



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

DEBATES
and
PROCEEDINGS

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
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	NDP
DOLIN, Hon. Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virden	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, Hon. John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 6 June, 1983.

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

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

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. J. COWAN: Yes, Mr. Speaker, I have a statement to make. It is my pleasure to remind Members of the House that this week is Canadian Environment Week and to inform them of a number of activities that have been scheduled for the upcoming days. Canadian Environment Week is a combined effort of various government and private organizations. In Manitoba, Environment Week activities were planned by a committee comprised of representatives from the Manitoba Environmental Council, Environment Canada, the Manitoba Department of Natural Resources, the Manitoba Naturalists Society, the City of Winnipeg, the Winnipeg Branch of the United Nations Association of Canada and the Department of Environment, Workplace Safety and Health.

I would like to use this opportunity to publicly thank the organizing committee for their hard work in preparing for Environment Week '83. The principal aim of this week is to heighten public awareness about the importance of our environment. This year, Manitoba's Environment Week Committee has adopted the slogan, "Our action today, our environment tomorrow." This message is basically a reminder to all of us that we have a responsibility and a role to play in protecting and preserving our environment for future generations.

A number of educational events have been scheduled for this week. These include a mall display at Garden City Shopping Centre and an auto emissions testing program at Grant Park Shopping Centre, and I might encourage all members to have their automobiles tested as a part of that program.

In addition, Mr. Speaker, the National Film Board will be showing environmental films at Cinema Main, and the Manitoba Naturalists Society has organized a series of special programs at the Fort Whyte Nature Centre.

In addition, a school outreach program has been included in this year's campaign.

Members of the Legislature will note that a package of Environment Week material will be provided to them today. I hope they find this material to be both informative and interesting.

In closing, I would just like to encourage all members to keep the Environment Week theme in mind and to assist all of those that have worked so hard to bring recognition to this important event.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Thank you very much, Mr. Speaker. We would like to thank the Minister for his announcement today. Members on this side became aware of the Environment Week last week when the Governor-General was in this building, in fact, to hold a reception to kick Environment Week in Canada. As was indicated on Friday, when the Minister was not available for questions, we were rather surprised and disappointed that his department did not invite any members from this side to attend that special reception and kick-off, in view of the fact that there are many who have a special interest in the environment.

However, nonetheless, we hope that the work of his department will serve to make Manitobans better informed as to the nature of the concerns that many have with respect to the environment and the possibility of environmental pollution that exists in many of the things that we do in our society today. Hopefully, with this information and the publicity given to Environmental Week in Canada, that all of us will be better informed and better able to deal with the concerns that we have for the environment in Manitoba and in Canada.

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, the issue of reduced L.P.N.'s in Brandon was raised in the House last week and I wish to make a statement accordingly.

- (1) The Brandon Hospital ended in 1981-82 fiscal year with a deficit of \$955,000.00. This included a deficit in salaries of \$725,000, half of which was attributed to nursing salaries.

Accordingly, at the hospital's budget appeal in May of 1982, it was agreed that the Manitoba Health Services Commission would undertake a review and provide the hospital with a recommended nurse staffing pattern. This review had to take into account the increasing regional referral role of the hospital and the resulting change in hospital treatment recognizing increased patient needs.

- (2) The Commission's nursing recommendations were not entirely accepted by the hospital however, and a revised budget was struck as follows - and this is the Equivalent Full-time Nursing:

EQUIVALENT FULL-TIME NURSING

	Previous Hospital Budget	1982/83 M.H.S.C. Recom- mendation	Present Hospital Budget
General Duty R.N.	249.5	257.0	258.5
Other R.N.	30.7	31.2	32.3
L.P.N.	83.3	74.6	76.8
Support Staff.	87.6	78.5	72.9
TOTAL	451.1*	441.3	440.5

* 1981/82 actual exceeded this budget.

In recognition of the hospital's increasing tertiary care role, general duty registered nurses were increased by 7.5 E.F.T. in the Commission's recommendation and the hospital's decision was to increase these R.N.'s by 9.0. The Commission's recommendation was to decrease L.P.N.'s by 8.7 and the hospital's decision was to decrease L.P.N.'s by 6.5.

The hospital will continue to employ 76.8 L.P.N.'s under its present revised budget.

(3) Licensed Practical Nurses have provided effective bedside nursing care in Manitoba since World War I and their role in institutional care is established and recognized. The scope of practice of L.P.N.'s is, however, restricted by legislation, education, and individual institutional policies, for example, to the extent that they must practice only under the direction of a Registered Nurse or a physician. Nevertheless, the public gains greatly by having experienced Licensed Practical Nurses who regard their work as fulfilling and satisfying. At this time there are more than 3,700 individuals in this Province who are qualified as Licensed Practical Nurses (active licenses). Approximately 1,980 are employed in full-time positions and another approximately 1,600 are employed in part-time positions in Manitoba.

(4) The Brandon problem at this time concerns the perceived attitude of the Brandon hospital toward future employment of Licensed Practical Nurses.

At a recent meeting between hospital nursing administration and their L.P.N.'s, attended as well by representatives of the Manitoba Association of Licensed Practical Nurses, the L.P.N.'s and M.A.L.P.N. representatives believe they heard the hospital nursing administration say the ultimate goal of the hospital was to eliminate Licensed Practical Nurses.

The statement attributed to the hospital's Assistant Executive Director of Patient Services is categorically denied by that individual.

The Brandon L.P.N.'s and their Association are obviously concerned and have decided to present a position statement to the Brandon Hospital Board. The Manitoba Association of Licenced Practical Nurses is also preparing statement.

(5) Brandon Hospital Board (Chairperson, Mrs. Mills) has responded requesting the L.P.N.'s to direct their concerns to the hospital's Executive Director where upon the matter will be referred to the Employee Relations Committee of the Board.

The hospital has confirmed that the recent decision to reduce L.P.N. staffing by 6.5 positions, will be achieved by attrition in compliance with a directive from the Manitoba Health Services Commission. The hospital has stated that no lay-offs are planned or anticipated.

The Boards response to the L.P.N.'s has been followed by further communication from the hospitals administration. This communication included the following statements:

" . . . while we, like other health care facilities, are uncertain of the various nursing classifications, in the future it is imperative that we attempt to optimize resources available as we continue to provide appropriate standards of patient care . . . "

and

" . . . On examining current trends in nursing the need became apparent to give individual total patient care. As a result the staffing mix in some areas throughout the hospital was changed to obtain a proper balance in this regard . . . "

Conclusion:

There has been an ongoing discussion over the past decade with respect to the future role of the various categories in nursing. The general consensus appears to be that the role of the L.P.N.'s in Manitoba will change somewhat but that they will continue to provide a major role. It is the position of this government that L.P.N.'s will continue and a major role in the health care field. I have asked Manitoba Health Services Commission to review the role of the L.P.N.'s in health institutions and I will be meeting with the L.P.N.'s shortly to discuss their concerns.

This particular incident at Brandon is unfortunate in that it transpired, but the outcome may be positive. The Commission will work with the Board to further clarify any innuendo, conflicting statements and misunderstandings. The Brandon L.P.N.'s and their Association have indicated their concern is for the future, and this will be clarified by the process requested by the Brandon Board.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Mr. Speaker, I wish to thank the Honourable Minister for his statement which is a response to a question that I had raised in the House last week, and a question that I raised because a considerable number, something in excess of 15 at any rate, Sir, of L.P.N.'s at the Brandon General Hospital had raised the issue with me. They had conveyed the fact that they had received a very strong impression from the Administration at Brandon General, that it was the intention of the Administration there to phase out the category of L.P.N. and, as a consequence, their professional futures were at stake. As I say, the Minister's response is welcome because it clarifies the situation and exposes it for some public examination and study, and I think that's valuable to the L.P.N. in Manitoba, wherever he or she may be. The Minister has stated in the concluding paragraphs of his announcement to the House that it is the position of the government that L.P.N.'s will continue in a major role in the health care field.

On behalf of my colleagues, Sir, in the Progressive Conservative Party, I certainly welcome that statement

and I wish to assure him, and the First Minister, and their colleagues, that it is certainly the position of this opposition, Progressive Conservative Opposition, that L.P.N.'s will continue in a major role in the health care field. We believe that category of nursing is vital and crucial, and we intend to do all we can to ensure that it's preserved in its present role of prime importance. Particularly, in this day and age, when employment is a major challenge for all of us in Manitoba, the last thing we should be doing is tampering with the categorical system of nursing roles and nursing responsibilities in our health care field. Further to that, we believe that the L.P.N. brings a particular kind of approach to nursing that may not - and I emphasize the word "may" - may not always be achieved through a much more academic approach to that profession, Mr. Speaker. So we wish to reassure the House, and the L.P.N.'s who are concerned, that we intend to do all we can to preserve that profession and that category.

MR. SPEAKER: Notices of Motion . . .

INTRODUCTION OF BILLS

HON. R. PENNER introduced Bill No. 74, An Act to amend The Elections Act (2); Loi modifiant la loi électorale (2); and Bill No. 83, An Act to amend The Builders' Liens Act; Loi modifiant la loi sur le privilege du constructeur.

HON. B. URUSKI introduced Bill No. 90, An Act to amend The Cattle Producers Association Act.

HON. J. BUCKLASCHUK introduced Bill No. 91, An Act to amend The Real Estate Brokers Act.

HON. E. KOSTYRA introduced Bill No. 92, An Act to amend The City of Winnipeg Act.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before Oral Questions, may I direct the attention of honourable members to the gallery. We have 26 students of Grade 3 standing from the Greenway School under the direction of Mrs. Bent. The school is in the constituency of the Honourable Member for Ellice.

There are 51 students of Grade 6 standing from the R.J. Waugh School under the direction of Mr. Grant. The school is in the constituency of the Honourable Member for Gladstone.

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

ORAL QUESTIONS

Morgentaler Clinic - investigation

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Mr. Speaker, my question is to the Honourable Minister of Health. On May 27th, Mr. Speaker, the Minister told this House that he is far from convinced, and that's a direct quote, that abortions

are being performed at the Morgentaler Clinic on Corydon Avenue. My question to him, Sir, is whether he remains far from convinced of that fact today.

HON. R. PENNER: Point of order, Mr. Speaker.

MR. SPEAKER: The Honourable Attorney-General on a point of order.

HON. R. PENNER: That question has to be improper in the context of the police having executed a Search Warrant, interviewed people, and are looking over that material to see whether charges may be laid - highly improper and certainly out of order.

MR. L. SHERMAN: Mr. Speaker, on the point of order, we have not been apprised of any such development as that referred to by the Attorney-General. As a matter of fact, we would welcome some kind of informational statement to the House by the Attorney-General as to what is occurring and what may be expected.

In the meantime, I am asking the Minister of Health for a perspective on a situation as the Minister of Health. He offered a perspective a few days ago. I'm asking him whether that continues to be his perspective on it.

HON. R. PENNER: Mr. Speaker, first of all, I know exactly what the members of the opposition know; namely, that the police did execute a Search Warrant on Friday, took a number of people down for questioning, released those people, and are putting a report into the hands of the Senior Crown Attorney at the City of Winnipeg today. Ultimately, I expect to see that report. Whether or not I will be able to comment any further, I don't know; but I do know that the question to the Minister of Health asks him, in fact, to come to a conclusion as to whether or not abortions are being carried on in that facility; surely one of the matters which police investigation has to ascertain; surely one of the questions that has to be ascertained on the basis of such evidence as has been adduced during the course of the search and questioning, and placed before a Crown Attorney, not for a member of the Treasury Bench to answer at this stage.

MR. SPEAKER: The Honourable Leader of the Opposition to the same point.

HON. S. LYON: Mr. Speaker, the point, I presume, that the Attorney-General is attempting to make in his usual roundabout way is that there is some possibility that this matter may come before the courts. That is interesting. It's an interesting observation, he having no made report to the House on it, and it's not something that the House has any formal knowledge of whatsoever. We don't take our information from the news media. Maybe the Attorney-General does, but the House doesn't.

The point of the question by the Health critic, by the Member for Fort Garry, was directed to the Minister of Health, not to the Attorney-General. It relates to a statement made by the Minister of Health, not by the Attorney-General. It's a legitimate question having to do with the Minister of Health's observations about this

situation which only a few days ago members on this side were trying to rouse the Attorney-General to do his sworn duty. Now, he's first on his feet, Sir, complaining about a question to his colleague, the Minister of Health, relating to that subject matter, but not his ability or lack of ability to do his duty.

HON. R. PENNER: Mr. Speaker, I rose to my feet obviously not to answer the question, but to raise a point of order. The reference by the Opposition Leader impliedly to my answering the question or the fact that the question wasn't directed to me is as irrelevant as every other remark that he's made this afternoon. It's clear from what he said that not only as a leader in this House but as a Crown Attorney, he's a has-been, because it's clear that to make any statement that expressly or impliedly states a conclusion or purports to come to a conclusion as to evidence unearthed by the police would be to so seriously prejudice the investigation of the police as to be improper. That's the point that I am making, not attempting to answer the question, and I'm asking you to rule on it.

MR. SPEAKER: The Honourable Member for Springfield on the same point of order.

MR. A. ANSTETT: Mr. Speaker, to the same point of order. Mr. Speaker, certainly, the sub judice convention about which members are concerned does not apply in this case with respect to my House Leader. The sub judice convention only applies in those instances where a charge has been laid and the matter is to come to trial. So I would submit that any questions until such time as the case is before the courts and is a matter to which the convention applies would be in order; but I am certain that members opposite will observe the caution that the Attorney-General has offered to them that certain questions may in some ways infringe upon the investigation that is ongoing.

So, I think, Mr. Speaker, although it may be improper to suggest that the questions are out of order under this convention, it's certainly proper to exercise and to ask the members opposite to exercise some caution in the way questions are framed so that they do not in any way infringe upon that investigation.

MR. SPEAKER: Order please, order please. Does the Honourable Minister wish to speak to the same point of order?

HON. L. DESJARDINS: Yes, in view of the statement that was made from the seat, I want to say, Mr. Speaker, that I don't mind answering the question if I am directed by you. If you view the fact that there is a point of order and you were requested to rule, I'll abide by your decision, but nobody has to cover. I'll take care of myself.

SPEAKER'S RULING

MR. SPEAKER: Order please, order please. May I remind honourable members that Beauchesne deals with the matter on Pages 118 and 119, and makes it clear to begin with that questions having to do with matters which are before the court clearly should not

be answered. It has not been made clear to me that questions have been laid in this particular case or the matter is, in fact, before the courts.

Members will note that Citation 339 makes it clear that the responsibility of whether questions are proper, and are to be asked and to be answered, lies principally with the members involved; the over-riding principle in this case clearly being that members should not make statements which may prejudice the case. The responsibility, therefore, is clearly with the honourable member wishing to answer the question and with the Minister to whom it is addressed. I will allow the question after having made those remarks.

The Honourable Minister of Health.

ORAL QUESTIONS cont'd

Morgentaler Clinic - investigation Cont'd

HON. L. DESJARDINS: Mr. Chairman, yes, I imagine it's the date that was quoted in the House. I did say that I was far from convinced. I certainly was. I can say now that I'm not necessarily convinced. If it's going to go to court, then I will know, but I am a little more convinced than I was before. The important point is this, is at the time I was trying to point out that it would have been dangerous to assume anything and we might have spoiled the case, if anything.

Now, the thing is, I would imagine that if there was a raid, that the police - they had done their work - are convinced that at least there is some serious doubt. We will see what happens; it's in front of the court now. So, yes, I did make that statement at the time.

MR. L. SHERMAN: Just one supplementary, Mr. Speaker, and I thank the Minister for that answer. Can the Minister advise the House whether some indication has been given him or his colleagues as to when a police statement on their investigations of last Friday may be made public?

HON. L. DESJARDINS: Mr. Speaker, I should have pointed out also that I could have been right in both counts; that if there was actually abortions performed, it could have been after the date mentioned in the House. It could have been last Saturday.

Now, as far as any other information dealing with the police, I would have to refer this to the Attorney-General because that's his responsibility.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: As I have indicated to this House time and time again, when the police investigation has been reduced to a police report, as is always the case, that will be placed in the hands of the Director of Prosecutions and the Senior Crown Attorney. At that point, they will peruse the report and decide whether or not there is sufficient evidence to lay a charge and, if so, what charge is to be laid. At that point, the matter will be made public, but at no time does a police report become a public document.

A police report as such is and remains a privileged document, because a police report as such necessarily contains the names, or usually contains the names, of

police sources and methods of police investigation. It comes within the general privilege relating to law enforcement data. It comes within the category of privileged material, for example, in The Federal Freedom of Information Act with respect to law enforcement data. So, too, the suggestion that a police report would be tabled or introduced into this House is wrong, that cannot be the case; but certainly the results of that investigation in terms of a decision to lay a charge or not lay a charge will be made known as soon as possible. I expect to have some information on that later this week.

MR. L. SHERMAN: Mr. Speaker, one further question to the Minister of Health. Has he had any indication from the College of Physicians and Surgeons that any decision or stand or change of position has been undertaken by the College with respect to any of the medical practitioners engaged at the clinic on Corydon Avenue?

HON. L. DESJARDINS: Mr. Speaker, late last week, I had staff check with the College, and they were still studying the case and their legal obligation and so on. They weren't ready to report on such at this time.

Press release - elections financing

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

MR. G. MERCIER: Mr. Speaker, my question is to the Attorney-General and Government House Leader. Is it now to be accepted practice, contrary to the long traditions of this House, Mr. Speaker, that whenever a bill is distributed prior to second reading, that the mover of the bill, the government Cabinet Minister, will distribute a press release prior to the formal introduction of the bill in this House for second reading?

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: I can advise the members of this House that it is up to each individual Minister and will depend on the nature of the bill. If it's a minor amendment, or relatively minor amendments to an existing bill, that will not be the case; but if it represents a fairly new or important departure, then, yes, that will quite often be the case.

MR. G. MERCIER: Mr. Speaker, prior to this government taking office, it was not up to each government Minister. It was done in accordance with the traditions of this House.

Mr. Speaker, my question then to the Minister with respect to Bill 48, The Elections Finances Act, and a press release which he has distributed which indicates that under the provisions of this bill which the government intends to have passed in this Legislature, there will now be public financing of election campaigns, my question to the Attorney-General is this, Mr. Speaker: In view of a provincial deficit of some \$600 million; in view of the fact that there are some 52,000 unemployed people in the Province of Manitoba; in view of the fact that under this government during the

past two or three months, the Consumer Price Index is the highest in Winnipeg of any major Canadian cities; in view of the fact this government has introduced the payroll tax, the sales tax, the gasoline tax, income tax, my question to this Attorney-General and the government is how much more is the taxpayer now going to be called upon to pay to finance their election campaigns?

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

HON. W. PARASIUK: Mr. Speaker, I would like to rise on a point of privilege. We have been accused by the Conservative opposition that we are somehow breaching the rules and traditions of the House by having a press release accompanying a bill that is tabled before this Legislature, Mr. Speaker.

I would draw your attention to Page 4283 of the 1978 Hansard, Friday, June 23rd, where the then Member for Inkster said that, "A bill was distributed today, Mr. Speaker, which certainly I have no complaint with that, but I had then been approached by a newspaper reporter who had a press release, Sir, with regard to explaining the contents of the bill on second reading which I've been asking about in the House and which has been given to the press."

Mr. Speaker, the Speaker at that time ruled that, "The Member for Inkster raises a point which relates to press releases. I think that honourable members can read press releases, and I don't know that constitutes a matter of personal privilege."

That was the way in which the Conservative Government, when they were in office, dealt with this. They would present a bill here and give a press release to the press outside of the Legislature. These Ministers are presenting the press release directly accompanying the bill to the opposition, Mr. Speaker, which I believe is more in the spirit of what the release of information is all about than the Conservatives, now that they are in opposition, are claiming to be the tradition which they themselves trampled over when they were government.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: I'm rising to speak to that point of privilege, if that was a point of privilege, Mr. Speaker.

MR. SPEAKER: Order please. A point of privilege, as members know, should be ended with a substantive motion. I did not hear one from the Honourable Minister. It sounded more like a point which has been made many times in this House before.

I believe there is a question which has been asked by the Honourable Member for St. Norbert, addressed to the Treasury Bench.

The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, first of all, as a matter of record, such costs as may be associated with this bill will not be incurred until approximately 1986. So, therefore, to relate it to this year's deficit is spurious at best.

Secondly, the precedents in this province for the public financing of elections was created by the Conservative Party when they introduced the — (Interjection) — and that Minister — (Interjection) — No, that tax deduction is a cost to the taxpayer. You know, you may fool some of the people some of the time, but you can't fool all of the people all of the time, which is your style of operation, so that the precedent for public financing of some portion of election expenses was established by the Conservative Party of Manitoba for the Province of Manitoba, and no amount of obfuscation can hide that fact.

What we are doing is trying to make it more equitable so that, finally, it will be established in a democratic province that the rich cannot carry the day by putting big bundles of money behind the party of their choice.

MR. G. MERCIER: Mr. Speaker, in view of the fact, it would appear then, by 1986, the provincial deficit will be approaching \$1 billion, unemployment will be thousands higher, the sales tax will be higher, we will have suffered and endured another two or three years of having the highest consumer price increase of any city in Canada, what will the cost be to the taxpayer at that time to support the New Democratic Party in the election in 1985 or 1986?

HON. R. PENNER: Well, there's one part of the member's prophecy which I accept; namely, that we will be re-elected as government in 1986.

That part of his prophecy, Mr. Speaker, which I do not accept, is that prophecy of gloom and doom which has characterized the entire approach of the opposition, acting as opposition, in which they have cried disaster, in which they have cried havoc, in which they have cried ruin; and they must bear part of the responsibility for creating an atmosphere which is not related objectively to the real indicators of economic progress in this province which contributes to the slowdown of economic development and economic growth.

To stand up in this House and to predict that there will be billions of dollars worth of deficits, to stand up in this House and to predict that there will be thousands and thousands and thousands more unemployed is precisely the kind of nay saying and running down of this province which is going to keep them in opposition after 1986.

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

HON. S. LYON: Mr. Speaker, I have a question for the First Minister. In view of this Act which has been tabled in the House today, heralded by a press release from the Attorney-General, providing public support for political parties running in Manitoba; that is by all of the taxpayers, not a tax deduction, which is not a taxpayer subsidy, is it now, Mr. Speaker . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

HON. S. LYON: Well, Mr. Speaker, my honourable friends want to argue Marxist economics, that

everything belongs to the state except what the state gives back, then their definition is right, but I don't think that way and I don't think the bulk of the people of Manitoba do.

In view, Mr. Speaker, of the fact that this bill purports to provide public financing out of the pockets of every taxpayer of Manitoba for a political party's election campaigns, is it the policy of this socialist government in Manitoba now to put its hands into the pockets of our taxpayers to finance the Marxist-Leninist Party, to finance the Communist Party, to finance all of the hard parties of the left who are a danger to the parliamentary system in this province and this country? Is that the policy of these socialists?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, if the Conservative Leader of the Opposition would read the Act, he might be just a little better informed, rather than to react in a premature and in an immature manner as well in this House.

Mr. Speaker, the Leader of the Conservative Party made reference to existing legislation. Existing legislation provides for refund of taxes insofar as parties that are registered in the Province of Manitoba, which include the Communist Party and Social Credit Party or any other particular party that is registered in the Province of Manitoba. So, Mr. Speaker, we ought not to permit the Leader of the Conservative Party to continue along his path of saying one thing and pretending one thing and doing precisely the opposite, Mr. Speaker.

This legislation is consistent with legislation that exists federally and supported by the Conservative Party federally, Mr. Speaker.

HON. S. LYON: Mr. Speaker, I have a question for the Leader of the New Democratic Party. The question to the Leader of the New Democratic Party is precisely as I said before: Is this temporary, transient, socialist government going to insist by law, by its temporary majority, that it will put its hands compulsorily into the pockets of every taxpayer of Manitoba to help finance its running mates in the Communist Party, the Marxist-Leninist Party, and so on, remembering, Mr. Speaker, that tax deductions are allowed in Manitoba and other provinces across Canada to people who voluntarily choose to subscribe to that party or to other parties? That's a different kettle of fish, what they are introducing is a kettle of red fish, and we'd like to hear them admit it.

HON. H. PAWLEY: Mr. Speaker, I think if we could indeed observe the matter that is before us in a calm and in a rational manner rather than in an irrational manner as we are hearing from the Leader of the Conservative Party, if the Leader of the Conservative Party would reflect for a moment, and if my memory serves me correctly, it seems to me that it was the Conservative Government led by one Joe Clark, seeking re-election as the Leader of the Conservative Party, that supported and accepted public funding in the 1980 federal election.

HON. S. LYON: Mr. Speaker, I was operating under the premise, Sir, that we are making laws in this

Chamber for the Province of Manitoba, and if my honourable friend does not object to . . .

MR. SPEAKER: Order please. The Honourable Minister of Health on a point of order.

HON. L. DESJARDINS: Yes, Mr. Speaker, I hesitate to interfere with this debate, but it is a debate that I would like to participate in and I suggest that it is definitely out of order. We have in the paper that you gave us on the question and so on, the question would seek an opinion about government policy is probably out of order in that it asks for an opinion and not information. A question asking for a general statement of government policy may be out of order in that it requires a long answer that should be made on motion or in debate. There are all kinds of reasons why this is out of order, Mr. Speaker, and I would hope that you rule on that. If we're entitled to have a debate at this time, I certainly want to participate.

I think that the purpose also of the question is to obtain information, not to supply it to the House, and making an observation which might lead to debate could not be regarded as coming within the proper limits of question, raising a matter of policy too large to be dealt with, the limits of an answer in question, asks the government's opinion on matters of policies. So I submit, Sir, that there are many reasons why it should be considered out of order. We'll have a chance, I would imagine there will be second reading, and we'll have a chance to debate this.

HON. S. LYON: Mr. Speaker, my honourable friend is trying to dig the First Minister and his colleagues out of a problem that they've got themselves into, perhaps unwittingly, financing every left-wing kook group in this province.

Mr. Speaker, if my honourable friend objects to questions being asked about bills, let him return to the traditions of this House which are that bills are to be distributed and spoken to on second reading; until that practice is restored, then my honourable friend, and everybody else, can expect, because of their distortion of parliamentary rules, to get questions, legitimate questions, on bills that have been distributed with a fanfare of publicity, so that their left-winger hangers-on and running mates can feel nice tonight that they're going to get public support out of the vast majority of Manitobans who want no truck or trade either with them or with their left-winger running mates.

MR. SPEAKER: The Honourable Minister of Health to the same point.

HON. L. DESJARDINS: Mr. Speaker, yes, I always felt that two wrongs don't make a right. I don't think this is the way to improve things around here is to take matters in our own hands. I think I quoted enough reasons why it's definitely out of order, and the Attorney-General already pointed out the other thing we've dealt with, that was correct, in order, the concern about the press release; and then we've had the precedent that was set by the former Speaker who declared, who ruled that it was in order. So under any eventuality, as I say, two wrongs don't make a right, and in this case, there's only one wrong; the one that is going on right now.

MR. SPEAKER: The Honourable Member for Turtle Mountain to the same point.

MR. B. RANSOM: On the same point of order, Mr. Speaker, we're simply asking questions arising out of a press release which has been tabled in the Legislature. Surely it is not out of order to ask questions of Ministers for clarification, based upon information which they have distributed to the public and which we, as representatives of the public, may be called upon to explain, by our constituents.

HON. S. LYON: Like supporting the Communist Party; not in our province. You'll be out of office before you do it.

MR. SPEAKER: Order please. Order please. I thank both honourable members for their comments. The Honourable Minister is, indeed, correct that there are probably many citations within Beauséjour which would rule that matter out of order. It sounded more like a debate on second reading than a matter for question period.

The Honourable Leader of the Opposition.

HON. S. LYON: Yes, Mr. Speaker. My question to the First Minister is whether it is now becoming, under this Act, government policy to fund left-wing groups in this province who meet the qualifications set forth in the Act, 2,500 votes, etc., or 2,500 signatures, is that now going to be the policy, that the people of Manitoba will have to compulsorily pay, out of their taxes, for the funding of the NDP, the Marxist-Leninists, the Communist Party, you name them, and are they going to throw the Municipal Election campaign in so that the member, their candidate, can be supported in the Municipal Elections?

MR. SPEAKER: Order please. The Honourable Attorney-General on a point of order.

HON. R. PENNER: Yes, Mr. Speaker. If I'm not mistaken, you — (Interjection) —

MR. SPEAKER: Order please. Order please.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: If the honourable member is finished with his interjections, there is a point of order before the House.

The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, if I'm not mistaken, you've ruled quite clearly on a point that is now, despite your ruling, being carried on, a matter of debate more suited for second reading, by the Leader of the Opposition, and I'm just making that point of order, again, in case it didn't get through his seemingly impenetrable skull that there is a point of order upon which you have ruled; or is he about to defy the Speaker again?

MR. SPEAKER: Order please. I'm hearing a certain amount of repetitiveness in the point that is being put

forward. Does the Honourable Leader of the Opposition have a new question?

HON. S. LYON: Yes, Mr. Speaker. Is it a fact, under the legislation which this government has tabled today, accompanied by a press release, that any political party in Manitoba will receive public funding compulsorily, without any question of voluntarism at all, or making a decision to support a party, if that political party has endorsed five or more candidates in the general election; and if that is to be the policy of this government, does that not mean that parties, such as, the Communist Party, the Marxist-Leninist and so on, by the mere action of running five candidates, will compulsorily take money out of the pockets of taxpayers of Manitoba, 99 percent of whom don't support them?

MR. SPEAKER: Order please. Order please. The Honourable Attorney-General.

HON. R. PENNER: On a point of order, Mr. Speaker. It's clear that the continued defiance of your ruling must mean that this bill has touched a soft spot, in that the rule of wealth of privilege is being threatened in this province, so they feel; and I would again ask you to rule, and it appears that your ruling has not been understood by the Leader of the Opposition or his rabid followers, and I would think that you should rule on this - I would respectfully urge that you do - so that we can get on with the business of the House.

MR. SPEAKER: Order please. As I mentioned a moment ago, there is a certain amount of repetitiveness in the remarks that have been made to the House, remarks which would be better made on second reading.

The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, . . .

HON. S. LYON: Mr. Speaker, I was in the midst of a line of questions, Sir, . . .

A MEMBER: You were just ruled out of order.

HON. S. LYON: Well, you've got your henchman there, did you walk down the hall and talk to him, or what?

HON. R. PENNER: It's my duty, as House Leader, to call your attention to a remark made by the Leader of the Opposition, who just referred to you, Sir, as a henchman of this party. I would ask him if he has the courage to stand in his place and make that remark. It's time that someone called him to account that this House, Sir, cannot tolerate that abuse of the Office of the Speaker, and if he has any courage, which I doubt, then let him make that remark for the record. The remark that he made was that you were a henchman of this side of the House.

MR. SPEAKER: The Honourable Leader of the Opposition.

HON. S. LYON: Mr. Speaker, I have never been one to try, like my honourable friends opposite, to obfuscate

the truth or to weasel around, the way honourable members do every day in this House. I said, across the House to the First Minister, who said to me that I had been ruled out of order, I said across the House, to the First Minister, have you spoken to your henchman, again, as you did last fall, when he walked down the halls, Sir, with respect, and spoke to you on another matter, I say it, again. And, Mr. Speaker, unlike my honourable friend, who hasn't the courage to run under the label of the party that he really belongs to, and he's trying now to finance that party, I'd stand in my place any day, Sir, and say what I did.

MR. SPEAKER: Order please. The Honourable Attorney-General on a point of order.

HON. R. PENNER: Mr. Speaker, I call upon you to call upon the Leader of the Opposition to withdraw that intemperate insult on the House and on the Office of the Speaker.

MR. SPEAKER: The Honourable Member for Burrows to the same point.

MR. C. SANTOS: On the same point, Mr. Speaker. I just want to remind the House about the Rules of this House. Rule 41, Subsection (1), states: "No member shall speak disrespectfully of Her Majesty, or of any member of the Royal Family; or of His Excellency, the Governor-General; or of His Honour, the Lieutenant-Governor; or of the person administering the Government of Manitoba, or use offensive words against the House or against any member thereof."

Thank you, Mr. Speaker.

MR. SPEAKER: Order please, order please. It seems clear that the remarks made by the Honourable Leader of the Opposition are a reflection on the Chair, and a reflection on the House itself. They cannot be allowed to remain on the record, and I would ask the Honourable Leader of the Opposition to review those remarks that he made and consider withdrawing them in this House. The Honourable Leader of the Opposition.

HON. S. LYON: Mr. Speaker, I accept your order, if indeed it was an order, that a line of questioning that I was pursuing was out of order. If that, indeed, is your order, I accept that order.

I do not, Sir, in reflecting upon the conduct of the First Minister, withdraw anything I said about him making visits to your office. If the word "henchman" is out of order, I withdraw it; but I do not withdraw factual statements with respect to the First Minister and the Attorney-General making calls in your office, that's a proven fact.

MR. SPEAKER: Order please. I thank the Honourable Leader of the Opposition for his withdrawal of the offensive phrase.

Bilodeau case - legal opinion

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Yes, Mr. Speaker. The other day I was asked by the Member for St. Norbert, with respect

to whether I had obtained a legal opinion from Counsel in the Bilodeau case; and in reply thereto, I said that I had not received a written legal opinion from Counsel in the Bilodeau case, but I had received a written legal opinion from Constitutional Counsel, Professor Gibson.

I want to apologize to the member. In fact, in going through my material, on April 14, 1982, I did receive a written legal opinion from Counsel on the case, and I now table that opinion; and I also table the opinion received approximately a month later from Professor Gibson.

Press release - election financing

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Thank you, Mr. Speaker. A press release was distributed by the government today which is headed, "Election Finances Bill before the House." Within that press release, Sir, there is a quotation that the bill is to ". . . enhance the democratic process by giving all legitimate candidates and political parties an equal opportunity to present their policies to the voters." I would like to ask the Attorney-General just what constitutes a "legitimate candidate and political party."

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, you have already ruled on this matter. The . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

HON. R. PENNER: I haven't finished my answer, Mr. Speaker. I'm not rising on a point of order, Mr. Speaker. I am rising to answer the question within the context of your ruling. The question of what constitutes such a party is defined in the Act, and will be addressed during second reading at committee stage.

MR. B. RANSOM: A supplementary question to the Attorney-General, can we find a definition then for legitimate candidate within the Act, because I'm sure that having seen this press release there will be members of my constituency who will want to know exactly what a legitimate candidate is?

HON. R. PENNER: The Member for Turtle Mountain may usefully refer his constituents to both The Election Act and The Election Finances Act, both of which cover that ground completely.

La Salle River Diversion

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, on Friday, the Member for Morris asked me whether I had information for him which he had earlier indicated some concern about the proposed diversion of water from the

Assiniboine River to supplement waters in the La Salle River. I have some further detail about that project.

The specifics were approved for the planning and engineering work for the first phase on July 14th of last year. Part of the work involves an assessment for environmental concern, and some aspect of the environmental review is not yet complete. They include: the water quality for the municipalities on the La Salle will be less than their present hauled water from Winnipeg as the water quality won't be as high. There is a concern as to whether or not the water quality will be sufficiently high enough that it will be useful.

The second point is that there are pesticide residues in waters in the La Salle River. The quality will vary over the year; at times the quality will be better, sometimes worse, in that river system. We want to determine whether or not that water quality variance will be a serious consideration for the users of the water.

For these reasons, we want to have a further look at the degree of use that will be made of the water and the extent of the irrigation opportunity on the part of local residents. So we want to make sure that the benefit cost calculation is correct, and we are re-examining that. We must also have further discussion with the residents in the area to determine whether or not the proposal will meet the real needs.

I hope, Mr. Speaker, that we will have that information within a reasonably short time frame so that we can go ahead with the work. Certainly it had been indicated to us as a highly desirable project, and I still believe that is possible, but we certainly want to make sure that we are going to have the kind of positive response that we had believed.

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

COMMITTEE CHANGE

MR. SPEAKER: The Honourable Member for Riel.

MRS. D. DODICK: A change in committee, Mr. Speaker. Public Utilities, the Member for The Pas is substituting for the Member for Dauphin.

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: I'd like to ask leave of the House, Mr. Speaker, to make a non-political statement.

MR. SPEAKER: Does the honourable member have leave to make a non-political statement? (Agreed)

NON-POLITICAL STATEMENT

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: Thank you, Mr. Speaker. I'm sure all members of the House will be interested to learn that two Thompsonites, Kelly Harber and Leslie Hansen recently earned the right to represent Canada at the

World Junior Diving Championships that will be held in New Zealand this summer. The significance of this achievement, I think, is indicated by the fact that they will represent 50 percent of the four-person team that is representing Canada.

I should add, Mr. Speaker, that a telethon was held by our local radio station, this past weekend to help send the divers to the championship and, at last report, over \$7,500 had been raised.

I'm sure that I speak for all members of this House when I give credit to the organizers of the telethon and all those who made it a success and, of course, in giving credit to the divers Leslie Hansen and Kelly Harber, their teammates and their coach, Al Williams, who are putting Thompson and Manitoba on the map, in terms of international diving.

MR. SPEAKER: The Honourable Member for Burrows.

MR. C. SANTOS: Mr. Speaker, I rise on a point of order. Last Friday I uttered some statements and words, by way of remarks in response to interjections to some members, which had the unexpected effect of offending some members of this House.

Because I respect this House, and I respect every individual member of this House, I want to make it crystal clear, Mr. Speaker, that I had no such intention to offend; therefore, any such words are hereby withdrawn.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, our intention this afternoon is to call some Second Readings and then to move Supply. I've given a note to the Opposition House Leader of this intention and, accordingly, I would ask you to call Second Readings, on Pages 6 and 7, in the following order, Bill No. 47, The Municipal Council Conflict of Interest Act; Bill No. 68, The Change of Name Act; Bill No. 69, The Marriage Act; Bill No. 70, The Vital Statistics Act; Bill No. 73, The School Capital Financing Authority Act; and we'll see where time takes us, because I don't want to take too long about this, Bill No. 20, The Occupiers' Liability Act.

SECOND READING - GOVERNMENT BILLS

BILL NO. 47 - THE MUNICIPAL COUNCIL CONFLICT OF INTEREST ACT

HON. A. ADAM presented Bill No. 47, The Municipal Council Conflict of Interest Act; Loi sur les conflits d'intérêts au sein des conseils municipaux, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

HON. A. ADAM: Thank you, Mr. Speaker. Before proceeding with detailed outline of this legislation, I would like to make a few remarks concerning the background of the Act.

In May of 1980, the Manitoba Law Reform Commission was asked to review this issue of conflict of interest of the municipal councillors. The referral noted that the existing provisions appeared deficient in coping with a variety of practical situations which are arising with greater frequency. Over a period of years, it has become apparent that a number of practical difficulties were causing concern for elected members of municipal council, and the absolute prohibition contained in The Municipal Act were not sufficient to cope with the situation.

Following the Report of the Law Reform Commission, in April of 1981, copies of the report were circulated to municipal councils throughout the province and to the municipal organizations which represent local government in Manitoba. Following examination and discussion of the recommendations the Union of Manitoba Municipalities and the Manitoba Association of Urban Municipalities indicated support for the principle contained in the Law Reform Commission recommendation. It is in that spirit of agreement that those principles were embodied in this legislation.

It should be noted that this Act basically parallels the legislation dealing with Members of the Legislative Assembly, except for variations necessary to reflect the difference between local government operation and the operation of this Assembly.

Mr. Speaker, I believe that brief background should suffice for consideration of this bill. The basic purpose of the bill is to set out the allowable limits of financial relationship between municipal councillors and their municipalities by requiring councillors to disclose their financial interests and liabilities in matters arising during the course of official business. The bill aims to promote public confidence in the integrity of the process of government.

Bill 47 applies to all municipal councillors, including the City of Winnipeg, and members of the elected councils under Local Government District Act. Its basic principles are identical to those of Bill 18, The Legislative Assembly and Executive Council Conflict of Interest Act. The two bills differ only where there is need to recognize the difference between provincial and municipal levels of government. The major emphasis of Bill 47 is to create disclosure requirements and procedures which will reinforce public trust in government, but which will avoid the inflexibilities of existing legislation.

There will be a definite disclosure procedure to avoid conflict of interest. For example, under The Municipal Act, as currently worded, any person who holds a contract with a municipality is ineligible to be elected as, or remain, a councillor in a municipality.

The harshness of such a restriction is well illustrated by numerous exemptions to the prohibitions which are also set out in the current Municipal Act. The new legislation does away with these narrow and unrealistic restrictions. Under Bill 47, a councillor, or one of his or her dependents, has a financial interest or liability in, or relating to, a matter which comes before the council, or a committee of council, the councillor will be required to disclose the interest of liability and to withdraw from the meeting without voting, or influence the matter in any way.

The records of disclosure and withdrawal by councillors will be kept and made available for public

inspection. The bill provides focus to the disclosure requirements by listing a number of presumptions as to what constitutes a financial interest or financial liability. However, insignificant interest or liabilities will not give rise to the disclosure and withdrawal requirements. For example, where a councillor's interest or liability is not greater than that of an ordinary resident of the municipality, or where the interest or liability are less than \$500, the bill will not apply.

Also, certain special arrangements will be excluded from the bill. One example is where the municipality contracts to provide local improvements for all residents of an area, including a councillor. There is a second aspect of this legislation which complements the requirements for disclosure in matters of financial interest. All councillors will be required to file with the clerk of the municipality a statement of assets and interests held by themselves or any of their dependants.

Examples of assets and interests which must be listed include landholding, shareholding, corporate directorships and gifts. The statement will require only that kind of classes of assets and interests be listed. No net-worth calculations will be possible because there is no requirement to estimate the value of any asset or interest listed in the statement. All statements or assets and interests filed by councillors will be available for public inspection. To repeat, it is the fact of a financial interest which must be disclosed, not the amount of the interest.

To further promote public trust in government, the new legislation will prohibit various misuses of positions by councillors. For example, there is a prohibition against profiting from information which is not available to the public and which a councillor acquires in the performance of his official function. Also, there is a prohibition against receiving compensation for services rendered in connection with any matter before council. The emphasis of this bill is on disclosure, but the penalty of disqualification from office is ultimately the price to be paid for violating any provision of the legislation.

However, there will be no disqualification from office for any unknowing or inadvertent breach of the legislation. The validity of the alleged violation will be determined by the Court of Queen's Bench on an application initiated either by the municipal council affected by the violation or by any elector in the municipality. As a supplementary penalty to disqualification from office, any person who profits from a violation of this Act may be required to make restitution to anyone affected by the profit.

In conclusion, Mr. Speaker, members should note that certain additional sections will be introduced at committee stage to repeal municipal Act provisions which will be replaced by provisions of this Act.

Thank you very much.

MR. SPEAKER: The Honourable Member for Emerson.

MR. A. DRIEDGER: Mr. Speaker, I move, seconded by the Member for Niakwa, that debate be adjourned.

MOTION presented and carried.

BILL NO. 68 - THE CHANGE OF NAME ACT

HON. L. EVANS presented Bill No. 68, The Change of Name Act; Loi sur le changement de nom, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

HON. L. EVANS: Thank you, Mr. Speaker. There's some very minor changes in this particular bill, The Change of Name Act, that are most readily described as housekeeping measures. There is one specific amendment, however, that I would like to make reference to, the most significant part, and the reason actually for going forward at this time with this amendment to The Change of Name Act, and that is that current legislation requires that a legally separated person must obtain his or her spouse's consent to a change of name or to give notice to the spouse of the application for the change.

The Human Rights Commission of Manitoba has pointed out to us that this requirement is discriminatory and, therefore, on the advice and comments made to us by the Human Rights Commission, we've decided to bring forward this proposed amendment which would delete the requirement for spousal consent and instead, as an alternative provision of spousal notice, we would put in place an alternative provision of spousal notice from the Act as a prerequisite in the process of name change. So what we would be doing is, in the place of spousal consent, we would be substituting an affidavit; there'd be provision for an affidavit. This is an item that, as I said, was prompted by the Human Rights Commission and, therefore, we felt that we should move at this particular time. As I said a minute ago, the other items appear to me to be very minor, a housekeeping nature, and can be discussed in the committee stage.

MR. SPEAKER: The Honourable Member for Emerson.

MR. A. DRIEDGER: Mr. Speaker, I move, seconded by the Member for Portage, that debate be adjourned.

MOTION presented and carried.

BILL NO. 69 - THE MARRIAGE ACT

HON. L. EVANS presented Bill No. 69, The Marriage Act; Loi sur le mariage, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

HON. L. EVANS: Again, Mr. Speaker, there are some miscellaneous items that have been put into here; they're mainly housekeeping, and we're acceding to suggestions made by various members of the public.

The Marriage Act requires clarification. This new Act requires clarification in the definition section, or the existing Act requires clarification, to remove the ambiguous references concerning the word "Minister." That is, Minister of the Crown versus Minister of the Clergy. I am advised, Mr. Speaker, that it can be

construed, under the present legislation, that a clergyman has powers which the Act intends to restrict to the Minister responsible for the Act, so that item is being cleared up.

There is another item and that is removal of the requirement for a pre-marital blood test for syphilis. It's deemed by the experts that requirement is no longer necessary, and we are moving on the advice of medical expertise.

Another change in the Act; the definition of Family Court will be changed to coincide with a previous amendment to Part IV of The Provincial Judges Act.

Then there are some other very minor housekeeping items. Again, these items can be very well discussed, if necessary, in the committee stage, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Emerson.

MR. A. DRIEDGER: Mr. Speaker, I move, seconded by the Member for Roblin-Russell, that debate be adjourned.

MOTION presented and carried.

BILL 70 - THE VITAL STATISTICS ACT

HON. L. EVANS presented Bill No. 70, The Vital Statistics Act; Loi sur les statistiques de l'état civil, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

HON. L. EVANS: Again, Mr. Speaker, the changes in this Act are very specific and, nevertheless, have some importance to many people.

First of all, under this amendment, this change of The Vital Statistics Act, I can refer to surgical procedures, and I would advise that surgical procedures and hormonal treatment is available to alterate person's designated sex. This is referred to as a sex reassignment surgery and treatment, and the persons undergoing such treatment are known as trans-sexuals.

Current legislation causes the registration of a person's sex at birth and does not permit any subsequent alteration in the records or certificates of birth subsequently issued. This presents the anomaly whereby a trans-sexual can change his or her given name, to indicate either the male or female gender, but the indication of sex, female or male, on the certificate cannot be changed. The proposed amendment to the Act will make it possible to record the altered gender based on a suitable certified indication from a physician. Mr. Speaker, I can advise this amendment arises from recommendations by the Manitoba Law Reform Commission.

Another item I would like to draw to the members' attention. Current legislation mandates that the newborn child of a married woman must be registered under the husband's surname, and this is considered discriminatory. In addition, the requests have been received to register the surname of a newborn child as the hyphenated surnames of the two parents. For example, the son or daughter of Mary Smith and Bill

Jones may be requested to be registered under the surname of Smith-Jones or Jones-Smith. This, of course, cannot occur at this time, not at the time of registration.

So the proposed amendment would permit the surname of a child to be registered as the surname of the father, or the surname of the mother, or a hyphenation of the surnames of the father and mother in either order. I can advise members of the House, Mr. Speaker, that this amendment is proposed by the Manitoba Human Rights Commission, or it arises out of concerns raised by the Manitoba Human Rights Commission.

There are other sections requiring amendments to update the Act according to revised systems, forms, terminology and procedures. Again, these are very detailed; many of these are very, very minute and certainly of a housekeeping nature, and certainly they will be itemized in the legislative committee and can be debated at that time.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Niakwa.

MR. A. KOVNATS: Mr. Speaker, I beg to move, seconded by the Honourable Member for Portage, that debate be adjourned.

MOTION presented and carried.

BILL NO. 73 - AN ACT TO REPEAL THE SCHOOL CAPITAL FINANCING AUTHORITY ACT

HON. V. SCHROEDER presented Bill No. 73, An Act to repeal The School Capital Financing Authority Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

HON. V. SCHROEDER: The Manitoba School Capital Financing Authority was created in 1966 to assist school boards to finance their Capital expenditures by purchasing securities issued by school boards with money borrowed by the Authority. At the time the Authority was established there was a definite need to assist the school boards, many of which had difficulties in selling their bonds to the public market. It should be noted that the Authority does not regulate the Construction Program of school divisions, which is the role of the Public Schools Finance Board.

The Authority consists of the Minister of Finance, Minister of Education and the Deputy Minister of Finance. However, the Authority has no staff and is operated by the Treasury Division of the Department of Finance. In recent years, with the Minister of Finance having substantial long-term investment funds to manage, such as, the Manitoba Public Insurance Corporation Investment Reserve, and the various sinking funds, including the Province of Manitoba Sinking Fund, there has been a need for long-term investments which has been partially filled by buying many municipal and hospital bonds.

It will be possible to buy all of the bonds issued by school boards in the same manner, meaning that the Manitoba School Capital Financing Authority may be disposed of, but the purpose of the Authority will continue on as the Treasury continues purchasing school bonds, not with funds borrowed for the purpose, but rather with long-term investment money in the same manner as with hospital and municipal bonds.

When clause-by-clause examination of Bill 73 commences, I will provide a more detailed explanation of each clause.

MR. SPEAKER: The Honourable Member for Niakwa.

MR. A. KOVNATS: Mr. Speaker, I beg to move, seconded by the Honourable Member for Roblin-Russell, that debate be adjourned.

MOTION presented and carried.

BILL 20 - THE OCCUPIERS' LIABILITY ACT

HON. R. PENNER presented Bill No. 20, The Occupiers' Liability Act; Loi sur la responsabilité des occupants, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, this bill would abolish the common law rules respecting the duty of care of an occupier towards persons entering on the premises or to persons whose property is on the premises. Under the present law, that is the common law, the duty of care of an occupier depends on the classification of the entrant. Where a person is a trespasser, the law traditionally imposed no duty of care on the occupier except that he or she could not injure the trespasser either intentionally or recklessly. May I say parenthetically that that aspect of the law was most usually applied with respect to injury to young children who would come onto premises, sometimes unoccupied land, and fall into an abandoned well or something of that kind.

This law meant, however, that most trespassers were denied compensation for their injuries and this created particular hardship for children who sustained serious injuries while on neighbourhood property without the permission of the owner. Although the courts, in the development of the common law, because the common law is a growing law, it isn't static, the courts have recently changed the duty of care owed towards trespassers to that of a duty of common humanity and this has caused uncertainty in the law for it is unclear by reason of the fact that it is a common law, not a statutory development, as to how this standard of care differs from that of the standard of the reasonable person which governs liability for example in motor vehicle accidents. So that the Supreme Court of Canada for example in some cases involving common property or property adjacent to railway lines have imposed liability on the railways in instances where children have wandered across some fence and been injured in

circumstances which makes it unclear as to what really the liability of the owner of that property is.

With respect to the other categories of entrance, the law differentiates between those entrants with whom the occupier has a common commercial interest and those with whom he has merely a social interest. Those with whom the occupier has a common commercial interest are classified in the archaic and some would say arcane language of the 19th Century common law as invitees and then there's a higher standard of care owed to those entrants that then there are to social guests who are called licencees.

You will see, Mr. Speaker, if I may again interject parenthetically that you have a confusion of terminology. Terminology which to the ordinary person who should know what his or her duty of care is would leave them in some uncertainty. With respect to invitees, as the common law now is, the occupier must take reasonable care to prevent damage from unusual danger which he knows or ought to know exists on the premises. To licencees, the occupier is only bound not to allow a concealed danger to exist upon the premises of which he or she has knowledge. The present law therefore imposes on an occupier, a lower standard of care towards guests who are invited to our homes for example, than it does towards sales persons who come to our homes to deliver goods or services. Here too, it clearly is an anomaly, particularly at a time when almost all homeowner's insurance policies contain coverage for liability, so that the question is not an abstract one but becomes a real one when anyone is injured on a person's property. The existing law, which can best be described as a dog's breakfast, has been criticized for its uncertainty and for the fact that it is contrary to humanitarian values.

Let me quote, Sir, from a fairly recent case as the law goes, an English case which stated as follows: "A man's life or limb does not become less worthy of protection by the law, nor a loss less worthy of compensation under the law because he or she has come upon the land of another without permission or with permission but without a business purpose. Reasonable people do not ordinarily vary their conduct depending upon such matters and to focus upon the status of the injured party as a trespasser, licensee or invitee, in order to determine the question of whether the landowner has a duty of care, is contrary to our modern social mores and humanitarian values. The common law rules obscure rather than illuminate the proper considerations which should govern determination of the question of duty." That's a statement in a case Rowand and Christian and a judgment of Mr. Justice Peters of the English Probate Division.

This bill would then abolish the present common law and replace it with the following duty of care, namely an occupier must take reasonable care to see that persons or property will be reasonably safe while on the premises of that occupier. An occupier may be an owner or an occupier may be occupying by reasons of a lease.

This duty of care is similar to the negligent standard of the reasonable person which applies in other areas of tort law. An occupier's liability would no longer depend then exclusively upon whether the entrant had the occupier's permission to enter upon his property

or, if permitted whether the entrance was made for a business purpose. Instead, liability would depend upon negligence principles such that the foreseeability of the entry, the likelihood of possible injury and the burden of protecting the entrant from danger would be considered. These are far more relevant criteria I would say for determining an occupier's immunity or exposure to liability and to have worked well in the ordinary negligence law.

I should say, Sir, that they have also worked well in England where for approximately 10 years now the old common law has been replaced by the equivalent to the legislation being introduced today. This change is not a radical change so much as it is one of establishing on well-known principles of liability, the standard of reasonable care and setting thereby by statute, clarifying areas of common law which had become so murky that even those allegedly learned in the law had difficulty in being able to advise their clients as to perspective liability in terms of the standard of care with respect to the upkeep of premises upon which people came.

You know, if one considers that in the ordinary event, your home, my home, Mr. Speaker, are not commercial premises, and yet all kinds of people come onto those premises who are not coming there as my invited guests. Some come by implied invitation, clearly, the postman and the meter reader, others who I have asked to come to give me an estimate on building a fence. But all kinds of other people come. Sometimes they come and knock at my door; it might be your door; the Member for St. Norbert's door; they're looking for Mr. Jones and Mr. Jones is next door. It may be that I have just that day removed a paving block from my sidewalk and dug a big hole and then put a light obscure covering on it and the person falls down and is seriously injured. One would have to ask, should that person be able to collect damages from me, it might be in the event that I am insured from an insurance company, but that's not really relevant, or not? Without purporting to answer that question, all I'm saying and all this bill says is the answer to that question should be much clearer than it is now.

Therefore, I commend this bill to this House, Mr. Speaker.

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

MR. G. MERCIER: Mr. Speaker, a question to the Attorney General. In the event I missed it, could he confirm that the bill is based on a report from the Manitoba Law Reform Commission?

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Yes, I'm happy to confirm that is so.

MR. G. MERCIER: Mr. Speaker, I move, seconded by the Honourable Member for Turtle Mountain, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, I believe that exhausts the list on second reading. Therefore, I would move, seconded by the Minister of Community Services, that Mr. Speaker do now leave the Chair and that this House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

Mr. Speaker, in the House, the three matters to be considered will be the Interest Rate Relief, the Emergency Measures and the Canada-Manitoba Enabling Agreement. In committee, the matter to be considered will be the Estimates of Executive Council.

MOTION presented and carried and the House resolved itself into a Committee to consider of the Supply to be granted to Her Majesty with the Honourable Member for River East in the Chair for the Estimates of Interest Rate Relief, Emergency Measures, the Canada-Manitoba Enabling Agreement; and the Member for Burrows in the Chair for the Estimates of Executive Council.

CONCURRENT COMMITTEES OF SUPPLY SUPPLY - EXECUTIVE COUNCIL

MR. CHAIRMAN, C. Santos: Committee, please come to order. This section of the Committee of Supply will now be considering the budgetary Estimates of the Executive Council. Consistent with tradition and practice in this Committee, we shall start with an opening remark by the Premier of the Province of Manitoba.

HON. H. PAWLEY: Mr. Chairman, I just have very few remarks in respect to my opening comments. First, members will ascertain that this is basically a hold-the-line set of Estimates. Public sector advertising, hospitality and international development funds are all frozen at last year's level.

The salary increases for two fiscal years are reflected here. As in every other department of government, every section of the Executive Council staff has been asked to tighten up in respect to Other Expenditures, so there are two fiscal years reflected here by way of salary increase.

After the Estimates were approved and printed, Cabinet concluded its review of government informations and communications; the result of the information change that I announced near the end of February, taken with some other minor staff adjustments, will be a small reduction in the number of staff in Executive Council for the year 1983-84. The day-to-day work and overall responsibilities of staff in the Executive Council are virtually unchanged from 1982-83.

It is probably best that we move quickly to various questions, but first, before we do, I would like to make one comment pertaining to a well-respected member of staff, senior member of the Executive Council staff, who is retiring from the Civil Service this month, and I am referring, of course, here to the Director of the Advertising Audit Office, Mrs. Marg Simons. When Mrs. Simons joined the Civil Service in 1973, and when she became Director of the Advertising Audit Office in 1975, she brought with her a great deal of intensive knowledge and expertise in respect to the advertising industry,

excellent knowledge from both inside and outside of the Winnipeg media. She has earned the admiration of three provincial administrations, as was well illustrated by the comments from both sides of the committee during the review of the Estimates last year; and she served each department, and the government, as a whole, in a professional manner, seeking always to ensure effective and efficient advertising for Manitobans.

I want to make those comments in regard to Mrs. Simons, and I am sure that both sides of the Chamber, members from both sides, from government and from opposition, would wish to join with me in taking this particular opportunity to congratulate her on a job well done, and wish her all the best in the years that lie ahead.

Those are my remarks, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Premier. The Chair now calls upon the Leader of the Loyal Opposition for a reply, if he might wish to make one.

HON. S. LYON: Thank you, Mr. Chairman. There is no long reply required.

I would join with the First Minister in expressing our best wishes to Marg Simons as she takes her retirement from the Advertising Audit Bureau. I don't know that the advertising industry in Manitoba has quite gotten over the fact that she left them to go to government service, and the quality of service, as reported certainly in our administration - I'm sure it's the same now - that she has given to the people of Manitoba has been of the highest standard. So we do wish her well on her retirement, and we wish the government well in trying to recruit somebody to fill those extremely expensive shoes with a person as capable as Marg Simons is.

A couple of preliminary comments, Mr. Chairman, I think it would be helpful if the figures are available, if we could have an updated list of the staff - we had one last year offered to us, Staffing Report as at May 28, 1982, Executive Council - if we had something along the same line. Then we had another paper last year showing the salary detail of the Executive Council - I presume all of this information's in the briefing book as usual - if that could be made available.

Also, last year it was found helpful, and it might or might not elicit questions, but it would probably save some lines of question if we had the Advertising Estimates from the departments and Crown corporations. This was a document entitled, "1982-83 Departments Program Legal Career," and showing the total of the advertisements. That was helpful and I think it might facilitate things if we had that.

We had as well, although I think I may have prepared it myself or had it prepared, a list of all of the deputies who are now on staff, because there is a possibility there might be some questioning along that line. I think that kind of general background material if it were made available within a reasonable time would be helpful for the general discussion of Executive Council and these Estimates.

HON. H. PAWLEY: Mr. Chairman, there will be no problem, I think, with any of those requests. Some of those could be made available now. There might be

some, re that list of deputies, that staff might require at 8:00 for distribution, but there will be no problem in providing those lists.

MR. CHAIRMAN: Thank you, Mr. Premier.

Postponing our consideration of Item 1.(a) relating to the salary of the Premier and President of the Executive Council, we shall start with Item No. 1.(b)(1) and 1.(b)(2), Management and Administration: Salaries and Other Expenditures. The staff are invited to take their respective places.

The Leader of the Opposition.

HON. S. LYON: Mr. Chairman, it's in this item where that kind of information that I've just requested would be helpful but I have no . . .

HON. H. PAWLEY: We're just taking it out of the book and maybe we could have it ready . . .

HON. S. LYON: I was merely going to say that I can ask the same questions under Salary or under some other compatible item so as not to delay passing if you want to go ahead with it. Unless other members of the committee do, I can't presume to know all of the questions other of the members of the committee might want to ask.

MR. CHAIRMAN: 1.(b)(1); 1.(b)(2) - What is the pleasure of the committee?

HON. S. LYON: Under (b)(1), there's an increase of \$213,000, I presume that is largely, as the First Minister indicated, I presume that is largely pay increases, rather than increases in staff but, again, that will be answered I take it from detail.

HON. H. PAWLEY: That is correct. The increase is for two fiscal years.

HON. S. LYON: There is a delightful reduction of \$14,000 under (b)(2). These are so rare one has to ask about them.

HON. H. PAWLEY: The reduction relates to Treasury Board restrictions on travel and other items.

MR. CHAIRMAN: 1.(b)(1)—pass; 1.(b)(2)—pass; 1.(c) Government Hospitality - Mr. Premier.

HON. H. PAWLEY: This amount remains the same as '84 and, I believe, there is no change in '84. Well there's a change last year, but there's been no change this year in that amount. I believe there's been no change in three years.

HON. S. LYON: Was it from this vote, Mr. Chairman, or was it from another vote that hospitality was offered on behalf of the people of Manitoba to the Marxist Symposium at the University of Manitoba earlier this year?

HON. H. PAWLEY: No, it wasn't in respect to this list. We can provide a list of the hospitality grants if the Leader of the Opposition would like.

HON. S. LYON: That would be satisfactory if the list is available to us.

HON. H. PAWLEY: I think we could - can we distribute that now?

MR. CHAIRMAN: 1.(c)—pass; 1.(d) International Development Program - Mr. Premier.

HON. H. PAWLEY: There has been no increase here though I want to say I regret being unable to provide for some increase under this allocation this year from last year. I think it's a very worthy organization doing excellent work. We were not in a position to provide for any increase in this allocation and, as I say, I regret that.

HON. S. LYON: Mr. Chairman, although the amount of money is the same, and I presume that the matching arrangement is the same, in that it used to be that for every dollar that the Province of Manitoba gave that was matched by \$2 from CIDA, and from private donations to the different church and other philanthropic groups that worked in this area. Could we have advise as to whether or not the nature of the programs have changed, and I suppose that, in turn, is best answered by having just a list of the programs, the location of them, who's in charge of them, whether it's the Mennonite Committee, or whomever.

HON. H. PAWLEY: There has been no change pertaining to the criteria, and we could obtain a list of the various projects that have received funding under this program.

MR. CHAIRMAN: 1.(d)—pass; 1.(e)(1), 1.(e)(2) French Language Services: Salaries, Other Expenditures - the Leader of the Opposition.

HON. S. LYON: A question arises here, Mr. Chairman, as to whether there is any other matching operation with government that has been established, in addition to this service group which was brought, as I recall, under the Premier's Office last year; although it had its genesis in our time - I'm just not sure of where it was lodged in our time. Is there any other group within the government, or Crown corporations, that are giving attention, either full-time or part-time, to French Language Services?

HON. H. PAWLEY: Okay, now this section originally, during the time that the Leader of the Opposition served as First Minister, rested in the Department of Cultural Affairs, and was transferred to Executive Council. In addition to the expenditures, relative to French Language Services, there is funding provided for in the Cultural Affairs department pertaining to translation. In addition, in each department, there is a person that's been named as a co-ordinator in order to co-ordinate the various French Language Services that might be felt necessary in each given department. But, insofar as expenditures of funds, those would only involve, outside of the amount here, those funds provided for in the Department of Cultural Affairs for translation.

HON. S. LYON: I take it, Mr. Chairman, that the persons designated, and I've seen a list of them for each of

the departments, to act as liaison for French Language Services, that is a part-time position that these otherwise full-time people hold in addition to their regular duties.

HON. H. PAWLEY: That is correct.

HON. S. LYON: In all cases?

HON. H. PAWLEY: That would be true in all cases.

HON. S. LYON: And wherever possible, I take it . . .

HON. H. PAWLEY: And there have been no additional people that have been hired for this purpose.

HON. S. LYON: The Civil Service Commission this past month turned out a document entitled, "Inside Outlook, Volume 2, Issue 2," dated May, 1983, talking about services available in French. This is an expenditure, I take it, that is made pursuant to the Civil Service vote; would the French Language Services have made any contribution to this document, "Inside Outlook?"

HON. H. PAWLEY: Mr. Turenne certainly had a hand, in respect to the providing of the material to the Civil Service from this particular branch. The funds that were required, in order to publish the material that the Leader of the Opposition is holding, were provided for under the Civil Service vote.

HON. S. LYON: This document - I realize it doesn't come under this vote, but perhaps the First Minister could indicate - Volume 2, Issue 2, I don't recall seeing Volume 2, Issue 1, or Volume 1, Issue 1. How long as it been extant?

HON. H. PAWLEY: I have been advised there are about three or four issues. The last issue would have been approximately a year ago.

HON. S. LYON: So it's an annual document?

HON. H. PAWLEY: It has been coming out - it's actually quarterly - but I gather there hasn't been any issuance for some time. Approved two years ago, started a year ago, coming out on approximately a quarterly basis.

HON. S. LYON: This would be under the Civil Service Commission vote, I believe it was said. Do we have any idea of what the cost of this would be? Who receives it? What is the distribution?

HON. H. PAWLEY: Insofar as the receipt, every employee of the government receives the document. Insofar as the costs, I think we could find that out if the Leader of the Opposition would like to leave that until later on.

HON. S. LYON: Yes, I'll just make a mental note about "Inside Outlook." This is a document, and here are the names, by the way, on the right-hand corner of the document, "French Language Services - Departmental Co-ordinators" and each of the departments are listed and the names are helpfully put beside the departments

with the phone numbers at which these liaison people can be reached. That's where I saw the list, I guess it was.

There is a statement in the text referring to services available in French which I would read into the record, and I would be interested in having the First Minister's observations on it.

"Q. Why is Manitoba beginning bilingual services at this time?

"A. Manitoban entered Confederation in 1870 under conditions guaranteeing the equality of both official languages. These rules still hold, according to the recent Supreme Court rulings. The present French language services policy seeks a practical and reasonable application of the two official languages in the context of today."

Then there is a further series of questions and answers, Mr. Chairman, that follow upon that. I realize that we're not engaged here, nor should we be, in a seminar on early Manitoba history, but I would be interested to have the First Minister's comment on the statement, "Manitoba entered Confederation in 1870 under conditions guaranteeing the equality of both official languages."

I suggest that Manitoba entered Confederation in 1870, bound by Section 23 of The Manitoba Act, which provided that French or English might be used in the courts of the province and the Legislature of the province, which then had two Houses, and that statutes of the province shall be translated - I think the exact wording was in Section 23 - into both languages.

I would be interested to have the First Minister's observations as to whether he and/or his advisors regard Section 23 as having guaranteed the equality of both official languages in Manitoba. I am not trying to trick him or get him into an embarrassing position on this at all, but one quickly casts one's mind to Section 133 of The British North America Act, which in effect said very much the same thing with respect to the Province of Quebec and the Government of Canada, that people should have access to plead in the courts of Canada or the courts of Quebec in either English or French; that either language could be spoken in the Legislature of Quebec or in the Parliament of Canada; and finally that the statutes in both the Legislature of Quebec, the two Houses, and the two Houses in Canada shall be translated into English and French.

When one considers that Section 133 can hardly be thought historically to have guaranteed the equality of both official languages, except in the courts, in the Legislature, and for the printing of the statutes, what then is the derivation of the statement that Manitoba entered Confederation under conditions guaranteeing the equality of both official languages? One must remember quickly that equality in the courts, in the Legislature, and the fact that the statutes had to be printed, that was guaranteed. But where else was equality guaranteed either in 133 of The British North America Act or in 23 of The Manitoba Act, and putting the whole argument on the table so as not to lay any traps for the First Minister, if in fact 133 guaranteed equality across Canada of both official languages, why then did the Government of Canada find it necessary in 1968 to pass The Official Languages Act which, in fact, did then begin to guarantee equality, which one must presume theretofore had not been guaranteed under 133?

HON. H. PAWLEY: Mr. Chairman, first in respect to Section 23 - the Attorney-General has given me a copy of the section - either the English or French Language may be used by any person in the debates of the House of Legislature; both those languages should be used in respect of records, journals, those Houses; either of those languages may be used by any person or in any pleadings or process in or issuing from any court of Canada established in the BNA Act.

I think, reflecting back to the historical circumstances of 1870, the main function of government, the two levels of government, both the lower and the higher level of government at that particular point, and the courts and the Statutes and the journals of the House, that was the intent; that was the nature of the understanding. From that, can we assume that Manitoba was designated as a bilingual province? No, I think that it was anticipated that there would be access to certain services in the province to be provided to our French-speaking and English-speaking peoples in their own language and in particular fields and areas.

HON. S. LYON: Can I take it then, that particular quotation, "Manitoba entered Confederation in 1870 under conditions guaranteeing the equality of both official languages," that raises the same query in the mind of the First Minister that it raises in my mind as to the accuracy of that statement?

HON. H. PAWLEY: Mr. Chairman, I have indicated, indeed, if it's thought that what we are proposing to do in respect to Manitoba; namely, the services, is to provide bilingual services along the same basis as the Federal Government, for example, in its public service, then that would be an incorrect assumption to arrive at.

What is being done is the continuation indeed that the Leader of the Opposition while First Minister undertook, was to ensure that there would be French language services that would be provided in certain circumstances; i.e. areas where numbers warrant, regions of the province where there is a heavy Francophone-speaking population, or in the head offices of departments or Crown corporations. That is quite a different story than to do, as indeed has been done at the federal level, to carry the bilingual service in a much wider, much more all-encompassing manner.

HON. S. LYON: I would agree, Mr. Chairman, that following the Forest case in 1979, I believe it was, in a statement I referred to the other day that I made to the Legislature about the province's acceptance of the rule of law and that the province would move to give effect to that judgment, there was contemplated and there was established, of course, the French Language Service in the Department of Cultural Affairs, and there was some attempt being made to provide services in areas where required in French as well as in English, but all of that was being done not as a direct result of the Forest case. It was being done as an evidence of good will of the government, but it was not being done under any imperative, either constitutional or statutory such as is envisaged in the draft agreement which the Attorney-General tabled a week ago Friday, I guess it was, which now will make what was being done heretofore a constitutional imperative.

Does the First Minister not acknowledge the distinction between the extension to Section 23 that is envisaged in the agreement, tabled by the Attorney-General, of constitutional imperative that is being knitted in to the Constitution of Manitoba as opposed to the policy that was initiated by the previous government, carried on by the present government, to give effect to the Forest case, and to provide not under any constitutional imperative because there was never any constitutional imperative there, but to provide services in French and English in different areas of the province where those services might reasonably be called upon by Franco-Manitobans?

HON. H. PAWLEY: Mr. Chairman, first it's our opinion that we had a legal and a constitutional responsibility to provide Statutes in English or in French and, in addition, constitutional responsibility to provide for a bilingual service both in our courts and in our Legislature.

The Forest case and the Bilodeau case indeed could have, by their very nature, required the translating of the Statutes of the Province of Manitoba, either to be completed within a very unreasonable period of time - that could have been the end result of any decision arising from any Supreme Court ruling - or in fact - and this would be an extreme, but courts do sometimes rules in bizarre ways - the invalidation of the laws of the Province of Manitoba.

What the Attorney-General was able to achieve was to obtain 10 years to ensure that the Statutes of the province were translated, not every Statute in the province, but those crucial, important Statutes insofar as the laws of the Province of Manitoba, leaving out many of the private Statutes and other Acts that would have cost large sums of monies to have translated.

Now, in addition to that, what the Attorney-General has done, because in any agreement re the postponement of such as this, the postponement of the translating of Statutes to give the province time to translate the Statutes as bound by law, we have agreed in return to provide the kind of services that were announced in March of 1982, and the kind of services that the Leader of the Opposition while Premier had no quarrel in respect to the establishment of, when the then Premier established the French Language Service area. To achieve time, to achieve financing, it's necessary at the same time to be prepared to commit ourselves to give something in return. In this case, what was given were the commitments that were already given policy-wise and I assumed, in fact, with the support of the opposition in the Legislature in March of 1982.

MR. CHAIRMAN: The Attorney-General.

HON. R. PENNER: If I might just add a word, I think that the question posed by the Leader of the Opposition may be answered in part by saying, yes, insofar as that statement in "Inside Outlook" suggests that at any point, either as a result of the passage of Section 23 of The Manitoba Act or . . . or subsequently as a result of court interpretations, there was because of those two facts that Manitoba was constitutionally completely bilingual, I think it's right to say that, no, that statement

must be read with qualifications. I think he's right to raise that issue.

I would just add this, that one of the qualifications to Section 23 itself, which flows out of decisions of the Supreme Court, relates to the Blaikie decision, and I just take a moment to indicate that there are grey areas there. That is, the Blaikie decision, in referring to decisions of the Privy Council on constitutional matters, pointed out that with The British-North America Act, there was planted in Canada a living tree capable of growth and expansion within its natural limits. It goes on to say that dealing in this court here, that's the Supreme Court, with a constitutional guarantee, in there they were referring to Section 133, and the Leader of the Opposition is correct in pointing out that the language of Section 23 and 133 are identical except for the reference to Manitoba in one and Quebec and Canada in the other.

Dealing at this court with constitutional guarantees, it would be overly technical to ignore the modern development of adjudicative agencies which play so important a role in our society, and to refuse to extend to proceedings before them the guarantee of the right to use either French and English by those subject to their jurisdiction.

So I would just say that part of what is spelled out in the proposed amendments to Section 23, contained in that French Language Services section, takes into account this observation of the Supreme Court of Canada. Part of it doesn't, and the Leader of the Opposition is correct in pointing out that there is something in the proposal which, with respect to the obligation on government to supply its services from head offices and other offices where numbers warrant its services in both languages, that that is new.

MR. CHAIRMAN: The Leader of the Opposition.

HON. S. LYON: I thank the Attorney-General for that observation. He will recall, I don't have the judgment in front of me, but we can get to it tonight, but he will recall the judgment of Chief Justice Des Chenes in the Blaikie case in which, with the simplicity that I think was brilliant on the part of the Chief Justice, he made an observation, perhaps obiter, but still helpful in terms of elucidating how the development of the language situation in Canada came about. In parenthesis, I say, Mr. Chairman, that there is a tendency on the part of some academic, some writers on this topic, to make the easy transference between the situation in Quebec and the situation in Manitoba. I suggest that neither history, the law, or any of the touchstones that one would ordinarily look to, support that kind of easy transference as to, if something is done in Quebec, it must be done in Manitoba. There is no convention, that I am aware of, historical, legal, political or otherwise that makes that the case. Chief Justice Des Chenes, I'll get the exact Citation for the Attorney-General and for the First Minister, made this comment in that respect which shed, I think, a light on it when he said, "The use of English in the courts and in the Legislature of Quebec was taken for granted." With or without a constitutional guarantee the use of English in the courts in the Legislature was taken for granted. The second observation I'll come to when we resume.

MR. CHAIRMAN: The hour being 4:30, we're interrupting the proceedings of this committee for Private Members' Hour.

SUPPLY - EMERGENCY INTEREST RATE RELIEF

MR. CHAIRMAN, P. EYLER: We are considering the Estimates of the Emergency Interest Rate Relief Program, Item 1. Does the Minister have an opening statement to make?

Madam Minister.

HON. M. SMITH: Basically the Interest Rate Relief Program for small businesses has been proceeding as designed. Because of the reduction in interest rates in the last period of time, the intake of new people is substantially reduced. The program, to date, has 425 firms receiving assistance with the total value provided, \$2.215 million, and the number of jobs involved, 1,610.

One of the most important components of this program has been the counselling assistance provided to the firms. Of the over 400 firms involved, the very extensive in-depth counselling has been provided to 128. We have found that in addition to the financial crisis brought about by the high interest rates that very often a small business is particularly stressed to deal with the complexities of marketing, production, inventory control and so on and that with the addition of counselling assistance, many of them have been enabled to withstand the pressures and come through the worst of the recession period.

The program was designed to assist firms not only who were in financial distress, but were really faced with imminent closure. So I think we can confidently say that in excess of 1,000 jobs have been protected and saved as a result of this program.

There has, of course, been some failure rate of firms who got onto the program, because we were dealing with a changing and deteriorating situation for many, but that percent has been kept to 2.6 percent, I think, largely attributable to the fact that the program was well-designed and that the Advisory Board and the staff have been very conscientious in applying the criteria as they were designed.

Continued assistance will be given to, at this point, 340 firms. We have about 300 new firms applying for first-time assistance. As we say, the possibility of refinancing is being explored with each of those now that the banks are dealing with lower interest rates. The monies in the program will only be drawn on where that other type of assistance cannot be secured.

We are seeing a turnaround now in the rate of bankruptcies. As of January, '83 compared to January, '82, we were seeing a 21.4 percent decrease. That really marked the turnaround and, although the bankruptcy rate is still heavy, it is showing a slowdown in pace. So we're seeing this program as having fulfilled its emergency character and, by the time the two years are complete, it will have achieved basically the objective that was set out for it.

MR. CHAIRMAN: The Minister of Agriculture.

HON. B. URUSKI: Mr. Chairman, just to briefly comment on the agricultural component of this program. My colleague, the Minister of Economic Development, has spoken about the small business component.

I wish to place on the record for the information of the honourable members that up to this time as of the end of May or the last week in May, we have received applications from the farming community as well as recommendations from the Manitoba Indian Agriculture Program, a total of 1,166 applications for assistance under the Interest Rate Relief Program. Of those, 1,088 have been recommended, and 858 have been approved to date.

To date, approximately \$3.5 million has actually flowed under this component with a possible payout, if the Interest Rate Relief assistance is applied for two years as to the number of farmers who are on the program will be in excess of \$5 million.

There have been, I should say, and I have given the Honourable Member for Arthur information as to how many farmers who were on the program went out of business - I may have that information with me - I believe it's three. I think it's three farms who have ceased operating who did receive assistance under the Interest Rate Program, but I thought I had it here. I know that I provided that information earlier when the honourable member had raised a question, but I didn't have my note on that here.

The program basically has and is meeting our objectives in terms of providing a measure of financial assistance to the medium-sized and smaller farmers of this province, but as well has assisted our staff in providing long-term counselling and the ability of staff to assist farmers in developing sound refinancing packages, those who are in a viable position. The financial counselling has greatly assisted during these difficult times that many in the farm community are facing.

As well, this exercise over this past year has given staff a great deal of ability to cope with and deal with some of the other financial difficulties that farmers are faced with and, of course, the follow-up and the backup to the financial review panels. The process basically that we are undertaking in this program is being carried on for the review panels. The same kind of in-depth analysis and consultation and advice that is provided under the Interest Rate Relief is as well being done with respect to farmers who are in financial difficulty and may not qualify for Interest Rate Relief, but are in a position to be renegotiating their loans with their financial institutions.

Sir, the program, as indicated earlier, has basically assisted over 800 farmers, maintaining their farming operation of which a very small portion or small number have actually ceased operating to date. It is our hope that, by the time the program finishes, that of course the farmers will be in a better financial position to carry on, on their own.

We certainly recognize that the program wasn't the end-all and be-all but did provide some financial assistance, but the greater measure of assistance is in the area of management-assistance counselling and advice of that nature to make sure that during these difficult times, farmers can actually survive and do it in a planned and rational way by having assistance provided in a professional manner, and I want to, at this time, pay credit to all our field staff who have worked in some trying circumstances dealing with people, with the farm community, who have experienced some very difficult times and I want to commend the farm

community and as well, our staff, in being able to co-operatively work through some of the difficult situations that arise. The workload has been no easy task, but certainly the commitment of staff is there and we certainly are prepared and they are prepared to assist the farm community as best they can.

MR. CHAIRMAN: Does the Minister of Housing have an opening statement?

HON. J. STORIE: Thank you, Mr. Chairman. I would just like to put a number of comments and some statistics on the record as did my colleague, the Minister of Agriculture and the Minister of Economic Development.

The Interest Rate Relief Program for homeowners is administered through the Manitoba Housing and Renewal Corporation and we have been quite active and I think have received the kind of response we anticipated and indeed have helped hundreds and hundreds of homeowners over the past year-and-a-half. Just for the information of members, the program provides assistance to homeowners facing particular hardships because of the interest rates that they're paying and direct subsidies up to a maximum of \$275 are provided on mortgage values, on the first \$40,000 of principal.

There are some additional guidelines for residents north of 53, recognizing the additional costs of home ownership in those areas. However, the uptake has not been that significant in the northern parts of the province.

The estimated program benefits for '83-84 are approximately \$1.8 million and, as might be expected, as the interest rates continue to slide, we are finding a number of the people that are applying for their second year of benefits are no longer eligible because of their renewal rate and so we see some fluctuation in the numbers that the program is handling. At the present time, we're currently receiving approximately 50 new applications per month. The current number of clients receiving benefits is 698; that's as of May 31st. That is a drop from 760 that were receiving benefits in April, and approximately 800 through most of November, through the end of February.

I should indicate that applicants are required to renew their benefits, to reapply, after a full year of receiving benefits. To date we have mailed out approximately 8,000; applications have been requested. We have received back approximately 2,000; we have provided benefits to the neighbourhood of 1,300 people and, as I indicated previously, we're providing benefits at present to 698. The total expenditure, to date, is approximately \$1.6 million and we estimate that, given the current rate of approval, that in the area of \$4.8 million would be committed by the program, that's given the present rate of applications and the present rate of disbursement of funds.

I think that the program has worked quite well; we have provided benefits at a time when people were faced with high interest rates. It has been well received and the fact that clients continue to come on and go off the program indicates we're helping them through a very difficult period and that was one of the objectives.

Basically that's all I have to say, Mr. Chairman.

MR. CHAIRMAN: The Member for Arthur.

MR. J. DOWNEY: Mr. Chairman, I wonder if the Minister of Economic Development would - I didn't mark down the figures that she started out with; I wasn't quite prepared here. How many people did she say that she had helped in the small business and how much money was spent by her department?

MR. CHAIRMAN: The Minister of Economic Development.

HON. M. SMITH: The number receiving assistance is 425. The value of assistance, \$2.215 million, but the number of jobs involved, 1,610, and of this group, I said, in the intensive counselling end of it - I haven't got it just here, but I'll locate it.

MR. CHAIRMAN: Order please. Is the Member for Arthur clarifying statements in preparation for a response to the Ministers or is he ready for the officials to come in?

The Member for Arthur.

MR. J. DOWNEY: What was that, Mr. Chairman?

MR. CHAIRMAN: Are you just clarifying details of the presentations in preparation for your official critic's response or are you ready now for the officials of the department to come in?

MR. J. DOWNEY: Mr. Chairman, it doesn't really matter whether the officials are here or not, as far as I'm concerned. It isn't any different than a committee hearing. If they want to come in, it's quite okay; I'll be making a few comments in response to the Minister of Agriculture and probably a few comments to the other Ministers, so if staff want to proceed in, I can wait a minute, if you want.

The Minister of Agriculture hasn't got any staff to help him with this that's why it's not going very well. — (Interjection) — They've all left him stranded with this program.

Mr. Chairman, in commenting particularly on the agricultural program, I would say that some of the requests that the Minister felt weren't important, I think, may have been fairly valuable in helping to make the operation of this program a little more meaningful to the farm community. For several months, the opposition had been requesting that the maximum gross income that people could have should be expanded over \$70,000, and if that were to have happened, then the program could have been made available to a lot more people. But it would appear, Mr. Chairman, in hearing the comments from the three different Ministers, that there really hasn't been that many people helped when you look at the overall population of the Province of Manitoba and those people who are either farming or who are in small business or, in fact, in houses.

As they indicated during the election campaign, I took it, Mr. Chairman, and I'm sure the majority of Manitobans expected, that the New Democratic Government was going to do something about the overall interest rate that everyone would pay; that there would, in fact, be a program that would assist or relieve

every Manitoban who was in need of money from the exorbitant high interest rates — (Interjection) — well, the Minister of Agriculture says, the money tree. They are maybe realizing now that there isn't such a thing as a money tree; that the taxpayers of the province are the people who pay for the kind of expenditures that they try and carry out.

There were, as I indicated, some positive suggestions made by the opposition and there wasn't any move made by the government. I would expect the Ministers to have responded to what their thoughts are on the current interest rates. What are they actually paying now in relationship, or what support are they getting under this program as opposed to an individual who is not in it if they were to go out and get support?

The real question is: How much real meaningful support is there in this program, whether it be for the homeowner or whether it be for a farmer or whether it be for a businessperson? Are there still people who are feeling the current interest rates as one of the major things that are causing them a problem, or is it the carryover of continuation of high interest rates for some two years or so prior to this particular point in time, the buildup of interest debts, the buildup of unpaid capital amounts that, because so much money was going for interest, the people weren't able to serve or make payments on their capital. I think it's important that we know that so that we can comment on what changes may or may not be needed for the program so that they could accommodate or they could support or help more people.

If the Ministers could in some way give us an indication of what the current interest rate that people within this program are paying, was it a one-shot deal? Particularly for the farm community, as I understand it, you were eligible for up to a \$6,000 payment — (Interjection) — well, the Minister says, three and three. So that's a \$3,000 grant and a \$3,000 repayment program. What has the average size of the interest rate relief been to the farm community? He indicates there are some 858 loans approved for some \$3.5 million. What has the average size of that support program been, or the payment to the producers? What are the repayment terms? What is he expecting them to do, and when does he expect that to be paid back?

In Housing, the Minister of Housing has indicated that there were hundreds and hundreds of homeowners helped, but when it came right down to the figures that he gave us, I believe he indicated there were just over 1,000 people had received - 1,300 people had received support. Well, that's a fair exaggeration, I would say. Some 1,300 is several hundred all right, but not in the magnitude or the size in which he tried to lead this House to believe. I think the critic for Housing will probably have a few comments to make, as well as some of my other colleagues.

Maybe the Minister of Agriculture could respond to the questions that I have asked him, so I can . . .

MR. CHAIRMAN: The Minister of Agriculture.

HON. B. URUSKI: Mr. Chairman, the honourable member should be made aware that the bulk of the assistance provided under the program is at the maximum level of \$6,000.00. As indicated, in either of

the three programs the applicant must re-apply for assistance in the second year. They have to make application.

I should mention to the honourable member that in the second year of the program, there have been 152 applications of those 1,000, because the applications did not come in at the same time, they're spread out during the whole year. The bulk of the applications are at the maximum level. Of the 858 who have been approved, as I've indicated earlier, they are at or near the maximum amount.

I don't recall the honourable member's other question.

MR. J. DOWNEY: The other questions, Mr. Chairman, is there an effective interest rate that they're paying at this particular time, or what is the interest rate that they're paying? What are the repayment terms on the \$3,000.00?

HON. B. URUSKI: Mr. Chairman, the effective interest rate that - you're talking about on the loan portion? That loan portion comes into play in the second year, interest-free for two years in the program. The interest rates that farmers are paying vary as to whichever institution or trade that they are with. It may vary on their accounts, some of which are in the 20-percentile range, some of which are below that.

The bulk of the funds under the program is being paid out to trades and to financial institutions, because one condition of the program is that operating credit is made available to farmers to continue their farming operation, that they can continue onwards. So that other operating credit is made available to them, and made sure that they are able to operate. It's not just a matter of receiving the grant monies under the program and the loan monies under the program and, of course, being phased out if a creditor wishes to foreclose. One of the criteria was that further funds are made available to the farm operator to continue his operation.

The effective rate today in MACC, I believe, is at 13 percent on the long-term borrowing rates.

MR. J. DOWNEY: There are a few things I'm not clear on, Mr. Chairman. He has indicated that the clients or the farmers who applied were in a 20 percent loan program or the loan money they had borrowed was costing them some 20 percent. What I have asked them now is, on the loan portion of the grant, what is the interest rate that the government are charging them on unpaid funds? What is the policy on that?

HON. B. URUSKI: Mr. Chairman, there is no interest rate on the loan portion at the present time. The interest rate will not be effective on the loan portion of the grant which is in each year, 3 and 3 an earned grant and in the second year 3 and 3, for a maximum of 6,000 earned and 6,000 loaned. The loan will be negotiated at the rate at the time the two-year program is in place. At the present time, there is no interest rate on the loan portion and that will be put into place when the two-year period from the date of application expires.

MR. J. DOWNEY: I am not clear now, Mr. Chairman. The Minister said that there is a 3 and 3 for two years;

you get a loan of \$3,000 the first year and grant of \$3,000 the first year, an earned grant. The second year you get a \$3,000 loan and additional \$3,000 grant. That leaves \$6,000 in grant to that particular person and \$6,000 in a loan to that individual. So really there is \$12,000 of taxpayers' money gone into that program per individual. Now I am clear on that. What will the interest rate be on the \$6,000 that is the loan portion, Mr. Chairman?

HON. B. URUSKI: Mr. Chairman, the interest rate will be whatever the rate is at that time because one cannot determine what the interest rates will be two years hence. Some applicants applied for their first time in and around December of 1982 and, of course, the two-year time frame will not come into play until December of 1985, whatever the rate will be at MACC at that time. At present, the long-term borrowing rate at MACC is 13 percent.

MR. J. DOWNEY: How many people, Mr. Chairman, have automatically qualified for the second-year grant? This is the first time that I've been made aware that the program was a two-year program; that after you got your first \$6,000 that you got 3 and 3, and I thought that was it. Now we're finding out that that is again available on the next year. Is that an automatic qualification and of the 800-and-some people who have been approved, 858 approved, they automatically get the \$12,000 each?

HON. B. URUSKI: No, Mr. Chairman, they do not specifically. They have to reapply and if their financial situation has not improved and they qualify, but they have to reapply for the second year.

MR. J. DOWNEY: Mr. Chairman, how many have reapplied? How many have been accepted on the second year's application?

HON. B. URUSKI: Mr. Chairman, I indicated to the honourable member that 152 have applied for the second year and 100 have been approved to date.

MR. J. DOWNEY: Mr. Chairman, so there are two things. One is that the farmers have either decided that the program is of very little use or the timing of the program is - when is the end of the second year? When is the end of the first two-year program, what date is the end of the first two-year program?

HON. B. URUSKI: Mr. Chairman, the end of the second year of the program will be two years following the date of application. You could have ostensibly applied any time from the date of the announcement of the program within one year. In effect, if you applied at the last day and it were approved on the last day of the first year of the program, it would be two years hence. So that the applications are effectively staged. It is a running tally. So that if you applied, let's say, in July of '82, the two-year period will not be until July of '84, whenever you applied and whenever the approval date was given to the program. So it's two years from the date of application.

MR. J. DOWNEY: Is the program still available for new entrants to apply? What have the number of new

entrants been or new requests, say, in the last six months? What is the current situation with people wanting assistance on interest rate?

HON. B. URUSKI: Mr. Chairman, I can tell the honourable member that there have been five new, for the first time, recommended in the last week from the various regions for the first-time applications, as an indication. I can't give the honourable member a breakdown, but I would guesstimate that in the last three or four months, we have had and if I recall around the beginning of the year there was between 500 and 600, so we're probably looking at an additional 200 to 300 applications have been approved, have come in since the beginning of the year.

MR. J. DOWNEY: Mr. Chairman, I asked the Minister to make a comment on what he thought the acceptability of current interest rates for the agriculture community and for the carrying on of the farming operation and he didn't indicate that he had any thoughts on it or, as well, I wanted to know, Mr. Chairman, if in fact he considered making changes to support other people who were not within the criteria as was originally struck. We had asked another question, and the Minister can answer when he's on his feet is, does the Manitoba Agriculture Credit Corporation handle that entire program? Is that all under MACC?

HON. B. URUSKI: Mr. Chairman, specifically the loan and grant portion of the program are handled on the farm component through MACC. There is a departmental review committee that meets with MACC officials on applications that they may have difficulty with, and there has to be additional assessment made and questions raised. Mr. Prindle sits on that committee with MACC officials.

Mr. Chairman, yes, I was very close in my figures to the honourable member that in January we had just under 600 approvals in '83. On an average from about June of '82, we were running anywhere from a low of 30 to a high of 88 per month of application approvals. It ran 88 in June; in July, 63; in August, 52; in September, 26; in October, 43; in November, 53; in December, 96; in January, 65; in February, 80. Those are the tallies that were going from month to month.

Mr. Chairman, the honourable member raises the general question with respect to how low and the acceptability of interest rates to — (Interjection) — oh, yes. We did consider that, Sir, in terms of seeing whether we would increase the income, the gross sales amount to \$100,000 or \$125,000; and with that we would have, of course, by leaving the amount of assistance available, would have not been prudent. The level of assistance would have had to have been increased proportionately, and with the interest rates coming down at the time, the decision that was made, generally, was that with interest rates falling, the decision was made not to change the criteria and the eligibility at that time.

Notwithstanding the difficulty that others were having, that decision was held with the falling of interest rates, so we did consider that measure about the first of the year, in November, December, in that time frame, as to whether we should in fact increase the eligibility by gross sales and, of course, along with it, increase the

amount of support available because, if one didn't do both, we were concerned and, in fact, we've gone above our target, in terms of the numbers of farmers that we originally estimated on the program. We talked about somewhere around 800 on the program, with the possibility of hitting 1,500 by the time two years are up, and we are in fact, in the guesstimates that we were making within that amount of the estimates that we were making at that time, so we did consider.

The interest rates for farmers. I, Mr. Chairman, would not be displeased if interest rates were down to 3 percent, as low as 3 percent or even lower, as being an acceptable interest rate to the general public, in terms of interest rates. Whether or not that can be accomplished, or whether that is realistic. Mr. Chairman, there is no doubt that the moment that the investor . . . — (Interjection) — You know, the Honourable Member for Minnedosa says, look what the investor will receive. The fact of the matter is, if there is no other source, no greater source of return en masse within the area of investment, then that is the going rate, then everyone is and has to be satisfied with what is happening. The question is, will there be a leakage, will there be someone that will run around the system and syphon off those investment funds? I think the honourable member well knows my position vis-a-vis the monetary system and what can happen, and what should happen. Canada should have an interest rate policy and, I believe, that interest rates for everyone in society should be as low as possible, notwithstanding that part of the time many of us here, including myself, are investors but, if everyone in society is receiving the same return, those monies can be channelled into investment and into companies, farms, to make that investment work on the basis of the sale of goods, not on the basis of sheer return at an interest rate level. So we did consider revising the criteria and we made the decision that, with interest rates coming down at the time, and the target levels that we had reached on the program were enough of a guideline to tell us to leave it where it's at.

MR. CHAIRMAN: The Member for Turtle Mountain.

MR. B. RANSOM: Mr. Chairman, I'd just like to have the Minister clarify. He says that 100 have been approved for the second time. I take that to mean that there are 100 farmers who have then received, perhaps, up to \$6,000 worth of grants and \$6,000 worth of loans.

MR. CHAIRMAN: The Honourable Minister of Agriculture.

HON. B. URUSKI: That is correct, in the first year, and in the second year they would be, depending on the scheduling of their payments, because some of the payments, depending with the institutions that they're dealing with, may be made on the monthly basis, but had they been on the program for one year and they were at the maximum level, that's what they would have received, yes.

MR. B. RANSOM: Are all the people who received grants and loans the first time, aware that they were also eligible for a second year of the program?

HON. B. URUSKI: Mr. Chairman, there is a letter going out to each and every client, every person who's applied under the program, advising them of that information, that they may be eligible for the second year, that they have to reapply.

MR. B. RANSOM: When was that policy implemented? I don't recall its ever having been announced as part of the program when the Minister first brought it in. Is this an alteration, an adaptation of the program?

HON. B. URUSKI: Mr. Chairman, the program when announced was a two-year program and, in fact, I believe - and I don't have my press releases here - that one would have been eligible for up to \$12,000 of assistance, but it was over a two-year period, and the applications that were received were for a one-year period and then they were advised that they may be eligible for the second year and they would have to reapply for the second year assistance, but that was from day one; there's been no change in the program.

MR. CHAIRMAN: Order please. The hour is 4:30, time for Private Members' Hour. The committee will reconvene at 8 p.m. tonight.

IN SESSION

PRIVATE MEMBERS' HOUR

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

MR. SPEAKER, Hon. J. Walding: Order please. The time being 4:30, Private Members' Hour. The first item on the agenda for Monday afternoon is Private Members' Resolutions, Resolution No. 2.

The Honourable Member for Arthur has 15 minutes remaining.

MR. J. DOWNEY: Thank you, Mr. Speaker. In my comments the other day, looking at the overall need for such action to be taken by government and by both the Federal and Provincial Governments, and the sincerity of the original resolution, the concern that I have, Mr. Speaker, is that the Government of the Day is again trying to play politics with a different group of people in society or a group in society who, for their own political purposes, are not looking at the overall problem that has been identified.

I, Mr. Speaker, believe very firmly that when we are talking about the conservation of our wildlife in the province; when we are looking at the reasonable harvesting of it, that the mechanisms or the weapons or the means by which wildlife are taken have to be in the best interests of the preservation of those animals and the preservation of that resource.

What the original resolution in my estimation, Mr. Speaker, was doing was pointing out a problem that we have in Manitoba, pointing out the fact that if we don't deal with it and if we don't restrict the taking of game by means of nightlighting, by means of unfair harvesting practices to the wildlife, then the people who we are trying to preserve that for, not only ourselves

but the Native people, will all lose, Mr. Speaker. We will all lose.

I think that it's not unlike the practice of farming, That if you do not preserve and you do not look after your basic herd; if you do not look after the seed stock that you use to produce food, and you neglect and you use practices that destroy that unfairly then, Mr. Speaker, not only the future of the animals, but the future of the people who are now using them for their livelihood becomes very, very much in danger. I think that was the overall intent, and it's the reason that I feel that it's important to speak on it.

Through reasonable negotiation with the Native people, with the Government of Canada and with the Province of Manitoba, I think we could have accomplished what the original resolution had put forward. But what did the government of the day do, Mr. Speaker? They tried to play politics with it. They tried to say, what we will do is we will sit down and we will consult with the Native groups in Manitoba.

What do you think is happening, Mr. Speaker, while they're sitting down and consulting? The same kind of practice is carrying on. The same kind of removal of our wildlife by either vehicles or nightlighting is being carried out. That, Mr. Speaker, is not in anyone's best interest. There is time for this government to take decisive action. I cannot understand why they wouldn't. Either they are not very sincere about preserving our wildlife, or they are not very sincere about preserving what has been the life support system for a large number of our people of the Province of Manitoba. They're trying to fool one another on what we are trying to accomplish, and it won't work.

I know a lot of Native people, Mr. Speaker, who are very reasonable people. Most of them are very reasonable. I think not only through consulting - certainly you have to consult with them - I'm not against that, but action has to be taken. There is no way in this amended resolution that I can see the present day government taking action to preserve what has been traditionally part of this country's heritage.

I've heard reports on the weekend where wildlife organizations have brought forward some fairly strong reports and recommendations that have to be carried out on the harvesting of Manitoba's wildlife. I think when you have groups like that giving you warnings, then you have to take action. You don't have to sit down and consult. If, Mr. Speaker, we are to be fair in society - and that's what government's job is, to be fair, to keep a balance between the different groups, to make sure that the resources are not abused, to make sure that there isn't an unnecessary harvesting taking place. That's what their job is.

I would hope with the thoughts of preserving the food for Natives, with the thought of preserving the wildlife resource whether it be for everyone in Manitoba to enjoy some of the harvest, that they should take a more serious look at it, rather than just the kind of amendment that they put in place.

So, Mr. Speaker, I want to make it very plain that I am not in support of the amended resolution. I was supporting the initial resolution which was pointing out a problem and recommended a line of action, to negotiate with the Federal Government to make sure that the Province of Manitoba had the authority to prosecute where game was illegally taken by

nightlighting or a mechanism which was unfair or could have been considered unfair to the taking of that game. That's the kind of action that I think this government should have carried on.

Rather than that, they have decided to play politics with the Native people. They have tried to put off an issue which may be too late. It may be too late when they do come to grips with it because the recent reports that we're seeing, we are seeing a depletion of our wildlife breeding herds. When you see pictures and photographs - and I know recently I saw a program on one of the TV stations where they showed a taking of a female moose where the baby was just left to die because it was not to the stage where it could have lived on its own. It's that kind of game taking that destroys the balance of nature, Mr. Speaker, and has to be dealt with.

I think it's only fair for us to speak straight out on this, and I'm sorry that the government hasn't dealt with it in a responsible manner. Of course, it doesn't surprise me that they haven't dealt with it in a responsible manner, because there have been very few things that they have dealt with that have been responsible.

Mr. Speaker, the resolution as it now stands cannot be supported, but we'd like to see the government move to withdraw their amendment so that more of us could, in fact, support it and deal with the problem of maintaining a resource base so that the Natives can carry out their traditional hunting as has been enjoyed by them, but to allow the province to prosecute them if they are taking them illegally with nightlighting or other means that are unfair to the resource base.

So, Mr. Speaker, those are the comments I have, and would hope the government would proceed to pay more attention to our wildlife resource base. They have the opportunity to do it through the recommendation of the original resolution.

Thank you.

MR. SPEAKER: The Honourable Minister of Housing.

HON. J. STORIE: Thank you, Mr. Speaker. I am privileged, Mr. Speaker, to be able to place a number of remarks on the record at this time with respect to this resolution, the amendment to the resolution, I should say.

Mr. Speaker, very few people would argue with some of the comments of the Member for Arthur with respect to the desire on the part of all parties of all people in Manitoba to ensure the survival and the longevity of our major big game species. I don't think, Mr. Speaker, that contrary perhaps to what members opposite might feel, our Native people, our Native leaders, would suggest anything to the contrary. Mr. Speaker, the original resolution suggested that negotiations should take place between the Province of Manitoba and the Federal Government to end certain practices that we all agree may be damaging in the long run to the supply of big game animals.

Mr. Speaker, the amendment in effect, suggests that because of the special rights which were granted to the first inhabitants of this land many years ago, we are under an equal obligation to take into consideration, their particular views and to consult with them and with

other groups in the province who have a major interest in this particular subject.

Mr. Speaker, I think there was some resentment, some confusion elicited by the original resolution as presented because it left the implication, intentionally or otherwise, that the people who were responsible for these illegal practices, were of necessity of Native ancestry or were in fact, status Indians. Clearly, Mr. Speaker, the evidence, I think indicates that there are a number of Manitobans involved in the practice of nightlighting. In fact, there is every indication that there are some incidents of the poaching of big game and the illegal sale of wild meat and clearly those are things which I think the majority of us find objectionable.

Mr. Speaker, the larger question I suppose, is how the government goes about making sure that on the one hand the wild game numbers are protected, and on the other hand the very legitimate rights of Status Indians are protected at the same time. Because, Mr. Speaker, if I may read from the original resolution, It states that, "WHEREAS court decisions over the past 20 years have largely removed the right of the Government of Manitoba to require Indians to comply with conservation laws respecting game." It sounds like the courts have taken away a right.

Mr. Speaker, what has actually happened is quite the contrary. The courts have actually affirmed the hunting rights of Native people. They haven't restricted in a sense our rights. What they have done is taken away the rights - what they have done is affirmed the rights that were granted in original Treaty. — (Interjection)

Mr. Speaker, the member says that the rights were granted in The Transfer Act. Well, I have a document here from the Four Nations Confederacy which says, this is one of the myths that is perpetuated and seems to exist where the rights of Native people in Manitoba are not written in original Treaties but are assumptions. They say this statement is patently false. Treaties 3, 4, 5, 6 and 10 provide as follows, "and further Her Majesty agrees that her said Indians shall have right to pursue their avocations of hunting, trapping and fishing throughout the tract surrendered subject to the regulations as may, from time to time, be made by the government of . . ." — (Interjection) — That's right, subject to the regulations.

Now, Mr. Speaker, what we're suggesting is not that we absolve ourselves of the responsibility, but that because of the rights that were granted that they be included in negotiations. Mr. Speaker, I say that because the spirit . . .

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: I would just like to ask whether the Minister would entertain a question or not?

MR. SPEAKER: The Honourable Minister of Housing.

HON. J. STORIE: At the end of my speech, Mr. Speaker.

Mr. Speaker, the obligation on the part of the province is clearly to protect those rights which the Native people feel they were granted in the first instance. Mr. Speaker, I have a document that was circulated amongst certain

municipal councillors and I would just like to put this on the record because I think it's indicative of the kind of feeling that is created by people of present day with respect to the rights of Native peoples, status Indians in particular.

This is a resolution that is entitled, One Law for All People. "We, the undersigned residents of Manitoba wish to go on record as opposing special status for certain groups within society. We believe that if all citizens of this province want to live together in harmony then it is imperative that no law or active government should single out any group or groups putting one above the other. The Natural Resources Transfer Act is a law that gives special status to one group within society and thereby places that group above all others. In addition to being unconstitutional by way of discrimination toward non-Native persons . . ." and it goes on.

Mr. Speaker, I suppose that back in 1870 and in times previous to that when the treaties were originally signed that we could assume that there was some assumption of what had priority over what. Mr. Speaker, the original inhabitants of this land gave up their way of life and in doing that, I think particularly on the part of the majority of western inhabitants, western people who were migrating to this region, believed inherently that somehow farming and the occupation of farming somehow took precedent over what was then a very legitimate means of making a living. Whether that is the case or not, whether one set of values should take precedent over another is obviously a question that's open for discussion.

What I think the principle is that at the time that the Treaties were negotiated and hopefully were negotiated in good faith, that the Indian people believed that their rights, the rights to maintain a way of living would be protected by those Treaties, and those rights included obviously the right to continue hunting and fishing and trapping as they had always done.

So, Mr. Speaker, it's not a question of whether we're trying to impose, whether, we're trying to allow one group special status by not imposing laws in a uniform manner, because clearly there was exceptional circumstances surrounding what eventually became a treaty and an abrogation by a people of their rights.

So, Mr. Speaker, we have to look back at history and decide what the intent of those Treaties were. If, in fact, we believe that we negotiated those treaties in good faith, then it behooves us to ensure that the descendants of the people that signed those treaties, that those rights that they believed that they needed are respected and upheld. I think it would be a mark of heavy-handedness for the government to then turn around and, without consulting the people who originally signed those treaties, without consulting them, change the rules of the game and impose something which was contrary to the original intention of the signatures.

Mr. Speaker, the Member for Turtle Mountain says I'm right. I'm hoping that the Member for Turtle Mountain will recognize the intent, and he may want to play with the fine wording, but the intent was to guarantee them a way of life; one which we assumed, at the time we inhabited this land, at the time the farm land was occupied, the time that it was given away to people who were not indigenous to this area, then we'll have to live up to what the intention was, what

the understanding was on the part of the people who signed those treaties, who gave up a considerable amount to make way for another group of people, people who have had substantial benefit from that which was given up.

So, Mr. Speaker, I think that the amendment, as it was presented, is a logical one, one that takes into consideration, in a very realistic and appropriate way, the guarantees that were made 150 years ago, or whatever; and to suggest that the government should go ahead and unilaterally, or bilaterally, with the Federal Government, impose changes is, I think, something that is certainly foreign to the way that this government normally proceeds, and I would hope that it's foreign to the way most Manitobans want us to proceed.

The course of action that is recommended by the amendment is one of negotiation, one which recognizes that all people, including Native leaders, recognize that this is a serious problem and one which cannot be swept under the forest carpet, so to speak. We intend to deal with it and I know that the Native leaders will be more than willing to participate in any ongoing discussion that will ensure that they, themselves, are ensured of a way of living in the future, as well as the present.

Those are my remarks, Mr. Speaker. Thank you very much.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, the Minister indicated that he would entertain a question when he was done with his remarks. My question to the Minister then is, if he alleges that the treaties made no provision for regulation of either method or season for hunting by Native people, under what authority does the Federal Government regulate hunting by Native people with respect to migratory waterfowl, and how is the taking of fish regulated?

HON. J. STORIE: Mr. Speaker, what I said was that the intent was to guarantee them those rights, and the quote that I read from Treaties 3, 4, 5 and 6, indicated that the Federal Government did have the power from time to time. What my speech said was that, because those treaties were signed in good faith by two parties, who understood the intention, at that time, of those agreements, that it would be heavy-handed of us to go ahead and negotiate, strictly as a Provincial Government with the Federal Government, excluding the parties to the original agreement, and that we intend to take them as partners in any discussion.

MR. B. RANSOM: Will the Minister accept one more question? If the Minister acknowledges the intent of the Federal Government, that the intent was there for the Federal Government to have the right to regulate and that, at the time that the treaties were signed, the land in question was under the jurisdiction of the Federal Government, does the Minister not now think that it would be also the intent then that that right would be transferred to the government which retained control over the land?

HON. J. STORIE: Mr. Speaker, not having been well schooled in the legal implications, I would say that the

Federal Government obviously would feel, I'm sure, that they have a legitimate right, as well, to be involved in those negotiations. Obviously, Mr. Speaker, while the member is correct that there was a Natural Transfer Agreement of, whatever, 1927 or whatever it was, clearly there were any number of other areas where the Federal Government did maintain control, and we're not simply talking about natural resources. Mr. Speaker, the Federal Government has clearly kept control of economic development; they have clearly kept responsibility for the social, economic and educational development of the Indian people, and we're not simply talking about a resource that has to be managed. Mr. Speaker, I know that the Member for Turtle Mountain's background is more in that area and he may see big game as a resource to be managed.

Mr. Speaker, for the Native people this is not simply a question of resource management. Clearly, the way they treat that particular resource has implications for their long-term survivability, but it is a question which goes beyond simply management of a resource and, in that respect, the Federal Government has a right to be involved because this resource has economic, health, nutritional and all kinds of other objectives tied in with it.

MR. SPEAKER: The Honourable Member for Gladstone.

MRS. C. OLESON: Thank you, Mr. Speaker. I rise to speak on this resolution partly because it has been a tradition that the Member for Gladstone speak on matters such as this.

Over the years, if you check Hansard, I think the former Member for Gladstone spoke many times in this House on the subject of nightlighting and wildlife.

First of all, I'd like to compliment the Member for Turtle Mountain for bringing the original resolution before the House, and I'm just sorry that it wasn't left in its original form and not changed. The Minister of Natural Resources, in questioning in the House the other day, tells us that he is going to consult and consult and consult, which of course the amendment tell us. The Minister and his government seem to be the only people that don't recognize that there is a problem. The Five-Year Wildlife Report recognizes the problem; the Peguis Indian Band recognizes a problem; and, as I said, in questioning the other day, the Minister said he would keep on consulting. So apparently he feels that is the only thing you need to do, but the rest of us realize that there is time for consulting, of course, but then there is eventually time for action.

In thinking of the remarks of the Member for Flin Flon, I would like to suggest to him that perhaps when these agreements were made there was no shortage of wildlife foreseen, and that is why the agreements were made in the way that they were. We must all realize that things have changed considerably since that time. I'm also thinking of the remarks and the pictures circulated in the House by the Member for River East, who took great pains to tell the House that there was a form of nightlighting many many years ago and showed a picture of same. I think he should also realize that the nightlighting that we're talking about many many years ago and the nightlighting today, there

is very little comparison in the two. When you think of a canoe slipping quietly through the waters - I think was the term he used - and then when you think of high-powered vehicles, four-by-four trucks, and high-powered rifles and high-powered searchlights of today, you are talking about an entirely different matter. Also, the fact that there was nightlighting many many years ago and still it continues today does not make it right just because it's been going on for a long time.

The original resolution did not attempt to deny the Indians their rights to hunt. It was an attempt to solve a problem which causes a great deal of tension in many areas of the province. It also attempted to solve the problems of wildlife management so that there will be a future supply of game in the Province of Manitoba for all those who wish to hunt. We respect the fact that game is an important source of food in many areas of this province, and we respect the fact that some people wish to hunt, some must hunt to supplement their food, and others have never hunted and have no intention of doing so. That is what makes this province the great province that it is; the diversity of ways of life and the different attitudes to recreation, to leisure time and to basic needs.

The word "attitude," Mr. Speaker, brings me to a point I would like to make concerning hunting. With regard to hunting, like many other aspects of human endeavour, there are people involved who have no respect for what they do. In the case of hunting, there are some of all cultural backgrounds who have no respect for the weapons they use, the game they hunt, or the environment or the land in which they hunt on. These hunters, Mr. Speaker, are not true sportsmen. They care not for the future; they care not for what they do. These people are no less than vandals. Until there is a change of attitude on the part of a few people who are abusing rights and laws, it is very difficult to see positive progress in fields of conservation.

When I think of conservation, Mr. Speaker, several groups of people come to mind. First of all, the many wildlife associations in the province and their efforts to build up positive attitudes towards safe hunting and preservation of game. I also think of the gun clubs, the junior rifle clubs in the province, several of them in the constituency of Gladstone. I'm thinking particularly of the junior rifle clubs which are run by responsible community volunteers in my constituency and all parts of the province. The Cypress River Gun Club, for instance, over the past years has trained over 150 people in hunter safety.

In this context, I think of one person by the name of Maurice Sveinsson of the Cypress River district, who has spent many years giving courses in hunter safety throughout the province, and has been a member of the Manitoba Junior Rifle Club for many years and acting as its provincial president for two years. Also, I think of Mr. and Mrs. Hunter Witherspoon, Yvonne and Hunter of Carberry, who give many hours of their time with the Junior Rifle Club in Carberry. Of course, I may have made a mistake in mentioning names, because I can't go on and on forever mentioning names, but there are many many people in this province who have given many hours of volunteer time teaching hunter safety. I'm sure that they have helped to promote the attitude of good and safe hunting in the province.

Perhaps we could enlarge on that by having more of this type of training carried on into maybe other

communities where it is not already a practice. Perhaps just a change of attitude alone would help this problem without further legislation; particularly, since this government doesn't really want to do much about it but consult.

According to the Carberry history book, which is called Carberry Plains Century One, the first gun club in the province was formed at Carberry under the encouragement of one Don Meadows who was the agricultural representative in the area at that time. They, as I say, have helped to foster good attitudes towards conservation and good hunting practices.

Now, you can't speak about people working in wildlife management and wildlife matters without, of course, mentioning the Provincial Government. Over the years, vast amounts of work has been done to encourage and protect wildlife, to say nothing of the money that has been spent on the project. So that this work will be wasted if a few people are allowed to hunt in ways which are distasteful and dangerous to the wildlife population, and as well as being dangerous to themselves.

Recently I was talking with a constituent of mine who mentioned that just in the couple of weeks previous, he had to call the RCMP twice because people were nightlighting on his property. This property is not Crown land. It's private pasture land, and he hasn't actually seen the hunters, but he had been told by people in good authority that they were Natives hunting on his land. As I say, this was not Crown land. There was no reason for anybody to be there hunting. As the Member for Turtle Mountain mentioned in his remarks, this sort of thing leads to racial tension where none should exist. None needs to exist.

All the original resolution asked for was the same treatment for all with regard to hunting and with weapons and equipment. Apparently, it was too much to ask of this government.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, I would like to add a few words in respect to the debate on this resolution. First of all, let me preface what I say with some concern for attitudes opposite about my position and the position of my government, our government, in respect to the consultation process.

Mr. Speaker, I will welcome criticism from members opposite that I hadn't consulted enough with user groups in the province. I certainly recognize that consultation is important, Mr. Speaker. It's important that we meet with people, understand their problems before we try to come up with answers that we think are appropriate.

So, Mr. Speaker, when I hear members opposite saying, consultation, consultation, consultation, that's all we hear - glad to hear that they are recognizing that we know the need and the value to talk to people, understand the problems before we propose solutions to them. If they are sensitive about that, Mr. Speaker, then I know we're doing right.

MR. H. ENNS: You talk, you talk, but you talk with forked tongue.

HON. A. MACKLING: Now, Mr. Speaker, the Honourable Member for Lakeside makes jest. Mr. Speaker, I won't take away from him the right to be a jester on any occasion he wishes. I know that he is capable of much more, much more.

Mr. Speaker, our concerns in respect to this matter, the principle that's involved in this resolution, like our attitude in respect to many programs in this province are . . .

MR. A. DRIEDGER: That's what worries us.

HON. A. MACKLING: . . . and it worries the Honourable Member for Emerson that we consult and we talk to people. It worries him, because that has a political plus for us, Mr. Speaker. It means that we are going to talk to people before we legislate. That is something that is "foreign" to some members opposite, that idea that government really gets down, talks to people, finds out what the real issues are and then considers programs to respond to them. Our approach, Mr. Speaker, is not to do things in a blind rush on an ideological rush that yes, we're right and hell we know the answers. No, we are going to consult and if it takes time, that's the small price that we pay for doing an effective job of getting to know and understand and clearly appreciate what the problems are and how our proposed answers to them will meet the needs of the people of Manitoba.

That's difficult for honourable members opposite to understand, appreciate and certainly they don't like to accept that concept. But we will be involved in consultation and co-operation. — (Interjection) — The Honourable Leader of the Opposition says, "Will there be any moose left?" Mr. Speaker, we are going to have in the Province of Manitoba an opportunity for a moose hunt that hasn't existed before. Now isn't that interesting, Mr. Speaker. We're going to have a limited season, true — (Interjection) — well, the Honourable Member for Minnedosa says slingshots. The Honourable Member for Minnedosa even with the best effective weapon he has couldn't effectively bring home his turkey the last time, Mr. Speaker, so I don't think he could do much with a slingshot.

I will put on the record. The Honourable Member for Minnedosa unlike the Leader of the Opposition did manage to bag his Tom one season earlier in respect to wild turkeys, but I would like to put on the record the fact, Mr. Speaker, that — (Interjection) — it's a Tom season only. We discriminate on the basis of the gender of the animal from time to time in our seasons and it's necessary to do so, Mr. Speaker.

Mr. Speaker, the honourable members in their bugling or cackling, reminiscent of some of the wild species that I talk about, does make my heart warm to be outdoors and enjoying those sounds, but in this Chamber at this time dealing with this serious question, it's somewhat disconcerting.

Let me say, as I tried to indicate to the Honourable Leader of the Opposition, yes, there are still moose to hunt in Manitoba, and there will be moose long after today. We have opened the season as I've indicated in Spruce Woods for the first time for the hunting of moose in Manitoba.

Furthermore, Mr. Speaker, we are establishing a unique hunt, a unique moose hunt on Hecla Island for

senior citizens. We are developing some programs with imagination, with purpose and with proper administration in mind to ensure a continuance of this valuable species. They are under pressure, there is no question about it, but, Mr. Speaker, the story that this five-year report tells is not — (Interjection) — well, honourable members would like to dissuade me from making a speech. I've indicated I support the facts that this report has indicated and I'm on public record in respect to that, Mr. Speaker. But in this report, the revelation is made that the most important concern for wildlife in this province is habitat loss, Mr. Speaker. In the continent of North America, there is an ongoing devastating loss of habitat to wildlife. Mr. Speaker, members opposite, make light of this. Well, if they're not concerned about the loss of habitat, they can continue to chatter that way, but that's what their chatter is indicating. They are not concerned about this issue.

For example, in the United States of America annually — (Interjection) — Mr. Speaker, the Honourable Leader of the Opposition by his continued interruptions is seeming to indicate that he is not concerned about the loss of wildlife habitat in North America.

HON. S. LYON: You're talking like a village idiot.

HON. A. MACKLING: Well, now the honourable member is resorting to gutter words and I won't lower myself to his level to deal with him at that light.

Mr. Speaker, habitat loss, for example, in the United States annually 600,000 acres available for wild fowl - 600,000 acres. Mr. Speaker, the other day I received from Jerry McKinney whose been doing a tremendous job in respect to opposition to Garrison, I received from him a copy a photocopy of an advertisement appearing in the Melita Paper, I didn't hear from the member that represents Melita on the opposite side of this Chamber any concern about that issue, Mr. Speaker, but I received from Jerry McKinney a photocopy of an eloquent plea on the part of an American to please have Manitobans stand up and say something about another large drainage project in North Dakota. They propose to drain another large marsh in North Dakota and dump another 26,000 acre feet of water into the Souris River. Honourable members over there keep asking me what I'm going to do about flooding on the Souris River. Here an American advertised in the Melita Paper asking for help. I didn't hear a word from across the way about that issue. Jerry McKinney brought that issue to my attention and there's another loss of wildlife habitat in North Dakota, Mr. Speaker.

Members opposite express concern about wildlife. Mr. Speaker, they don't indicate that in their representations in this House. In this resolution, we make it clear that we are concerned to consult, we want to co-operate in conservation of our resources because these resources are not ours alone. We've borrowed them from the next generation to come. Those are the facts of life.

Mr. Speaker, Indian people who occupied North America long before the whiteman came, knew, understood and depended upon wildlife. When treaties were signed, there was a frank understanding on the part of governments. The Treaty Indian people had to have a right to continue, to be able to rely on wildlife.

That's the intent that my colleague, the Minister of Housing, was talking about. Everyone knew and appreciated that - there is no question about that - this government and the government opposite. The members opposite when they were in government frankly acknowledged the priority of Native people in respect to gain. That is the first priority. Recreational hunting is much down the list, Mr. Speaker, so there is no question about that right.

There is, Mr. Speaker, some concern, a legitimate concern which I share in respect to the technique of hunting. I've made it quite clear that I don't believe that night hunting, use of lights, is either sportsmanlike or even if it's meat hunting, it's not reasonable and it's not proper. But let's reflect on fact, Mr. Speaker.

The concern now is that Treaty Indian people are night hunting on a large scale. Well, I don't know about the scale, but I know this, Mr. Speaker, that white men have been night hunting in North America and in Manitoba for almost 100 years of the existence of this province. It's been a continuous problem, this poaching problem. Treaty Indian people have only latterly taken on this night hunting. They have seen white people exploiting our wildlife, wildlife to which they had priority, for almost 100 years in this province. The problem wasn't a horrendous one, Mr. Speaker, that white men were continuing to poach wildlife until Native people got involved. Now it's a horrendous problem.

Mr. Speaker, as someone who hunts — (Interjection) — The honourable members opposite seem irritated, fidgety. They don't like to know about fact. They have one perception of the problem, and as long as you agree with them, they're happy. The Honourable Member for Fort Garry says, right. Yes, that is my perception of their attitude. So long as you repeat their misinformation, they're happy.

Mr. Speaker, I know as a former - I say, former big game hunter because I suppose the option is always there that one day I will hunt again - but honourable members opposite know, those who have hunted, they know of white people who have abused the law. I know, for example, that on one occasion I was — (Interjection) — Well, if the Honourable Leader of the Opposition would just let me hear myself speak.

SOME HONOURABLE MEMBERS: Oh, oh!

HON. A. MACKLING: Mr. Speaker, the honourable members opposite, if they had been around and know something about hunting, know that we have people, not Indian people, white people who take shots at sounds in the bush - they call them sound shots.

MR. J. DOWNEY: Did you get anything?

HON. A. MACKLING: The Honourable Member for Arthur is probably the most expert in sound shots because he's sounding off more frequently in this House than almost anyone, but he never gets his target, Mr. Speaker.

Mr. Speaker, white people have abused our resources for many years. We are concerned, we have to be concerned, Mr. Speaker, about these resources. Night hunting is destructive.

I would like to point out, Mr. Speaker, and I want to put it on the record, that Chief Stephenson of the Peguis

Indian Band has passed — (Interjection) — Mr. Speaker, the Member for Turtle Mountain says, I wondered if he'd say that. Mr. Speaker, honourable members opposite had an opportunity to reflect on that decision. They didn't. They chose not to do so. That chief and that band has made a decision that they don't believe that night hunting is productive. They believe that it should not be pursued. That is progress, Mr. Speaker.

We have been involved, and my colleague, Elijah Harper, has been involved in discussing with Indian bands this issue, because we all have an interest in the continuance of the resource. The Native people have a vested interest in a continuance of that resource, because everyone has recognized their priority in use of that resource for food.

Mr. Speaker, my concern is in respect to the real problems, and the real problems are consultation about the preservation of the species, including habitat. This report, for example, confirms at Page 105 that a study was made of habitat loss in southwestern Manitoba. The study indicated that during the eight-year period, 1971-79, the results were that 19 percent or 2,022 hectares of deer winter range was destroyed, '71-'79; 17 percent or 6,239 hectares of native vegetation, including summer and winter deer range, was lost during the eight years; 9 percent of rights-of-way were cleared; 3,320 wetlands, that's 8.2 per square mile, were lost; and that Crown lands constituted a small portion of the existing winter range; that's 13 percent, but they supported a significant part, 28 percent, of the wintering deer herd. The conclusion is these results indicate the rate and magnitude of habitat loss in Agro-Manitoba and set the stage for program proposals to address this critical problem.

Mr. Speaker, the vital issue with wildlife is working out arrangements so that we can have co-operation with landowners, co-operation with those who have prior demands on wildlife. It is essential that in the arrangements we make for the preservation and protection of wetland that we have co-operation by the neighbouring private landowners, farmers, Mr. Speaker. It's a critical, necessary ingredient that we have co-operation between private landowners and the ongoing administration charged with protecting wildlife. There's no question about it, Mr. Speaker.

So concerned about this, we have to approach these problems from the point of view of how best do we secure the co-operation of private landowners. How do we ensure that the users who depend primarily on wildlife are involved in decision-making, have an appreciation for what the facts are? One approach, Mr. Speaker, is to suggest we arbitrarily change the law. That fortunately, I think has been rejected by this House.

The resolution now speaks to consultation and co-operation not only with Treaty Indian people, but with the Federal Government. Mr. Speaker, that is the approach that was taken, and I referred to this earlier, in respect to the Kaminuriak and Beverley barren ground caribou herds, that is essential, Mr. Speaker. So our government is concerned that more Native people be involved in the management decisions and appreciation for the administration of our natural resources.

This year for the first time, we have a group of people involved in an educational program at the Keewatin Community College - it's proposed to be this year - who will graduate as Natural Resource assistants.

We are going to involve Native people in the day to day understanding of the problems dealing with the administration and ongoing concerns in respect to wildlife, Mr. Speaker. I believe, Mr. Speaker, that is the way in which we will get an assurance for generations to come that our wildlife will be husbanded, will be protected for the future.

Now with leave, I would go on, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, it would be a pleasure in this House if the Minister of Natural Resources, when given the opportunity, would occasionally address himself to the issue at question, the issue that's being debated, and the issue that is being debated in this resolution is the question of nightlighting. Nobody put it better in this Chamber than my colleague, the Member for Sturgeon Creek, who's not a big hunter, who's not a big sportsman in that sense, but who put it very precisely and in very understandable terms that we can all understand, that nightlighting is a particularly despicable, cowardly and dangerous way of hunting by anybody, and that's all he said. That is the issue, Mr. Speaker, that is the issue, and I want to firstly congratulate my desk mate, my colleague and House Leader and my caucus for having the political courage for introducing this kind of a resolution to the House.

We're well aware, Mr. Speaker, that it's the kind of resolution that can well be misinterpreted by our friends opposite, could well be misread by our Indian brothers as being in some way slanted against them, which of course is not the case, Mr. Speaker, but then you see I have that quiet pride of belonging to a political party that, from time to time, does have the political courage to do certain things because they're right, not just because they buy votes.

I was part of that party, for instance, Mr. Speaker, that said at the onslaught of the energy prices that Canadians are going to have to pay 18 cents more for a gallon of gasoline, but my Liberal friends and the New Democrats, of course, said that was impossible and they defeated that government and now we're paying 65 and 75 cents a gallon more for gasoline, but I have that quiet pride in knowing that was the right decision, Mr. Speaker.

Mr. Speaker, it's in that same vein that I know that the resolution before us is the right kind of resolution to be debated from time to time in this Chamber because we recognize, having been a former Minister of Natural Resources, having had the privilege of government, that The Transfer of Resources Act did

place very specific responsibilities on those who, from time to time, have stewardship of the resources, in this instance, the wildlife resources of this province, and we made them specifically to the Federal Government because we were accepting responsibilities that the Federal Government, up to that time, had with respect to the Indian population.

So, Mr. Speaker, yes, it's a timely resolution. I'm only sorry that the honourable members opposite chose to play the little game of politics with it and to avoid the issue. The issue is nightlighting and that is the issue, Mr. Speaker, that is the only issue, and if there's any connotation at all about anybody who is doing the nightlighting, it is simply because the non-Indian population is prohibited by law from nightlighting and whereas the Indian population is not and that is the only issue where the question of who's doing the nightlighting comes to issue.

But if we can agree and if the Minister comes close to agreeing when he speaks that nightlighting is not a desirable way of hunting and if he has succeeded in convincing people like Chief Stevenson from Peguis in agreeing with him that that is not a responsible way of taking game, then really, surely, why this political pettifogging that's going on and why not simply support the resolution that was put before this Chamber by my colleague, the Member for Turtle Mountain.

Because, Mr. Speaker, we have to understand that there are some very fundamental things at stake here. The question really is, will there be wildlife, in sufficient quantities available in the not-too-distant future that future governments and future game managers or whatever you have, have something to manage, and to fulfill those obligations which were accepted by a Manitoba Government at the time the Resource Transfer took place in 1932-33 and thereabouts.

MR. SPEAKER: Order please. When this resolution next comes before the House, the honourable member will have 16 minutes remaining.

The Chair will accept a motion to adjourn.

The Honourable Minister of Natural Resources.

HON. A. MACKLING: I move, seconded by the Honourable Member for Turtle Mountain, that the House do now adjourn. It is understood that we'll be coming back at 8:00 o'clock.

MOTION presented and carried and the House adjourned and stands adjourned until 2:00 p.m. tomorrow (Tuesday).