



**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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Speaker*



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**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>	Rupertsland	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

Wednesday, 11 May, 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

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

**MR. P. EYLER:** Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the Member for St. Johns, that the report of the committee be received.

**MOTION presented and carried.**

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

## INTRODUCTION OF GUESTS

**MR. SPEAKER:** Before we reach Oral Questions, may I direct the attention of honourable members to the gallery where we have 29 students of Grade 5 standing from the R.F. Morrison School, under the direction of Miss Chick. The school is in the constituency of the Honourable Minister of Labour.

There are also 19 students of Grades 6 and 7 from the Cormorant Lake School. The students are under the direction of Mrs. Peden and Miss Sematte. They are from the constituency of the Honourable Member for The Pas.

There are 18 students of Grade 11 standing from the Elm Creek School under the direction of Mr. Woods. The school is in the constituency of the Honourable Member for Morris.

There are some out-of-country guests too. Luis Vargas from Ecuador and Andrez Lopez from Guatemala and Mr. Settee is the co-ordinator. They are guests of the Honourable Member for Rupertsland.

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

## ORAL QUESTIONS

### Abortion Clinic - Dr. Morgentaler

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

**MR. G. MERCIER:** Mr. Speaker, my question is to the Attorney-General. In view of the statements by Dr. Morgentaler that abortions have been performed in his Winnipeg clinic contrary to the Criminal Code of

Canada, will the Attorney-General request the police to conduct an investigation immediately?

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** Mr. Speaker, I note from the news reports that Dr. Morgentaler's Winnipeg lawyer doesn't believe Dr. Morgentaler and I don't know why I should. The statement made by Dr. Morgentaler may or may not be true. We have, in the City of Winnipeg, an excellent police force. I notice they have made statements; they are fully cognizant of their duty and in due course they will carry out such investigations as are required when notice of a crime or an attempted crime is brought to their attention in a way they believe proper to commence such an investigation. The police are not derelict in their duty. I may be the Chief Law Enforcement of the Crown but I'm not "super cop" nor do I intend to take over the functions of the City of Winnipeg Police Force.

They know perfectly well what to do. They need neither direction from myself or from anyone else in the House. As I've said time and time again, and I just want to emphasize, I think that the law should take its usual and normal course. There no doubt will be, at some early time I would think, a complaint that will be made to the police. I would be surprised if the police were not indeed alert to the situation and appear to be keeping an eye on the premises in order to maintain peace and order, in any event.

All of these things are happening as they should. It needs no intervention on my part nor on anyone else's part and I think that the police would resent my issuing orders to the police. Indeed, if I were to overstep my authority and purport to issue directives over the head of the proper authorities managing the Winnipeg Police Force, then maybe there might legitimately be a call for my resignation. Those members opposite who live and dream and hope that they will see that event have got a long life and a long dream and an impossible hope in front of them. I have followed, and I will follow my constitutional authority and, believe me, I will not resign on this issue because what I'm doing is correct.

**MR. G. MERCIER:** Mr. Speaker, Dr. Morgentaler's also reported as saying that he has not kept his legal counsel in Winnipeg up to date.

Mr. Speaker, in view of the fact that the Attorney-General, when he thought it would be convenient and helpful to him and his party, directed an investigation into the identity of the person who burned the flag in front of the U.S. Consulate and asked that criminal charges be considered; in view of that directive which he issued when he thought it was convenient and helpful to him, how long is he going to continue not taking any action, Mr. Speaker, before the police are asked to investigate?

**HON. R. PENNER:** Indeed, I have treated this situation in the same way that I've treated previous situations,

namely, I have some time ago, met with the Director of Prosecutions and senior officials in my department and asked them, first of all, to brief me on what would be the normal and usual course to be assured that they as the senior officials in my department will be keeping in touch with the police authorities on developments and that they will take the appropriate steps. To suggest that I would have done otherwise, or have done otherwise is ill-founded and improper. I have acted in this way consistently with any other step that I've taken when I've found it necessary to be in contact with the police.

I do it . . .

**A MEMBER:** It's not acceptable.

**HON. R. PENNER:** . . . well, it's acceptable to the people of Manitoba because what I am doing is right. It is legally right, it is constitutionally right and I will not assume the function of the High Sheriff of Manitoba. I am not that. At least the Member for St. Norbert ought to understand that. I doubt very much whether he purported to take over the functions of the police authorities in this province when he was the Attorney-General, and I will not. But I have, as is appropriate for me, and it is exactly the way I proceeded with respect to the flag-burning incident with respect to the Jimmy Mann incident. I contacted the Director of Prosecutions through the Deputy Attorney-General, to make sure that they were on top of the particular issue and that when there was any evidence that might lead to the laying of a charge, then in the appropriate circumstances a charge would be laid.

There is no inconsistency and I will not take the kind of hectoring from the backbenches of the opposition that suggests - nor will I, Mr. Speaker, nor will I . . .

**MR. SPEAKER:** Order please.

**HON. R. PENNER:** . . . be pressured by the legal illiterates on that side for doing that which I cannot do.

### Abortion Clinics

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

**MR. G. MERCIER:** Mr. Speaker, my supplementary question is to the First Minister. In view of the lack of action by the Attorney-General, Mr. Speaker, and in view of his often stated personal opinion that he does not support the existing provisions of the Criminal Code with respect to abortions, would the First Minister, in order that the people of Manitoba might have some confidence that the law will be upheld, replace the Attorney-General with someone who will uphold the law?

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

**HON. H. PAWLEY:** Mr. Speaker, I have no doubt, nor do the vast majority of Manitobans have any doubt, that Manitoba has an Attorney-General that will uphold the law.

### Request for Tabling of Standard and Poor's Telex

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

**HON. S. LYON:** Mr. Speaker, some few days ago, when the First Minister got around to reporting about Standard and Poor's reduction of Manitoba's credit rating, he read from a telex which conveyed that bad news to the Government of Manitoba. He was asked to table the telex at that time. From enquiries with the Clerk, I find it has not been tabled. Would the First Minister table the document as he undertook to do?

**HON. H. PAWLEY:** Mr. Speaker, if it has not been tabled, then I would apologize to the Leader of the Opposition for not having done so and will arrange for the immediate tabling of same.

### Manitoba's Increase in Spending

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

**MR. B. RANSOM:** Mr. Speaker, there is a news item in the May 11th edition of the Globe and Mail headed "Budgetary chaos must end - Pawley." The Premier of the Province is quoted in the article as saying, "We can no longer afford the luxury of 11 governments working separately in splendid isolation, one from the other." In recent Budgets, Sir, Ontario has announced that their spending will be going up by approximately 7.7 percent, New Brunswick by 9.4 percent, Saskatchewan by approximately 8 percent, and Quebec by 9 percent, while Manitoba has a 19.2 percent increase in spending. Does this meet the First Minister's definition of splendid isolation?

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

**HON. H. PAWLEY:** The Member for Turtle Mountain conveniently is overlooking the fact that there is no accurate comparison insofar as this year's printed Estimates in respect to last year's printed Estimates. Also, the Member for Turtle Mountain is overlooking the fact that this Manitoba Budget includes a \$200 million item pertaining to Job Creation. Mr. Speaker, we are in fact discussing a thrust, which I believe and I think that more and more Canadians over a period of time will also accept, that it is time that governments in Canada work together co-operatively within the co-operative federal system to resolve the problems that exist in Canada. That means, Mr. Speaker, not 11 different governments putting together their Budgets without discussions, without consultation, without the sharing of information, as indeed is the case at the present time in Canada. If we're to overcome the problems of an economy and trouble, if we are to overcome the problems of rising unemployment, Mr. Speaker, this is a must.

### Jobs Fund - allocation of funds

**MR. B. RANSOM:** A supplementary to the First Minister. Mr. Speaker, can the First Minister confirm that of the

unprecedented \$579 million deficit projected for Manitoba this year, that the \$200 million Jobs Fund which the Minister refers to will really only have approximately \$18.7 million of money contributing toward that \$579 million deficit?

**HON. H. PAWLEY:** Mr. Speaker, let me assure the Member for Turtle Mountain that we will not follow the lead of the Province of Alberta and impose per diems in respect to stays in hospitals. We will not be following the lead of the New Brunswick Budget and be imposing deterrent fees in respect to visits by out-patient care in the medical system in the Province of New Brunswick. Mr. Speaker, if that is the price to follow lead of other Conservative Governments in Canada, then I'm pleased that Manitoba's out of step.

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

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

**MR. B. RANSOM:** Yes, Mr. Speaker, I had a question for the First Minister which he didn't answer. I asked him whether or not he would confirm that of his \$200 million Jobs Fund that only \$18.7 million of that fund will actually contribute to the record \$579 million deficit his Minister of Finance is projecting?

**HON. H. PAWLEY:** Mr. Speaker, the honourable member is basing his statement on presumptions that we'll be delighted to discuss during the appropriate time during the Estimates of the Jobs Fund.

### Mandan Interconnection

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

**MR. D. ORCHARD:** Mr. Speaker, my question is for the Minister responsible for Manitoba Hydro. Could the Minister indicate whether a final decision has been made on the routing of the Mandan hydro line interconnection with the United States?

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

**HON. W. PARASIUK:** Mr. Speaker, there's a process being followed through the Provincial Land Use Committee, and that decision has not been made in the final form.

**MR. D. ORCHARD:** I thank the Minister for that answer. Could the Minister indicate roughly the time frame in which we could expect a decision to be made on the routing?

**HON. W. PARASIUK:** Mr. Speaker, I'll take that question as notice because I'd like to provide a very definitive answer, in that that's not directly under Manitoba Hydro's jurisdiction, it's under the Provincial Land Use Committee's jurisdiction.

### Press Releases

**MR. SPEAKER:** The Honourable Member for La Verendrye.

**MR. R. BANMAN:** Thank you, Mr. Speaker, I ask my question of the Premier who's responsible for the Communications Branch and would ask him, in light of the fact that the government is now using third-party quotations, that is to say they are soliciting responses from individuals, from people who received grants and then using them in their press releases, will the Minister inform the House whether or not this particular practice will be continued and is this one of the new thrusts of this government?

**HON. H. PAWLEY:** Mr. Speaker, I'm not quite sure what example that the honourable member is referring to. It would, indeed, have helped if the honourable member had shared the basis for his question with me prior to the question period. The only time that I can recall any repeated and steady basis - and I'm not necessarily saying that in some cases it is not acceptable - was, I recall, frequent and repeated use of third-party recommendations during the Stay in Manitoba advertising campaign of a few years ago. I can recall those third-party quotations and comments very vividly.

There may very well be some instances where third parties have spoken favourably in respect to certain government initiatives. I don't know what the honourable member is referring to. It might have helped for him to have shared his concerns with me so I could have given him a more appropriate answer.

**MR. R. BANMAN:** Well, Mr. Speaker, in a further question to the same Minister with regard to the use of and soliciting of quotations from individuals to use in their news releases, has the First Minister revised the longstanding policy of Information Services, which says that this type of release, the soliciting of third-party quotations and the using of the same is of a political nature and is not allowed. Has the First Minister reversed that longstanding policy?

**HON. H. PAWLEY:** Mr. Speaker, there has no change in respect to the policies of the Information Service System in the Province of Manitoba. I would be pleased to examine, to check into, because I have found, Mr. Speaker, it's wise not to accept too quickly some of the premises from our honourable friends across the way. I would prefer if the honourable friend would share with me the clipping or the release that he's making reference to so that I can examine it and, hopefully, Mr. Speaker, be able to offer some, I trust, objective response to the honourable member's question.

**MR. R. BANMAN:** Well, Mr. Speaker, I would refer the First Minister to the press release put out by the Minister of Education dealing with the Small Schools Program Upgrading Opportunities in which a number of quotations are used.

A further question to the First Minister, since the former Member for St. Johns, the now Chairman of Hydro, described this type of press release, when he was in opposition, as propaganda, will the First Minister now assure this House that these propaganda practices

which are now being employed by this government will be stopped right away?

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

**HON. H. PAWLEY:** Mr. Speaker, again, I'm not on the verge of accepting the honourable member's word for an implication within his question that a news release that he's making to is propaganda. I will obtain a copy of the release and before I, for a moment, Mr. Speaker, would accept the honourable member's question, I would check it out very carefully because the honourable member's track record isn't frequently that good in giving a fair and objective appraisal.

**MR. R. BANMAN:** Well, in light of the First Minister's comments, I wonder if the First Minister would inform the House whether or not the Hansard of Tuesday, March 3, 1981, in which the Member for St. Johns, the now Chairman of Hydro, said that this was propaganda, whether or not that is factual.

**HON. H. PAWLEY:** Mr. Speaker, I would be very surprised, and I think the honourable member better clarify his statements. Is the honourable member suggesting that the former Member for St. Johns, the present Chairman of Manitoba Hydro, in Committee of Utilities, denounced a release that was issued by the Minister of Education of this government as being one of propaganda? If indeed that is the case then, Mr. Speaker, I might wish to have some discussions with the Member for St. Johns who I have a great deal of appreciation for his judgment. But indeed if he offered that by way of advice in the Utilities Committee I will want, Mr. Speaker, to find out from the Member for St. Johns why he, in Utilities Committee, is denouncing the press release that's been issued by my colleague, the Minister of Education. I am now more anxious than ever to receive the information that the honourable member is referring to.

**MR. R. BANMAN:** Thank you, Mr. Speaker. If the First Minister would care to listen and maybe clean his ears sometimes, he would have found out I said 1981, so he doesn't have to . . .

Since the Minister of Education now has set up a Communications Branch with seven people in it, costing the taxpayers of Manitoba over \$300,000 in money, how does this jibe now with the First Minister's uttering several - about a year ago - that he was now going to be personally responsible for the Communications Branch and the things that happen? This policy that I referred to and the questions I've been asking today deal with something that falls directly under his responsibility. If he wants to be catty in this House, that's up to him, but he is responsible for it. This is a policy that has been established many years ago, dealing with Information Services, and let him not get up and try to be cute with this side of the House.

**HON. H. PAWLEY:** Mr. Speaker, I regret very much if it appears that I've been catty when I questioned a statement by the honourable member that the former Member for St. Johns had denounced a release issued by the Minister of Education as being one of propaganda. Mr. Speaker, is it to be catty to question

the validity, or lack of validity, offered by a member across the way? If the honourable member can validate his statement that he made a few moments ago, then, Mr. Speaker, my colleagues and I would appreciate receiving his advice, rather than his going into a harangue in this House, based upon some incorrect assumptions that he appears to have made but a few moments ago.

### MACC - Loan Guarantee Program

**MR. SPEAKER:** The Honourable Member for Roblin-Russell.

**MR. W. MCKENZIE:** Thank you, Mr. Speaker. I have a question for the Honourable Minister of Agriculture. I wonder, can the Minister of Agriculture advise the House and the farming community if MACC are prepared to remove or adjust the caveats that are registered against those parcels of land that were purchased through the Land Bank Program, so that these particular farmers can qualify or make application for operating loans from the lending institutions in our province.

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

**HON. B. URUSKI:** Mr. Speaker, I'd like to advise the honourable member that a decision has been made in order to peg the amount of capital gain that there will be on a land transaction. Whereas under the old formula, it was an unknown amount that a farmer would have to try and estimate what one's gain would be. In that case, it was very difficult for himself or a lending institution to be able to agree upon what the value of equity would be, having stayed on the farm for a period of a year or more, or two or three, since the purchase was made.

Mr. Speaker, letters are going out, are being prepared, to I believe approximately 500 clients offering them the option of a change in the caveat procedure. They will have the opportunity to decide as to how they wish to deal with it, whether they wish to stay with the present procedure or they wish to have an amount pegged, and of course a change in the capital gain rate forgiveness from 5 percent a year to 10 percent a year for the length of time that they've held their farm.

**MR. W. MCKENZIE:** I thank the Honourable Minister for that statement, Mr. Speaker. I'm not sure, as the Minister said, that those letters are going out in the next week because the problems that were drawn to my attention are current. Maybe could the Minister further elaborate and advise how he arrived at that amount?

**HON. B. URUSKI:** Mr. Speaker, the arriving at that amount - there was a difficulty and it has been in place for a number of years. The former administration were attempting to deal with the question. We took it in hand and arrived at the position to at least attempt to have a known amount as being the amount that would be determined as a capital gain. So that whatever equity there was, by this calculation, a farmer would then be able to go to his lending institution and have at least something concrete in terms of saying, "This is how much equity I have gained over the last number of

years since I've purchased the land." That calculation is being determined by - I believe there's a formula in place by MACC and letters will be going out. In fact, I believe some of the letters may have already been in the process of going out, but as the honourable member well knows, with approximately 500 clients and other pressing matters in the corporation, this would be an ongoing process.

### Farm Lands Protection Board - Pricing of farm land

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

**MR. J. DOWNEY:** Thank you, Mr. Speaker. I as well have a question for the Minister of Agriculture. Mr. Speaker, to the Minister of Agriculture, is it policy of this government and the Farm Lands Protection Board that the Farm Lands Protection Board is now becoming involved in the establishing of or getting involved in directing whether a farm is seiling at a proper price, too high a price, or their decisions are being based on pricing of farm lands in Manitoba?

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

**HON. B. URUSKI:** Mr. Speaker, I have not directly involved myself into the operations of the Farm Lands Board. Any workings of the board would have been the workings that would have been established by the former administration and would have been carried on. Mr. Speaker, we intend to as part of the legislation, as I've indicated earlier, to set up rules and guidelines for the board and for citizens of Manitoba as to how we believe the procedures of the board should be followed. Those guidelines will be released in the next while so that people at least understand what the process will be, unlike what has been in place over the last number of years.

**MR. J. DOWNEY:** Mr. Speaker, will the government be establishing a policy whereas farm lands will be priced, for example, like a catalogue or people will be allowed to buy and sell property only after the board makes a judgment on the value of that land if it is the right price, or if it is not? Is that one of the guidelines that will be put in place by this government under the new Farm Lands Ownership Act?

**HON. B. URUSKI:** Mr. Speaker, to be very clear, no, that will not be the policy. But the honourable member should be aware as well that, I believe Canada Immigration, in terms of granting legal status, does enquire of the applicant - and I am not certain I will have to check that out - who is purchasing a property or business, that the business be a viable operation prior to granting that. I understand that Canada Immigration has those procedures, but I don't believe that is the workings of the Farm Lands Board or the Farm Lands Board should be involved in that whole area. If an appraisal is requested by Canada Immigration, those appraisals should be obtained from

independent appraisal firms. The board should only be interested in whether or not the applicant is legal in terms of the definitions of the Act.

### Farm Fuel

**MR. J. DOWNEY:** Mr. Speaker, I appreciate the Minister's response in that regard. Another area, Mr. Speaker, which I would like to ask the Minister of Agriculture, in view of the fact that there has been very little action by this government dealing with the price of farm fuels and the request of a lowering of farm fuels by the federal taxation; in view of the fact that this government has not supported a resolution by the opposition requesting the Federal Government to lower the federal tax; in view of the fact that the Federal Government did respond to a request by the opposition to have a Ministers of Agriculture meeting dealing with the difficulties in the farm community, and a telex which I have received today indicating that the Deputies of Agriculture met yesterday on subjects such as farm fuel, the Federal Minister of Agriculture has indicated he has made representation to the Minister of Finance, requesting that farm fuels be considered exempt from federal taxation; will he now and his government get on side with the opposition and the farm community, and support the resolution so that we can remove federal taxation from farm fuels?

**HON. B. URUSKI:** Mr. Speaker, I am pleased to note that we are now debating Private Members' Hour during question period, Sir, and the resolution that is on the Order Paper will be debated later this afternoon. Mr. Speaker, the honourable member should be aware that, generally speaking, the debate in this House on this resolution, in terms of the amendment that has been put forward, have been generally supportive of that position. The Manitoba Government, Sir, has historically not implemented a provincial tax on farm fuels. It has been the position and it remains to this day.

**MR. J. DOWNEY:** Mr. Speaker, a further question to the Minister. In view of the fact that his Deputy as well as all the other deputies across Canada yesterday for the Departments of Agriculture, met to discuss issues such as the taxation on farm fuels, farm bankruptcies, stabilization pay outs from the Western Grain Stabilization Program; will he table the recommendations from that Deputy Ministers' meeting which will be going to the Ministers?

I, Mr. Speaker, am prepared to table the telex which I received today communicating that information that the meeting did take place yesterday, and I would appreciate and ask him if he will table the outcome of that meeting so as the farm community can be assured someone, somewhere is trying to remove some of the high cost of operating and alleviate some of the bankruptcies in the farm community?

**HON. B. URUSKI:** Mr. Speaker, I thank the honourable member for his telex. Mr. Speaker, we will continue to do what we can in terms of concrete measures to assist the farmers of this province. Any correspondence that is dealt with and distributed as between other Provincial Governments and the Federal Government would receive the same kind of distribution as has been in the past in terms of requiring concurrence from parties.

## **Crop Insurance Office - Minnedosa location**

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

**MR. D. BLAKE:** Thank you, Mr. Speaker. My question is direct to the Honourable Minister of Agriculture also. In view of that paltry sum compared with the some \$300,000 we've just learned that was allocated to gussy up the Department of Communications' and the Minister of Education's Department or Ministry, would the Minister of Agriculture now, in view of that small amount of savings, would he now consider meeting with the board and intervening and saving the expense and the anxiety and the dislocation that's going to be caused by moving this office at this particular time?

**HON. B. URUSKI:** Mr. Speaker, I should tell the honourable members as I did earlier, and I have just received a copy of the letter from the corporation, that the corporation's decision shall be maintained. In terms of administration, I have have left the corporation to try and provide the services to the farmers of Manitoba in the most efficient and least costly way. We have not interfered in the decision-making of the corporation, unlike that of my honourable friends.

I think the Honourable Member for Gladstone as well, should have her views known as to what farmers from her area were saying, because I do know that there were representations made to have another office located in that area because it was inconvenient for farmers of that area. As I understand it, Sir, the numbers of contract holders in most areas of the province have generally been of relatively similar amounts between districts. The corporation did try to make this move some years ago and the honourable member knows that there was interference at the government level and prevented the corporation from making that move. They have indicated again, they have reviewed it, they have reviewed the submissions of the people who came to that and the decision was made by that board.

**MR. D. BLAKE:** Mr. Speaker, I realize that any time the government can save \$2,000 they can put a couple or three more deals like this together and they'll have enough to pay off the sum that was necessary to bail the Attorney-General out of a predicament that he got himself into.

Mr. Speaker, the Minister of Agriculture has just confirmed what I've been saying all along, that there is a need for boundary changes, and a whole realignment of boundaries in the crop insurance districts. Trading patterns have changed; special crops have increased the work of various offices. This is what I'm saying, why doesn't he undertake a substantial review of the whole crop insurance operation instead of piddling around and tinkering with moving one office which is going to upset the whole apple cart? Would

he consider looking into the whole matter of realigning boundaries for the whole crop districts of Manitoba?

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

**HON. B. URUSKI:** Mr. Speaker, I'd be pleased to pass that advice onto the corporations for the directors, so that they would take those considerations into their deliberations.

As well, the honourable member should be aware that while there is a direct saving to the corporation there is also a saving that cannot be determined in terms of the travelling distance of the numbers of claimants and contract holders from the area of the Honourable Member for Gladstone, who I'm sure would like to see her farmers travelling a shorter distance to their crop insurance office.

**MR. D. ORCHARD:** They're saving the old Crow.

**MR. D. BLAKE:** Mr. Speaker, a final supplementary, I have two things to ask the Minister. When he's considering looking at the boundary changes, in the meantime, would he consider leaving the Crop Insurance office where it is in Minnedosa and functioning very well?

### **Order for Return - Crop Insurance office**

Secondly, would he undertake to expedite the Order for Return that I filed some two months ago asking for the cost savings, the cost benefit analysis, how many complaints received, and how many meetings were held with farmers, because the First Minister maintains that consultation and open government is his main thrust? Possibly, if we had some answers to that Order for Return, we may be able to try and justify in some way what is happening to the crop insurance office.

**HON. B. URUSKI:** Mr. Chairman, when I asked the Board of Directors specifically on representations made in this Chamber to review all the information that they had, as well as to take into consideration the representations that were made to them by the Honourable Member for Minnedosa and other representatives of municipal councils, I will not and have not interfered in the decision-making of that corporation in terms of providing the services to farmers of this province.

### **Request for tabling of Standard and Poor's telex**

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

**HON. H. PAWLEY:** Mr. Speaker, further to the question from the Honourable Leader of the Opposition, I'd like to table the Standard and Poor's telex.

### **Robert H. Smith School - financing**

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

**MR. G. FILMON:** Thank you, Mr. Speaker, my question is to the Honourable Minister of Education. Due to the fact that the Robert H. Smith School has been closed down for some five-and-a-half months, and a request for funds to repair that school has been placed by the

Winnipeg School Division No. 1 before the Public Schools Finance Board for quite some time now, I wonder if the Minister can indicate when we can expect a decision on that matter.

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

**HON. M. HEMPHILL:** Yes, Mr. Speaker, I can tell both the member and members of the community, who will be interested in hearing, I expect to be able to give an answer on the Robert Smith School very shortly. In fact, to be a little more specific, I'm hoping it will be within days.

Just to make a comment on the point that he made about the amount of time that their request had been in, I just want to indicate that while the request was in for awhile that there was not adequate information provided initially by the school board on enrolment projections and needs for the school. The Public Schools Finance Board required and asked for more information and received it very quickly from the school division.

Subsequently, there was one other slight delay that was caused by a motion that was brought by the school board suggesting they were going to review five schools in the school division including Robert Smith. That raised the question of whether or not their original request for renovation still stood. The school board has confirmed that it does stand; the Public Schools Finance Board dealt with it last Friday. It perhaps could be on my desk today and I intend to deal with it very quickly when it arrives.

**MR. G. FILMON:** I thank the Minister for that assurance. I wanted to just reinforce the point that apparently the latest news today is that the principal has been moved to another area. There is some talk and concern about teachers applying to move elsewhere, so would the Minister check into it, because it is my understanding that the recommendation is on her desk?

**HON. M. HEMPHILL:** Yes, he's seen my desk this morning and I haven't. Yes, Mr. Speaker, I want to say that the school board has confirmed that their original letter of request still stands. In other words, they have not changed their position on either the need or the use for the school. On that basis, the Public Schools Finance Board has dealt with it and made their decision. If it is on my desk today, I will be dealing with it the minute that I can get out of the House, see my desk and deal with the work. Thank you.

### Core Area Agreement

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

**MR. F. JOHNSTON:** Mr. Speaker, in view of the fact that it took two years of very hard study and research to finally - my question is to the Minister of Urban Affairs - sign the Core Area Agreement, could the Minister inform the House or produce to this House all of the research and studies for the first plan that was presented by Mr. Axworthy that the Minister of Urban Affairs accepted?

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

**HON. E. KOSTYRA:** Thank you, Mr. Speaker. I would hope that the current discussions that will be starting immediately with the Federal Government, the City of Winnipeg and representatives of the province to work on a further proposal on the north of Portage will not take as long to develop as the Core Area Initiatives took. I think it's very important, Mr. Speaker, that there be further activity in the City of Winnipeg that will help bring about the revitalization of the very important downtown area in the City of Winnipeg and provide much needed jobs. So I'm hoping, Mr. Speaker, that we will be able to co-operate between the three levels of government and ensure that there will be construction activity and worthwhile work going on in the very near future in that area.

**MR. F. JOHNSTON:** Mr. Speaker, I would ask, because the commissioners of the City of Winnipeg examined the north of Portage plan that was presented by Mr. Axworthy and came up with all kinds of problems that it would cause the city from traffic and who knows what else, and the commissioners presented that to the city, does the Minister have any research at all that would lead him to making a decision of Mr. Axworthy's first proposal? Mr. Speaker, I think that's a logical question. Did the Minister just decide or was there any research done to back up or verify what the commissioner said?

**HON. E. KOSTYRA:** Well, Mr. Speaker, I'm not quite certain what the purpose of the questions are. I think it's been made very clear that the initial proposal that was suggested by the Federal Government is not the one that is specifically under discussion at the present time; that we are looking at specific activity north of Portage and is not on the basis of the specific proposal. It's certainly going to be a part of the process that we are going to be dealing with the specific concerns of the City of Winnipeg with respect to transportation, with respect to planning issues, because they clearly have the greatest expertise in that area and that's something that's certainly isn't disputed by the government.

However, Mr. Speaker, I'm concerned by the attitude of some members opposite, it seems on one hand we hear that same member saying that this government doesn't have the confidence of people in the business community is against any kind of development but yet, Mr. Speaker, when we try to work on some development we get the nay-sayers like that member getting up and saying, well, what expertise do they have, what do they want to do. Mr. Speaker, we have the opportunity to have further developments in the City of Winnipeg and one that I think, would be welcomed by all citizens of the City of Winnipeg, indeed, the province, including the members opposite.

**MR. SPEAKER:** Order please. The time for Oral Questions having expired.

### ORDERS OF THE DAY

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

**HON. R. PENNER:** Mr. Speaker, would you please call the adjourned debates on second reading.

**MR. SPEAKER:** Order please.

**ADJOURNED DEBATES ON SECOND  
READING**

**HON. R. PENNER:** Yes, Mr. Speaker, would you please call the adjourned debates on second reading on Bills 25, 35, 46, 60, 2, 3, 50 and 4, in that order please.

**BILL NO. 25 - AN ACT TO REPEAL  
THE STATUTE OF FRAUDS**

**MR. SPEAKER:** On the proposed motion of the Honourable Attorney-General, Bill No. 25.  
The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, I adjourned this on behalf of my colleague for St. Norbert.

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

**MR. G. MERCIER:** Mr. Speaker, I wish to speak only briefly to this bill and the next two bills that the Government House Leader has called, 35 and 46. The first comment that I make, Mr. Speaker, is applicable to this and the following two bills and that is I would ask the Attorney-General to assure us that, particularly these three bills - and I believe all bills should be done this way - but I hope particularly these three bills because of their relevancy to the practice of law in Manitoba have been distributed to the Manitoba Bar Association and that the appropriate subcommittees in the Manitoba Bar Association will have an opportunity to comment, Mr. Speaker, at Law Amendments Committee with respect to these bills which come from the Law Reform Commission on which, indeed, there has been some consultation to date but I believe they should have the opportunity, of course, to examine the bill in the form in which it is, if they wish to make any comments on it.

Mr. Speaker, I note in respect to Bill No. 25, that the bill itself is fairly significantly different from the recommendations of the Law Reform Commission, in that the Law Reform Commission made additional recommendations over and above the repeal of the Statute of Frauds. Mr. Speaker, I know that there are probably strong arguments for the form in which the bill is made. For the record, Mr. Speaker, and for the benefit of those persons who are interested in this bill, I would ask the Attorney-General to comment upon the reasons why the government chose not to adopt the recommendations of the Law Reform Commission in the form of which they were made particularly not to follow through with the other recommendations contained in the Law Reform Commission with respect to retaining some aspects of the Statute of Frauds.

I would simply, Mr. Speaker, indicate that on this side we're prepared to allow the bill to go to committee and we would hope that the Attorney-General would comment on the deviation of the form of this bill from the recommendations of the Law Reform Commission.

**MR. SPEAKER:** Are you ready for the question?  
The Honourable Attorney-General will be closing debate?

**HON. R. PENNER:** Yes, very briefly, I will not at this juncture, but before it goes to committee, advise the

Honourable Member for St. Norbert of the reasons for the difference between the original proposal of the Law Reform Commission and the bill as presented. I would simply like to state at this time that consideration of the law reform proposal began, in fact, last year and was not presented at the last Session of the Legislature because there was ongoing consultation between Legislative Counsel, the Chairperson of the Law Reform Commission and Members of the Faculty of Law at the University of Manitoba. The form of the bill as it now appears has the endorsement of all of those persons, so that it was a further consultative process which led to the bill being produced in that form.

I will provide more details to the Member for St. Norbert and I would also like to thank him for his suggestion and I will follow it, that this and Bills 35 and 46, as well as certain other bills, be referred to the Manitoba Committee of Canadian Bar Association so that should they choose to make representations at committee stage or even prior they will have that opportunity.

**QUESTION put, MOTION carried.**

**BILL NO. 35 - THE TRUSTEE ACT**

**MR. SPEAKER:** On the proposed motion of the Honourable Attorney-General, Bill No. 35.  
The Honourable Member for St. Norbert.

**MR. G. MERCIER:** Thank you, Mr. Speaker, again this bill follows a report from the Law Reform Commission of Manitoba, Mr. Speaker, and is a significant change in the law. I note, Mr. Speaker, in the recommendations from the Law Reform Commission, Recommendation No. 3, that they indicate that a trustee's handbook and guide be prepared and made available to the general public to assist and instruct trustees, Mr. Speaker, in view of the fact that the prudent man rule is certainly one which large trustees, corporate trustees in large funds will, no doubt, have no difficulty in complying with, Mr. Speaker. I think that for trustees appointed to administer small estates for committees, appointed to administer small estates, the fact that there is a fairly explicit legislation with respect to the kinds of investments they make is of a great deal of assistance to them because they're not particularly knowledgeable in investment of funds.

I think, Mr. Speaker, this bill, while it can probably improve the income-earning capacity of larger trusts, particularly those who have the expertise in investment of trust funds, I think for the smaller individual trustees of small estates, Mr. Speaker, a trustee's handbook and guide would be of immense assistance to them. So, I would, again Mr. Speaker, make that suggestion to the Attorney-General that that recommendation be followed and I would ask him either in closing debate or in the course of dealing with this bill in committee if he could indicate whether any action will be taken on that particular recommendation.

**MR. SPEAKER:** Are you ready for the question?  
The Honourable Attorney-General will be closing debate?

**HON. R. PENNER:** Yes, just to respond to the suggestion of the Member for St. Norbert and I thank

him for it. Yes, indeed, I will be discussing that suggestion with the appropriate official in my department who has a pretty big plateful of informational handbooks that are in preparation and that certainly should be added to that list.

**QUESTION put, MOTION carried.**

### **BILL NO. 46 - THE PERPETUITIES AND ACCUMULATIONS ACT**

**MR. SPEAKER:** On the proposed motion of the Attorney-General, Bill No. 46, standing in the name of the Honourable Member for St. Norbert.

**MR. G. MERCIER:** We're prepared to send this bill on to committee.

**QUESTION put, MOTION carried.**

### **BILL NO. 60 - THE HIGHWAY TRAFFIC ACT (2)**

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Highways, Bill No. 60, standing in the name of the Honourable Member for St. Norbert.

**MR. G. MERCIER:** Thank you, Mr. Speaker. This bill was only introduced by the Minister of Highways and Transportation last Friday and I wanted to speak to this bill, Mr. Speaker, not at length, but to attempt to point out some problems I have seen with respect to seat belt legislation across the country, and suggest what I think may be a possible solution to the different interests and positions that have been expressed with respect to this type of legislation.

Firstly, Mr. Speaker, the problems may very well arise with respect to the child-restraint portion of the legislation. That is probably the aspect of the bill that would be most widely supported among members of this Legislature, but the requirement to have a restraining device for every child under that age, I think, has been pointed out, in different letters to the editor and by different commentators on the bill. That may very well be impractical, Mr. Speaker, and the different examples cited related to someone delivering a car pool of children to some activity, which goes on every day in this province, where there are, for example, more than four children in a car, and that's assuming of course that the child-restraint regulations would allow ordinary seat belts to be used, say, in the rear seat of a car. So there is some practical complaints that have been made with respect to this particular section of the bill that I would assume that the Minister and his staff are hearing about, and are perhaps reading about in letters to the editor, and perhaps in letters to his office, and I'm sure he will hear more from members on both sides of the House.

It's a problem which the Minister, I think, should attempt to deal with and explain when he concludes debate on second reading, Mr. Speaker. As I've said, I think it is the most defensible part of safety legislation; we've all seen presentations and are aware of the injuries that are suffered by children in automobile

accidents who are not secured in some sort of restraining device.

Mr. Speaker, there are, I think, some difficulties in the type of situations where the wearing of seat belts are not applicable and I think the Minister and his staff, perhaps Legislative Counsel, are going to have to deal with this in committee, Mr. Speaker. The suggestion that the principle that a person who holds a medical certificate should not have to wear a seat belt, if he has a certificate from his doctor, I think requires that there be some guidelines and, although the Act does allow for the establishment of some exemptions and some guidelines, I'd like the Minister to explain what sort of guidelines, if any, will be issued to medical practitioners, what sort of consultation there would be with medical practitioners, on that point, and to the public, so both the public and the medical profession are aware of the basis upon which such certificates would be issued.

There also is raised, I think, the problem that supposing someone complies and is in the process of having arranged for consultation with a doctor, or perhaps has seen a doctor but doesn't yet have the certificate in his possession, what sort of leniency would be granted to a person in that particular circumstance?

In the same way, Mr. Speaker, the exemption for a person by reason of his size, build, etc., to the satisfaction of a peace officer; again, there have to be established some guidelines so, not only that drivers and passengers know who is entitled to that exemption, but so that peace officers know on what basis they can grant a person an exemption from the legislation. It may be very difficult to build that detail into legislation and it probably shouldn't be done, but I think members, before they vote on this bill, Mr. Speaker, should be aware of the guidelines in both of these areas.

Mr. Speaker, there is, I think, some difficulty in the principle also that a person who, while engaged in work and is required to alight and re-enter a vehicle at frequent intervals and who does not drive at a speed over 40 kilometres per hour, again, causes difficulties. How great a distance does a police officer have to follow someone to gauge his speed and at how many intervals does that person have to get into and out of the vehicle in order to qualify for this particular exemption, Mr. Speaker?

I think it really creates a great deal of law enforcement problems with that type of wording and creates uncertainty for the police officers who will be required to enforce this bill and for passengers and drivers.

Mr. Speaker, I would like also the Minister to deal with a report and to comment on a report that was prepared, and I believe released, by the Member for Lakeside when he was Minister of Highways and Transportation. It was a study of motorcycle accidents in the Province of Manitoba done by Mr. Greenwich and the late Dr. William Parker, the former pathologist for the Province of Manitoba. I think essentially what that report did, Mr. Speaker, was point out that helmets for motorcyclists are not the only solution to the health problem. For example, in that report, and particularly for the Minister's information, referring to Pages 8 and 9 which contain the recommendations, they indicated that alcohol affects an individual's visual acuity, muscle co-ordination, ability to interpret complex situations and reaction times, even at low blood levels.

Motorcyclists are much more dependent on these particular parameters than an automobile driver. They suggested, Mr. Speaker, that consideration should be given to lowering the legal impairment level for motorcyclists. They point out, and this is one of their major recommendations arising from their study, that alcohol contributes to a large number of motorcycle accidents. They urged some consideration be given to this recommendation, and the suggestion is therefore made, what is the Minister's position with respect to that recommendation and what, if any, action is he taking?

They point out also, Mr. Speaker, that consideration should be given to increasing the number of training programs available to motorcyclists, possibly requiring a motorcyclist to successfully complete a training program prior to issuing a motorcycle operator's licence. That would, in their view, contribute significantly to a reduction of accidents. But, Mr. Speaker, there are in that report recommendations related to helmets and motorcyclists that are worthy of consideration. Indeed, even if this bill passes, it will not be the cure-all and the end-all for motorcyclist accidents and automobile accidents. There are many other safety programs which must be instituted if we wish to cut down on the number of fatalities, accidents and injuries that result, Mr. Speaker.

Mr. Speaker, over the last few years, I have taken a particular interest on how seat belt legislation has been handled in other provinces where it has been enforced. As you look at the reports, I know the Minister has referred to some very high rates of compliance, Mr. Speaker, but the fact of the matter is, I think it is my general impression and conclusion anyway that if this bill is passed there will initially be fairly low - the rate of compliance with the legislation will increase . . . but it will still be fairly low. What will happen then is the Minister of Highways will probably ask the Attorney-General, for a week or two or for a month, to ask the police departments in the province to enforce the legislation. If he responds the way he did to me today in question period, then the Minister of Highways is going to be in trouble because he's not going to get any action from him. But, Mr. Speaker, as a result of an increased amount of police enforcement, the rate of compliance will increase to somewhere like 50 or 60, 65 percent perhaps at the most. Then the police departments will say we have other priorities; we can't continue on this basis. Enforcement will drop off and the rate of compliance will drop off again significantly, Mr. Speaker.

The history of this type of legislation, as I see it in other provinces, is that rate of compliance goes down. It is only when there is an overt statement, that the Act is now going to be enforced and the police are going to be requested to enforce the legislation, that the rate of compliance will increase. So there is a real problem, Mr. Speaker, that has existed in other provinces with respect to compliance with this type of legislation. No doubt, the rate of compliance will increase from the current rate, but the enforcement by police authorities in other provinces is sporadic.

Police, as we all know, and as we see and hear and read each day, have a large number of priorities. The enforcement of seat belt legislation will not generally be their highest priority.

I believe it was a few weeks ago in the City of Winnipeg there was an article by a retiring policeman, I believe it was Harry Forgie, who indicated, Mr. Speaker, that there is now in the City of Winnipeg only token traffic enforcement with our existing laws because of a lack of manpower and other priorities, that's all they're able to do in the City of Winnipeg. So, Mr. Speaker, that only creates and makes worse the enforcement problem with respect to seat belt legislation.

Mr. Speaker, we have to consider a number of factors in deciding how we're going to vote as individual members with respect to this bill. I say for the record, Mr. Speaker, I think it is a position that the opposition, that every member, will be entitled to vote according to his conscience, unlike members opposite. — (Interjection) — I believe, Mr. Speaker, the Minister of Highways said we don't have that luxury, but I believe the practice in the past on this type of legislation has been to allow for free . . .

In considering, Mr. Speaker, whether this bill should be passed, there are a number of factors that have to be taken into consideration. One that comes out, Mr. Speaker, in the reports, studies and surveys that have been done - and I ask the Minister to correct me if I am wrong - is that approximately 98 percent of drivers are not involved in accidents involving injuries. It is a very high percentage, Mr. Speaker, of drivers, as a result of that, see no need to be compelled to wear seat belts. I believe that is a correct statistic, and I would be very interested to know if the Minister's department can confirm that.

Mr. Speaker, there is also the factor that a number of individuals claim that if they had not been wearing a seat belt, they would have lived or - pardon me, they don't do that because they wouldn't be around . . .

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

**MR. G. MERCIER:** . . . they would not have suffered the injuries they did. They refer to incidents involving usually fire or immersion in water. I believe even the Minister himself said that he's not certain that in certain circumstances it may be that one would be better off without having worn the seat belt. He went on to say that he wasn't going to make the argument that under no circumstances will you be worse off because of the provision in this bill that requires one to wear a seat belt. So the Minister is acknowledging that in a number of cases, which neither he nor I nor anyone else here can predict in detail, but in a certain number of cases the use of seat belts will not be of assistance, and may indeed be a hindrance.

Mr. Speaker, at the same time you have to take into consideration, I think, the fact that virtually all of the studies and all of the surveys indicate that in most situations, at least the majority of situations, it would be safe to say that there is a safety value in wearing a seat belt. Mr. Speaker, I wouldn't want to argue any other way because I've attempted to look at studies across Canada and I think that's a conclusion that would not be questioned by any member of the House; that in most instances, or at least a majority of instances, the studies and surveys show that the wearing of seat belts is of value.

So, Mr. Speaker, the real question we have to consider, in considering this bill, is whether or not all

members of the public should be compelled, by law, to wear seat belts and not be left to make that decision by themselves. Mr. Speaker, we've seen, and the Minister surely has seen, that there are many individuals in our society today who are making the argument very strongly that they should not be compelled, by law, to use either seat belts or helmets; that they are fed up with government making decisions for them; that there is a risk, albeit a small one, that seat belts or helmets may not help them or, in fact, hinder them in accidents, and they want to make the decision for themselves. They want to be able to take personal responsibility for their own action, Mr. Speaker.

Well, Mr. Speaker, I'm going to propose that, in the view of all of those factors, that there is a solution to this situation whereby the interests of both sides can be taken into consideration which would be a compromise solution. I ask the Minister of Highways and Transportation to examine this proposed solution with his department, and with perhaps Automatic, and with Legislative Counsel, Mr. Speaker.

The solution would be this, Mr. Speaker, would be to, in the place of this bill, to enact legislation that failure to use an available seat belt or helmet constitutes a failure to exercise reasonable care for one's own safety and amounts to contributory negligence, unless that person, failing to use the seat belt or helmet, can demonstrate that the failure did not contribute to the resulting injuries, damages or consequences, Mr. Speaker.

So the result of that would be that in the place of this legislation which we have before us we would have a legislative sanction for the value of wearing seat belts or helmets. We could preserve an individual's freedom of choice; at the same time, individuals would be responsible for their own actions and the consequences.

Mr. Speaker, I believe with proper notice to all drivers it would be an effective law in the sense that people would know what the law is and be able to make their own decisions accordingly. It would have the important advantage, Mr. Speaker, of eliminating the law enforcement problems that I've referred to. The fact that police forces simply do not have the resources at this time to enforce this law, and that enforcement in those jurisdictions where this kind of legislation has been brought in has been very sporadic.

Mr. Speaker, it would allow for more stringent action against bad drivers, for example, impaired drivers. The Attorney-General some time ago announced a committee to study that particular problem. I refer, again, to the statistic that I used, that about 98 percent of drivers are not involved in accidents with personal injury, Mr. Speaker. It's the bad drivers that the Highways Department should be attempting to deal with and the Attorney-General, Mr. Speaker; that is where the real problem is.

Mr. Speaker, there could, at the same time, I point out and I believe it is available from Autopac, whereby if a person chose, in the face of this type of legislation, not to wear seat belts, or not to wear helmets, but to take the risk of being deemed to be found contributory negligent because of that failure to wear helmets or seat belts, he could take out insurance through Autopac for a nominal sum that would cover him in that situation. In that way, Mr. Speaker, the financial loss that the Minister of Highways and Transportation refers to, of

about \$1 million in health costs, could be recovered, not from the taxpayer but through the insurance that would be available to a person who wished to take that risk and wished to take out insurance.

There's a solution, Mr. Speaker, that I would like the Minister to examine. I think it takes into consideration all of the factors and all of the various arguments, and is a fairly reasonable solution to this problem, and I would ask him to consult with his staff, Legislative Counsel, Autopac.

In summing up debate on second reading, Mr. Speaker, perhaps he could comment on that solution on whether or not he believes it would be an acceptable compromise to the bill we have before us.

Thank you, Mr. Speaker.

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

**MR. R. DOERN:** Thank you, Mr. Speaker. Mr. Speaker, all this material here on my desk is most of the material that I have accumulated on this particular issue in the past three or four years.

**A MEMBER:** No helmet.

**MR. R. DOERN:** Well the honourable member says I don't have a helmet. In fact there are some helmets around that I'm hoping to obtain to bring forward, at some point, by way of illustration of the value of wearing them, but I'll get to that a little later.

Mr. Speaker, there are three components to this bill; the child restraints, the question of seat belts, and the question of helmets. I believe that when we consider what the public's opinion is on these particular matters, and compare it to what the opinion of the members of the opposition are, I think there's a very wide discrepancy, indeed. Mr. Speaker, I believe that the public is probably over 90 percent in favour of child restraints. I don't know what the view of the members of the Conservative Party are, but I would suspect, given their general attitude on this question, that it might be considerably lower than that, perhaps of the order of 50-50, but we will see as the debate goes on.

Mr. Speaker, in terms of seat belts I think the public is probably 60 or 70 percent in favour, at this point in time, and yet there is very little support coming from the Conservative Members of the Manitoba Legislature. I recall very clearly a couple of years ago their former Ministers of Highways, the Member for Lakeside and the Member for Pembina, both opposed the wearing of seat belts which was a strange position, indeed, for a Minister of Highways whose responsibility is to concern himself with safety, the safe operation of motor vehicles and the protection of life and limb on our highways. — (Interjection) — Well, Mr. Speaker, my colleague from Ste. Rose says that the Member for Pembina wants to be leader but, of course, he will never achieve that dream if he pursues policies that are folly.

Mr. Speaker, when it comes to helmets I believe that 90 percent of the public, this is my estimate, is in favour of helmets. Yet the Conservatives have a position which seems to be between 0 and 10 percent. Now, of course, the members opposite think that certain segments of the motorcycle riding public is the entire public, but I

have to remind them that there are many people who ride motorcycles and there are many people who have opinions on whether or not there should be helmets worn by them.

Mr. Speaker, when you look at the research on this particular issue, if you look at all the work that has been done by the university professors and the medical profession and all sorts of independent organizations, it is overwhelmingly in favour of the kind of legislation that is being introduced by my honourable colleague, the Minister of Highways. Mr. Speaker, Aristotle the famous Greek Philosopher once said that the object of all knowledge is action and that is what concerns me.

What are we getting to counter, what are we getting in this Chamber, what are we getting outside of this Chamber by the members of the Conservative Party to counter the massive amount of research in favour of safety legislation? We're getting, Mr. Speaker, two things, nitpicking - we just saw an example of that by the Member for St. Norbert - or we're just simply getting an irrational position, no, I'm against it and they're going with some vague notion about, it's better not to wear a seat belt, better not to have a helmet; the right to fly through the air with the greatest of ease and land on the concrete highways of Manitoba and in that way somehow or other come out ahead of somebody who is well protected.

Mr. Speaker, I just look at two brief points made by the Member for St. Norbert in passing. He was concerned about enforcement. Mr. Speaker, surely you don't expect - you know, the members of the opposition can try to whip this up - but surely you're not going to see a tremendous crackdown of cruiser cars zipping up and down the streets arresting, yanking citizens out of their cars for not having their seat belts on.

Mr. Speaker, there will be a public education campaign; there will be legislation passed; there will be a lead time before the legislation is implemented and there will be law enforcement, but it will not be the heavy hand of law enforcement. I think the approach will be that of law enforcement agencies in other provinces. They will tend to clamp down and issue tickets to people in the case of other infractions. So if somebody gets themselves into an accident and the officer on the scene talks to them about that, he will also note whether or not they are buckled up and if they're not they will then have two tickets for their problem for the price of one.

Mr. Speaker, I want to deal briefly with helmet legislation and then go on to seat belts themselves. I also want to say to the Minister and I've said this to him outside of the House, I also say this to him inside the House that he needs money to conduct a proper public education campaign in regard to this legislation. I had to attend a funeral yesterday, Mr. Speaker, in Morden, and I noticed that as we were driving on Highway 3 one of the signs about using your seat belts. There's also some excellent radio and television advertising that was used in Saskatchewan and probably in Ontario and the Minister has booklets and brochures but I've said to him before, I say again that he needs high quality material.

I look at one of these booklets and I don't know about all of it but some of it, it seems to me, should be greatly improved. I seems somewhat amateurish

and I think that we need a first-class program to educate the public to some of the advantages of using these safety devices and some of the dangers of not.

Mr. Speaker, I believe that seat belt legislation is an idea whose time has come and, I agree that it is sometimes uncomfortable to wear a seat belt, that it is probably much more convenient not to wear one in terms of the way it feels when you're sitting in your car and the same holds true for helmets. I'm sure that most motorcyclists when they think of their motorcycles and they look at their magazines, the newsstands are now full of all kinds of biker magazines, you inevitably see somebody without a helmet although I guess occasionally in those magazines there's somebody with one. We have seen examples, the heaviest helmet you could get was brought to us in our caucus room as an example.

Now, Mr. Speaker, it is important, I think, to note that riders do not always wear helmets on days when it's 90 degrees above, sure in the heat of summer and in the hottest, most humid time of year it will feel somewhat uncomfortable, hot and stuffy, but that's not always true. In the summertime people riding motorcycles today, for example, probably feel a lot more comfortable wearing a helmet than without since it's quite cool out or cold out. When a person is riding on the highways and so on they need the protection of clothing and helmets and whatever they call those visors, or whatever they are at the front of the bikes, the screens that cut the air traffic flow and some riders, in fact, wear goggles, of course, because of the powerful amount of air that hits them in the face.

So, it's true, Mr. Speaker, that helmets can be uncomfortable, hot and stuffy but so is a coffin; so is a hospital bed; so is a plaster cast; and so is the idea and the notion that a person could be paralyzed from the neck down. Mr. Speaker, I think that when people consider these factors, when they consider the fact that a motorcyclist is, in fact, totally unprotected ordinarily when he's using his machine that anybody who considers the matter will come to the conclusion that they should be well-protected.

I want to tell you right now that over the years I have voted three times on this issue, and in every instance my starting position was that there should be mandatory helmet legislation and on two of those three occasions I listened to the bikers and I listened to the presentations and I saw the demonstrations and I read the mail and I talked to people on the telephone. In two of those three instances I changed my vote and I decided that if they want the freedom and if they want to kill themselves and if they want to risk their lives and so on, so let them. Who am I to make this decision for them?

But this is the fourth time around, Mr. Speaker, and I intend to fully support and fully argue for this particular legislation and I suppose it's been a process that has taken place over the years. I think of some personal examples that come to mind.

I remember a few years ago, on the Osborne Bridge where those planters or pots that have been put there, large concrete ones, and some poor motorcyclist came zooming across Osborne towards the Legislature, something happened, he flew off his bike and hit his head on one of those concrete dividers and that was the end of him. That was a death right near the grounds of the Legislature.

I think of a woman I know in Elmwood who had to go two or three years ago to a city morgue to identify her brother who was around 20 years old and who was killed by a motorcycle. He was riding a motorcycle; he was killed in an accident. I think of a Shriner who was driving in a procession from here somewhere to Brandon and went off the side of the road and slid along the gravel. His bike went down; he went head-first along the gravel. I'm trying to see his helmet. Apparently that gentlemen kept that helmet for years and showed it to people as an example of what his helmet did to protect him. Otherwise it would have been his head that was shredded by the gravel as he went along the shoulder of the highway.

I think of a young man that I know who's in his early twenties, who was driving along from Portage la Prairie to Winnipeg and he had a blowout in his back tire at 60 miles an hour. He went over on his bike, hit the pavement, banged his head, cracked his helmet - not his head - and slid two or three hundred feet down the highway in front of one motor vehicle operator and so on. The net result of that injury was that he, in effect, got up, was shaken up and walked away, but if he hadn't been wearing that helmet, he would have been dead. That's not only my opinion but that is his opinion and it certainly converted him.

Mr. Speaker, I also happened to catch somebody a few days ago and I will be mixing up some of my remarks, in terms of seat belts and helmets, but it's all on the question of safety. I heard somebody, on CJOB, phone in to Beefs and Bouquets the other day and say the following. He said, "I was watching a race on American television this morning," and I don't know if this was at two or three in the morning, or what, and he said, "The driver in this car hit the railing, flipped the car over and rolled four times over on his vehicle." He said, "He then opened the door and got out of the vehicle; he had been wearing a seat belt and walked away from this wreck of a car." And this caller simply said, "If anybody says that seat belts don't work, they're crazy." That was his comment on that particular situation.

So, Mr. Speaker, I find it really kind of strange that when you look at the information - and I intend to give some examples from the excellent briefs that have been put together by the Manitoba Medical Association, the Canadian Medical Association, on these questions and so on - when you look at these briefs and then you listen to some of the arguments that have been made over the years by Conservative Ministers of Highways, by members of the Conservative Party, by comments made about the introduction of the legislation, it's very peculiar indeed.

I went to the first rally where we had 1,000 or 1,500 motorcycle riders outside the Legislature and I saw the great glee on the faces of the members of the Conservative Party who took this to mean that the government was in trouble and I think some of them are going to be unduly influenced by the fact that there have been some demonstrations and some letters written to them. I hope they also got the letters written to them by the nurses and by the citizens in their area and I hope they have read the briefs that have been prepared by the medical profession on this particular question, because, Mr. Speaker, I don't believe that this is, in fact, a question of freedom of choice. I believe

that this is a matter of life or death or life and death and I think this is the way the issue has to be approached.

But I find it interesting that some of the members opposite are going to hitch their wagon to the position of some of the motorcyclists who have appeared here and are going to be influenced by that. It would make, in fact, a very peculiar, unholy alliance to have the bikers and the Conservatives together on this particular issue, especially in the next election campaign. I mean, can you see it? Can you visualize it? Conservatives whipping around on motorcycles with a fistful of pamphlets, not wearing their helmets, driving up and down the streets of St. James and Sturgeon Creek and Fort Garry like Shriners perhaps, throwing pamphlets around and so on - I was going to say swilling beer, but I wouldn't say that - but just whipping up and down on their bikes, trying to persuade the public that they are, in fact, on the right side of the issue.

But picture this as well, Mr. Speaker, picture this. Some of the bikers who were here, with a fistful of Tory pamphlets, knocking on the doors in those ridings, handing out the pamphlets and saying, "I want you to vote Tory in the next election." Can you imagine the response that they're going to get from the little old ladies and from the people at the door, from some very big, tough bikers coming around saying, "We want to defeat the NDP because they're forcing us to wear helmets." Can you imagine the response to that?

**MR. L. SHERMAN:** Vote Tory and win a Harley.

**MR. R. DOERN:** That's right. The Member for Fort Garry is keen on this idea and he's going to . . . imagine that though, being a former Minister of Health.

Mr. Speaker, I'm simply warning the members opposite that they better think this through carefully. They better think through carefully their position on child restraints, which I don't think they will be against. They better think carefully their position on seat belts which I think there's a lot more support for than they anticipate, and they better be careful about their position on motorcycle helmets because I believe, Mr. Speaker, that 90 percent of the public believes that legislation is necessary and desirable and the kind of support that the members opposite see out there, the fact that people don't like the idea of wearing seat belts at this point in time, I think that kind of public reaction and public support is going to melt away. It is going going to start out, there is resistance out there now; there's no question about that. But when the legislation is passed and when the public education campaign is implemented and people get used to the idea, it will become second nature, yet second nature to put your child into a protective baby restraint device, to wear your seat belt, which I've been doing for several years. It's just automatic, you just get into your car, put on your seat belt, and start the motor. Similarly, motorcyclists will also become accustomed to wearing their helmets.

Mr. Speaker, a couple of more points that have been made before, but I think need to be made again. A few years ago it was considered very masculine not to wear a helmet in sports, particularly in hockey. There still are hockey players, I guess, who don't wear helmets,

who are, say, professional players. I see the odd one but amateur players, I believe, tend to wear them in nearly all the leagues and football players have worn them for God knows how many decades and almost all sports have something in the way of a compulsory helmet. Bicyclists, professional riders and racers wear them, motorcycle riders - go and watch the races that are on Saturday afternoon on television or whenever they are shown, you'll see all the bike riders are wearing helmets. Skiers wear them, bobsledders wear them, parachutists, etc. etc. etc. It's very widespread and very common.

Some will argue, Mr. Speaker, that in spite of that you're taking away the fun and the joy of riding and the fun and the joy of operating your motor vehicle unhampered and so on. There is a joy in riding along in a convertible and there is a joy in riding along on a motorcycle, but it is also very dangerous, it's a very dangerous activity, and I don't believe that the advantages of feeling free are outweighed by the danger that one faces when using such a vehicle in terms of what could happen to you in the event of collision.

In fact, when I see the new style helmets, I think they're, incidentally, very attractive. I've talked to dealers and my impression is that they cost between about \$75 and \$175, and when I see these riders coming along with those more expensive helmets with the visors and so on, I'm always reminded historically of the knights in armour who wore those helmets and visors. They certainly aren't unattractive, they're rather startling, I think, and certainly cannot be discarded for that. There is probably some romantic appeal, in fact, in wearing helmets. Consider the following, consider that on a motorcycle there are attempts to make motorcycles safe and these are only a few that I've jotted down and there must be more.

A lot of motorcyclists, or maybe all of them now, have roll bars which presumably help them in the event that they're upended that they won't have their legs crushed.

**MR. D. SCOTT:** Crash bars.

**MR. R. DOERN:** Crash bars, as my colleague from Inkster says.

The motorcyclists are smart in this sense they have their lights on during the daytime. You'll see many motorcyclists driving in midday in the city with their lights on, and they have turn signals. Well, some things aren't automatic; you know, there are people who have automatic things on their car and then they get them disconnected, but maybe it is an automatic feature on motorcycles and a good one. You see the rear view mirrors, one on each handlebar; you see the proper dress, not always, you'll see people in short pants, occasionally somebody in a bathing suit, but you'll see many many motorcycle riders are wearing leather jackets or heavier clothing or boots or gloves because of the danger of falling and sliding, and of course having a severe injury. So it just seems to me, Mr. Speaker, that it's logical to go one step further and to say that they should, as well, be wearing helmets.

There were a lot of injuries last year and a lot of accidents last year. In Public Utilities I asked the question of MPIC and the answer was that there were

1,000 accidents last year on 11,000 motorcycles that were registered in Manitoba - 1,000 out of 11,000 bikes, and that is 9 percent suffer some form of accident. I simply say on that particular segment that, I think, there is a need for legislation, there is a need for driver education, there is a need for more motorcycle driver education and some people have made the point, and I would support that point as well - this is an additional point, but they said there should also be a crackdown on drunk drivers and harsher penalties in regard to drunk drivers and I would certainly support that at any time.

**MR. A. DRIEDGER:** Let's legislate that too, Russ.

**MR. R. DOERN:** Well, why not? I will join forces with my honourable friend if he's willing to support that kind of legislation.

**MR. A. DRIEDGER:** Then we'll go after the smokers.

**MR. R. DOERN:** Mr. Speaker, I want to now turn briefly to seat belts and to the brief by the Manitoba Medical Association. I found it rather startling in the first sentence of their main brief that they have released, which was September 1982, that the first patent for automobile seat belts was issued in 1885. It's taken us almost 100 years to go from that safety feature to the regular and consistent use of that particular safety feature.

So, Mr. Speaker — (Interjection) — Well my honourable friend thinks that the seat belt came before the car. I see what his problem is. I don't want to get into that chicken and egg type of debate, because that could go on at some length.

**MR. D. ORCHARD:** You're chicken to get egg on your face.

**A MEMBER:** Belt them, belt them.

**MR. R. DOERN:** Well, my colleague suggests I should belt the Member for Pembina.

Mr. Speaker, in 1976, and I'll read this later, there were 16 countries that had seat-belt laws. That number has now risen considerably and one of the most interesting and impressive documents, I think, ever read in this House, was a simple reading given by the Minister of Highways the other day when he read in his remarks the countries with seat-belt legislation today. It's an ever-increasing number of countries.

**MR. A. DRIEDGER:** The USSR for one.

**MR. R. DOERN:** Well, yes that's true, the USSR does have compulsory seat belts, but so does Australia, Austria, Belgium, Brazil, Bulgaria, Czechoslovakia, Denmark, Finland, France, Great Britain - going to the polls Conservative at this point in time - Greece, Hungary, Ireland, Israel, the Ivory Coast, Japan, Luxembourg, Malawi, Malaysia, the Netherlands, New Zealand, Norway, Puerto Rico, South Africa, Spain, Switzerland, Sweden, USSR, West Germany and Yugoslavia.

Mr. Speaker, no matter what your political views are, extreme left or extreme right or the extreme centre,

if you are a liberal, there is a country that will appeal to you, that will make you realize that there is this type of legislation in place all over the world. Almost all of Western Europe and much of Eastern Europe and countries in Asia, and so on, have this type of legislation in place.

In Canada, seat belts became mandatory in Ontario. Imagine that . . .

**A MEMBER:** The "Tory Blue" Ontario.

**MR. R. DOERN:** . . . Ontari-ari-ario. They put in this legislation January 1, 1976; the Honourable Bill Davis - William Davis, Premier - he put this legislation in seven years ago; the "big blue machine." It didn't hurt them; but this opposition was afraid to put that in and they were defeated. I think there's a message there.

Quebec, September 1, 1976 - so they followed by nine months the lead of Ontario. But I guess that was a Liberal Government then, wasn't it? That was probably the Bourassa government. B. C. and Saskatchewan in 1977 - so there was a whole cluster at that time. But could we persuade the Member for Pembina who was the Highways Minister? No way, Mr. Chairman. He was worried about that instance where that one car in a thousand or a million, the driver whips off the side of the road, flies off a bridge into a river, he thinks that in that instance it would be better not to have seat belts on. He hangs his whole argument on one remarkable situation. Well, Mr. Speaker, if you want to give as an illustration a special case of a child restraint or a motorcycle helmet or a seat belt, you can concoct one. There are, on occasion, peculiar circumstances under which "maybe it would have been better if . . ."

But let's take the standard and the most common types of accidents, and it's quite obvious that in those conditions one should wear the proper equipment. Here's what the Medical Association says. They say on Page 2 of their submission that "Without a seat belt . . ." - they give three points - ". . . the overall risk of injury is increased four times; second, the risk of serious injuries increased by 65 percent; and third, the risk of death is increased by an average of 50 percent." Then they talk about ejection from the vehicle. Now this will be of interest to the rural members of the Legislature who are concerned about their constituents and who, instead of trying to persuade them of the logic and the value of wearing seat belts, are simply going with them or maybe fanning the flames of resistance.

Mr. Speaker, here is what they say about ejection from a vehicle: "It's a common catastrophe and occurs in both urban and rural accidents." The Manitoba figures for rural accidents are available. Here's the rural statistics: 1980, out of 127 fatal rural accidents in Manitoba, 64 persons were ejected, and 79 percent of those ejected in the rural areas were killed; so roughly 80 percent. The doctors say seat belts would have prevented most of these ejection deaths.

Mr. Speaker, I find it hard to believe that some members believe that in a motor vehicle accident or head-on collision, you're better flying out of your car, better landing on your head or being thrown free of your vehicle. What about being hit by somebody else inside the car? What about your head hitting their head?

What about your head going through the windshield? What about you being rolled over and crushed by the motor vehicles that are rolling around and spinning around on the highways, or being thrown in front of the next lane of traffic as the traffic is coming by and being hit by somebody who wasn't in the initial collision? What about that?

I remember very clearly; I've made this point several years ago. As a teenager, a young man who lived in our area, a very good looking young man, who was then about 17 or 18 years old, went right through the windshield of his car. Now this is a long time ago; this is going back 30 years. So you didn't have the type of glass on cars, but he went right through the windshield with his head and severed an ear. He had one of his ears cut right off, and from that time to the present he's had to wear a plastic ear. That's a penalty that he paid. Of course, there are far more severe penalties than that.

But I think of the motorcyclists, Mr. Speaker, I think of the statistics, and the ones that I recall, and they may not be 100 percent right, but something like 8 or 10 deaths a year, maybe more, and about 8 paraplegics or quadriplegics caused every year by motorcycle accidents. Now, surely, we have to concern ourselves with that type of serious injury. I mean, imagine a young man riding a motorcycle, getting thrown off the motorcycle and breaking his neck and winding up as a quadriplegic. Some people would say that is a fate worse than death itself, but it surely is something we cannot lightly dismiss and weigh against the joys of driving along with the wind blowing through your hair.

Mr. Speaker, on that very point, it says here in their brief, the doctor's brief, that the major cause of spinal cord injury is motor vehicle accidents, that the commonest mechanism is a single car accident with roll and ejection, or a human second collision inside the vehicle. There is also a high incidence of ejection and second collision in two car crashes.

I recall very very clearly my colleague, the Minister of Agriculture, telling the story of some people he knew who were in a van and were smashed about. I remember he made the reference to their heads - like eggshells - and being killed as a result of the vehicle going off the road or rolling or being in a collision because they were smashed against one another and it was a frightful accident indeed.

Mr. Speaker, in regard to the concern of the Member for Pembina, I note in the brief that the doctors point out that only 0.5 percent, a half of 1 percent of all accidents result in fire and an even lower fraction in submersion. I was telling somebody the other day about this and this fellow, an average person, simply said what is somebody doing in the middle of a river anyway in a car! Now, naturally, nobody's going to deliberately fly off a bridge or go off a road. It happens, but it must be under peculiar and unusual circumstances that somebody finds himself upside down in a lake or in a river.

Mr. Speaker, it says, referring to this type of accident, ". . . even then, the belted occupant having sustained less serious injury, is better able to extricate himself." That, of course, is the most powerful thing that one can say, namely, if you're unconscious you're not going to have the decision whether you're going to swim out, or roll down the windows, or leap out of the burning

car, you're going to be unconscious and that's it. You have a better chance of unbuckling when you're conscious than when you're not.

Mr. Speaker, I gather that my time has just run out. I'll simply the conclusion of the medical profession in their brief. It says: "In view of the overwhelming evidence that safety helmets reduce head injuries and deaths, the Manitoba Medical Association urges the Government of Manitoba to enact legislation which would require all motorcycle riders to wear approved safety helmets."

On seat belts: "Based on all available evidence, the MMA is convinced of the lifesaving value of seat belts, which should be renamed "safety" belts. Second, the government is strongly urged to introduce during the forthcoming Session of the Legislature, compulsory seat belt legislation for all occupants over six years of age. Third, the MMA will lend its full support to aid in implementing such a program."

Mr. Speaker, I simply say in conclusion that I think all of us will agree on child restraints, at least I hope so. If there's a free vote, I assume that at least a number of Conservatives will have the intelligence and the courage to support that kind of legislation.

I also think that in spite of the fact that there's a sort of mood in the Conservative Party to oppose helmet legislation because it's freedom and all that sort of thing, but if the honourable members look at the statistics, examine the research, they will come to the conclusion that on all of these matters, this safety package introduced by our government, that it should all be supported and that they should also support the government in extending the information and disseminating that information so that we can have fewer accidents and healthier citizens.

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

**MR. L. SHERMAN:** Mr. Speaker, I move, seconded by the Honourable Member for Tuxedo that debate be adjourned.

**MOTION presented and carried.**

## **BILL 2 - THE LAW ENFORCEMENT REVIEW ACT**

**MR. SPEAKER:** On the proposed motion of the Honourable Attorney-General, Bill No. 2.  
The Honourable Member for Tuxedo.

**MR. G. FILMON:** Thank you, Mr. Speaker. In addressing the contents of Bill No. 2, The Law Enforcement Review Act, I begin by acknowledging the fact that the Attorney-General has circulated a rather extensive list of proposed amendments and changes which he will be bringing, as I understand it, to committee. I will say that in reviewing the bill and information which has been presented to the Attorney-General on the bill, perhaps some of what I am saying might possibly be intended to be covered by the changes. I apologize if that has happened, but I say that the changes appear to be quite extensive, and although I've read them, I'm not absolutely certain that some of them do cover the

points that I wish to make or not. I'll proceed by addressing the bill as it is, trying to incorporate some of the ideas that the Attorney-General has apparently decided should be wrought in the form of amendments.

I address the contents of Bill 2, speaking from a variety of viewpoints, one, as someone who has a number of close friends who either have been members of municipal police forces in the past, and many who are members of municipal police forces - principally in Winnipeg, I suppose - both as constables and as senior officers. I know how difficult a job they have to perform in upholding and maintaining our system of law and order. I believe we're very fortunate in having them doing the job they are to protect our lives and our property in the course of their daily affairs and duties.

I also bring a perspective of being a former member of Municipal Government, having served on Winnipeg City Council for a portion of two terms, and many of my colleagues were members of the Winnipeg Police Commission. I know the job that they were charged to do and the sincerity and the commitment which they undertook to ensure that the job that was being performed by our police forces in Winnipeg was one that we could all be proud of, and one that provided the kind of protection and assurance of fairness, impartiality, and just all-round good practice in carrying out their responsibilities.

Mr. Speaker, I acknowledge that there have been actions, there have been complaints that from time to time have given rise to perhaps a lack of confidence, a lack of assurance that the police forces under our municipal jurisdictions in Manitoba have erred; that the conduct of some of the members has from time to time conflicted with those principles, rights and laws that we stand by and uphold in our society. I acknowledge that there have been times when complaints have led to actions and discipline and charges, and so on. But I believe, unless proven otherwise, that all of the things that have happened and all of the kinds of public information and reports that have taken place about inappropriate actions on behalf of peace officers in municipal jurisdictions in the province still has not justified the bringing in of this type of legislation.

I believe that, as in all things, there is an onus on the government - in this case, the Attorney-General under whose jurisdiction it comes - to prove that there is a need for such legislation before going forward and imposing it on us. In saying so, I acknowledge that like all of our institutions in society, the institution of our court system and of our system of maintenance and enforcement of law is coming under less and less public confidence as so many things are. I think we can all acknowledge that there is less public confidence in, say, the institution of our courts, of our education system, of our clergy, of government itself - politicians are held in less respect today than they were perhaps a decade or two ago.

So I say that although, say, police and the maintenance of law and order and the job that they do is perhaps held in less esteem and confidence by the public today, it is not necessarily because the police have gone astray and have all of a sudden, become derelict in their duty, but because there is a loss of confidence in the public eye of all of these various things and people and what they stand for.

I believe the fact that public opinion and respect has perhaps diminished for police forces per se across North

America, does not reflect necessarily that they are doing something much more wrong today than they were decades ago. I believe that that's just a natural sort of evolution and it's one that I personally regret, but this lack of confidence, this sort of cynicism that pervades all of our lives today is perpetrated by all sorts of things. Let's not just blame it on the media, let's not just blame it on the sort of open invitation that is given to people day after day to come forth with their criticisms to phone in to open-line talk shows and take a slam at everybody because it makes them feel good.

It's there. As I say, I personally regret it and I feel that it's one of the things that we should all work very hard to try and counteract to ensure that we change around the sort of pervading attitude of cynicism to one of, instead, confidence in people's basic goodness, people's basic honesty and people's basic decency in their efforts to do their jobs properly. That extends particularly to the police force, because as I said in introducing my remarks, I believe that theirs is a very difficult job to perform and therefore I think that anything we do that sort of gives a message or implies that we believe that our police forces need to have somebody else take a look at them or need to be policed themselves more stringently than they have been in the past, I think, takes away from their ability to do their job.

I know that the Attorney-General, although he has put forth this legislation, just said today, in response to a question in question period, that we have an excellent police force in the City of Winnipeg.

**A MEMBER:** Only if they behave themselves.

**MR. G. FILMON:** He says, only if they behave themselves and I believe that holds true with any . . . None of us, *carte blanche*, should tar everyone with the same brush. We shouldn't, because someone stands up in this House and makes an irresponsible statement, say that all of us in this House are irresponsible. None of us should stand up and, because someone performs an action that contravenes all of our good sense and the acceptable manner in which we behave, none of us should tar everyone and say, they're all a bunch of clowns; they're all a bunch of monkeys. That's the kind of thing that I think is difficult. Therefore, for us to imply that because there have been instances in the past in which the police have overstepped their bounds, the police have taken actions which have not been in keeping with our best thoughts on their behalf and our best desires for the way in which we would like to see the law enforced and maintained in this province, in this city, we should not therefore say, well, we need to have an Act and a super power to look over their shoulders and ensure that we are going to bring down the hard hand of justice on the police force, because I believe that it's very, very important not to destroy public confidence in our police.

So just the very publicity that this Act will give to the feeling that the message that's being sent out by this government and the Attorney-General, through this Act, of reduction of confidence in police and their ability to do their job honestly, effectively and efficiently and within the bounds of the laws that they are set up to maintain, I believe just that very message is going to

have a damaging effect on the public respect for police forces and the ability of police forces to do their job under increasingly difficult conditions and circumstances.

Just in quoting the words of the Attorney-General in introducing this Act, I say that there is an implicit move towards that viewpoint. He says, and I quote, "The review process contemplated in the Act will be initiated by means of a complaint, defined as a complaint by a member of the public respecting the conduct of a member of the police force towards the complainant or some other member of the public."

I'll talk more about the complaints and the way in which they're generated and so on, but this sort of publicity that will be given to this Act and the almost implicit solicitation of complaints from the public, I believe will lead to a great many more difficulties than it will cure. It implies that there are many complaints that currently go unregistered, that currently go unrecorded and that we're going to sort of open up the public's attention to their rights and responsibilities to bring forth a complaint against the police force.

Secondly he spoke in setting up the commissioner and the commissioner's office, he referred to it as a clearing house where all citizens' complaints against the police - that is, for example, any complaint made to a police officer or to the Chief of Police - must immediately be referred to the commissioner so it becomes a clearing house. Well, again I say that it's now taking over a procedure and setting it into practice in a way that seems to supercede everything that we've already done in the past.

Again I think there's an implicit indication of distress to the current system and maybe even so far as to say an opportunity to bring down a heavier hand on the actions of police. I'm not so sure that's warranted by the evidence of what has happened in the past, what we've seen. I know, because I have a number of the presentations that have been made to the Attorney-General, that it's viewed that way by police forces and administrations in the province right now.

I believe that police, the officers, the administration and the rank-and-file policemen themselves feel threatened by this Act and I believe that that very state of mind, the fact that they feel threatened by it, will make it more difficult for them to do their jobs and perhaps will even discourage many worthwhile, good people from going into police work.

I believe that there is, implicit in this whole concept, the great opportunity for trial by media which none of us would choose to bring about. I don't believe there's any overwhelming evidence that should say to us that there is a need for this type of legislation and the bottom line is that I believe that there is an onus on the Attorney-General to demonstrate that there is a need for this new legislation, this new bureaucracy, this new mechanism to ensure that the police, at all times, are not only doing their job properly but - good heavens, perish the thought - if there is an instance in which they have overstepped their bounds or done something wrong, that we will, through a provincial agency that superimposes itself over all the existing mechanisms, to get at that police officer who has committed some indiscretion, some undesirable action or in the extreme, a criminal action, and I say that there are those mechanisms in place to do all those things already. I'm

not convinced or persuaded that this legislation and this super power commission and board will have any better effect or any more positive effect.

I say that knowing that the Attorney-General has some very good evidence at his disposal in the form of an article that was in Quest magazine, or one of those recent magazines, of the interviews of the two constables of some time ago, their heyday was . . .

**HON. R. PENNER:** Vander Graaf and Taylor.

**MR. G. FILMON:** Vander Graaf and Taylor, he says to me. Their heyday was probably a decade or two ago and the kinds of actions that they spoke of took place in that era, and I say that the actions that they referred to and described were dreadful, they were reprehensible, and none of us here would suggest, I believe, that that sort of thing ought to be countenanced or allowed today. I don't believe it is, and I believe that if it happens today, it has been proven and demonstrated through the actions of municipal police forces, their administrations, the commissions - both the Winnipeg Police Commission, the Brandon Police Commission, the Manitoba Police Commission - that it will not be tolerated and that those who are found to have undertaken such actions that none of us support or agree with will not only be charged, but will be brought before a proper due process to ensure that they are punished by whatever means and to whatever extent they should be.

I believe that those officers who put themselves above the law in the past will not be allowed to today under the circumstances that prevail and so I don't believe that utilizing the example of Vander Graaf and Taylor, for instance, is a valid one in justifying this particular Act.

As we review what has happened and certainly, as I say, in my own experience in the past decade serving on municipal council in the Legislature, in the government, that there's no question that there has been a substantial increased number of investigations, a substantial increase in the disciplinary actions that have been brought about, and a substantial increase in criminal charges laid as a result of these investigations. So I believe that the structures that are in place are already doing the things that the Attorney-General says will be done by the mechanism put in place as a result of this bill.

The main thing that I think is negative to this bill is the destruction of the confidence of the police forces in themselves, in their ability to do their work, and in the public in viewing the police force and the difficult job they have. Here we have a new government with some new ideas putting forth what I consider to be very heavy-handed legislation coming down on municipal police forces, and saying we don't trust the administration; we don't trust the mechanisms that are in place through the police commissions - either the Winnipeg, Brandon or Manitoba Police Commissions - we don't trust whatever is in place to deal with its problems.

I emphasize that there is a great deal of outside scrutiny as part of the process. I emphasize that there are elected members of municipal councils who are on these police commissions; there are lay people, citizen

members, on those police commissions; and that all sides in the investigation besides the police force senior administration themselves, all sides who are parties to any complaints and reviews, disciplinary actions and so on, are represented by legal counsel and that through the whole process whatever can be achieved by this bill is already able to be achieved by the mechanisms in place.

But I believe that this bill goes further; I believe it strips police chiefs of much of their authority to govern, regulate and discipline those under their command, and I don't believe that it's justified. However, assuming that it is the government's intention to push forth with this bill, and I wonder at that because I know of the many many organizations that have presented briefs to the Attorney-General, and I know that municipal authorities, the police forces, both the rank and file and the senior officers, to a person are all opposed to this legislation. However, it appears as though, looking at the changes that the Attorney-General has brought in, that he is not persuaded by a great deal of what has been said, other than in, perhaps, some of the comments on process. So he is intending to push ahead with it, and so I'll go into some of the specific areas of concern that I have with the bill itself.

I believe that presently there is a single rather direct system for dealing with complaints, the disciplinary procedures, whether it be the internal ones through the department and then through the mechanism of the Winnipeg Police Commission and the Manitoba Police Commission, and the interesting thing is that this single system deals with both the peace officer component and the civilians, whereas this Act will separate that and it will only deal with the peace officer component. I'm curious about that, because as I looked at the information that the Attorney-General put forward in stressing that it only dealt with the peace officer component, I wondered about that because the discipline code, for instance, as put forth in the Act, deals with such disciplinary defaults as they are stated, as using oppressive or abusive conduct or language. It seems to me that could be a complaint that's brought against a non-peace officer component of a police department. It seems to me that being discourteous or uncivil could also be a complaint brought against a civilian member of the police department, as well as the peace officer.

Seeking improper pecuniary or personal advantage could also be a disciplinary default that's brought against the civilian member as easily as the police officer. Concealing or altering any official document or record - that very well could be a complaint brought against a civilian member of the force. Improperly disclosing any information acquired as a member of the police department could also be something that is brought against a civilian member. Breaching The Human Rights Act to The Privacy Act could also equally apply to a civilian member. Assisting any person in committing a disciplinary default or counselling or procuring another person to commit this offence. Those could equally be complaints lodged against civilian members and I wonder why they're not included in this Act. Why should they be dealt with differently?

There is also, as the Attorney-General well knows, the concern by the police department that there will be a plurality of proceedings that could occur. One, by

virtue of two officers having had the same disciplinary default, but in one case a complaint is brought against one officer by a member of the public, which therefore triggers a Law Enforcement Review Act proceeding. In the other case, it wasn't subject to a civilian complaint, but the same action triggered an internal disciplinary review, an action under the normal process of the internal disciplinary review, the Winnipeg Police Commission and/or the Manitoba Police Commission review. Why would you introduce something that produces a plurality of procedures dealing with perhaps the same offence? Or the alternative is that the same complaint, could be lodged against two people, the same default could apply to two people, one of whom is a civilian member of the force, and the other is not. It could be in terms of revealing documents and that sort of thing, one goes through one procedure, the other has to go through the Law Enforcement Review Act procedure.

I see that as a weakness and something that ought to be corrected if we're going to proceed with this kind of legislation. More so than that, I believe that there is this possibility of triple jeopardy and we already have it in double jeopardy in the sense of people who are charged with a criminal action in court and having satisfied them. We had the instance only a year ago, they are still not free and clear because the internal disciplinary proceedings of the police department then apply to them even after acquittal, they go through another whole hearing and they go before the Winnipeg Police Commission and Manitoba Police Commission. That happened with one particular officer that I am sure the Attorney-General is familiar with. But we now bring a third possibility in here, where even though somebody may be acquitted in court on something, they still could have that same matter dealt with by the Law Enforcement Review Act proceedings and that same matter could still be dealt with by the internal proceedings and the existing police commission proceedings.

So, it seems to me that's an area that ought to be cleaned up, or else the police are not going to know where the next sort of action is going to come from. They are never going to be out of a situation, no matter how many times they're cleared by how many different parties to this whole procedure.

Okay, the matter of the complaint itself. Why cannot the commissioner determine who can carry out the investigation? That I wonder. Why could he not choose to use the police department? In this case, according to the changes that the Attorney-General is bringing, I believe it is indicated, that unless the complainant requests that the police department carry out the investigation, they will not carry out the investigation. It seems to me that the commissioner should be in a position to decide, whether or not it is possible for the police department to carry that out, because it assumes that the police department themselves, members of the department will have a bias.

I wonder why it can be assumed that lawyers, for instance, sitting on the board, or a lawyer who may be the commissioner, whatever his background, is not biased and yet an officer of the same department, would be biased. It seems to me that there is as much interest on the part of fellow officers of the same police department to expose a rotten apple, since it reflects

on their own reputation and the public confidence of their ability to do the job. It seems to me that there is just as much likelihood that they would be very much interested in carrying through a proper investigation, as some lawyer or some commissioner appointed because of whatever reasons, his political affiliations or his bias on certain issues or whatever. No one is totally unbiased. Why should there be less likelihood of bias on the part of a lawyer who serves on the Law Enforcement Review Board, than there is on the part of the police department to investigate misconduct or complaints or so on?

So, Mr. Speaker, I am at the end of my time, and I'll conclude when this matter next comes forward.

**MR. SPEAKER:** Order please. The time being 4:30, when this bill is next before the House, the honourable member will have ten minutes remaining.

### COMMITTEE CHANGE

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

**MRS. D. DODICK:** Mr. Speaker, I have a committee change. The Economic Development for May 12, the Member for The Pas will substitute for the Member for Thompson.

### PRIVATE MEMBERS' HOUR

#### RES. NO. 5 - FARM FUEL TAX

**MR. SPEAKER:** Private Members' Resolution, Resolution No. 5, on the proposed motion of the Honourable Member for Pembina, and the proposed amendment thereto by the Honourable Member for River East.

The Honourable Minister of Housing has 11 minutes remaining.

**HON. J. STORIE:** Thank you, Mr. Speaker. It is a privilege to be able to continue today on the theme on which I began on this issue. Just to recap, Mr. Speaker, I indicated that despite the admonishment of members opposite, the resolution is presented by the Member for Pembina, was amended by the Member for River East because I think there are a number of other substantive issues which need to be dealt with while we're looking at this particular issue of taxation, in particular, fuel taxation that affects farmers.

Mr. Speaker, we all acknowledge that we want our farmers to be as competitive as possible and we want farmers to be able to make a living, to make a profit and to be able to continue to support their particular communities and support the activities of those communities. Clearly, a strong farming community is a goal which we all have in common. What we need to decide, I suppose, is the best method of achieving that particular goal.

The Member for Pembina has chosen to introduce a resolution, calling for the removal of the numerous and sundry taxes that have been from time to time levied upon fuels and fossil fuels in this country. In particular, he objects because of the level of taxation that occurs and compares that unfavourably to the level of taxation that occurs particularly in the United States.

Clearly, Mr. Speaker, all governments across Canada, all Provincial Governments and Federal Governments, past, present and future will be levying taxes on fuels to accomplish a number of purposes. I don't think that we can remove ourselves from doing that. The question of whether the removal of farm fuel taxes is the most appropriate way to help the Canadian farmer and in this particular case the Manitoban farmer, is what we need to question.

Mr. Speaker, on Tuesday, April 26th, the former Minister of Agriculture was commenting on this particular resolution and lamenting the fact that for the second year in a row, the resolution introduced by the Member for Pembina had been amended. Mr. Speaker, if I may be permitted to quote from his April 26th speech, he says, "They believe, Mr. Speaker, that you create a social problem for the societies and then you try to hire social engineers to resolve your problems, rather than dealing with the root and the base of the problem and giving opportunities to the people who are the producers." Mr. Speaker, that is what is at issue here - giving the people who are the producers in our society, and the farm communities in Manitoba context, the opportunity to produce and be a productive and a profitable enterprise.

Mr. Speaker, the question is whether this particular resolution is the most appropriate way to do that. Clearly there are alternatives, and, Mr. Speaker, I said in speaking to this resolution last week that there are alternatives. Mr. Speaker, I got some reaction when I discussed the possibility that one of the alternatives would be in the area of finding a way for producers to control the supply of their particular product. Clearly they have no control over the costs of production. Those include fuel taxes, but not solely. There are lots of other components that go into determining what the cost of production is going to be.

So, Mr. Speaker, when the previous Minister of Agriculture suggests that we look at the root solution, I agree with him. I don't think that fiddling with the tax structure is necessarily the most appropriate or the quickest way of solving some of the problems that farmers face.

Mr. Speaker, we talked last week about the difficulties farmers were having in obtaining credit, particularly for their operations this year; operating credit for this year. I indicated that the farmers that were having the least difficulty were those farmers who had supply contracts; those farmers whom could go to their particular lending institution and say, yes, I know that I'm going to be able to sell my particular product in this particular year; that those prices are firm and so forth. — (Interjection) — Mr. Speaker, the Member for Arthur says from his seat that there are only 25 producers that can do that. Well, Mr. Speaker, the Member for Arthur may have to decide, and perhaps the Conservative Party will have to decide, whether they want 25, or 50, or 7,000 people who are able to make a living at it, to do it independently, to have some assurance that their operations can continue for their own benefit, for their communities benefit, for the benefit of their offspring. Perhaps they will have to decide whether they're going to move into a system like that where the farmers themselves have some control over the cycle of the economy.

Mr. Speaker, the alternative to that is to have the kind of chaos that we find in the farming community

from time to time, whenever prices drop, whenever there is no demand for the particular produce that they are producing, or whenever for whatever reasons their operating costs escalate dramatically, whether it be because of fuel costs rising as did happen very dramatically in the early 70s with the OPEC crisis, or whether it's because of dramatically rising production costs for equipment manufacturers or fertilizer manufacturers or whatever. Mr. Speaker, I think it's unduly simplistic for members opposite to say that it's solely taxation.

Certainly, Mr. Speaker, we have recognized that anything we can do to reduce the costs that farmers face, anything that we can do to alleviate their present dilemma is something that we support. What we would not want to suggest to the public or to members opposite is that we see this as being the ultimate solution. Clearly it isn't. There have to be other approaches taken to get at the root of the problem. While the Member for Arthur in his speech suggests that that's what we should be doing, I suggest to the Member for Arthur that their resolution looks entirely in the wrong direction for a solution. What they specifically are not doing is looking for the root problem, because the root problem, as any first-year economist will tell them, is not solely in the taxation system which farmers and other Canadians are forced to operate under.

Mr. Speaker, we had a long soliloquy from the Member for Pembina on the suggestion in the resolution by the Member for River East that we move to 75 percent of the world's price for oil, and the suggestion that wasn't good enough. Mr. Speaker, the National Farm Bureau indicates that \$1 a barrel - for each dollar barrel increase in the price of oil that costs the Canadian farmer or the Manitoba farmer \$350.00. Mr. Speaker, as we stand here today we are approximately \$3 a barrel over the world price, \$3 a barrel over the 75 percent of world price, which represents approximately \$1,000 or more than \$1,000 in savings if the Federal Government and the Government of Alberta could agree on moving to that 75 percent mark, which we certainly would like to see happen. It's an indication of something that could happen to alleviate some of the problems, some of the costs that are facing the Canadian farmer.

Clearly, the overall solution, Mr. Speaker, is not simply an adjustment, the refinement of the taxation system. We support in principle that there can be some adjustment and that any adjustment that can be made in support of the Canadian farmer is something that's worthwhile. I think the resolution does a couple of things and one is indicate quite clearly that it is not a final solution, that this government, unlike the previous government, has done more to attempt to solve some of the root problems that problems face than the previous government did clearly; whether it's called the Beef Stabilization Program, whether it's the Hog Stabilization Program, whether it's interest-rate relief, whether it's any number of other programs that have been introduced for the specific benefit of farmers, clearly they are attempting to get at some of the problems that they face, and I think that to spend a great deal of time debating a resolution on some specific federal taxes that, while they may be a hindrance and they may not be desirable in terms of their effect on the Canadian farmer, they are not a disaster as members opposite would have us believe.

Mr. Speaker, the long-term solution, I think, is one of more careful management of the supply and that's something farmers across the country recognize, and certainly there are more than members on this side, there are more members of the public at large in the farming community who are supporting, in principle, that approach to the longevity of the farm community.

Thank you, Mr. Speaker.

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

**MR. A. DRIEDGER:** Thank you, Mr. Speaker.

I appreciate the opportunity to make some remarks on this resolution.

**MR. SPEAKER:** Order please. Would the honourable member just pause for a moment while I check whether the honourable member has spoken to this amendment before.

The Honourable Member for Emerson has spoken to this amendment and he spoke on March 29th. Are you ready for the question?

The Honourable Member for The Pas.

**MR. H. HARAPIAK:** Mr. Speaker, it's indeed a pleasure to have this opportunity to add my comments to this debate on an issue that is of extreme importance to the farming community of The Pas and because of that, it is also of similar importance to the province as a whole.

I speak today, not only as a representative of an area with great agricultural potential, but as well as a person who has a strong farming background and an equally strong interest in the farming matters of the province.

I have indicated on previous occasions that my constituency, The Pas, has a great agricultural potential; indeed it does. Unfortunately, that potential is not fully acknowledged, so I want the record today to be very clear that potential does exist and in time that potential will be realized.

The reason it is yet to be fulfilled is obvious. While the potential is present, there are certain challenges that must be met before full use is made of lands in the area. Many of these challenges are specific to the area. That is, they are not problems that other parts of the province are faced with, or in other areas, other parts of the province have a natural advantage that does not exist in The Pas. But, The Pas does have one significant advantage that is not one shared by other farming communities, and that is the extraordinary dedication and commitment that is borne out by adversity. It is a spirit that comes from having to overcome challenges and it is a willingness to undertake the extra effort in order to address unusual difficulties and circumstances.

I in no way am intending to put The Pas farmers on a pedestal of any sort by any stretch of the imagination. Neither am I suggesting that they are superhuman or they are better than any other farmers in the other parts of the province. What I am acknowledging is their dedication to the development of their land as farm land and their commitment to operating successful farming operations.

That is why I believe it is necessary to speak on this resolution and its amendment. It is because I recognize

the difficulties that face all those who choose to serve this province in farming activities. I recognize it from my own farming experiences. I recognize it from the circumstances in The Pas, and I recognize it as a member of a society that relies upon and values the work that farmers do so that the rest of us do not starve.

For those reasons, I am speaking in favour of the amendment that the Member for River East has brought forward to the original resolution. I support the amendment, Mr. Speaker, because I would suggest that it provides for a more consistent approach to resolving some of the problems that confront farmers in this province. It is also a more global approach to the problems that need a comprehensive strategy that acknowledges and addresses their complexities that are faced by the farming communities.

What are those problems? Well quite simply put, they are problems of the cost-price squeeze that threatens to suffocate the farmers beset by difficult economic times. This government recognizes those problems. We have met with farmers and aspiring farmers across this province to discuss those problems and more importantly to seek together solutions to those problems. This government has already done much to provide assistance to our farming community.

We have established the Beef Stabilization Program, which has been accepted by the farmers of this province. We have also established the Hog Stabilization Program, which is also being accepted and taken in by the farmers of this community. We have also introduced the Farm Lands Act which many of the farmers or many of the members opposite are not in favour of, but they will see in the long run that it will stabilize the price of land in the province and it will have a positive effect to the farming community in the long run. We have also set up the Review Panel to deal with the tough financial situations that the farmers are facing. We have also set up guarantees for loans so that the farmers can get their operating loans which is so important to them to get their crops in at this time of the year.

But having done all that since our election, we still recognize that there is much more to be done. There are many problems that remain to be resolved. That is why I am pleased with the amendment that the Member for River East has made. It calls for a more global, long-ranging and comprehensive attack on many of those continuing problems that the farming community is faced with.

We recognize that the economic problems that farmers face can never be fully dealt with with temporary tax reductions or even permanent tax breaks. We also know, Mr. Speaker, that farmers want to pay their fair share and are prepared to gladly pay their share if only they are able to get a fair return for their investment of capital and labour. That is why the amendment provides for a more reasonable and acceptable solution.

You will recall that the original resolution, Mr. Speaker, only called upon this Legislature to urge the Federal Government to remove federal taxation from all oil products and to natural gas products consumed by the farming industry for the production of food. Mr. Speaker, while that is obviously a well-intentioned attempt to assist the farming industry, I would suggest that it is the wrong way to attack the problems the farmers face today.

What does the resolution really say? It says that the farmers need special breaks. If that is the case, why do they need those special breaks? It's certainly not because they want to impose those breaks on the rest of society. No, that is certainly not the case. As I stated earlier, and as I think we can all agree, farmers want to pull their fair share. Given a choice between a profitable operation or special breaks and tax concessions, Mr. Speaker, I would think that any farmer in his right mind would choose to operate a profitable farm.

So the resolution put forward by the Member for Pembina is at best an inadequate solution to a complex problem and at its worst is demeaning to all farmers, because what it really says is that they can't make it without those special tax breaks.

Now there may be times when a government wants to use tax policies and programs to help different groups, but that should certainly not be the first route to follow nor is it always wise to approach it in such a blanket way such as is suggested in the original resolution put forward by the Member for Pembina.

That is why we have the amendment before us. It calls for a different solution. I believe it calls for a better solution. How does it accomplish that improvement, Mr. Speaker, the improvement over the original resolution, although it was well-intentioned?

Firstly, it acknowledges that the fuel costs are a problem. There can be little disagreement on that point.

Secondly, it provides for this Legislature to urge the Federal Government to develop a selective tax policy and encourages them to withdraw the federal sales tax on farm fuels used in agricultural production. So, in that way, it provides for immediate relief. We believe that is not demeaning to any party.

Thirdly, it acknowledges and affirms that the private sector profits by oil corporations, and federal pricing and taxation policies are increasing costs to all farmers and consumers that are using fossil fuels.

The solution that it offers will assist farmers and others by urging the Federal Government to allow the price of gas to fall to a level of 75 percent of the world price.

Mr. Speaker, I would move that we support the amendment as put forward by the Member for River East. Thank you, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Roblin-Russell.

**MR. W. MCKENZIE:** Thank you, Mr. Speaker. I may be not as well prepared. I was expecting my colleague, the Member for Emerson, to carry the mail this afternoon. Apparently, he has already spoken on this amendment.

Mr. Speaker, I certainly am disappointed that the members opposite, the New Democratic Party, have seen fit to amend this resolution that was put on the order paper by the Honourable Member for Pembina, and I can well understand how the members opposite feel about improving things. We already have evidence in this section how they're going to improve the highway system in this province by knocking some \$20 million off road construction. That's their idea of how they're improving things. — (Interjection) — The health care

system. The Department of Natural Resources we find now have cut back on the enforcement officers in our province, and no wonder there's problems out in the country with those two departments. Here, we have the Honourable Member for Pembina putting a very interesting resolution on the order paper, asking that some taxation be taken off the farmers' backs in this province so that they could continue to produce better food, and maybe cheaper food and more food, with some of that tax burden taken off their backs and, of course, the members opposite don't buy that, Mr. Speaker. They don't see it that way at all. They think that those kind of taxes levied by the Federal Government are fair, equitable and honest. I don't buy that in any way, shape or form, Mr. Speaker.

Mr. Speaker, it's very interesting to find out in this telex after my colleague, the Member for Pembina, put this resolution on the order paper and addressed this subject matter to the Government of Canada in his resolution because we have in the hands of my colleague, the Member for Arthur, a telex that arrived today telling us that the Minister of Agriculture, the Honourable Eugene Whelan, recognizes the problem and says in this telex, "I have made representations to the Minister of Finance regarding farm fuel taxes and the matter is under consideration."

Now, why would members opposite want to monkey with those kind of arrangements that are already going on between the Minister of Agriculture in Ottawa and my colleague, the Member for Pembina, who has put in this resolution in sincerity, and the Federal Government says, we recognize the problem and we're likely going to do something. At least, the Honourable Eugene Whelan, the Minister of Agriculture, Mr. Speaker, is prepared to take a look at the problem because he's already, as he says in the telex, gone to the Minister of Finance in Ottawa and had explained the problem that the farm community of Western Canada is having with this taxation. But, Mr. Speaker, no, members opposite don't see it that way at all. They say, let the farmers bear the taxes, we'll amend the resolution and make it a little more palatable for the farm community so they can pay these taxes and swallow their pride and carry on and face these tough times that they're paying due to the high energy costs that are being imposed on them by federal taxation.

Now, Mr. Speaker, it's very interesting to see members opposite how they do operate with the farm community. I have yet to see anything, in this session of the Legislature, positive from members opposite to help agriculture in this province. Absolutely nothing. We've had to prod the Minister of Agriculture here as of day one to try and get some relief for the farmers that are facing economic problems in trying to put their crops in. We had to prod him day after day after day. Here is another opportunity for the members opposite to help our No. 1 industry in this province - agriculture - and all we're asking them to do is support us by sending a memo to the Government of Canada in the form of this resolution, and say to the Federal boys, let's take some of these unfair taxes on farm fuels that's being levied on the farm community in Western Canada and help them produce better food - well, maybe not better - but more food at a cheaper price. Is that asking the impossible?

The other point, Mr. Speaker, our American neighbours right across the border, why should they

be able to put their crop in using fuel about a buck a gallon cheaper than the farmer across the border at Pembina, or my colleague and desk mate here, the Honourable for Rhineland, or others that farm in southern Manitoba! Is that fair? Is it fair for the Americans to have that kind of advantage over the agricultural industry in this province? Apparently, the members opposite think it is. At least, that's the way they've amended the resolution. They think it's okay to levy those taxes on the agricultural sector of our economy in this and give the Americans that fair advantage.

I would think, Mr. Speaker, that the members opposite would have caucused this thing and said, look, let's be fair to the farmers in Western Canada and Manitoba, and let's try and make sure that Manitoba farmers don't pay any more taxes than our neighbours across the border; give them a fair and equal chance to operate with the same energy costs. Energy costs today in a farming operation, as anybody here that's been around a farm knows, are a big bill of expense. There's a lot of bucks that's needed today to pay for the energy bill on a farm. It's big dollars - I daresay what - five to six times of what it was before this national energy policy was put in place by the Government of Canada.

So, Mr. Speaker, the members opposite, I don't know - maybe they didn't think about it; maybe they didn't caucus it - I don't know; but can they justify in this amendment of theirs any way that we should allow the Americans to have energy costs attached to their farming operation - a buck a gallon cheaper than the Manitoba farmer? I don't think so. What about across the border - Saskatchewan? Same problem, same problem. Why should they have an advantage over us in Manitoba on the costs of energy and the taxes that are levied?

**A MEMBER:** Do you know the tax structure in this province?

**MR. W. MCKENZIE:** Well, they're certainly - your gas pumps - the gas is 7 to 8 cents a litre

**A MEMBER:** They drive their cars to town.

**MR. W. MCKENZIE:** That is not the same farmer? It's the same farmer exactly but, no, the members opposite think that's okay. Mr. Speaker, that is the concern I have with this amendment that has been put forth by the honourable members opposite. I don't see how I could possibly support this amendment, Mr. Speaker, and the reasons are those quite simple reasons.

First of all, because of the fact that the Member for Pembina brought this resolution in, and in the telex today, the Minister of Agriculture, the Honourable Eugene Whelan, recognizes the anxiety of our group and has already gone to the Minister of Finance in Ottawa and as he said in the telex, "I have made representations." This is what he said: "I have made representations to the Minister of Finance regarding farm fuel taxes and the matter is under consideration." Now why couldn't they have put that kind of an amendment to the resolution, Mr. Speaker? No they didn't.

The second reason I can't support it Mr. Speaker, is because of the fact that the Americans across the

border, the farmers across the border are getting their energy for at least a buck a gallon, if not more than a dollar a gallon cheaper than the farmers in this province. I think that's unfair.

The third reason and the last reason, Mr. Speaker, that I can't support this amendment is because I think that the Federal Government is levying far too many taxes on the agriculture, the farm industry, in this province. I think that it's time that the people in this House and the members of this Legislature recognize how difficult it is for the farm economy today to deal with all the taxes that have been levied on them by the province, and by Canada, and I think both levels of government should have their knuckles rapped by this resolution that was presented by my colleague.

So, Mr. Speaker, for those three reasons I cannot support the amendment that's before the House on this resolution that was proposed by my colleague, the Member for Pembina. I hope that the members opposite will reconsider their position and read this telex today that crossed our desks that came from the office of the Honourable Eugene Whelan, Minister of Agriculture, who could at least acknowledge there is a problem, and he's prepared to deal with the Minister of Finance to see if we can't help the farm community in this province get some of the taxes off their energy costs.

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

**HON. B. URUSKI:** Mr. Speaker, it was very amusing to hear the Honourable Member for Roblin-Russell get up in his place and indicate that they are supporting less taxation for farmers and they want lower fuel prices and the like.

Mr. Speaker, when they were in government and he was a member of that administration, that government, that Premier totally supported the move by Alberta to go for world prices in oil. Now they're saying the taxes are too high. They wanted world prices in oil; they supported them. And where is the break up of money going in terms of the wellhead price on oil, Mr. Speaker? Primarily to the Province of Alberta and to the oil companies, Sir, in terms of the break up of the money and the funds that are there vis-a-vis the national oil agreement. Mr. Speaker, they supported world prices in oil. But, Mr. Speaker, I don't want to say that I didn't support that question as well on one condition: on the condition that the excess profits in terms of royalties would be taxed away and redistributed in this country to do exactly what the honourable members are attempting to get at, to assist the food-producing sector in this country to make sure that it does receive the priorities that it deserves, that the farmers of this country can produce food at the lowest possible cost.

Now, in Manitoba, Sir, they do receive and have historically received the benefits of government and of taxation because there is no provincial fuel tax on farm fuels. There isn't any. And yet the Honourable Member for Roblin-Russell wants to make the suggestion in his remarks that somehow we have overtaxed farmers on the use of fuel and we should move in the way that they moved in Saskatchewan.

Well, Mr. Speaker, they moved in the Province of Saskatchewan. They moved away the advantage that

farmers did have vis-a-vis the other citizens in terms of having some reduction. In fact, I would say that there were many farmers, many rural constituencies of farmers who voted Conservative on the thought that they would be getting a great break by the abolition of fuel taxes in that province, not realizing that they had no provincial fuel taxes in the province of Saskatchewan on farm operations, Sir. That's really what it was all about.

Now who did the benefits go to in that transfer? I mean, really who did the benefits go to? The province needs and requires monies to build roads and for public works services, Mr. Speaker. The fact of the matter is, what they will find there, what they will find in the Province of Saskatchewan is that the greatest benefits accrue to the large trucking outfits . . . there are benefits to Joe Citizens, Mr. Speaker.

Mr. Speaker, what do I have against that? The fact of the matter is public services have to be built. Someone has to pay for them. Some of those costs should be borne in terms of the use of the roads by the ones that create the greatest use and the greatest damage to our road system. But to say that the benefits will accrue in general to everyone else is not factual because the bulk of the revenue raised — (Interjection) — well, Mr. Speaker, their are little twerpings from my colleagues to my right here - to my right. The Member for Pembina twerping away, Sir, and trying to indicate that for some reason, we should even go as far as they have in Saskatchewan.

Mr. Speaker, I venture to say that Saskatchewan will be faced relatively soon - and their budgetary deficit is bearing that out as to that reduction in revenues - with the same proposition of moving back eventually, if not in this term, Mr. Speaker, I venture to say that the pressure will be on in the not too distant future of dealing with that question again.

Mr. Speaker, I can understand the Tory philosophy of saying, look, no government is good government. The least government is the best government, in terms of true Tory philosophy. In terms of attempting to bring about more equality in society and better equality and better services for citizens, notwithstanding that desire, I can appreciate the Tory position. We want less government and we will do it. We will do it in a way, Sir, whether it be by reduction in revenue so that we can say, look, we don't have the funds to provide the services; we're going to have to cut services, Sir.

But what is behind this resolution, Sir? What is really behind this resolution?

**MR. D. ORCHARD:** We're trying to help the farmers. Where are you?

**HON. B. URUSKI:** No, Mr. Speaker. What is really behind this whole move is, you hear Peter Pocklington talking about selling off and getting rid of Crown corporations, getting other Tory candidates saying let's get rid of Crown agencies, let's get out of debt. We'll pass the debt on from the public to the private, and we'll pay it anyway, Sir, because it really matters not because the public either directly or indirectly will have to pay that debt and what is behind this resolution is, let's get rid of our national oil company. That is basically what is behind this resolution, Sir. That is basically

what's behind it. Let them at least admit that this is the strategy behind this resolution; that if you get rid of the National Energy Program, you will get rid of the National Oil Company. Let's understand what's behind it.

Let's at least not fool the citizens that we are using the guise of assisting the farmers of this province in terms of giving some assistance in terms of food production, that this will get rid of the oil company, and we will all be better, Sir. The fact of the matter is the oil companies, the multinational oil companies, do not command the not only respect of whether it be the farmers or any citizens that they have, in fact, the image of ripping off the public of this country, Sir.

**MR. D. ORCHARD:** What's Petro-Canada selling gasoline for at the pump today? Cheaper than Texaco or Gulf? Come on Billy, don't . . .

**HON. B. URUSKI:** At least now we've got some commentary from the Tory party that there is some validity to what I am saying as to their strategy in terms of let's get rid of the national oil company. At least they are true to their word. At least they are coming out. I'm sure that not all the Federal Tories agree with that position, but at least some of the southwestern southern Manitoba Tories want that. I'm not sure whether their support for Joe Clark will continue, because I'm not sure that he would have gotten rid of the national oil company, Mr. Speaker.

The fundamental problem, Sir, is incomes and net incomes of farmers, if we were really trying to address the situation in terms of making sure that there are adequate returns to farmers, whether we deal with the question of energy in one forum, the next forum will be, what do we do with the question of fertilizers or other input costs? What do we do with interest rates? What do we do with interest rates as being a \$200 million to \$240 million bill to Manitoba farmers this year, Sir? What do we do with those, with those kinds of costs, Mr. Speaker?

Again, Sir, what do we do with those kinds of costs that are affecting farmers in terms of interest rates when the Conservatives in this House have generally supported and have stated that they supported the Liberal policies of high interest rates? We don't hear any commentary here, but we want to move in one area.

Mr. Speaker, there is no doubt that interest rates, energy costs, fertilizer costs, are among the heaviest costs that farmers face in terms of their total operation, and that we should attempt to assist the farm community, but we don't assist them through the back door. We should say that we recognize that food production in this country is our No. 1 industry, that we want to support it and that we should have a national policy in this country that says that farmers will receive an adequate return for their production, notwithstanding that they are subject to world markets in grain prices, world markets or U.S. markets in beef and hogs, that there will be a price for the products that we produce. That would be far easier, Sir, in being able to deal with the question as is being dealt with and being wrestled with by the western wheat pools dealing with the Crow rate issue, which is a much more fundamental issue

and of greater importance to farmers than six or seven cents a litre in terms of the costs of fuel, Mr. Speaker.

There is no doubt that the costs that they will face over the next decade, the costs in terms of transportation, will equal or exceed the costs that they will be paying in terms of their fuel costs. They will in terms of dollar amounts, Mr. Speaker — (Interjection) — Mr. Speaker, I've heard the comments from the honourable members to me saying that I support the ripoff of farmers and, Mr. Speaker, it appears that the honourable members have not heard what I am saying.

Mr. Speaker, it appears the honourable members have not heard what I am saying. We can deal with issues on a piecemeal basis as the Tories, historically, are fond of dealing with. They will try and seize on one little issue and make a mountain out of a mole hill, but that does not address the fundamental problem of farmers in this country, Sir. It does not. This measure, even if it was implemented, even if we wiped out every penny of fuel tax on farm operations, it will still not address the fundamental problem of farm incomes in this country, Sir. It will not do that.

Notwithstanding, we have historically supported income stabilization for the farming sector, and we have put in programs to stabilize incomes for our farmers, Mr. Speaker, over the objections of what one could say ostrich-type philosophy of the Conservative Party saying, let the free market take its course and let everybody survive.

How have they survived historically? How has the farming community survived historically? Only that there has been someone, a neighbour, that's ready to eat up his neighbor when prices go down and someone is going out of business, when commodity prices in beef or in hogs go down to a disastrously or a depression low that we will supply a little bit of support to them to carry them through and close their eyes and say, they will be okay tomorrow if we just give them a little bit today.

We did that in 1975, Mr. Speaker. We brought in the program of income stabilization which was torn apart by their blinkers and ideological opposition to any type of income-stabilization program. They can mouth all they want that they want national income stabilization programs, but the record speaks for itself. They are prepared to tear down any income-stabilization programs that come into place, Mr. Speaker, but the farmers of this province, whether it be beef producers, whether it be hog producers, have not listened to the rhetoric of the Conservatives. They have come in and they agree that there should be long-term stabilization, because that is the only way that farmers can plan their operations for a decent income. Mr. Speaker, the honourable member should know that over 70 percent of the hogs produced in the Province of Manitoba are under income stabilization today. Over 70 percent of the hog producers are in income stabilization in this province today under the new plan, Mr. Speaker, over 70 percent of the hogs produced in this province. Over 850,000 hogs are under the program. Maybe, Mr. Speaker, the honourable members might have some surprise to that; especially after having comments that maybe 10 percent of beef producers will join the Beef Stabilization Program, Mr. Speaker.

Mr. Speaker, knowing what Saskatchewan went through in terms of the start-up problems, I have to

say that I give credit to the commission, the advisory committee, the commission members and the staff of this commission, of putting into place one of the best stabilization plans that there is anywhere in this country, Sir, and certainly will lend credit and long-term stability to the beef industry in this province. But, Sir, we have made some amendments.

My colleague, the Member for River East, has made some amendments to this resolution, which substantially, Sir, will go a long way to at least indicating our support that food production is the No. 1 industry, and we recognize that energy costs are one of the major costs of producing food. We, as a province, Sir, have continued to support agriculture while the Conservatives can toot and hoot all they want in terms of all their negativisms towards this government and towards the agricultural sector. They can pick little pieces and chirp on them and try to harp away, but the fact of the matter is, Sir, the bulk of Manitoba farmers recognize in these difficult times that the province is doing what it can to assist them, and they have recognized and they have - Mr. Speaker, we are supporting this resolution as amended.

We will want to see where members of the Conservative Party will stand on this resolution. But, Mr. Speaker, it is shallow words on their part not to deal with the question of high interest rates which they supported while they were in government or were not prepared to do anything about, because it took an election and a new government to move into place the first Interest Rate Relief Program in this country, Sir. We have assisted close to 1,000 farmers under that program, after being derided that we couldn't find one farmer in some of the constituencies of the honourable members, they indicated.

So, Mr. Speaker, I tell the honourable members, the tone of the resolution I have no difficulty with, but what you are doing is tinkering. Let's understand that. Let's understand that you are tinkering with one aspect, the major aspect that has to be dealt with and really should be fundamentally addressed. If they are really saying that they are supporting agriculture, let us talk about and let us address the question of incomes throughout agriculture in this province and let's really address the fundamental problem that farmers are facing, which is of long-term stable incomes, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Portage la Prairie.

**MR. L. HYDE:** Thank you, Mr. Speaker. It is indeed a pleasure for me to get up and speak on behalf of this resolution proposed by the Member for Pembina, especially, Sir, after hearing what our Minister of Agriculture has just said. He has said little, if anything, to support the farmers of this Province of Manitoba. It is just unbelievable that man could stand up in this House, a Minister of Agriculture for the Province of Manitoba, and speak for 20 minutes and not say a word on behalf of the farmers of Manitoba.

Mr. Speaker, I was not prepared to give any lengthy talk at this time. I would ask you, Sir, if you would call it 5:30 and we'll go on with it in the next round.

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

**MR. SPEAKER:** Order please. Is it the pleasure of the House to call it 5:30? (Agreed)

Order please. When this resolution next comes before the House, the Honourable Member for Portage la Prairie will have 19 minutes remaining.

The House is accordingly adjourned and will stand adjourned until 2:00 p.m. tomorrow (Thursday).