucewoods area, or wherever big game is prevalent.

Conservation officers are seriously hampered and frustrated in carrying out conservation regulations and it is, to say the least, a very expensive exercise to undertake aerial surveillance, or by whatever means, to check on night-lighters. Unofficially, I'm advised that of all the night-lighters intercepted that over 70 percent involve Treaty Indians.

For certain, social tensions are increasing, and I'm very much afraid and concerned that some very serious consequences may result in the not-too-distant future, if this kind of discrimination is allowed to continue. Furthermore, big game all over Canada is at the breaking point and I'm sure that we witnessed the big slaughter of the caribou herds in Northern Canada.

Mr. Speaker, I strongly support this resolution in the hopes that the Government of Canada and the Government of Manitoba can negotiate an amendment to the Natural Resources Agreement, allowing the Government of Manitoba, to apply to Indians, all laws relating to hunting methods and equipment, so that the province may properly conserve its wildlife resources.

**MR. SPEAKER:** The Honourable Member for River East.

**MR. P. EYLER:** Thank you, Mr. Speaker. I've listened to the debate from the three previous speakers, and there's one thing I find which has not been mentioned,

that this proposed resolution basically means, or can be implied, as an abrogation of Treaty Indian hunting rights. It also means that there will have to be a constitutional amendment. The members have not mentioned that The Natural Resources Transfer Act is, in effect, part of The BNA Act, and therefore, part of the Constitution of Canada. So what this resolution is proposing is an amendment to the Constitution of Canada.

I'd like to deal, if I could, first with some of the Treaty promises which were made, when the land was first given up by the Indians in this area. The Member for Turtle Mountain has stated that there was no explicit inclusion in Treaty 1 and 2, regarding hunting rights. That's true, but there was a lot of outside comment at that time, and outside promises, discussions. These were reported in the newspapers and we know that when Wemyss Simpson negotiated those treaties, he specifically stated and I quote, "When you have made your Treaty you will be still free to hunt over much of the land included in the Treaty. Much of it is rocky and unfit for cultivation. Much of it that is wooded is beyond the places where the white man will require to go, that all events for some time to come. Until these lands are needed for use, you will be free to hunt over them and make all the use of them, which you have made in the past, but when the lands are needed to be tilled or occupied, you must not go on them anymore."

I think that's a fairly explicit promise which was made, even if it wasn't included in the document which was signed, and perhaps it's a sad comment, that we had no Legal Aid in those days, to advise the Indians on exactly what they were signing, otherwise it could have been written into the Treaty then, rather than having them wait till Treaties 3, 4, etc. But it's obvious that hunting off reserve, at any time of the year, was an explicit promise.

Despite this, we've had continual attempts, throughout this century, on behalf of the Province of Manitoba, to curb those off-reserve hunting rights. In particular, in the Sessional Paper No. 13 of 1910, the Manitoba Provincial Game Guardian Reports, quote, "I find a great deal of trouble in enforcing The Game Act in the vicinity of the Indian Reserves, owing to the fact of certain bands continuing to claim that they have the right to hunt game at any season of the year, outside the limits of their reserves."

Well, at this particular time, in the early part of this century, the province didn't recognize the right of Indians to hunt off reserve and this is due, in part, because The Indian Act of 1890 contained a clause, which allowed the Superintendent of Indian Affairs, to place Indians under the scope of provincial game laws. What this clause did, in effect, when it was implemented, merely precluded Indians from hunting extinct, or species in danger of extinction, such as buffalo, or musk oxen. It was not used as a general restriction on Indian hunting in any of the provinces, especially in Manitoba.

However, there was a popular misconception, in the early part of this century, that the Indians could not hunt off reserve, and in particular, I would refer the members on this side to the position of the Right Honourable Arthur Meighen, who stated in Dominion House of Commons and I quote, "The Indian outside his reserve must comply with any provincial restrictions

with respect to hunting for the preservation of game. The Indians have sometimes resisted the imposition of these restrictions by the provinces, but the policy of the department has been to get them to comply. On the reserve itself, I am disposed to think, the Indian is not to be restricted and his aboriginal rights to hunt in that reserve are quite free from any provincial law. I do not want to give that as a final opinion but it is my impression."

Well, Mr. Speaker, because of this impression, in the early years of this century, when The Natural Resources Transfer Act was negotiated in 1929, 1930, it was explicitly included in that Act, in order to preserve the aboriginal hunting rights off reserve of the Indians, and I quote, "Indians shall have the right, which the province hereby assures to them, of hunting, trapping and fishing, game and fish for food, at all seasons of the year on all unoccupied Crown lands, and on any other lands to which the said Indians may have a right of access."

Without this particular clause in The Natural Resources Transfer Act, I am sure that even today there would still be attempts to prohibit hunting on the part of Indians, off of reserve, by the Province of Manitoba. This particular section of The BNA Act therefore reinforces Treaty Indian hunting rights and it was a liberalization and a restatement of what was, in fact, negotiated.

Now I admit there can be problems with Indian hunting and I remember on the first day of the debate, that there was some mention about trespassing, and referring back to the outside promises of Wemyss Simpson, I quote again, "Until these lands are needed for use, you will be free to hunt over them and make all the use of them which you have made in the past, but when the lands are needed to be tilled or occupied, you must not go on them anymore." That's also explicit.

Now, Mr. Speaker, there have been judicial interpretations already of the extent of Indian rights in hunting on occupied land; farmlands, if you will. For instance, in Regina versus Moran, Meeches, et al, 1973, it was ruled: "It is of importance to emphasize that Section 10(1) imposes no restrictions on Indians as to the kind of game they may hunt; whereas to the time and method of hunting it only provides that they should exercise their right with due regard to the safety of others, including people of their own status."

It was further observed by Justice Dickinson: "Posting of land and maintaining signs is a tiresome and costly business, the purpose of which is to identify the land as private property to discourage hunters and to underpin a Section 40(2) charge against those who enter without permission. A Manitoba farmer is surely not to be faced by reason of the enactment of Section 40(1) of The Wildlife Act with the choice of either posting his land or suffering the entry of those who would hunt his land without permission.

"I think it can be properly said that there is considerable support for the view that in Manitoba at the present time hunters enter private property with no greater rights than other trespassers; that they have no right of access except with the owner's permission and, lacking permission, are subject to civil action for trespass and prosecution under Section 2 of The Petty Trespass Act, revised Statute of Manitoba 1970, Page 50."

Now, Mr. Speaker, how significant is the problem of trespassing, whether it's acknowledged, implicit,

accepted, whatever? I know, for example, that in the fiscal year of 1981-82, there were 29 charges against Treaty Indians for trespassing and in this fiscal year so far, 1982-83, there are six charges. That's a decline of 79 percent in charges against Indians for trespassing while hunting. So I don't think this is the major problem that is being addressed and it is not something which has to be dealt with as a Constitutional amendment.

Another issue, which I'm sure is of major importance to the Member for Turtle Mountain, is night lighting. He's brought that up on a couple of occasions. Now, Mr. Speaker, if I could have a Page come here. I have a document here which I would like to circulate to the members, and what this document shows is two men in a canoe, with a lantern, hunting deer. It's an etching that was performed by Peter Rindisbacher, a Red River artist from the 1820's, and it clearly shows that night lighting is a practice which did not arise with the electrical age. It is something which has been practised for hundreds of years. It's not new and, therefore, it's not something that has to be discouraged simply because suddenly there's an objection.

Now, the etching shows two white men clearly in a canoe, or at least it appears to be white men; but I would like to refer to a book which was written by an Ojibway Indian Chief in 1850, and he says, "I remember being on a hunting tour in the night. Soon after nine o'clock, we hear the animal feeding in the grass by the shore. Having a lighted candle, we place it in a three-sided lantern. Opening one side, the light was thrown upon the deer only. By this contrivance, we were enabled to approach so near it in our canoe that it appeared to be but 10 or 15 paces from it. I drew my bow string, the arrow winged its way, the deer made a few short leaps and died." Night lighting by Indians in 1850, Mr. Speaker, well before the signing of the Treaties.

Now, night lighting is a problem, and I would refer to the Member for Turtle Mountain's statement when he introduced this motion, and he said, "There is indiscriminate killing of big game through the practice of night lighting, which I regard and a great many people regard as dangerous. It is generally regarded as a despicable practice."

Well, dealing with that last statement first, Mr. Speaker: Does it matter if it's a despicable practice? Does it matter if sports hunters regard Indian hunting methods as despicable? I don't think it does. What we have here is basically an issue of tolerance - tolerance between cultural values. If an Indian is hunting for food, why should he be a sportsman about it? If I want a steak for dinner tonight, should I take my gun, drive down to the Turtle Mountain community pasture and spend three days stalking a cow? I don't think that's logical, Mr. Speaker. The obvious conclusion is that we have two groups; one of whom is a sports group which wants to impose its ethics upon another group, which is a cultural minority and one which has special Treaty Constitutional rights.

The second element of the Member for Turtle Mountain's resolution, Mr. Speaker, on night lighting is that he thinks it is dangerous. Now, that is a blanket statement. Night lighting can be dangerous, but it's illegal if it is. What is done that's illegal is illegal. There have been court cases that demonstrate that it is illegal when night lighting to shoot down a road. Indians cannot do that under the law, or at least under judicial

interpretation; that already is a barrier to the danger of night lighting.

Secondly, it has been judicially interpreted that an Indian cannot shoot a gun in the vicinity of farm buildings. Anything which endangers a person is illegal if it's done when night lighting. Night lighting is not illegal. Night lighting in itself is not dangerous; only the practices used, which can be controlled and are already covered by law.

Without speculating on the merits or demerits or the whereases or the results or the outcomes of court cases, I can tell you that between fiscal year 1981-82 and fiscal year 1982-83 charges against Indians for dangerous hunting have dropped from 13 to zero. For carrying loaded firearms in cars, charges have dropped from 19 to 4. an 80 percent reduction in that charge. How important is this issue?

I believe that we have a solution at hand if we negotiate, not with the Federal Government, but with the Indians. The issue is not methods of hunting; the issue is conservation. If there are wildlife groups in this province who are concerned with the declining stock of wildlife, I believe that they would be better advised to focus on habitat development, that sort of management; not on demand, not on harvesting techniques of special groups.

Now, the Member for Turtle Mountain is an acknowledged expert in wildlife management. He wrote a Masters thesis on White-tailed Deer Management in this province. He is acknowledged as an expert in this area, and yet he brings to this House a resolution which focuses on the demand side rather than the supply side. I would think that as supply-side people, they would focus on the habitat management.

When it comes to duck hunting, we have private groups like Ducks Unlimited, which manages habitat for ducks. This resolution says nothing about curbing duck hunting.

What I would like to know is why, if they are so concerned about this, they aren't having a Deer Unlimited group to buy up farm land? This is the issue.

**A MEMBER:** Billie won't let them, he won't allow it.

**MR. P. EYLER:** If there are going to be any negotiations between the Government of Canada and the Government of Manitoba, it must include the Indians. They cannot be divorced from anything which deals with their constitutional, treaty and aboriginal rights.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Emerson.

**MR. A. DRIEDGER:** Thank you, Mr. Speaker. I just would like to say that I have great difficulty in following the rationale of the member that just spoke in trying to justify his position to this resolution. I would have to indicate I'm very pleased that this resolution has come forward, and I would like to speak in support of the resolution and at the same time defend the rights of the Indians. I'll do that at the conclusion of my remarks, but I think it is very pertinent and the timing is right for this resolution to come forward and I want to explain why.

A problem is developing in our society and the problem is that there's a sentiment building up against

Indian people because they have certain rights that the other people in Manitoba do not have. Part of the problem is, if we had lots of ample wildlife in our society, then the taking of wildlife would not create a problem. The Minister of Natural Resources just finished tabling his report and one of the things it indicates in there, under Page 95 is, "Manitoba's moose population remained at a generally low level throughout most of the province in 1981. A decrease in productivity and an increase in harvest for domestic use was reflected in a reduction in bag limits," etc.

The Member for Rupertsland rightfully indicated that there are over 66,000 permits issued for big game and these are the people that are starting to create a problem, a sentiment. I think many of our wildlife associations are circulating petitions at the present time and what bothers me is that they are directing it directly at the Indians for the privileges they have. To some degree, I suppose, there's justification and I don't want to speak out of both sides of my mouth, but under Page 57 under the same Annual Report of Natural Resources it indicates, "Night hunting was identified as a major resource management and enforcement problem." And "The 226 prosecutions for night hunting in 1981/82 comprised about 25 percent of the total hunting prosecutions during the year."

This is part of the problem of what is happening. We have a reduction of the big game animals in our province, and as a result the hunters that are going out to hunt are finding less game. As a result, when they have bought their licences which have been issued by the province, they build up an antagonism or a concern and they like to blame somebody. They like to blame government; but what is happening to some degree at the present time is that they're blaming the Indian people because of certain rights that the rest of the people in Manitoba do not have. We want to be very careful so that we do not get a racist type of slant in this discussion and I think it is very proper. I think the Indian people, for them, it is a benefit if we will have discussion on this, talk frankly about these things so that we can come to some kind of an agreeable understanding, because obviously our animal population, the big game animals, are going down. As a result, what's happening, we are blaming the Indian people, by and large, because they have certain concessions. I would not necessarily just blame the Indian people, because it's very difficult to establish exactly who is taking advantage of some of these things.

Some of the speakers to date have been talking about the various Treaty rights and what have you, but general information has it that prior to 1963 Treaty Indians generally believed they were governed by provincial wildlife conservation laws and were prosecuted for practices such as night lighting. Many instances have been quoted in terms of rulings by Supreme Courts, etc., in terms of the rights of the Indians and that they should be able to hunt all times of the year with any kind of equipment under all circumstances.

The thing that is interesting is the changes that have taken place since initially some of these Treaties were formed. When you consider that the kind of equipment that can be used today, the effective modern equipment for hunting; for example, you have the infrared night scopes, where you can see at night just as well as during the day. You have the intense beam spotlights,

high powered automatic rifles, aircrafts, snow toboggans, all terrain vehicles, power boats. All these things have a big bearing on how game can be taken nowadays and they can all be used.

What's happening out there, we have a sentiment building up among our people, among the hunters by and large I suppose, the sports people, that is slanted towards the Indian people because they point a finger and say, they have certain rights. I, personally, believe that there are a lot of white people that are using this as a camouflage to do night lighting. I'm not just strictly blaming the Indian. I think there are two sides to this coin, but the fact that these people have that privilege, and if you talk to conservation officers they will indicate to you that it is extremely difficult to patrol a place like, for example, Riding National Park, where everybody has access to drive at night and the Indians can hunt at night. With maybe three people that are enforcement officers out there, how can they control this area? Extremely difficult. This is where part of the problem develops from.

We saw on TV the other day when Rick Castiglione had four-and-a-half minute blurbs on poaching, indicating some of the problems where he went out in the field and he talked with the conservation officers. He talked with the Chief of the Peguis Indian Reserve who felt a little defensive because of the question being put that possibly the Indians were responsible for - well, not poaching because they're hunting within their rights. But the general public perception is that it is the Indian that is actually bringing down a reduction in the wildlife and I think it is possibly a two-sided thing that's happening.

What bothers me most of all, the member that just spoke prior to my getting up, River East, took a sort of defensive position against the resolution. I have to compliment the Member for Rupertsland in his remarks. I think he was very justified in stating, we have our Treaty rights, we should be able to retain them. But one thing that I found interesting, he admitted that there is a problem possibly with their people abusing some of the rights that they have. There is also the very strong probability - well, it is a case - that white people abuse the laws as well in big game hunting.

As a result, we have the other aspect of it where we have poaching for commercial use or for commercial profit.

The game wardens, if you talk with them, or the conservation officers will indicate that there's a lot of moose, elk, and deer shot; the meat is transported to Winnipeg and sold. That would not be attributed only to the Indian people, that would be to the white people as well. I think one of the conservation officers that was interviewed in one of the cases that were shown on TV indicated that they had knowledge of 12 or 18 professional poachers that are taking wild game and selling it and it's very hard.

I realize the Minister of Natural Resources always gets a little defensive when we'd say - well, maybe there should be more enforcement officers. How do you control this kind of thing? My feeling would be - and this is my personal feeling on the matter - that if we removed the aspect as the resolution calls for, it does not take away from the rights of the Indian to hunt for food on a year-round basis. All it takes away from them is the aspect of night lighting which is

something that prior to 1963 they generally accepted and were convicted in this province for doing.

Since 1963, there's been a dramatic increase in the taking of wild game illegally. I would think that because of the sentiment that is developing, I have to - in my mind at least - there's an anti-Indian sentiment developing there and I don't think it is right. I don't think it is quite right but because they have these concessions that it's easy to put the blame on somebody like that. In justification of the Indian - you know, I was thinking about this quite a bit - to say to the Indian people you can hunt at night with lights, I don't think it is a necessity.

I have hunted and fished most of my life and I daresay there is no more capable people of hunting and fishing in this world than the Indian people, by tradition. If you would drop a white man and an Indian into the bush under the same circumstances, with the same equipment, the Indian will always be out hunting the white man. So it is almost like giving a professional golfer a five-stroke handicap to golf against an amateur.

These people, when I've been out fishing and hunting up north, I only hope that we can always get an Indian guide to take us fishing or hunting. They have the feeling, the traditional feeling, where the game is, where the fish are, they are the most professional hunters in the world. Why would anybody be concerned about giving them the handicap of using night lighting? They don't need it. They are so capable in terms of taking game that the provision that they have right now of night lighting is totally unnecessary, and removing that little aspect of it, the resolution does not remove the right to take game on your year-round basis. It does not remove the right for them to hunt, you know, for food. It doesn't limit numbers, anything of that nature, but what the present right that is in there right now does create a problem.

It creates a problem in society because involuntarily the sportsman will say the Indians have, you know, decimated the game because it can shoot at night. I'm sure, I think the Member for Rupertsland, if I read him correctly indicated he realizes there is a problem. There is a problem.

I'm sure that there's some people, you know, of Indian background that maybe break the rules. We also have a lot of white people that do, many of them. In my southeast area there's a fair amount of game and moose. There's a lot of game that is taken . . . I think it is unfortunate because when we see that over 66,000 hunters are taking licences to hunt game; it's a relatively good income.

Myself, I love to hunt. Even if I don't shoot anything, I love to be out there and this is the feeling of many sportsmen. But what's happening, when there is no game, we start blaming somebody. Now, you know, politically, I'd like to blame the members opposite for the lack of game but that wouldn't be realistic. But who do we blame then? I'm saying that as a joke, Mr. Speaker, but whom do we blame? We look for somebody to blame and we blame the people that possibly have an advantage or appear to have an advantage. That is why I feel very strongly that we should support the resolution.

We should not make it a racist issue as indicated before. I think the Indian people are tremendously capable; if they want to hunt for meat or fish they are

very very capable of doing it. I think, as I indicated before, they don't need the handicap. But I think it is very important that it is worth, you know, whatever changes take place that it is worked out in terms of agreement.

I have a little article here that I'd like to read from. It says, "The Role of Certain Treaties in Wildlife Management by Harrison F. Lewis, former Chief, Canadian Wildlife Service. He's got quite an elaborate article there and I'd just like to read a portion of that to indicate what can be done. It says here, "It is therefore in the interests of all elements of the unit population concerned that the take of game and fish by both Indians and non-Indians should be subject to control by an appropriate government agency as a part of a unified program of wildlife management. Though the controls for Indians and whites will not necessarily be the same," which it is not at this time. "All legislation and agreements concerned including the Canadian Constitution should be adjusted as promptly as possible in such a way as to bring about such effective wildlife management of all kinds as is necessary for beneficial utilization and maintenance of wildlife. The game authorities of Ontario, British Columbia and Saskatchewan report that they have reached a position of reasonably satisfactory relations with Indians by keeping away as much as possible from the fine legal points involved; treating Indians generously when that can be done without damage to wildlife stocks, and doing all they can to induce the Indians to co-operate voluntarily in the application of wildlife management controls that are obviously in their interest in the long run.

The Fish and Wildlife Division of the Ontario Department of Land and Forest states that Indians know that management means abundance and that it also means co-operation. A dispute over Treaties would help nobody. Our new relationship with Indians has not been made the subject of former Treaty law regulation, and it may simplify matters to look on co-operation as a legal concession by the Indians and a financial concession by us with both parties getting the benefit."

I think that is what it's all about. The conservation of our game and treating the people that have the rights as the Indians have, fairly, and as it indicates here, with co-operation and understanding and discussion on both sides, I think it's going to be for the mutual benefit of all people in Manitoba. That is why I say that I think that all members of this House should be prepared to support this resolution. Support this resolution and let's have open debate on it because if we don't talk about the problem that we have right now, it's going to grow, and it's going to lead to confrontation in the future and it is much better that we have discussion on it and try and resolve this on a proper basis. I think everybody here would feel that we should do that. Thank you very much.

**MR. SPEAKER:** The Honourable Member for Radisson.

**MR. G. LECUYER:** Thank you, Mr. Speaker. I, too, would like to put a few comments on the record in regard to this resolution.

The first of which is that I'm not a hunter and never have been and, therefore, cannot speak on this

resolution in terms of knowledge of what hunting is all about and I will not profess either to be a wildlife expert.

I guess my third comment will be that I agree almost totally with this resolution, but not totally. Not quite totally basically because of a few things that are stated in it and perhaps as we discuss this resolution further we can come to some form of an agreement to have a resolution which closely resembles this one and which we can all agree upon.

Before saying any further comment in regard to the Member for Emerson who is saying he didn't quite understand the River East Member's rationale, it seems to me what he was saying was that conservation, yes, but not conservation on the basis strictly of limiting or restricting hunting, but perhaps also conservation through increasing habitat and increasing the supply so that there will be a greater number of wildlife available for harvest.

I have no qualms about conservation of wildlife. I think we should all aim at greater conservation of our wildlife, but my purpose in this, as I said before, not being a hunter, is not basically for leisure or sports purposes but basically because it is part of a rich heritage, I think of this province and this country that we have a great variety of wildlife and I would like to see this heritage kept for, not only the present generations, but generations to come.

And secondly, because it has served a useful purpose in the past and I'm sure it can serve a useful purpose as a source of food for a great many people in the future. For those two reasons I think that conservation is a very important element. From that standpoint, I have no disagreement with the Member for Turtle Mountain who has proposed this resolution.

I am prepared to accept, as I say not being an expert in this area, not being a hunter, because I assume that the resolution is brought about because of sincere concerns and I'm prepared to accept on that basis that there must be some depletion and perhaps cause to worry that depletion of the wildlife herds is such that we have to deal with it, and my understanding of this particular resolution expresses a concern from what I see into it as being big game wildlife. We're talking primarily of moose, deer, elk and the concern perhaps extends beyond this but the one we are primarily dealing with now, I assume in terms of night-lighting and methods of hunting as applies to big game.

So, I have no problem accepting that there be restrictions imposed on hunting in Manitoba for everyone hunting in Manitoba so that there be no means or methods used such as night-lighting hunting, infrared rifles or airplanes or power toboggans used, and the member who just spoke before me even referred to other such means that are in existence today such as infrared firearms and high-powered rifles which are means that can go even further in depleting big game.

As my colleague from Rupertsland said, he doesn't disagree either with such steps being undertaken to conserve and he fully accepts the concept of conservation. I think that Indians and Natives traditionally have been preoccupied from that standpoint. After all, from the very beginnings, Native people, I would say, were probably the first and foremost concerned with conservation of wildlife, dependent as they were on it as a source of food.

At this point in our debate on this particular resolution, I'm not convinced that anyone has given any clear

indication as to the extent of illegal hunting that is done through such methods as night-lighting and power toboggans and we're not sure and nobody has, as far as I'm concerned, given any clear indication of what the impact of such methods has been on the wildlife herds. I will readily admit that inasmuch as it's carried about that it means less wildlife and that it means less for those who want to hunt using legal limits or legal methods.

Also, there is no doubt that changing methods of hunting such as more powerful rifles and the increasing numbers of hunters have played havoc with big game. As some of the speakers before me have indicated, there are increasing numbers of hunters. Some have referred to the number of 66,000 licences that were given out and I had looked briefly at some notes on this and I note that in 1936, for instance, only less than 4,000, in fact 3,699, big game licences had been sold in Manitoba. I note as well that in 1970 there were 52,769 licences with a harvest of 19,030 deer by non-Native and 8,124 by Native. I assume these figures do not take into account all those deer, or big game, that might have been caught through illegal measures. Those only, I suppose, refer to the numbers obtained through legal hunting.

If we look back in the pioneer days when there was still largely undisturbed habitat, agriculture served to increase herds of deer, especially in its beginnings, but after World War II with the intensification of settlement and the intensification of agriculture, the removal of natural forage cover and removal of brush in most of southern Manitoba, that I would suppose to a large extent in itself contributed as a major factor in the decimation of herds which has forced or brought about restrictions in hunting. With these restrictions the herds gradually increased in size but generally I believe that the restrictions were then relaxed before the herds had an opportunity to regain optimum levels. So, that in itself perhaps is something that should be taken into account, that we do allow for the herds to recover to their optimal levels before we open the gates again and say, all right now, you can hunt again, without limits, and the herds go back down to their previous, dangerous levels and we're constantly in cycles where we have to restrict to build up the herds and then we open the gates and the herds are depleted again, and consequently, we reach a point where we're worried that the supply is so low that there may be a disappearance.

I do believe, as well as the Member for River East, as mentioned a moment ago, that habitat for big game has not sufficiently been looked after, and in my mind, there's no doubt that a more rational method of management of wildlife must emerge.

The major response to dwindling herds in Manitoba has been to attempt to open more farmland to hunters, rather than restore more habitat, and I feel that, perhaps, is the wrong approach. The deer supply is obviously dwindling, yet many people seem more prone to reversing the equation to find excessive demands. And in this formula, the Indian becomes a villain.

As well, and I want to quote something here from an article, which was published by my colleague from River East, on Indian hunting rights and deer hunting system in Manitoba, which was published in 1976, in which it is stated and I quote, "It may well be worth

considering whether or not more emphasis on habitat development and less emphasis on enforcement might be more efficient, both in increasing their availability and perhaps, decreasing Indian landowner friction."

Of course, as other members have also mentioned, there are other factors, such as climate, natural factors, and man-made factors, which have had a disastrous effect on our wildlife; such as severe winters, shortage of forage, flooding, dam building, chemicals in our environment, fires, hunting abuse, to name but a few. As long as supply and demand pressures were more or less in equilibrium, Indian hunting rights were not attracting much attention.

The number of Indians actually hunting deer in the greatest problem areas, is actually low, compared to the total Indian population and, as a result, and as the figures will show, as long as hunting is kept within its legally-allowed methods, that doesn't seem to be creating any great problems.

There is a fact that the hunting rights of Natives are entrenched in Treaties, and therefore, they should not be tampered with, and speakers before me have stated that it is not their intention that they be tampered with, but I will disagree with the Member for Emerson that this is a timely moment to bring up such a resolution. I disagree in this regard.

On the eve where Ministers from all the provinces, along with Native people are about to sit down and discuss rights to be entrenched in the constitution, I cannot see that this is the most timely moment to discuss this particular issue, but I'm not so sure that the members are not, at this time, only talking about illegal hunting.

As the Member for Rupertsland quoted, in reference to what is going on in Saskatchewan, when the use of such language by a member, I believe, of the Assembly, who states, "Native hunting has to be stopped." That's the quote, "Native hunting has to be stopped and I will be working very hard to bring that about." I know this has not been stated by any members in this House but it still certainly gives cause to worry, and the Member for Swan River also made it a point to say that he was not, in any way, wanting to discriminate against Indian hunting rights, but I want to refer to a number of his remarks, and show that the kind of remark that is made, might give rise to additional social tension.

**MR. SPEAKER:** Order please. The time being 5:30, I'm leaving the Chair to return at 8:00 p.m.

When this next resolution is before the House, the Honourable Member will have six minutes remaining.