



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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 27 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 . . . Notices of Motion . . .

### INTRODUCTION OF BILLS

**HON. V. SCHROEDER** introduced Bill No. 100, The Court of Queen's Bench Surrogate Practice Act.

### INTRODUCTION OF GUESTS

**MR. SPEAKER:** Before Oral Questions, may I direct the attention of members to the gallery where we have the presence of the Peruvian Ambassador to Canada, His Excellency Mr. Fernandini.

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

### ORAL QUESTIONS

#### Manitoba Disaster Assistance Board

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

**HON. S. LYON:** Mr. Speaker, a question to the Minister of Government Services. On Friday, he reported that he and his Cabinet colleagues had fired all members of the Manitoba Disaster Committee and had appointed a new chairman in place of Mr. Elswood Bole, the long-time distinguished Manitoban who had held that position for 17 years or more, but he was not in a position to tell us the names of the other members who had been appointed in substitution for the members who had been fired by the NDP. First of all, Mr. Speaker, is he in a position to tell us today the name of the person who was appointed to the position of Vice-Chairman, which was previously held by Mr. Sid Reimer, who was the Chairman of the Mennonite Disaster Service for this province and has done a distinguished job in that connection? Who have the NDP appointed, in place of Mr. Reimer, the Chairman of the Mennonite Disaster Service?

**MR. SPEAKER:** The Honourable Minister of Government Services.

**HON. J. PLOHMAN:** Mr. Speaker, I indicated quite clearly, I believe on a number of occasions on Friday, that I would be making an announcement in that regard earlier this week and I will do so.

**HON. S. LYON:** Well, Mr. Speaker, the third member of that board was Mr. Bernard Ayotte, the former well-

known Secretary Treasurer of the Rural Municipality of Montcalm. Is the Minister in a position to tell us who the NDP have substituted for that distinguished Manitoba citizen?

**HON. J. PLOHMAN:** Mr. Speaker, the government, as I indicated, had replaced the three members of the board and I will be announcing the replacements as I have indicated.

#### McKenzie Seeds - Conflict of Interest

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

**MR. A. DRIEDGER:** Mr. Speaker, my question is to the Minister responsible for McKenzie Seeds. Can the Minister indicate whether the government has received a report on McKenzie Seeds from the Provincial Auditor regarding the possible conflict of interest?

**MR. SPEAKER:** The Honourable Minister of Community Services.

**HON. L. EVANS:** Mr. Speaker, I can advise that the Auditor is continuing his work and no report has been received.

**MR. A. DRIEDGER:** A further question to the same Minister then. Could he inform the House whether the government has asked three senior officers involved in a possible conflict of interest to take a leave of absence?

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

**HON. V. SCHROEDER:** Thank you, Mr. Speaker. The three officers in question have indeed taken a leave of absence. There were some difficulties with respect to getting some records of companies that are not now held by people who appear to have any kind of conflict of interest but there may have been a conflict of interest at a previous time. So it appears that the investigation may go on for longer than was initially expected, so there was a decision reached; and I might say it was jointly by the Auditor, the Board of Directors of McKenzie Seeds and the directors, those three particular people, to take the particular course that's being taken now.

We're in the process of getting an interim president and comptroller, or someone in the Comptroller's Department, to take charge. Today we have Mr. Chiswell from the Provincial Auditor's Department, who had been working on the case, going down there to take over as well as another individual from the Auditor's Department and this is interim. We're looking for people who would be doing it on a short full-time basis.

**MR. A. DRIEDGER:** A further question then regarding this same matter: can the Minister indicate whether

the three members who have received leave of absence are receiving it with pay?

**MR. SPEAKER:** The Honourable Minister of Community Services.

**HON. L. EVANS:** Yes, Mr. Speaker, I can advise that the board of directors have agreed to allow the officers involved to take leave and they have granted that leave of absence with pay.

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

**MR. R. BANMAN:** Mr. Speaker, I wonder if the Minister in charge of McKenzie Seeds could inform the House what the total amount of pay is involved that these people will be getting on the leave of absence, and I would also ask him if he could inform the House whether or not he or the chairman of the board was approached by any employees of McKenzie Seeds within the last year and a half and was told that there were possible conflicts.

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

**HON. V. SCHROEDER:** Mr. Speaker, with respect to the money involved in terms of payment, I'll take that question as notice and get back to the member as quickly as possible.

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

**MR. R. BANMAN:** Mr. Speaker, a question to the Minister responsible for McKenzie Seeds, I wonder if he could inform the House whether he or the Chairman of McKenzie Seeds had, within the last year-and-a-half, received some evidence from some employees who had visited with them that there were possible conflicts occurring at McKenzie Seeds?

**MR. SPEAKER:** The Honourable Minister of Community Services.

**HON. L. EVANS:** Mr. Speaker, I indicated an answer to that type of question previously. As I indicated when the Member for Turtle Mountain raised a number of questions that this information was news to me.

### Inspection Standards - meat packing houses

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

**MR. G. FILMON:** Thank you, Mr. Speaker. My question is for the Honourable Minister of Health.

Last week, there was a report in the newspaper about the fact that two Manitoba meat packing houses were closed down temporarily from shipping meat into the United States. Are the officials of his department concerned that Canadian inspection standards are not stringent enough since these packing houses were allowed to continue to sell into Canada at that time?

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

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

**MR. G. FILMON:** I wonder if the Minister would also then take as notice a concern that I have, and I'm wondering whether or not the Minister shares the concern about the fact that it is indicated that Canadian inspectors assured consumers north of the border that the products would be reconditioned and sold on the Canadian market. Would he also take that consideration as notice as to whether or not his staff are satisfied with that?

As a third question, would he also take as notice a question as to whether or not his department is considering increasing the standards or has made any recommendation to him or to the Minister of the Environment, since Public Health Inspectors come under the Minister of the Environment, whether or not they have recommended increasing Canadian standards to match those of the United States?

**HON. L. DESJARDINS:** Mr. Speaker, I would be pleased to take those questions as notice.

### Abortion clinic - Dr. Morgentaler

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

**MR. H. CARROLL:** I have a question, Mr. Speaker, for the Premier. I heard on the radio over the weekend that there has been a second raid of the Morgentaler Clinic. Could the First Minister advise the House whether this raid was authorized by the Attorney-General or by the government?

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

**HON. H. PAWLEY:** Mr. Speaker, the raid in question would be on the basis of the evidence that the police would have obtained, and would be based upon the normal process of police investigation and police prosecution arising from information brought to their attention.

**MR. H. CARROLL:** A supplementary question, Mr. Speaker, has the government caved in to the Pro Life lobby, and will it condone harassment of the Clinic until the charges resulting from the first raid have been heard? What I'm suggesting in the meantime, there are charges laid; there is a hearing to take place, will this government sit back and allow charge after charge after charge to be laid, thereby harassing the Clinic?

**HON. H. PAWLEY:** Mr. Speaker, let me assure the honourable member that this government has not caved in to any lobby. This government is permitting the administration of the laws of the land of Canada, and is not interfering in respect to the administration of those laws. In fact, it would be incorrect and it would be improper for the Attorney-General to permit himself to cave in to any lobby pertaining to matters pertaining to criminal jurisdiction in the Province of Manitoba.

## Employment Standards Branch re babysitter

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

**MR. G. MERCIER:** Mr. Speaker, last Thursday and Friday, I raised a number of questions with the Minister of Labour . . .

**MR. SPEAKER:** Order please.

**MR. G. MERCIER:** Last Thursday and Friday, Mr. Speaker, I raised a number of questions with the Minister of Labour regarding the plight of one, Mrs. Normand, who had been ordered to pay over \$900 to a babysitter by the Employment and Standards Branch of her department under a law passed by the NDP at the last Session of the Legislature. I believe on Friday, the Minister of Labour indicated she would be in a position today to answer those questions, and I would ask her if she has those answers for us today.

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

**HON. M.B. DOLIN:** Mr. Speaker, I can answer the questions regarding advertising. I can't comment on the case itself, since it is before the Labour Board and that would not be proper for me to do. However, the regulation was advertised through press release giving all of the particulars of the regulation. That press release was issued on November 5th. There was a news article in the paper on October 31st and the changes to the act were covered. There was news coverage of those changes, or of the discussion of those changes, during the time that it was at the committee stage, at second reading of the bill.

The Director of the Immigration and Settlement Branch has been meeting with various groups that supply homemakers, or provide services as domestics, to employers and informing them of the new regulations and there has been an article in the *Welcome News*. Because there might still be some concern about this that has been raised by this case that has been reported in the paper, and I might add the article that was in the paper received a correction in a later issue of the paper after the Employment Standards Officer, or the Assistant Director, I believe it was, called the paper and informed them that there was misinformation in the original article. A correction did appear a few days later.

Because we realize that there may be some confusion about this, I have today ordered that letters of information and clarification will go to all employment agencies and all Canada Manpower offices, and we will also be letting people know in whatever way we can, perhaps through a notice in the ad section of the newspapers, so that the regulations are clear to everyone. It is to be remembered that they apply only to those persons who are employed by a single family, paid by members of that single family, in the family's home for more than 24 hours a week, thereby constituting that as a full-time job.

**MR. G. MERCIER:** Mr. Speaker, was it then the intention of the government and is it now the effect of the law

which they have passed that wherever a babysitter works more than 24 hours per week in a person's home that the employer, the mother, is required to pay at least \$4 per hour?

**HON. M.B. DOLIN:** Well, first of all, Mr. Speaker, I find it interesting that the mother is suddenly the employer. That may be the case, it may not be the case, but it certainly isn't the only situation that exists when a person is employed in the home. It does point out the fact that the mother is the one who has been expected to do this work.

However, I think that the . . .

**HON. S. LYON:** Stop being ideological and get back to common sense, you silly woman.

**HON. M.B. DOLIN:** Mr. Speaker, if the Leader of the Opposition, the current Leader of the Opposition, wishes to stand on his feet and put into Hansard the fact that he has just referred to me as a silly woman, then I would be happy to respond to his questions as well.

**HON. S. LYON:** Any time at all.

**HON. M.B. DOLIN:** In the meantime, I will attempt to answer the questions of the more polite member of the opposition, the Member for St. Norbert. He refers to babysitters rather consistently, and in this case that is apparently, and I use the word "apparently," what the woman was doing. I don't know that and I think that is the case that is before the Labour Board.

The regulation and the amendments to the act indicate "domestic" as the word. That is the word that is used. I don't know whether the Labour Board will redefine this word. I don't know whether they will attempt to do that; it is not for me to say. It's not for any of us to comment on at this point when it is before the Labour Board.

So the regulation is quite clear. I'm sure it is available to everyone. The case is before the Labour Board and I cannot comment further on that case.

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

**MR. G. MERCIER:** Mr. Speaker, I only referred to mothers because it is from mothers that I'm receiving a large number of calls, and it is mothers who are the ones that have indicated their concern to me. I grant that there may be some single-parent families where fathers will be the ones most particularly concerned.

Mr. Speaker, was it the government's intention, and is the fact that a person who works as a babysitter in a home for more than 24 hours per week is to be included within the term "domestic?" Mr. Speaker, it is important that the public know the intention and the effect of the government's legislation.

**HON. M.B. DOLIN:** Mr. Speaker, I do not believe it is proper for me to define the term now in a case that is before the Labour Board.

The situation with babysitters, and we have been certainly responding to calls explaining that a babysitter is normally someone that is hired for less than 24 hours

a week or often the children are placed in someone else's home. The law doesn't apply in these cases.

If you are talking about employing someone; you are the employer and you are employing someone, then in fact, yes, we're talking about whether it's part-time work or full-time work, or whether they have any rights as an employee. That I suspect will be further defined by the Labour Board.

**MR. G. MERCIER:** Mr. Speaker, in view of the statements by the President of the Winnipeg Chapter of Parents Without Partners, to the effect that this legislation is ridiculous and could put both babysitters and the employers out of work, and the fact that he cited a number of examples, where persons who are employing babysitters are making \$7 an hour and are expected to pay \$4 an hour minimum wage, where both the husband and wife are working and attempting to make ends meet, and as a result of this legislation it is not worthwhile for them to continue working.

Is the Minister not concerned about the effects on employment throughout the province for the mothers who happen to be in this particular situation, and for the babysitters who will not find jobs at this minimum wage rate for the kind of work that they are expected to do?

**HON. M.B. DOLIN:** Mr. Speaker, I would never underestimate the problems that this may be pointing up. They're societal problems, they are the way we have been working for some time and we will have to define a lot of measures to deal with the problem that women often work for minimum wage and often carry the responsibility of raising children and doing their own domestic work as well. That is a societal problem though and is obviously not dealt with by this particular amendment to The Employment Standards Act.

The same article that the member referred to quotes the person involved as saying, "How can I pay a babysitter the \$4 an hour provincial minimum wage, when I'm making \$7 an hour? That takes more than 50 percent of my monthly salary away for someone to look after my children." That person, or another person perhaps, but I'm not sure who the quote is from, indicates that \$1 an hour is all she can afford for someone to care for her children.

I remember the Member for Kirkfield Park, I believe, questioning me in this House about how she interpreted a program we had, that she interpreted as paying women \$1 an hour and she was appalled at the thought that might be taking place. We clearly explained that was not the situation in that program she was talking about, but the point is that she was appalled that women might have to work for \$1 an hour. I think there is a relationship.

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

**MR. G. MERCIER:** Mr. Speaker, to the Minister of Labour. Is a mother who employs a babysitter for more than 24 hours per week also required to pay the payroll tax and Workers Compensation Board?

**HON. M.B. DOLIN:** Mr. Speaker, under the regulations the responsibilities of an employer who employs a

domestic in their homes for more than 24 hours a week, employed by that same family for more than 24 hours a week, is clearly defined in the regulation, which, if the member does not have, I would be happy to table a copy of those regulations.

**MR. G. MERCIER:** Mr. Speaker, in view of the fact that the Minister has confirmed that in this situation a mother will be required to pay the payroll tax, Workers Compensation Board, and quite possibly a number of other benefits, is the Minister not concerned enough about this situation to leave these arrangements between mothers and babysitters to themselves to make, as they have done for so many years in this province, in this country, to make whatever arrangements they make between themselves and enact some sort of legislation at this Session of the Legislature, so that people can continue to make these arrangements between themselves without the heavy hand of the government being involved?

**HON. M.B. DOLIN:** Mr. Speaker, without dealing with the specifics of what we are going to do with legislation - because I don't think that's appropriate right here - I will mention that there are alternatives we are putting into place for parents who need care for their children. I would refer the member to our day care programs, our enhanced day care programs, and the improvements we are making in the number of spaces. We know that this is an area that must be improved and we are working on it. We are bringing forward those kinds of improvements a little each year as we can do it, and those are some of the alternatives that are available to parents.

There are other arrangements that can be made. Many parents place their children in family day care, which means that there are a few children staying with a neighbourhood person who chooses to stay at home and earn her living - usually "her" living - in that way. The regulation does not specifically refer to the health and post-secondary education levy, as regulations do not ever refer to that in our acts in particular that I am aware of. So the kinds of specifics that the member is talking about would be in another act in a general way, not in this particular regulation.

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

**HON. S. LYON:** Mr. Speaker, I have a question to the First Minister. In view, Mr. Speaker, of the demonstrated incapacity of this Minister to deal - other than ideologically - with a question as simple as fathers or mothers hiring babysitters, which, with respect, Sir, is no damn business of the government, will this First Minister give an undertaking to the people of Manitoba that he will cause to be stopped this kind of nonsensical, social engineering that is being carried on by this present Minister of Labour to the consternation of thousands of parents throughout Manitoba, to say nothing of youngsters who are doing babysitting, for no good cause other than to have us all I suppose going into some corner socialist day care centre which will make all of them get their giggles and titillation to the obvious prejudice of the public interest of Manitoba?

Will he not, Mr. Speaker, give that assurance to the people of Manitoba that common sense has not entirely left this government?

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

**HON. H. PAWLEY:** Mr. Speaker, I don't know whether that was indeed a question or whether it was a . . .

**HON. S. LYON:** You bet it was a question. You better start thinking . . .

**MR. SPEAKER:** Order please.

**HON. H. PAWLEY:** . . . fullfledged statement, Mr. Speaker.

**HON. S. LYON:** You've got to be fools to interfere with private citizens' lives.

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

**HON. H. PAWLEY:** Mr. Speaker, I'll point out to the attention of the Chamber that the Leader of the Opposition referred to members on this side of the Chamber as "fools." In view as to the source of that comment, Mr. Speaker, I don't intend to make much ado, but that should be clearly on the record and should be on transcript as to the Leader of the Opposition's comment. It seems to me that maybe the Leader of the Opposition is touchy because of the announcement that came from Conservative Party sources over the weekend.

**A MEMBER:** Got a job yet, Sterling?

**MR. SPEAKER:** Order please.

**HON. H. PAWLEY:** Mr. Speaker, I reject any suggestions that this has been foolish social engineering or any other kinds of references that the Leader of the Opposition has undertaken. Certainly we will be looking at the entire approach and policy to ensure that it's fair and equitable and we will be doing that, Mr. Speaker. But I reject any suggestion of foolish social engineering, etc., that the Leader of the Opposition has been uttering by way of an attempt to inflame this particular issue.

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

**HON. S. LYON:** Mr. Speaker, will the First Minister give an assurance to the parents of Manitoba that he and his intrusive government will keep their long, meddling noses out of private affairs of people hiring babysitters? Since when did that become part of the election platform of the government, that they were going to intrude into parents' decisions to hire babysitters?

**HON. H. PAWLEY:** Mr. Speaker, in reference to, again, the Leader of the Opposition's reference to fools and to meddling, if there was a government that was prone to meddle unfairly in affairs it was the government that was led by the then Leader of the Opposition.

Mr. Speaker, I am prepared, as is indeed our entire caucus, to examine this matter and to look at this matter to ensure that it is fair and that will be done.

**HON. S. LYON:** Well, then, Mr. Speaker, if the First Minister is gradually coming to his senses, will the First Minister give some undertaking to the parents of Manitoba that he will stop the foolishness that the Minister of Labour has perpetrated upon the people of Manitoba by this ill-considered legislation, put into suspension cases that are before the Labour Board, and cure the legislation which brought this nonsensical situation about which is causing heartbreak to thousands of Manitobans today?

**HON. H. PAWLEY:** Mr. Speaker, I think this is the time . . .

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

**MR. SPEAKER:** Order please.

**HON. H. PAWLEY:** Mr. Speaker, I think this is the time for statements. I believe that debate takes place subsequent to question period.

### Bilingualism - proposed resolution

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

**MR. R. BANMAN:** Thank you, Mr. Speaker. I direct a question to the First Minister and would ask him, in light of the many resolutions the government has received from municipalities, in light of the public concern that is starting to be voiced with regards to the bilingual resolution on the Order Paper, will the Premier now reconsider his course of action and indeed call an intersessional legislative committee to deal with this subject matter before the public, so that the intersessional committee, a committee of the Legislature, can deal with this proposed resolution in a time frame that is much more acceptable to all Manitobans, and that this important issue be discussed by all segments of society and all Manitobans?

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

**HON. H. PAWLEY:** Mr. Speaker, I will be dealing with the first of the resolutions pertaining to this during debate, and at that time I will be making a statement pertaining to process.

**MR. R. BANMAN:** In light of the concern being expressed by the public and in light of the lack of time that has been given by all members of the Legislature as well as the general public to discuss this particular issue, will the government if they insist on dealing with this resolution this term, will the First Minister be allowing a free vote so that members from Dauphin, members from Kildonan, members from Elmwood, members in this Legislature will be able to express the true concerns of their constituents and not be handcuffed by the First Minister to ram something

through in a time frame that is unacceptable to most people?

**HON. H. PAWLEY:** Mr. Speaker, that is a suggestion that is worthy of serious consideration.

### Forage shortage

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

**MR. A. DRIEDGER:** Mr. Speaker, my question is to the Minister responsible for Agriculture, or the one that maybe can take it as notice. Considering the pending shortage of forage in the southeast livestock industry, is the government considering a freight assistance program of some degree for the farmers in the southeast? In certain areas of the province, there is more forage than others. Is the government contemplating programs at all to assist the shortage of feed for southeast Manitoba?

**MR. SPEAKER:** Order please.

The Honourable Minister of Consumer and Corporate Affairs.

**HON. J. BUCKLASCHUK:** Thank you, Mr. Speaker. I'll take that question on behalf of the Minister of Agriculture.

### Manitoba Hydro high voltage lines

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

**MR. H. ENNS:** Thank you, Mr. Speaker. I direct a question to the First Minister. Last week, I asked the Minister of Energy, the Minister responsible for Manitoba Hydro, whether or not he would not consider convening a meeting concerning the municipalities in the Red River Valley, particularly Cartier, Macdonald, where Manitoba Hydro intends to build the second of perhaps a number of high voltage transmission lines. Mr. Speaker, the Minister responded favourably to that question or that suggestion that a possibility of a high voltage transmission corridor should be looked at by Manitoba Hydro. Has the First Minister had an opportunity to discuss this matter at all with the Honourable Minister responsible for Hydro?

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

**HON. V. SCHROEDER:** Mr. Speaker, the matter is still under consideration by the department and when a report comes forward, I'm sure that there will be discussions between the Minister of Energy and the First Minister.

**MR. H. ENNS:** Mr. Speaker, I raise it and I will continue to raise it, because Hydro has indicated that they wish to arrive at a decision by the first week of December. The summer has a way of going all too quickly. What the municipal officials and the people of that area wish, they wish to meet with the decision makers. Would this government consider convening a meeting with the Chairman of the Manitoba Hydro and/or some of the

Ministers responsible in setting Hydro policy? Would they have an opportunity of meeting with some of the municipal officials that are very much concerned about Manitoba Hydro's action in this regard?

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

**HON. H. PAWLEY:** Mr. Speaker, I think that the Honourable Member for Lakeside has certainly offered a constructive proposal, one which I would certainly like to pursue further with the department and the Minister involved.

**MR. H. ENNS:** I want to thank the Honourable First Minister for that question. I want to assure him that he will be responded to by those persons for whom I'm asking this question. They want to very much have that kind of a meeting.

### Demonstrations - nuclear weapons

Mr. Speaker, a second question on a different subject, directed to the First Minister, who from time to time has a propensity for letting his Ministers act in their individual capacity to attend various demonstrations, etc., etc., etc. The question comes from the fact that France has announced that they have just successfully tested the neutron bomb. I see no demonstrations around this Legislature or indeed anywhere else with respect to that very horrific advancement of nuclear weaponry.

My question, Mr. Speaker, is: Is it only when the United States does these kind of things that we demonstrate, or are we genuinely concerned about the potential nuclear holocaust?

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

**HON. H. PAWLEY:** Mr. Speaker, just so it will be clear, I don't want to be establishing a precedent for responding to questions pertaining to international affairs. At the same time, I don't want to appear to be ducking the question from the Honourable Member for Lakeside. I want the honourable member to know that I disapprove of the testing of neutron bombs, whether it be by Communist Soviet Union, whether it be by Reagan's United States of America, or whether it be by a Socialist Government in France.

### CNR Symington Yards - accident

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

**MR. A. KOVNATS:** Thank you, Mr. Speaker. I would like to direct a question to the Honourable Minister of Environment, but in his absence, I'll direct my question to the Honourable Minister of Highways. Over the weekend, I had occasion to discuss some important things at a meeting with some employees of the CNR, particularly who worked at the Symington Yard in St. Boniface. I was told that there was an accident of some magnitude there. Can the Honourable Minister of Highways bring me up to date as to the nature of such an accident?

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

**HON. S. USKIW:** Mr. Speaker, the member should appreciate the fact that my responsibility does not extend to railway system, which is indeed the jurisdiction of the Government of Canada and, environmentally, of course, federal and provincial.

**MR. A. KOVNATS:** I don't know to whom to direct the next question, Mr. Speaker, inasmuch as it is of great concern, seeing as my constituency is right next to Symington Yard, and the Honourable Member for Radisson also has a constituency next to Symington Yard. I think the Honourable Member for Springfield has a constituency close to Symington Yard, and the Honourable Member for Transcona has a constituency close to the Symington Yards. I wonder who I may ask a question to see if there was any danger to the residents of those constituencies, Mr. Speaker.

**A MEMBER:** Not this government, they don't know.

**MR. A. KOVNATS:** I would direct the question to the Honourable First Minister as I have nobody else to direct that question to, seeing as the Honourable Minister of Highways has relieved himself of any responsibility concerning this potential - this accident that happened over the weekend.

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

**HON. H. PAWLEY:** Mr. Speaker, I would like to thank the Honourable Member for Niakwa for raising this matter of concern. It's a matter that would properly fall within the responsibility of the Minister for the Environment, and I'll take the matter as notice and raise it with the Minister for an appropriate response.

### Careerstart Program

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

**HON. M.B. DOLIN:** Thank you, Mr. Speaker. The other day, in fact, several times over the past couple of weeks, questions have been raised about activities under the Careerstart Program. I would like to give just a brief answer and then table - I think for the Member for Minnedosa, that was the person who asked the question on Friday - for himself or for the Member for St. Norbert if he wishes to take it for him, a complete report on the issues.

Very briefly, advertising was very complete for this program and it was done throughout the province at the same time. There has been no indication that any civil servant received any information before the rest of the public did. The sons and daughters of potential employers are eligible, but that particular fact, the fact that immediate relatives were not deemed ineligible, is not a particular feature of this program nor one that has to be advertised. In fact, the intent of the program is to encourage additional positions over and above the regular positions that an employer might have. Therefore, and because of the Human Rights ruling on this issue, that the Human Rights Commission did advise us to include a clause eliminating immediate relatives

would cause the employers to discriminate on the basis of family status. We removed that particular clause, but it was not an issue which was going to be advertised.

This is not a program set up to hire people's sons and daughters. The fact is that in particular cases they may in fact be hired. There are 49 employers who have hired their own children into these positions.

In that entire area around Dauphin, which is our Parklands regions, in Employment Services there have been 726 positions approved just under the business and farms area in Careerstart.

The budget - this relates to the question of how many applications were refused - of 9.1 million was divided between the business and farm applications and non-profit organization applications at the same ratio as the number of applications received. Therefore two-thirds of the budget went to business and farm applications and one-third went to the non-profit organization sector. This in fact enabled the program to fund every business and farm application which was qualified and submitted by the deadline date.

I'm pleased to tell you that as money does become available some funds always become available through what is called slippage as applications are cancelled for one reason or another. As that money does become available, people who were perhaps not approved for their entire application level, say not all three positions are being contacted and offered further assistance, no one had the advantage of accessing any of this information early.

The conflict-of-interest situation, civil servants hiring people under this program - some business owners and farmers also happen to work at Civil Service jobs - we have carefully perused all of the applications from the Parklands regions. They may have applied under the business and farm portion of the program, these people may have, but we have no way of knowing it as of course a different name is used than their own personal name which is the one under which they work for the government. All applications were assessed during the week after the deadline date, and the date of application was received. As long as the application was received prior to the deadline, it played no part whatsoever in the assessment process. So after careful inquiry we find that all of the allegations of abuse of the Careerstart Program are unfounded; we have not been able to find any facts to substantiate any of them. I will table the complete report with a listing of all of the areas of advertisement and so on.

### Unemployment rate

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

**MR. G. MERCIER:** Mr. Speaker, could the Minister of Labour inform the House as to how many thousands of young Manitobans between the ages of 15 and 24 are still unemployed?

**HON. M.B. DOLIN:** I'll take that as notice, Mr. Speaker.

### Order for Return - Lionel Orlikow

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

**MR. G. FILMON:** Thank you, Mr. Speaker. My question is to the Acting Government House Leader. I've asked this question on a number of occasions, but I wonder if the government is yet in a position to respond to my Order for Return regarding the employment of Lionel Orlikow.

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

**HON. A. MACKLING:** Mr. Speaker, I'd have to take that question as notice.

### ORDERS OF THE DAY

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

**HON. A. MACKLING:** Mr. Speaker, before . . .

**MR. SPEAKER:** Order please. The Honourable Acting Government House Leader.

### BUSINESS OF THE HOUSE

**HON. A. MACKLING:** Before commencing the items, Mr. Speaker, I'd like to give an announcement that Law Amendments Committee will meet July 5th at 10:00 a.m., that's Tuesday, July 5th at 10:00 a.m.

From this point on, would you first call the Constitutional Amendment on Aboriginal Rights, standing in the name of the First Minister, found on Page 7 of the Order Paper; and then second readings in this order, Bill No. 92, standing in the name of the Minister of Urban Affairs; and Bill No. 85, standing in the name of the Minister of Transportation; and then Bill No. 84, standing in the name of the Minister of Housing.

### PROPOSED RESOLUTION CONSTITUTIONAL AMENDMENT RE: ABORIGINAL RIGHTS

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

**HON. H. PAWLEY:** Mr. Speaker, I beg to move, seconded by the Honourable Minister of Community Services, for a resolution to authorize His Excellency the Governor General to issue a proclamation respecting amendments to the Constitution of Canada.

WHEREAS The Constitution Act, 1982, provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions of the Legislative Assemblies as provided for in Section 38 thereof;

AND WHEREAS the Constitution of Canada, reflecting the country and Canadian society, continues to develop and strengthen the rights and freedoms that it guarantees;

AND WHEREAS, after a gradual transition of Canada from colonial status to the status of an independent and sovereign state, Canadians have, as of April 17,

1982, full authority to amend their Constitution in Canada;

AND WHEREAS historically and equitably it is fitting that the early exercise of that full authority should relate to the rights and freedoms of the first inhabitants of Canada, the aboriginal peoples;

NOW THEREFORE the Legislative Assembly of the Province of Manitoba resolves that His Excellency the Governor General be authorized to issue a proclamation under the Great Seal of Canada amending the Constitution of Canada amending the Constitution of Canada as follows:

### PROCLAMATION AMENDING THE CONSTITUTION OF CANADA

1. Paragraph 25(b) of The Constitution Act, 1982 is repealed and the following substituted therefor:

"(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired."

2. Section 35 of the Constitution Act, 1982 is amended by adding thereto the following subsections:

"(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.  
(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons."

3. The said act is further amended by adding thereto, immediately after section 35 thereof, the following section:

"35.1. The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of Section 91 of The Constitution Act 1867, to Section 25 of this act or to this part,

(a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the First Ministers of the provinces, will be convened by the Prime Minister of Canada; and

(b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item."

4. The said Act is further amended by adding thereto, immediately after section 37 thereof, the following part:

### "PART IV.1 CONSTITUTIONAL CONFERENCES

37.1(1) In addition to the conference convened in March 1983, at least two constitutional conferences composed of the Prime Minister of Canada and the First Ministers of the provinces shall be convened by the Prime Minister of Canada, the first within three years after April 17, 1982 and the second within five years after that date.

(2) Each conference convened under subsection (1) shall have included in its agenda constitutional matters that directly affect the aboriginal peoples of Canada, and the Prime Minister of Canada shall invite

representatives of those peoples to participate in the discussions on those matters.

(3) The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of a conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.

(4) Nothing in this section shall be construed so as to derogate from subsection 35(1)."

5. The said Act is further amended by adding thereto, immediately after section 54 thereof, the following section:

"54.1 Part IV.1 and this section are repealed on April 18, 1987.

6. The said act is further amended by adding thereto the following section:

"61. A reference to the Constitution Acts, 1867 to 1982 shall be deemed to include a reference to the Constitution Amendment Proclamation, 1983."

7. This proclamation may be cited as the Constitution Amendment Proclamation 1983.

#### **MOTION presented.**

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

**HON. H. PAWLEY:** Mr. Speaker, in beginning the debate on the first of three Constitutional Resolutions to debate it in the House in this Session, I would like the House to be clear in the procedure that we propose to follow.

As I and the Government House Leader stated when this matter was first discussed on June 17, 1983, the government will not agree to referring the subject matter of any of the resolutions to a committee of the House for intersessional study. Certainly with respect to the aboriginal rights matters which I introduced today and a proposed amendment to Section 23 of The Manitoba Act, it is important in our view that the matters be dealt with at this Session. It is also our view that it is important that the public have an opportunity to receive full information on all of the issues and to be able to raise questions, and to express opinions.

It was with this in mind that we had announced on June 17th the holding of a number of public meetings in various Manitoba centres. I expect the Government House Leader to announce full details of these meetings later this week. I'm advised that it is likely that the first of these meetings will be held in Brandon on or about July 7th or 8th. These meetings will include a public meeting in Winnipeg.

In addition, the Attorney-General, in due course, acting in his capacity as Government House Leader will introduce a motion to refer the subject matter of the resolutions to one of the Standing Committees of the Legislature to provide a more formal opportunity for presentations from the public. The referral will require the committee to report back prior to the conclusion of debate on the resolutions.

With respect to amendments these, of course, will have to be introduced, if at all, during the course of debate in the House. The rules do not provide for a committee stage on the text of resolutions as is the

case with bills. I deem it is desirable at this time to clarify the question of amendments particularly to the resolutions dealing with Section 23 of the Manitoba Act.

As pointed out by the Attorney-General the agreement is in effect an agreement to resolve a court case. It follows that before the Government of Manitoba could agree to any amendments it would have to insure that other parties to the court action and the Federal Government which must introduce an amending resolution in the House of Commons, in the Senate, in exactly the same terms as the amending resolution in the House would agree.

Mr. Speaker, any questions that may rise in respect to the process will be followed, will be addressed to this House by the Government House Leader upon his return to the House tomorrow.

The resolution before us today results from the First Minister's Conference on aboriginal matters which was held in March of this year. At that time the Provincial and the Federal Governments of Canada met for the first time with representatives of Native peoples and territorial governments to discuss amendments to the Canada Constitution pertaining to aboriginal matters. This conference provided the first real chance to begin the process of fulfilling the responsibilities of all Canadians for its Native peoples, to ensure that all aboriginal and treaty rights are eventually identified, defined, respected, enshrined.

At the conclusion of the two-day conference a consensus had not been reached on agenda items. Therefore all parties except for Quebec unanimously agreed to the resolution before us and the parties agreed to submit this resolution to the respective Legislatures for approval.

I am pleased and proud that I and my caucus have committed ourselves to the passing of this resolution. It will ensure that the Manitoba position remains clear, strong, unwavering in support of the Native people's objectives of enshrining their rights into the Canadian Constitution.

The passing of this resolution is yet another important step in this historic process. It will provide the basis on which future conferences can occur, and it is through these conferences that dialogue can take place which will result in permanent entrenchment of the guarantees and rights which the Native people of this country so justly deserve, justly not only because the Native peoples were the founding nations of this land, but because the recent repatriation of our Constitution took place without addressing or without resolving the important matter of dealing with the concerns of Canada's founding people.

It is incumbent, therefore, upon the present federal and provincial Legislatures to proceed with determination in the passage of this resolution so that a just, fair agreement can be reached as quickly as possible. The position of the Manitoba Government concerning this constitutional amendment is clear. Prior to the March Conference, we publicly indicated that we would do what we can to press for the entrenchment of aboriginal rights for Canada's Indian, Inuit and Metis within the Canadian Constitution. This was and remains our basic objective.

Indeed, this objective was first established following our election in November of 1981. — (Interjection) —

We were elected amidst a national debate over how aboriginal rights might be entrenched within the Constitution. At that time, we committed ourselves to the entrenchment and to the definition of aboriginal rights, and we are proud that we continue to work toward that goal.

The position, the objectives which the Manitoba delegation brought to Ottawa was established in large part as a result of the close and intensive consultations which the government undertook with Manitoba's Native peoples and organizations. In the year leading up to the Conference, this process of consultation was by no means perfect, but for all its limitations it brought us to the table with the strength of well-developed concepts, well-developed ideas. The Manitoba position was reflective of a common will which resulted from working on a common cause. It was also reflective of what can be achieved through a consultative, co-operative approach. Indeed I am proud that more than half of Manitoba's delegation was comprised of Native representatives. In this regard, Manitoba has provided a model for other provinces. Through this ongoing teamwork process, we were able to draft a statement of principles which defined the specific objectives which we hope can be reached once an agreement is realized at the Constitutional Conference.

Briefly, the objectives outlined in our statement of principles are equality of rights for Native women; the repeal of those sections pertaining to the extension of provinces and to the Territories and to the creation of new provinces; providing a Constitutional guarantee to Treaty rights to include modern agreements similar to treaties such as the James Bay Agreement; ensuring an ongoing process within the Constitution to renew, to extend in time the mandate given to the First Ministers to define those aboriginal and Treaty rights to be entrenched in the Constitution.

We believe that such a set of principles must be adopted by the parties that are involved in the Constitutional process for such a set of principles can provide the basis upon which specific items might be subsequently defined as rights for inclusion in Canada's Constitution.

The resolution now before us basically declares that aboriginal and Treaty rights are guaranteed equally to males and females. It further states that the rights and the freedoms guaranteed in the Charter do not take away from rights acquired by way of land claim settlements. It calls for at least two more Constitutional Conferences on aboriginal rights before 1987.

The items contained within the resolution are critical building blocks of the ongoing process. They will allow us to proceed to the next step, the next Constitutional Conference. I am confident that an agreement will result which will provide the guarantees which our Native people seek. The March Conference showed Canadians that the Native peoples have the leadership to eloquently and forcibly state their case. I believe that most Canadians are sympathetic to the plight and the positions outlined by our Native peoples.

I believe that most thinking people do not feel threatened by the aspirations of Native peoples for we should all realize that the entrenchment of aboriginal rights does not diminish, does not reduce the rights of other Canadians. It strengthens all our people, all of our society. Indeed, removing social and economic

roadblocks that will allow Native peoples to succeed will be a victory for all Canadians and not just for aboriginal people.

Those concerns, these aspirations must be fully understood, must be fully addressed for the aboriginal peoples in our Canadian society do hold a special status. They do so by virtue of the fact that they occupy and they own the lands of this country prior to the European settlement and the application of European law. At the time of the European settlement, our ancestors encountered aboriginal peoples who existed and who had long existed as distinct nations.

These aboriginal peoples exercised the power of self-government over their religious, over their cultural, over their economic, over their political life. They exercised control over their territory and over the living and over the natural resources in the land that they inhabited. This is true for the aboriginal people who lived in what we now call Manitoba as it was for those in other parts of Canada, now comprising the Canadian provinces and territories.

Where the several centuries which have followed have altered, have drastically affected the Native way of life, it is still essential that the Canadian Constitutional structure identify and define aboriginal rights for inclusion in the Canadian Constitution. This process on identification and of defining aboriginal rights for inclusion in the Canadian Constitution.

This process of identification and of defining aboriginal rights, which have existed for centuries, will be a difficult but trying process and one which must take place over a considerable period of time. That is why we strongly believe that the conference of last March was but only a beginning, and that is why we advocated for a constitutionalized ongoing process, and because this process will profoundly affect the future of the aboriginal peoples we believe it is essential that the aboriginal people be able to play a leading role and have the opportunity to provide meaningful input into that process. It's my hope that other provinces and Native organizations will follow the lead of Manitoba and undertake closer direct consultation with one another, so that provincial positions and representations at these conferences incorporate the mutual goals and the aspirations of Natives, as well as of the general population.

It's our view that a constitutional Charter of Rights for the aboriginal people would be substantially incomplete without a meaningful role, in being able to initiate amendments and being able to apply their consent to constitutional amendments which exclusively and directly affect them.

I am hopeful that with the unanimous passage of this resolution in this Chamber the government and the people of Manitoba can send to Ottawa a united, strong message, a message which underlines our full commitment to resolving matters of concern to aboriginal people so that the defining and the entrenchment of aboriginal rights can become a reality in the not too distant future.

We should all view this ongoing process as a hopeful prospect. I believe it can be beneficial for all Canadians and for all Manitobans, both aboriginal and non-aboriginal. Our Constitution can never be complete, nor can we be fully and firmly established as a nation until this critical process is complete. We owe it to our

Native people as the founders, as the first dwellers of our country, and we owe it to ourselves if we are to demonstrate our respect for history, our belief in social and economic justice, our concern for the destiny of our peoples.

In closing, I commend and recommend this resolution to the House, and I urge all members to support this resolution.

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

**MR. G. MERCIER:** Mr. Speaker, I have a question of clarification of the First Minister. Could he advise who will serve on the Informational Committee?

**HON. H. PAWLEY:** Mr. Speaker, the Government House Leader will be making announcements pertaining to those hearings, as I indicated in my early remarks, before the end of the week.

**MR. G. MERCIER:** Mr. Speaker, a second question. The First Minister referred to public meetings. In view, Mr. Speaker, of the tradition among Manitobans and Manitoba workers who have managed to accumulate enough funds to buy a modest cottage and spend the month of July, or a part, at the lake, which is traditional in Manitoba among many many workers in Manitoba, has he considered appropriate that so-called public hearings be held in the month of July?

**HON. H. PAWLEY:** Mr. Speaker, that has always been a problem traditionally in this House. I can remember when we dealt with many pieces of legislation in the summer months in the past, during times from '69 to '77, from times '77 to '81. Again, we unfortunately will be having to deal with matters pertaining to seat belts, the Cattle Producers Association, other matters during the months of July and August, just as we had to deal with many many matters since 1978, '79, '80, '81, during the months of July and August and June, or late June, Mr. Speaker. I have no doubt that there will be a great deal of participation in the hearings both in the House and by way of the informational meetings.

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

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

**MOTION presented and carried.**

## SECOND READING - PUBLIC BILLS

### BILL NO. 92 - THE CITY OF WINNIPEG ACT

**HON. E. KOSTYRA** presented Bill No. 92, An Act to amend The City of Winnipeg Act, for second reading.

**MOTION presented.**

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

**HON. E. KOSTYRA:** Thank you, Mr. Speaker. I am pleased to introduce for second reading Bill No. 92,

An Act to amend The City of Winnipeg Act. The amendments prepared for consideration of the Legislature this Session are mainly administrative in nature. It is the intention of this government to establish a committee review in the fall of 1983 to assess the success of The City of Winnipeg Act in providing Winnipeg area residents with the most responsive and effective government possible.

The most significant changes proposed in Bill 92 will permit City of Winnipeg employees to be nominated for election to, or to become members of City Council, the Legislative Assembly, and Parliament. At present, civic employees are disqualified for running or sitting on City Council. To safeguard the public's interest and the rights of civic employees, Bill No. 92 will require that any employer of the city or its agencies who proposes to become a candidate for election of a member of council shall apply for and be granted a leave of absence for the period of his/her candidacy and, if elected, for a period commencing on the date of the election.

In response to meetings with the additional zone association municipalities, Bill No. 92 will enable the additional zone municipalities to conduct public meetings on zoning and subdivision applications. Presently the designated committee of the City of Winnipeg is required to conduct such meetings. Bill 92 will give the additional zone municipalities the same status in terms of planning and zoning as that of the City of Winnipeg's community committees.

In order to conform, two provisions contained in Bill 47, The Municipal Conflict of Interest Act, Bill No. 92 will repeal and amend sections of The City of Winnipeg Act which presently forbids anyone who has a major conflicting interest from seeking office as a city councillor.

Bill 92 adds new sections to The City of Winnipeg Act to clarify the question of construction in designated floodway areas. More than half of the amendments in Bill 92 have been drafted in response to specific requests made by the City of Winnipeg over the past two years. Most of these changes in wording clarify terms, strengthen present powers and sanction existing city practices.

Bill 92 provides City Council with greater latitude in establishing its own pension plans and permits it to institute for the first time its own group insurance plan. The City of Winnipeg Act presently prescribes the amount of benefit to be received and who is entitled to receive it. The government is of the opinion that the City Council should be given the powers to determine its own pension and insurance plan.

Provision is also made in Bill 92 to reduce the advertising requirements for rezoning variants and conditional use applications. Presently such applications require two notices to be published in two newspapers having a general circulation in the city in each of two successive weeks prior to the public hearings.

The City of Winnipeg Act requires that the applicants pay the advertising fee charged by the newspaper, which at this time is \$360 for a rezoning application. Proposed changes to the act will reduce these costs by half. Also to reduce mailing costs to the City of Winnipeg, reports required in the act to be forwarded to those who have made representations at community committee regarding a zoning matter will be permitted to be sent

by regular mail rather than registered mail. In order that all members of the Legislative Assembly be familiar with the provisions contained in Bill 92, I will have distributed to you shortly a brief listing and summary of each provision.

In conclusion, Mr. Speaker, I would recommend Bill 92 to the honourable members for their consideration and adoption.

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

**MR. G. MERCIER:** Mr. Speaker, I move, seconded by the Member for Tuxedo, that debate be adjourned.

**MOTION presented and carried.**

**BILL 85 - THE HIGHWAYS AND  
TRANSPORTATION  
CONSTRUCTION CONTRACTS  
DISBURSEMENT ACT**

**HON. S. USKIW** presented Bill No. 85, The Highways and Transportation Construction Contracts Disbursement Act, for second reading.

**MOTION presented.**

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

**HON. S. USKIW:** Mr. Speaker, members of the House are probably familiar with why the need for the changes that we are introducing through this bill having to do with the fact that inevitably every year we have one or two cases where a general contractor is unable to fulfill his or her obligations or the company obligations entered into with the Department of Highways and the way in which we currently operate to resolve that kind of a problem.

Under the general conditions, specifications applicable to all highways contracts has always contained the following requirements: Payments under contracts - The contractor shall pay every claim for the price of work, service or materials made by a person who performs any work or service upon or in respect of, or places, or furnishes any materials to be used in performance of the contract and the payment of every such claim by the contractor shall by an obligation under the contract as fully as the doing of any work thereunder and, so long as any such claim remains unsatisfied, the contract shall be deemed to be uncompleted.

Also another provision - When the contractor gets into financial difficulties, he cannot pay his creditors and the department cannot pay the contractor, the general conditions go on to say as follows: If four months after the completion of all essential physical work on a contract, the contractor is unable to complete a statutory declaration showing that all accounts for labour, materials and services reasonably required in the completion of the contract have been paid, or provision for the payment has been made, the Minister reserves the right to pay all monies owing to the contractor to the bonding company; or in the event

that the bonding company does not wish to accept the monies subject to the trust conditions imposed by the Minister, then the Minister may pay the monies to a trustee for distribution.

Previously, Mr. Speaker, when the money had to be paid to a trustee for distribution, it required a special Contract Disbursements Act. In other words, for each contractor that came into default, we had to have an act for that particular default. The time involved, of course, members will appreciate, is extremely significant in that it sometimes takes a year to two years to bring resolution to that kind of a case under the existing provision, wherein a new bill has to be introduced and must go through all of the readings and committee hearings and so on.

It is proposed, therefore, that since the department is expected to be excluded from The Builders Liens Act - and that's an act that is an amendment that will be coming forward - to pass one act called The Proceeds of Contract Disbursements Act to allow problem contracts to be handled in a more expeditious manner. The individual Contract Disbursement Act format, however, has been used as a basis for the new act, but the words, "contract, contractor, holdback and trustee" have been defined to reflect the fact that this is a general piece of legislation.

This act also allows some leeway in distributing the contract proceeds. The department is given the option of simply retaining the holdback until directed in writing, and that would be by the parties in dispute, how to dispose of it, or take interpleader proceedings before the court so that the matter can be settled judiciously or by the appointment of a trustee. The trustee can be a firm of accountants or any other independent person that the Minister may decide upon.

In essence, Mr. Speaker, what we are doing is providing through this bill a means by which we can much more quickly rectify the question of how to disburse funds in a situation where we have a default in contract. We believe that that's in the interest of the public, and certainly is in the interest of the contractor in question and all of the lien holders in question. So, I believe, Mr. Speaker, that this legislation should receive unanimous support.

**MR. DEPUTY SPEAKER, P. EYLER:** The Honourable Member for Niakwa.

**MR. A. KOVNATS:** Mr. Speaker, may I ask a question for clarification?

Previous today, when we were in question period, I asked the Honourable Minister a question concerning an accident in Symington Yards, and I was advised that this was not his responsibility, that it was a federal responsibility. Yet, this bill today, it starts with Highways and Transportation, and I would assume that he would be the Honourable Minister of Transportation also. Would this fall under his jurisdiction, or is he just accepting the responsibility for this particular act.

**MR. DEPUTY SPEAKER:** The Honourable Minister of Transportation.

**HON. S. USKIW:** Mr. Speaker, the Member for Niakwa raised a question relating to environmental concerns.

Of course, that is a matter that the Minister of Environment must deal with.

The Transportation Act provides for the Minister of Transport to have jurisdiction over the highways of Manitoba in particular, although we are also responsible for the area of interfacing with the Government of Canada with respect to, yes, airlines, railway tariff, etc. We have a division within our department that specializes in that field and which was formerly in the Department of Industry. But with respect to the specific of an accident on a railway, that indeed is a federal responsibility and our role as the province, of course, has to be one of environmental protection, which is that of another Minister.

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

**MOTION presented and carried.**

### **BILL NO. 84 - AN ACT TO AMEND THE RESIDENTIAL RENT REGULATION ACT**

**HON. J. STORIE** presented Bill No. 84, An Act to amend The Residential Rent Regulation Act, for Second Reading.

**MOTION presented.**

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

**HON. J. STORIE:** Thank you, Mr. Speaker. My comments will be brief. The amendments to this act are generally of an administrative nature and are designed to clarify the intent of certain provisions within The Residential Rent Regulation Act.

For example, the definition of residential premises is suggested for amendment so that it will conform with the definition contained in The Landlord and Tenant Act. In addition, occupancy permits we have found are not always issued in the manner that was assumed in the drafting of The Rent Regulation Act. There are cases in the province where no occupancy permit is issued, and other cases where the occupancy permit is issued subsequent to the particular occupancy of a given unit.

Because of these unusual situations and the variations that occur across the province, I am bringing forward an amendment to cover these various possibilities.

The act, Mr. Speaker, was designed to provide, as well, owners of small residential dwellings, that is, with three or less units, with some latitude in rent setting. It was not intended, however, to apply to condominium units where there may be many owner-occupied units, with three or less of those units rented. The amendment I'm suggesting would help to clarify that particular situation.

Finally, I am suggesting an amendment that would administratively simplify the matter of handling late appeals. The amendment would allow the Co-ordinator of Appeals, rather than an Appeal Panel, to determine if there exists good and sufficient reason for a late filing of an appeal. I believe that the Co-ordinator of Appeals is in a better position to look into such matters than

is a panel, and would not require the convening of a panel when, in fact, the panel would have no subsequent function.

I would, therefore, recommend this bill to honourable members for their consideration and adoption.

Thank you, Mr. Speaker.

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

**MR. G. FILMON:** Mr. Speaker, I move, seconded by the Honourable Member for La Verendrye, that debate be adjourned on this bill.

**MOTION presented and carried.**

**MR. DEPUTY SPEAKER:** The Acting House Leader.

### **ADJOURNED DEBATES ON SECOND READING**

**HON. A. MACKLING:** Mr. Deputy Speaker, would you call these bills in this order please: Bill No. 89, standing in the name of the Honourable Member for Virden; and then Bill No. 60, standing in the name of the Honourable Member for Pembina; and Bill No. 47, standing in the name of the Honourable Member for Arthur.

### **BILL 89 - THE LANDLORD AND TENANT ACT**

**MR. DEPUTY SPEAKER:** Bill No. 89, standing in the name of the Honourable Member for Virden.  
The Member for Tuxedo.

**MR. G. FILMON:** Thank you, Mr. Speaker. The Honourable Member for Virden adjourned debate on this bill on my behalf.

Mr. Speaker, when the Minister of Housing introduced this bill for second reading, he indicated that the amendments were of a minor housekeeping nature and, except for the compensatory measures due to tenants freeing-up their premises to a landlord under certain provisions of the existing Landlord and Tenant Act, there was nothing of consequence in the bill. I took the Minister at his word.

In fact, as I reviewed his statement, he said, "Most of the amendments to this act are of a housekeeping or administrative nature." I took the Minister at this word and went away for a few days to look after some other endeavours in Ottawa, and then only began to peruse the bill as I returned.

When I looked at it, I had a number of concerns that I thought ought to be raised. Firstly, this act was just amended last year. If these are only of a minor and a housekeeping nature, given the fact that we are currently faced with over 100 bills and a very heavy legislative load, why would the Minister have his department push it forward at this time? Why, if they are of such a minor and a housekeeping nature, are we being asked to consider this legislation at this time when we do have such a heavy load? Can't the government get its act together; can't the Cabinet decide on priorities and try and deal with legislation that is essential, that is necessary at this time, when

we are facing, as I say, such a heavy load of debate in the House and consideration of bills?

I guess that the new Minister is attempting to justify the existence of the new department, the added staff and the expense and so on that's been incurred by the government in creating this new department. I guess that is probably why they have to proceed with it.

If they have to proceed with it, given the fact that this session has gone on for quite some time, why is it being done in such a rush? I, personally, have counted at least four typographical or editorial errors that have been made. That's only in the English version of a five-page bill. Why is the department proceeding with it in such haste, and without giving it due consideration, as I see it? That's another question that I have, and I will raise the editorial or typographical errors that I have picked up as we get into committee on this.

Getting to the bill, Mr. Speaker, and its contents. As I perused it, a number of things became apparent to me; the first of which was that I don't believe this is a minor housekeeping bill. In fact, I believe that there are some serious areas of consideration in this bill that somebody, whether it's the Minister or his staff have decided to proceed with, that, to my way of thinking, are more than just minor and administrative in nature.

For instance, in the provisions of this bill, Mr. Speaker, there are amendments to sections of the existing Landlord and Tenant Act. The Landlord and Tenant Act has always acknowledged the right of the tenant to continued occupancy with limited exceptions as long as the tenant is not in default of any obligations under the act or under his tenancy agreement, but even under these exceptions, a forced move can be expensive or socially disruptive. So there ought to be limited circumstances under which a tenant can be forced to leave the premises. I believe we all acknowledge that; I believe we all probably support that sort of provision in the act, and it exists there.

Under this provision, whereby a tenant might, under certain circumstances, be required to move, and those are limited circumstances, as I look through the existing act, I see that the circumstances are where a landlord requires the possession of the premises for the purpose of demolition; where the landlord requires the possession of the premises for purposes of carrying out major renovations, rehabilitation, and so on; or where the landlord requires the premises for his own occupancy, or that of his parents or his spouse's parents, or in this case now, an adult child, and I'll speak about that particular amendment.

So, those are rather narrow circumstances under which a tenant might be required to leave the premises that he has occupied in the past, and what we are doing is making sure that there is some compensatory offer to the tenant for this socially disruptive circumstance that could be brought to bear of requiring him or her to move. We are now making a change that requires that they be given firstly, three months notice, which doesn't seem to be unreasonable; and secondly, that the landlord must forego the last two months of rent on the premises.

On the surface that may appear to be reasonable, but let's take a look at what might cause the triggering of this compensatory action on behalf of the landlord, the three months notice and then the last two months being given rent free. But as I said, the three major

circumstances are that the landlord requires the premises back for the purpose of demolishing the building. Well, firstly, if the landlord requires the repossession of the premises for this purpose, presumably he is going to be replacing that revenue-bearing property with some other revenue-bearing set of circumstances. If we look at the situation and I've talked to various landlords and property managers in the city, and certainly a number of them have circumstances at the moment, that that will govern. There are properties, as the members are probably aware, for instance, along Broadway just down the street from us, that are currently residential rental premises, that are owned by a major landlord that have commercial zoning and that are about to be demolished and replaced with a large revenue-bearing commercial property.

Under those circumstances, if you take some of the things that are on the books right now and you take, as I say, a large valuable piece of property, you would find, for instance, that they're going to be replaced with a multimillion dollar commercial complex and perhaps it's a \$5 million project. So if the landlord has to forego the last two months rent on a 100-suite apartment that exists, for instance in one case, we're dealing with perhaps \$70,000 of compensation that is going to have to repay to his tenants and that amounts to 1.5 percent of the project cost and I'm sure that would be built into the project cost of the reconstruction and that would probably not affect the major landlord too drastically. They would just simply have to take that into account and make sure that the property with which it is being replaced is sufficient to bear revenue to justify that kind of expenditure.

But time and time again, from my experience in the portfolio that the Minister occupies, there are circumstances always - and I say this as well from my experience as a city councillor - in which we, as government, would like to see old, deteriorated, badly decayed property that is currently being rented out, being upgraded and replaced with better properties.

In other words, you may find an individual home or a duplex or a small set of rental properties that is in various areas of the city, in which, on a spot renewal basis, you could upgrade the area and replace it with a better residential property, again, that may be rented out. It seems to me that we don't want to discourage that kind of thing happening. We don't want to tag the small property owner, who wants to replace his old, deteriorated, decayed property with a better property; we don't want him to be discouraged from doing that. Yet this provision will do that and it will lead to continued decay, deterioration in various areas of the city. And I say that if you're looking at, for instance, the replacement of a duplex that may be very badly deteriorated with a new modern one, you're now asking a person on a \$80,000 renovation renewal project, to perhaps forego something in the order of \$1,500 in rent - you know, two properties, two months, and that sort of thing. It seems to me that we're now getting into a range that may cause him to think twice and if he is not inclined in the first place to do it, but under some encouragement from zoning laws and that sort of thing he wants to, this is now a discouragement to do that kind of thing, to do the kind of upgrading renewals in various areas of the city that we'd like to

see happen. That's with respect to the demolition portion.

Now if you apply this particular provision of the two months rent free to the existing tenant for requiring them to move under provisions that were put in the act with good reason because there ought to be this kind of provision so that landlords can be encouraged to do the thing we want them to do, so this is not a provision that was put in there under duress or because landlords said they must have an out. This was put in knowingly by previous administrations because we want to encourage the replacement of old decayed properties with better properties.

Secondly, we want to encourage the repair, renovation, restoration and rehabilitation of existing properties at all times; major work that we would like to see done to upgrade rental properties so that we don't have a deteriorating housing stock; so we don't have people living in poor conditions in rental accommodation in this province and this government opposite acknowledged and encourages that kind of thing happening in rental properties.

As a matter of fact during the bringing in of The Residential Rent Regulation Act - and I can remember this Minister's predecessor proclaiming loudly the fact that his act would not have the kind of problems that other acts did in major centers, that other rent control legislation in other major centers in North America did - that is, that they restricted or discouraged people from upgrading their rental properties, and it led to the kind of decay and deterioration that you found. He mentioned major cities in the United States like New York, Chicago and so on in which rent controls have led to a deteriorating rental housing stock because there's no incentive for the owners to upgrade.

Well in this particular case, Mr. Speaker, we now are bringing in a provision that goes directly contrary to that which is in their act and that is, their act calls for and allows for rehabilitation of rental properties with the incentive that, if it's brought up to a certain standard it will then become rent free for a period of up to five years. That's, apparently according to the government when they brought that in, a direct incentive, a very strong incentive. They called it an enlightened approach to rent controls. They said it was a provision that should be applauded by all members of the community, both landlords, tenants, and taxpayers alike.

Here the next year, the very next year, they bring in a change to The Landlord and Tenant Act that goes directly against that and is a disincentive to somebody who wants to rehabilitate, upgrade, restore, renovate rental housing stock. — (Interjection) — They now have to pay, as compensation, two months rent to every person that they kick out of accommodation in order to do the rental rehabilitation.

It goes against, not only their principles in bringing in the rent control legislation, but Federal and Provincial Governments, this government and the Federal Government are, through various programs on the books right now, attempting to encourage this kind of rehabilitation, restoration, and upgrading through RAP Federal Program; through the Core Area Rehabilitation Program of rental housing stock; through CREDA which is the Conservation Renewable Energy Demonstration Agreement. These are all areas in which funding can be provided by Federal and Provincial Governments

to upgrade, renovate, rehabilitate, and now we're coming forth with a disincentive, a direct disincentive for people to do that.

So I wonder what this Minister's department is thinking. I wonder what his advisors are thinking when they're going against the very programs that they are funding to encourage this upgrading of house stock. They come against it by providing a direct disincentive to that kind of thing.

Well, that's a problem as I see with the second area, that's a severe penalty, and I think that this just indicates to me that there's confusion in the Housing Minister's Department, there's confusion in the government that is setting policy and the left hand doesn't know what the right hand's doing, if there is a right hand on that side.

Well, it seems to me, Mr. Speaker, that this kind of thing would have been alleviated or avoided if they had had prior consultation about this act. But I have found from contacting people throughout the rental industry, the property management industry, that there was no prior consultation in bringing forth these recommendations.

The property managers that I spoke to received a copy of this act from the Minister the day after they received a copy from me. So he introduced it in the House, he gave the opening statement on it and then he sent it out for discussion. Well it seems to me that that's putting the cart before the horse.

If in fact he had some concerns for the viewpoint of those who would be most closely affected, why did he not ask about it before he made the changes in the act, brought them into the House, and put them forth as legislation at a time, as I say, when we're already dealing with too much legislation in this House? When we are already overburdened with work in this House, why would he not have consulted first and maybe found out that there are some serious weaknesses to the changes that he's proposing in this so called housekeeping legislation?

The next area, Mr. Speaker, that will be affected by this is the area in which a residential property will be repossessed by an owner for use of the immediate family - and I read the definition of immediate family and that includes the owner for his or her own occupancy, or that of his parents, or a spouse's parents, or as the act currently says his married son, or his married daughter - and we are replacing that terminology of married son, married daughter, by adult children and I agree with that move.

As a matter of fact what we are doing is clearing up the act so that it doesn't have archaic wording. I think we all recognize that the marital status of the adult children should not be a question, it's just their relationship to the owner and that was done at a time when we didn't recognize I suppose as freely as we do today different relationships of adult children, and whether or not they are married should have nothing to do with whether or not they are entitled to the occupancy of their parent's-owned rental premises.

So in that change itself I have no question in supporting it. I said that when I was Minister of Housing to Mr. Silverman, who is the President of the Landlords Association, except at the time he came to me and asked for that change to be made when there were no other changes we were going to bringing to the

legislation, it didn't seem to be a very big deal. It's a question of archaic wording. I don't think there'd be one case in a thousand that somebody would be disqualified; one case in a hundred that somebody would be disqualified from using those premises because they weren't married. So I said to Mr. Silverman, look, I can't justify bringing in the act for an amendment for that minor change in legislation.

I saw Mr. Silverman. Incidentally I must say that I criticize the Minister for implying as he did in his opening statement, that these changes are made as a result of - and I mean these changes in general, the whole group of changes - as a result of discussions and recommendations by the Manitoba Landlords Association. He said, the amendments meet the requirements of the Manitoba Landlords brief. This, to my knowledge, is the only one of all these changes that the Manitoba Landlords Association has recommended to the Minister. I take exception to him sort of including it all in a large net of recommendations that he's going forward with. Only this very minor amendment to the archaic wording of that clause is what the Landlords Association has recommended, and they certainly do not support or favour any of the other. I'm sure that they'll tell him that when they get to committee.

I am amused by it, because when I saw Mr. Silverman by accident on the street, as a matter of fact out front of the Legislature, I asked him what he thought of these amendments to the legislation. I said to him, you know, Mr. Silverman, what do you think? Of course, he went into a lengthy tirade. I said, well, I don't want to discuss this any further with you, because I am sure that you'll bring all your comments to committee in any case. But I said, you know, you remember that when I was Minister, I declined to make that minor amendment because I thought that it wasn't proper to open up the act for a very minor amendment and it wasn't hurting anybody to any large extent. As I say, there may have been one case in 100 in which a landlord's child was affected adversely by this, so I didn't see it as warranting a major legislative change.

I said, your insistence that this was a big deal, and he made a public disclosure of it, saying that the Minister wasn't interested in the Landlords Association's position and that they were very upset with me because I wouldn't consider this change. I said, you know, I'm reminded of the story of the person who said, "I used to be very very upset about the fact that I had no shoes; I really felt badly until I met a person who had no feet."

This is the kind of thing where I'm sure Mr. Silverman will rue the day that he ever asked the Minister to make amendments to The Landlords and Tenant Act on one minor thing, when all of these other things have now been brought into the net and all the problems are created.

Well, Mr. Speaker, who will this amendment affect, this amendment to the bringing in of the adult children? Is it going to affect the big landlords? Of course not. I mean, how many times would you assume that the owners of Lakeview or Shelter Corporation or Imperial Developments or any of those invoke this clause to repossess a suite from a tenant? Almost never, I would gather. So who might ever have to use this clause? It's a small individual landlord who owns a couple of pieces of property or a duplex and wants to get half of the

duplex back so that his son or daughter can move in or his parent or something like that. That's the person who is going to be affected by that. Well, now, they are going to have to pay two months rent in compensation in order to get their own suite back to rent out to a member of the family. It seems to me, Mr. Speaker, that it's a ridiculous kind of provision and a terrible slam at one type of person, one group of people.

The other thing that occurred to me with this was that there are many people who rent out their premises because it's convenient both to them and to the party to whom they rent it. I'll tell you about the circumstances under which I had to rent my house out, on Borebank Street in River Heights, when I moved to Brandon for a couple of years. My company was transferring me out to Brandon, and it was agreed that it would be about a two-year posting out there. It seemed to me at the time that we might be better off, given the rising prices of housing in Manitoba, just to rent our house out because in all probability we would move back to Winnipeg a couple of years hence and we'd like to still have our house where we were living before.

So we found some very suitable tenants. It was a professor at the university and his family. They were looking for housing in River Heights and they were delighted with the circumstances. It was for them a good deal; it was for us a good deal. We had a specific two-year agreement. There was no question that, at the end of two years, it may or may not be extended. It was a two-year agreement.

Well, under these circumstances, we would have had to give them the last two months rent-free in order to get back into our own house two years later. We were not big landlords. That's the only time in my life that I have been a landlord, when I rented out my own house to somebody else. We were not, shall we say, the powerful people dealing with the powerless tenants. In fact, the person to whom I rented was probably in better economic circumstances than I, but because he was in a position where he didn't have tenure at the university and there was a possibility that he might not live in Winnipeg for a lengthy period of time, he was only looking for a two-year lease at that time. It was a very convenient arrangement for us and for them. They were very happy with the house, they became best friends with people around in the neighbourhood, and it was a very good arrangement, but under no circumstances was it the powerful landlord dealing with the powerless tenant.

So now you are disrupting those kinds of circumstances, and I suggest to the Minister that there are literally hundreds of these situations that arise every year. You are saying that any time anybody rents out a premises and then moves back into their own premises, they have to forego two months rent in order to get back into their own premises; no exceptions, no considerations otherwise, you just have to forego two months rent.

Well, see, here's the problem. A lot of these amendments appear to be aimed at sort of helping those powerless tenants against the powerful landlords, except that's not the way it works. This is the same sort of situation as you have done with your amendments to The Labour Act where, by bringing in the babysitters and the domestics and the

housekeepers into this whole net of legislation and jurisdiction, you now have created a terrible hornets' nest. I say to you that you haven't helped out tenants in any way, shape or form in this kind of legislation, but you have created an indication, a signal out there to people that you believe that tenants should be made all-powerful over and above anybody who owns property regardless of circumstances. That's what you've done.

It is a very seldom used section but, all of a sudden, it's the old class warfare. Here we have the tenants being placed in a position where they have precedence over any landlord regardless of circumstances; that they deserve to be given special consideration regardless of any circumstances. I say that's a signal; putting that tenant in a special class as a special class of citizen, that is very harmful to the relationships that we are developing between landlords and tenants.

Surely, there should be an override clause that can be put into leases that allows people, by agreement, to waive that situation, to forego it. Otherwise, you are going to be disrupting hundreds of circumstances every year in which a person rents out his house for a specified period of time, knowing that he is either going away on a sabbatical or he's going away to a posting somewhere, and he intends to come back into his own home, but under this legislation, it's going to cost him two months rent to get back into his own home. I think that's ridiculous. I think it is sheer stupidity for this government to be messing into private people's lives in this way.

Mr. Speaker, this kind of one-sided legislation, I think, just reinforces and demonstrates, again, the attitude of this government towards anybody who owns anything. Regardless, whether it's their own home, there's an attack on their ability to own property in Manitoba, by virtue of legislation that's being put in place. You know, the Member for Thompson said a few days ago, when he was talking about the conflict-of-interest legislation, nobody said we were hostile to successful people, for people who own properties or possessions, that we're hostile to any of that kind of thing. He said, we've never said that; nobody on his side had ever said that, he said.

Well, you know, what you do, speaks so loudly, I can't hear what you say you're going to do because this kind of thing is, again, an attack on people who own a property, regardless of how big or small, regardless of its value, that's an attack on someone who owns a property, as far as I'm concerned, that kind of legislative change, and it just fits in with all of the anti-business, anti-investment legislation that's being brought forward by this government, such as, The Farm Lands Ownership Act; such as, the fact that the NDP would not agree to entrenching property rights in the Federal Constitution. Over and over again this New Democratic Government is showing, even in its minor amendments to legislation, that they're one-sided; that they're always opposed to people who own anything.

Mr. Speaker, when we look at some of the other things that have been changed here, the penalties that have been put in for non-demolition. If somebody exercises the option of requiring someone to move out of their suite because they're going to demolish it, and then the landlord doesn't carry through, he's subject to a penalty of \$1,000 plus four months rent. Well,

that's stiff, but it may be justified. If the Minister feels that kind of thing is being abused, that people do it and they have no intention of demolishing it, it's just being used as an excuse to get somebody out, and this is a stiff penalty to make sure that nobody abuses that. Okay. It's stiff, maybe it could be justified though. I'm prepared to accept that it could be justified if it's being abused.

On the other hand, there may be legitimate reasons why somebody starts out with the intention of demolishing a suite and gets stuck at some point along the line. It could be that they get a zoning change through and then that zoning change is appealed and they then are faced with a situation where they've given the tenant notice, he has moved elsewhere, and the zoning change is appealed and overturned and they're stuck with an empty suite, and they also can't demolish it because they can't replace it with the kind of property that they thought they could.

Well, it seems to me that there should be some mechanism for somebody to take into account what the circumstances were in that whole transaction. Why just say, if you invoke that clause and you don't carry it through to the demolition stage, you pay \$1,000 plus four months rent per suite, a tremendous penalty. It should be that somebody could show cause to someone in authority. It could be that finance is withdrawn. Let's say that they move in there and they start to get their tenants out; they start the procedure, and financing is withdrawn from their scheme because interest rates go up substantially, and their scheme to replace it with a commercial building falls through. They have two options; either leave the suites empty, which we don't want, I don't think as a government; or let somebody move back into it, but if they let somebody move back into it, they get \$1,000 fine and four months rent penalty. Now, that's a stiff penalty for somebody who's made a legitimate honest mistake.

It seems to me that there should be someone in authority who could have the responsibility to evaluate that set of circumstances and decide whether or not the person was being dishonest, or whether or not they were acting honestly and they were legitimately denied the opportunity to do that demolition and replacement exercise. But it's not in this legislation; it's just *carte blanche*. If you do it and you make a mistake, or something happens that changes your plans, you really get nailed by this government.

The other thing, of course, is that the mediation and arbitration powers of the rentalsmen are being broadened so that they can do more things, and I subscribe to that. I told the Minister that he had difficulty because his department wasn't handling things that they should have been able to handle just on a straight mediation, arbitration basis; so they didn't open files, so they didn't enter into reams of correspondence and months of activity to settle minor complaints. He's doing it and I congratulate him for it; I think that's worthwhile.

Why though, Mr. Speaker, is CMHC and MHRC, Canada and Manitoba, being exempted from payment of two months rent to a tenant when they get them to leave? Why are they being exempted from those provisions? I don't understand it. Why should the government act any less responsibly, or differently, than the private landowner does when he asks his tenant to leave. If he has to give him two months rent in

compensation. Why shouldn't Canada and Manitoba, who are major landlords in this province, have to do the same thing?

Mr. Speaker, in summary, I don't hold any brief or candle for the landlords, for the large property owners and managers. I know that they'll live with this legislation very well, as I demonstrated by what I'm saying. They're living with rent controls and they'll continue to do so, and my criticisms are not in support of them. The ill effects of this bill are threefold, however. One, it's the attitude that it conveys, that regardless of logic and reason, this government is prepared to pass one-sided, punitive legislation, without regard to fairness on both sides, and I've demonstrated my concerns about the fairness to small individual homeowners and property owners who rent out their premises.

Secondly, what I'm as well concerned about, is the dishonesty that is perpetrated by this Minister and this government, in general, in saying that they consult widely those people who will be affected by legislation. They solicit opinions and it's open door policy, yet they bring in legislation that has serious pitfalls and they don't consult the very people in the industry who are going to be affected it - the property managers and the landlords and property owners.

This Minister would have found out about the criticisms and the pitfalls that I have pointed out to him if only he'd ask some people who are involved in this industry. Why would you go to the industry after you've drafted the legislation; tabled it; introduced it in the House for second reading; and then go to it? Why would you assume that you people have more ideas and information than the very people who make their livelihood in this industry? Are your social theorists and planners and bureaucrats more plugged in to what's happening out there in the private sector than the people who are operating the private sector? Send it out for opinion the day after you've introduced it in the House; I think that's ridiculous.

My third major criticism of this bill, Mr. Speaker, is the fact that, like the changes that they've introduced into The Labour Act, where babysitters and companions and domestics fall into the net of all sorts of problems with respect to minimum wage and payment of UIC and CPP, and payroll tax and workers compensation, all those; the people who will be adversely affected by this legislation are individual homeowners; small property owners who can ill afford to pay two months rent to get their house back when they want to move back into it, after being away for a year on a sabbatical or something like that; not the large property owners. They're not going to be affected one whit by this and they are the people who, I think, this government ought to have a concern about; they should think about individual circumstances, not build up a case that's aimed at that mythical big owner out there who doesn't care one bit about this. He'll live with this legislation just as he does with rent controls. You're trying to overcome a balance-of-power situation between the property owners and the tenants when those people may be in the same economic circumstances and they're just making a convenient bargain to allow somebody to rent their home when it's convenient for both sides.

So, I say, Mr. Speaker, that this legislation, to me, should not have been introduced and I pass it onto committee because I know that there are going to be

serious considerations and I hope that people will be at committee to tell the Minister all the problems he's creating in this legislation because I know he is doing it. I suggest, Mr. Speaker, that we're prepared to let it go to committee, but we will want answers to all questions that I've put forward today.

**MR. SPEAKER, Hon. J. Walding:** Are you ready for the question?

The Honourable Minister will be closing debate.

**HON. J. STORIE:** Mr. Speaker, I was not actually prepared to close debate today, but given the member's intention to allow this to proceed, I would just make a couple of remarks with respect to the comments that he made, and will acknowledge that the member has brought up a number of concerns that I think are legitimate, certainly concerns that have not gone unnoticed. We're certainly aware of some of the problems that may be created.

However, I will indicate that the member in his comments ignored a large part of the population by whom this legislation I think will be greeted with a certain degree of enthusiasm and that, as he acknowledged, the compensation may be something that is warranted and something that should be reviewed. I'd indicate as well that the concerns that he expressed for the small landlords have been expressed to me by the Manitoba Landlords Association and I take those seriously. I recognize that smaller landlords are in a sometimes precarious situation, and certainly this government is not overlooking some of their specific concerns.

The member suggested that we were not in tune with those people whom this bill might affect. Mr. Speaker, I couldn't disagree with the member more on that. I did submit this legislation once it was drafted. I submitted it to those individuals whom it would most obviously effect most directly. I would indicate, Mr. Speaker, that if the member had any faith in the amendment process which is designed to allow individuals and the public and those directly concerned to make their representations, to make their presentations and make their feelings known, then he would acknowledge that we have to accept the fact that those presentations will be made in the amendment stage. If the government, and in this case my department and the legislation that I'm responsible for, is interested in using that process, then it's an appropriate method to use.

I have met with the Winnipeg Real Estate Board; I met with them today. I will be meeting with other individuals concerned before this comes before committee to get their concerns in person, to look at some of the specific examples of hardship that it might cause. I would indicate however that it isn't as black and white as the Member for Tuxedo indicates, that there are many good aspects to the legislation. Certainly, the present situation creates hardship for tenants, for long-term tenants, for seniors who have been in occupancy of a particular suite for 10 or 15 or 20 years, who are not in a position to move, whose move would cost them considerably out of pocket. The member acknowledged — (Interjection) — Mr. Speaker, the member suggests that we put in something reasonable

and certainly that is our intention. I think the member will acknowledge that when a landlord offers a particular suite, a particular unit for occupancy, that in the majority of cases - although there are exceptions, I will acknowledge - in many cases, the tenants assume occupancy on the basis that occupancy will be allowed to continue until such a time as there is a decision on the part of the tenant to vacate.

There are exceptions that are provided by The Landlord and Tenant Act, and the amendments that we're suggesting are in line with those and in recognition that from time to time tenants may be required, asked to vacate, and at those times there has to be a recognition of the cost of dislocation to them; the personal trauma that it creates for their children when they're required to move from school to school; the financial hardship that it might create, and so forth. So it isn't that one-sided. Obviously any piece of legislation requires a balance.

The member was trying to suggest that somehow this particular legislation was unduly hampering and interfering with the particular rights of the landlord, and he neglected to mention the significant rights of the tenants and the hardship that legislation from time to time creates, that those special circumstances were provided to landlords and in using them from time to time, it creates hardship for tenants.

Mr. Speaker, I listened to the member's comments with interest. I think he made a number of valid points and I'm sure those will be pursued most vigorously by the Landlords Association; by the Property Managers Association and others who are interested in the legislation. I will listen with interest. Amendments, I am sure, will be suggested from a number of those groups when we get to committee, and at that time, at the appropriate time, amendments will be made if it is deemed appropriate.

Those basically are my comments and I thank the honourable member for his comments.

**QUESTION put, MOTION carried.**

## **BILL 60 - THE HIGHWAY TRAFFIC ACT**

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Highways, Bill 60. The Honourable Member for Pembina.

The Honourable Member for Portage la Prairie.

**MR. L. HYDE:** Mr. Speaker, I'm going to speak and at the conclusion of my comments on this bill, I want to leave it in the name of the Member for Pembina.

Mr. Speaker, what I have to say this afternoon in regard to this bill, No. 60, so much has been said, over and over again. A lot of what I have to say is repetitious, but however it does not hurt at all to remind the government of the day the mistakes that they are making on the compulsory aspect of everything, whether it be babysitters or seat belt legislation; whether it be helmets or what it be, it seems to me that it's in their minds that everything must be compulsory; their wish to take that freedom away from the individual. This is where I certainly cannot agree with them at all.

Mr. Speaker, had the Minister brought this particular bill in three separate bills, there's one aspect of that

bill that I would feel reasonably comfortable, and that is the child restraint. I really see no reason at all why the Minister could not have brought that bill separately, and I'm sure he would have had considerable support.

Even with the child restraint, Mr. Speaker, it is the compulsory aspect of it all that bothers me. They are determined, Sir, that they're going to take the responsibilities; they want to take all the responsibilities away from the individual, the parents, who are responsible for these youngsters that are riding in the cars of today.

I want to see the government put back the responsibilities where they lay, and that is with the mothers and fathers of these children today; not putting it into the hands of the government itself. Mr. Speaker, I don't care whether it is in the cars that our kids are riding in today, whether it's in the playgrounds of our parks, our schools, or where it is, the responsibility should be left with the mothers and fathers, those who brought those kids into this world. They still should be left the responsibility of raising those children alone; not government interference, Sir.

There is such a thing as educating the young child of today. I want to, just for a moment, refer to my own grandchildren. I've been blessed with five, the sixth was just a matter of a week or 10 days ago, and I want to refer to my own grandchildren, Sir. It has been a habit of my sons and daughters to see that those kids use their baby restraint seats that are provided; but it was really encouraging to me and to my wife to see, as those kids grew older, when they climbed in that car, the first thing they did, Sir, was to jump right into that little seat in the back seat and waiting for someone to whip that strap across them. This is where, Mr. Speaker, this government should be aiming their efforts, on education of the parents, education of those little tots who need the guidance of each and every one of us. This is where they should be putting their efforts; not in the compulsory aspect of seat belt legislation or helmet legislation.

**A MEMBER:** They need the fines changed.

**MR. L. HYDE:** You brought a good point out. It has been suggested in this House that it will be a tremendous way for the government of today to be re-elected, try to be re-elected as government of this province through the monies that they're going to be taking in by the fines imposed upon people, who are saying to me, Sir, I'll pay my fine rather than be strapped in. That is not the case entirely. There are some people who believe, and rightly so they should. They believe in the fact that there is some need for a restraint of some sort, whether it be seat belt or baby restraint or helmet legislation. There are some people who believe in that, but the percentages of the people in my constituency, Sir, on a questionnaire that I sent out, the results of that seat belt compulsory aspect of it all, there was 38 percent said that they believe compulsory seat belt legislation was good; but let's look, there were 62 percent that said, no way should the government be involved in compulsory aspects of seat belt legislation.

I still say, Mr. Speaker, that education alone is the big benefit that can be arrived at to protect these people

in our province. I don't want to see the responsibilities taken away from the parents of the children of today.

Mr. Speaker, I said that 62 percent of my constituents do not want the compulsory seat belt legislation. Talking to the farmers of my constituency, and I would say there is a heavy concentration of farmers in the area around Portage la Prairie, mixed farmers. There's vegetable growers, heavy grain growing production areas of the province around Portage, but, Mr. Speaker, this law is going to compel those farmers to buckle up in their trucks and . . .

**A MEMBER:** Not in their tractors.

**MR. L. HYDE:** That will be the next thing; they'll be making that compulsory. But they are bound and determined that those farmers who work from daylight to dark, often into the long hours of the night, asking them to buckle up when they leave that field to move from down the municipal road into their headquarters where they have truck their grain into storage, they'll be compelling those people to do that, and I defy the government to say that there's enough police officers in this province of ours that will be able to enforce that. They just will not do it; they can't do it.

It would appear that they have their knives in the backs of the free enterprisers of this province. I am positive that the RCMP forces of our province, the City Police force of Greater Winnipeg, and other areas of the province who have to rely on the private police force, I'm sure that there is much that they can be doing, rather than checking out the driver proceeding down the highway as to whether or not he has got a belt across his lap.

Another thing that has been brought to my attention by the farmers of our area, Mr. Speaker, as I said earlier, we have vegetable growers, many of them out there, and they have trucks backed into their sheds that are brought out at harvest time each year. Now, lots of those vehicles are mechanically sound; they're old vehicles, serve their purpose to draw their potato crops or beets or whatever it might be, to draw their payload into their pits and dump them, that's all they have to have. Now, they're going to be forcing these people I'm sure to supply trucks that are going to be most costly. They can't afford to buy these massive numbers of trucks to use for three weeks or a month in the fall of the year and then put them away until next year; they can't replace those trucks in order to have the proper seat belt protection that these people want. But there's many older types of vehicles that are perfectly mechanically sound, are being used by farmers at harvest time that are not equipped with the proper seat belt regulations.

I want to speak for a moment, Mr. Speaker, about a letter that I know the Premier of our Province and the Minister of Highways received. It was from a cancer patient in Portage la Prairie. This woman - I have the letter here and I have to confess that it is a duplicate copy of the letter that the First Minister received and I can hardly read it, to tell you the truth, but there are sectors of that and it should be read into the House however - but this woman, she is taking this five-year cancer society breast screening plan - she's on that plan - and apparently these women who are taking up

this voluntary screening program, taking part in it, they are told by their instructors, their doctors I expect, that whatever you do, do not at any time bruise that vital point of your body, meaning their breasts.

Now, this woman in this letter, it says to me and is said to the Premier, if I am stopped on the highway by a police officer demanding that I buckle up and put a strap across my chest she says, I will pay my fine rather than bruise that part of my body.

Mr. Speaker, I know and this woman also knows that today she can get, if this legislation is passed, she will have that privilege of going to her doctor and saying, now I apparently need a letter stating that I do not have to wear a seat belt across my breast. Mr. Speaker, if this is the case, that woman or any woman, should she wish to, has to carry that letter. She will have to have a letter tucked away in her purse or in the glove compartment of her car, she will have to dig it out and produce that letter in order to proceed down the highway without having to pay a fine. Well, Mr. Speaker, I think they've gone too far.

This woman is a friend of mine. I know that the Premier and the Minister has received a copy of that letter. I hope, Sir, that the members of the government will take note of the suggestions that are being brought forward by the different people in Manitoba, expressing their very deep concerns about which way, where is this government heading, what are they doing? They're just determined to take that freedom of choice, the area that many of us do. We appreciate the fact that we have that choice today up to this point that we can say, do I have to buckle up or do I not. Mr. Speaker, it's gone too far.

There's an editorial here I took note of awhile back that comes from the Valley Leader, May 4, 1983, "Freedom of Choice Going," they're taking it from the people of Manitoba. With the majority of NDP members - I'm just reading a portion here of it - I think this is most important that the people probably hear this. "With the majority of NDP members coming from urban ridings, not rural, we assume they do not realize there is a significant difference in driving on roads within urban areas compared to traffic conditions facing the rural motorist."

How many residents of the City of Winnipeg, for example, drive on highways in rural areas? Just what percentage of their mileage per year is spent on driving within the city limits compared to mileage on highways in the rural areas? We venture to point out that in the majority of cases city drivers spend 90 percent of their driving time in bumper-to-bumper traffic or fender-to-fender traffic, where quick stops are the order of the day and the drivers are continually keyed up and on the alert.

Rural residents, which make up half of the population of this province, face completely different driving conditions than their counterparts of the rural area. Most of their driving is on low traffic highways or in small rural towns where congested traffic conditions are minimal. The odds of having a rear-end collision in metropolitan areas would seem to be far greater, for instance, than the odds of having a rear-end collision in the rural towns or on open highways.

At the present time, Mr. Speaker, the Manitoba motorists have the option to buckle up if the traffic conditions warrant it. We are certain that many do take

the option to buckle up. However, compulsory legislation to make the wearing of seat belts mandatory, is just another freedom that politicians seem to enjoy taking away from Canadians.

Mr. Speaker, it isn't only the . . .

**MR. SPEAKER:** Order please. The time being 4:30, Private Members' Hour. The bill standing in the name of the Honourable Member for Pembina, when this motion is next before the House the Honourable Member for Portage la Prairie will have 23 minutes remaining.

### PRIVATE MEMBERS' HOUR

**MR. SPEAKER:** The Private Members' Hour, private members' proposed resolutions. Resolution No. 10, the Honourable Member for Portage la Prairie has 10 minutes remaining.

### RES. NO. 10 - RECOGNITION OF MACKENZIE- PAPINEAU BATTALION VETERANS

**MR. L. HYDE:** Yes, Mr. Speaker, I'm prepared to speak once again on this important, to me and to many people, to have the opportunity to express some of their concerns in regard to the Mackenzie-Papineau Battalion.

Mr. Speaker, may I just collect myself here for a moment? Mr. Speaker, we have been asked to support the private members' resolution calling for war veterans status to be granted to Canadians who fought in the Spanish Civil War. This resolution, Mr. Speaker, was introduced by an NDP backbencher, Don Scott, the Member for Inkster. Mr. Speaker, I am hoping, Sir, had this — (Interjection)—

**MR. A. ANSTETT:** Don't use the member's name.

**MR. L. HYDE:** I'll use it every time I can get the opportunity to use that name in this House. I'm hoping, Sir, that this member . . .

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

**HON. L. DESJARDINS:** Mr. Speaker, yes, on a point of order, I think the member should understand that you don't mention names here; you refer to their constituency, and that's the point that was trying to be made.

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

**MR. L. HYDE:** I'm hoping, Sir, had this member had more experience in life, he would have had second thought on whether to bring this resolution before this Assembly.

This resolution, Sir, calls on the Manitoba Legislature to ask Ottawa to grant members of the Mackenzie-Papineau Battalion the same pension rights and benefits of all veterans of the First and Second World Wars.

Mr. Speaker, we have been told that 1,265 Canadians fought in the Spanish War. Those men, even though they meant well, they broke the laws of our land when doing so. They decided on their own to perform that act. I am sure, Sir, that many of those men did so only in order to employ themselves during those rough times in the 1930s. We all know that jobs just weren't available.

Now today, Sir, — (Interjection) — No, you're wrong there, I have some principle in my body, boys, I'm telling you that. Now today, Mr. Speaker, the Manitoba members of the Mackenzie-Papineau Battalion are asking this Assembly to support their action which was really an illegal act on their part. I understand, Sir, that the laws of our land read that it is an offence for a Canadian to enlist in a foreign army. If that is the case, Mr. Speaker, I say these men, even though they thought they were doing the right thing, broke the laws of our country.

Mr. Speaker, when my leader, the Member for Charleswood, spoke to this resolution, he pointed out how different the situation was when our Canadian troops fought against the communists in Korea. He pointed out that these men and women were in Korea with the full support of the Canadian Government. Mr. Speaker, that was not the case when the 1,265 Canadians joined the forces to fight in the Spanish Civil War.

Mr. Speaker, I recently had the opportunity to talk with the last Portage-born Hong Kong veteran who is living in Portage today; a man who was taken prisoner of war on December 25, 1941. This man was held prisoner of war for four to five years. Mr. Speaker, this man's name is Mr. Clarence Dyer. He was a man who chose an army career, a full-time life as an army man. He was a member of the permanent force; later he joined the active force and enlisted with the Winnipeg Grenadiers. That famous infantry regiment was sent to defend that small island of Hong Kong, which it has been described to me as about three times the size of Island Park in Portage la Prairie.

Well, we all know the outcome of that battle when the Japanese attacked Hong Kong. It was all over for the united forces who were defending that island of Hong Kong. Mr. Dyer spoke of some of the treatment that he had and other men had, which that regiment had to endure. Mr. Speaker, over 550 died in action and as a result of the ill treatment received from their captors; 147 of the Hong Kong veterans have died since they returned home, due to their poor state of health, and these men were relatively young men in years. They were forced, Sir, to work in the mines under long hours without the proper stable food that was necessary to keep their bodies going, resulting in blindness and the beriberi disease - this apparently was the fluid-developed buildup in their legs - dysentery and, of course, the malaria.

On their return home, they were cared for in military hospitals; but, Sir, many of these men did not qualify, when they returned, for pensions. That was only until a few years ago and the efforts apart of many members of Parliament, and one in particular I want to mention, Stanley Knowles, who has fought desperately for the benefit of all veterans. We salute that man for his work that he has done for veterans.

Mr. Speaker, there were nearly 200 Canadians joined the ranks of the Winnipeg Grenadiers and the Royal

Rifles of Canada. Some have lost their lives in battle, some died as prisoners of war, others have died since as a result of treatment received when they were taken prisoners of war. This all happened to young men, Mr. Speaker, who joined up to serve the forces of the united nations, the force who had the sanction of the Canadian government. Some of these men are today not getting a pension. Their health won't allow them to purchase life insurance to protect their dependants.

Mr. Speaker, one only needs to read some of the material that was handed to me by Mr. Dyer to get an idea what these people went through and had to fight for every dollar of pension that they got from the Government of Canada. Mr. Speaker, I cannot support this resolution, knowing that the Mackenzie-Papineau Battalion risked their lives fighting for a cause they probably believed in, but was not in accord within the laws of our country.

Thank you.

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

**HON. E. KOSTYRA:** Thank you, Mr. Speaker. I really regret listening to some of the comments that have been made with respect to this resolution by members opposite. I guess I'm one of those, Mr. Speaker, that falls into the description that the Member for Portage la Prairie just described, as one that doesn't have any experience. I note he was referring to the member who introduced this resolution, that if he had more experience he wouldn't introduce such a resolution. Well, I don't have any kind of experience, and I hope I never have the kind of experience behind me that causes me to have the kind of attitudes that exist across the way, Mr. Speaker. I regret to see that day ever happen to me.

Mr. Speaker, there's been lots said, by some members opposite, that we ought not to support this resolution because it was deemed, at the time, that the actions of those that joined the Mackenzie-Papineau Battalion were illegal. Well, Mr. Speaker, members keep ignoring the fact that the war that broke out in Spain in 1936, I believe was the year, was really the same war that continued, with the assistance of Germany, that finally caused Canada, in 1939, to take a position. We can always look back in history and say that certain things weren't legal at the moment but, when one reflects on that history, Mr. Speaker, and one looks at that particular point in time and at the events that followed through, one can look back and say that that, while technically was illegal, was a matter that took a bit of time for the conscience of Canada to finally come to grips with the concern of the growth of fascism throughout the free world, and which caused Canada, after a time, to finally rise and decide that it was going to be one of the countries that was going to stop the growth of fascism throughout the free world.

So while, in a technical sense, it's true that those actions were illegal, Mr. Speaker, we do have the opportunity through this resolution, and if it's acted upon by the Federal Government, to correct that and to make sure that the record is clear in this country; that we, in this Assembly, and indeed people in other parts of the country, recognize the role that those people

played was the initial fight, the initial struggle, against the growth of fascism, and one that we should recognize as part of the history.

Mr. Speaker, I rise to support this resolution and, as I said, I was somewhat distressed when I heard the comments that have been made by members opposite on this resolution. In some ways, if Canada would have recognized what was going on in Spain much earlier, we may have been able to stop a lot that happened through those war years. I don't have the experience of fighting in a war, Mr. Speaker, and I hope, and I pray, that I or my children will never have that experience. I don't believe that one has to have to go through that to have an appreciation as to what can happen in war and what can happen with the growth of regimes and attitudes like those that were behind the move for fascism throughout the free world; I don't think one has to go through a war, Mr. Speaker, to have an understanding and to have an appreciation for what is right and what is wrong. I think that one can learn a lot from history and there are times that we have to look back at history and correct situations that have developed in history, such as, the issue that's before us on this resolution.

Mr. Speaker, I know that we have had a lot of discussion, a lot of debate, on this resolution. I think that members opposite should reflect on their attitudes and what they've said on this resolution, and I think if they do spend a moment to reflect that they'll change their attitudes and their minds and they'll join us in voting for this resolution, knowing that they are recognizing the work that these people did, these people that I would consider men, people of conscience not, as was suggested, some money hungry, grabbing people that wanted to get some kind of income, and that's why they went to Spain. That, will all respect that's due, is nonsense, Mr. Speaker, it's total nonsense.

So I urge members opposite to reflect on this issue and, I think, if they take the time to reflect and do deal with this in a non-political, non-partisan way that they will certainly see through the illogical arguments that have been made on this resolution and will join us in supporting this resolution so that recognition can be given to these people that, very early in the war against fascism, were ones that did have a conscience, that did see what was lying ahead, and did make the early attempts to stop the flow of fascism; one which, I think, I would hope at least, Mr. Speaker - I shouldn't speak for members opposite - but I would hope a view that is shared by members opposite, that they are in opposition to fascism. I can't make that for fact because it seems, at times, like the debate on this resolution, that there's some contradiction from members opposite and you get the sense at times that some of them may have attitudes that can be shared with those that spawn fascism and that speak for that kind of attitude toward free thinking and people.

Mr. Speaker, I will close and urge members to look at this resolution again and join us in supporting this, as has been the case with many others throughout Canada, and as one of the WHEREAS said, there's been seven or eight cities throughout Canada that have supported this kind of request of the Federal Government' and I think it's appropriate that this Assembly' and all members' support this resolution and urge the Federal Government to give recognition to these people, as they deserve.

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

**MR. A. KOVNATS:** Thank you, Mr. Speaker. I'm not going to prolong the debate too long' I just have a couple of remarks to make concerning the Mackenzie-Papineau Battalion. I have heard, during the debate, the only thing that the Mackenzie-Papineau Battalion people want at this point is some recognition. I'm happy to recognize them for the services that they have done' but we can't just do that and let it go at that point. We just can't recognize them for the work that they've done against the tyrants over in Spain, but just think of the consequences. The consequences are we did have people, Canadian citizens living in Canada, who returned to the country of their origin when the Second World War started to fight on that side.

We had people of German background who returned to Germany to fight on the side of the Nazi Germany; we had people of Italian background who returned to Italy who returned to fight on the side of Italy; and we had people of Japanese background who returned to Japan to fight on the side of Japan in the Second World War.

**MR. SPEAKER:** Does the Minister of Natural Resources have a point of order?

**HON. A. MACKLING:** The honourable member says there were people of Japanese ancestry who returned to Japan to fight on the side of the Japanese Imperial Army. I hope he can substantiate that, Mr. Speaker, because I think that's false.

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

**MR. A. KOVNATS:** Mr. Speaker, I don't have any living proof as to people of Japanese background who returned to Japan to fight on the side of Japan. I'll withdraw that remark. But we did have people of German background who did return to Germany and we did have people of Italian background who returned to Italy. Now, I'm not condemning them for it. I don't think it's right but I'm not condemning. But if we pass this resolution to give them the same privileges as members who have fought in the Canadian Forces, same pension privileges and other privileges that go with it, we must also extend the same privileges to . . .

**MR. D. SCOTT:** No, no . . .

**MR. SPEAKER:** Order please.

**MR. A. KOVNATS:** We must, we must. Who said we were fighting in Canada's interest? There's no way that we were fighting in Canada's interest. These people made up their mind and they believed that they were fighting for Canada's interest, but it is not so. They were fighting for their own interests and their own principles; they weren't fighting on the behalf of Canada.

Now we must give these same privileges to all of those people of Canadian background who went overseas and fought against Canada, if we accept this as acknowledging these people from the Mackenzie-Papineau Battalion as giving them the same benefits

as all of the Canadian members, legion members and veterans. We must extend the same privileges to the members of the MacKenzie-Papineau division. We must extend the same privileges to those people who went overseas and fought against Canada. We must extend the same privileges to all members of the Canadian Legion. I will not accept that, I cannot accept that.

**MR. D. SCOTT:** There's something wrong with your thinking, Abe.

**MR. A. KOVNATS:** For people who defended their country, knowingly defended their country, not through twisting around facts and figures, who actually went and defended their country. I do not want to extend the same privileges to those people who are now members of the Canadian Legion who accept all of the benefits of serving Canada. I am not in a position at this point to change my thinking - and it's only my thinking - to extend those privileges to these people.

A noble cause I admit, Mr. Speaker, a noble cause, but not in the same principles and the same background as those people who defended Canada . . .

**MR. D. MALINOWSKI:** You're prejudiced.

**MR. A. KOVNATS:** . . . I might be prejudiced, either for or against, but I'm not the one who is prejudiced, there's no way . . .

**MR. SPEAKER:** Order please.

**MR. A. KOVNATS:** Anyway, Mr. Speaker, I just want to get my two cents in and express my feelings on this because I associated, not with condemning these people, but I am not prepared to extend myself and give them the same privileges as those who have defended Canada and are now members of the Canadian Legion who, I understand, are not supporting this resolution in any way at all. If members who have served and defended their country and have served in the forces of their country are not going to support this resolution, I cannot do so either. Thank you, Mr. Speaker.

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

**HON. A. MACKLING:** Yes, Mr. Speaker, I know that honourable members hasn't used his 20 minutes, so I wonder if he will answer a question. I heard an answer in the affirmative, Mr. Speaker.

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

**HON. A. MACKLING:** The Honourable Member for Niakwa has indicated that there were Canadian citizens of German birth apparently, and Canadian citizens of Italian birth apparently, who had returned to their mother or father countries and later fought against Canada in the war. Now, is he stating that from just his belief or does he have actual fact about that? Because if he's saying that just as a matter of conjecture for his belief, that is certainly a slur against those people of German and Italian extraction who live in this country.

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

**MR. A. KOVNATS:** Mr. Speaker, it's hearsay, but let me tell you the type of hearsay.

Mr. Speaker, after the Second World War I had occasion to live up in Thompson and enjoyed my sojourn up at Thompson very much. It's a good area and I had — (Interjection) — I respect the Honourable Member for Thompson because of his background of coming from Thompson but not because of his background of the New Democratic Party. But anyway, while I was living in Thompson I had the privilege of meeting with — and I'll give you a name — a fellow by the name of Irv Spletzer, who was with the German Forces during the Second World War and I also had the privilege of meeting with another chap who was of Greek background, who fought against the Germans in the Second World War.

Now, on many occasions we would get together — and there was still a lot of animosity between the German soldier and the Greek soldier even at that time and at this point I didn't have any feelings one way or the other — but I assure you that Irv Spletzer who was 16 or 17 years of age near the end of the Second World War, when he was caught coming out of a house of ill repute in Paris — but that's another story and I'll go into that — who had told me on occasions, and if this was hearsay then I've got to accept it as hearsay, but he told me that there were Canadians, people of German background, Canadians, that were serving in the same division as he was.

So I can accept that because Mr. Irv Spletzer has never lied to me before or since and I accept that. But just as a passing remark, Mr. Speaker, Mr. Spletzer told me when he was 17 he was coming out of a house of ill repute in Paris and the German police stopped him, and I said to him at that point, "Irv, what the Hell were you doing in Paris in 1944, we were at war?" He says, "Abe, you've got to remember, I was on the other side." Anyway, Mr. Speaker, I accept the question. I hope I've been able to give a satisfactory answer and inside of me I believe that what he told me to be true.

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

**MR. A. ANSTETT:** Thank you, Mr. Speaker. I was not planning to enter this debate because I know members have covered many of the points on both sides and have expressed some fairly strong feelings about the essence of the matter. Some members on the other side in particular feel fairly strongly about the denial of recognition to the Mac-Pap Vets and some members on this side feel very strongly about their rights to recognition.

Mr. Speaker, I'm a bit concerned about the logic applied to the denial of recognition to these vets by members opposite.

**MR. S. ASHTON:** What logic?

**MR. A. ANSTETT:** Well, the Member for Thompson beside me says, what logic? I'm not prepared to deny that the minds of members opposite work in a logical fashion. I've just had some difficulty following that logic on this question.

Mr. Speaker, the Member for Niakwa, and the Member for Portage, who've spoke today, and others before them, denied recognition, or want to deny recognition to the Mackenzie-Papineau Battalion veterans on the grounds that they did not fight for Canada; on the grounds that they fought in an illegal war, a war in which they were denied the right to enlist. I remind those members opposite of the many Canadian veterans who joined the American Armed Forces in the 1960s because they believed that what the United States was doing in Vietnam was right. They joined the U.S. Marines; they joined the U.S. Army; they joined the U.S. Air Force, and the medals and honours they won, and the wounds that were incurred on them in that far-off land they brought back, and they were not taken away from them by Canadian Customs at the border. In fact, for many years there hung, in this building, a purple cross earned by the son of a servant of this Legislature in Vietnam, and his recognition, and the pension that was awarded to his mother when he was killed in the Delta of the Mekong River was paid in this country, and there was recognition in this country that he had fought; not endorsement of the battle; not endorsement of the war; not a commitment by this country, and the Member for Niakwa knows whereof I speak. It was not an endorsement of that cause, but it was recognition that a young Canadian had gone overseas to fight for something he believed in. We gave him that right and we recognized that he had done it; we didn't endorse it, but we recognized that he had done it.

There are many here who would endorse that fight against communism; there are many here who might say the American involvement in Vietnam was foolish; but, nonetheless, we have accorded recognition to those who stood up for their principles, and to some of those who gave their lives. Why, Mr. Speaker, would members opposite say that, regardless of how they felt about the Spanish Civil War, regardless of whether their personal commitment was to the Loyalist or to the Republican side, that there was dishonour in standing up for one's principles? To suggest, as the Member for Portage did, that these young men went overseas because they couldn't get a job, when he, for one, knows that they were not guaranteed of being paid and often they were not paid, because the Republican forces certainly had no resources.

Mr. Speaker, what's even more appalling is that the Member for Portage describes the motivation of many Canadian young men and women who, in 1939 and 1940, had to enroll in the Canadian Armed Forces because there was nothing else in this country for them. There were massive recruiting campaigns which were based upon food, shelter, and clothing; that's how the Canadian Government got the pride of this country to enroll to go overseas to be slaughtered. They promised them food, shelter, and clothing, and many of those young people, some of my own relatives, were enticed by that as much as they were by principle. The Member for Portage says the Mac-Paps were motivated by those kinds of criteria. I have trouble, as I said, Mr. Speaker, with that kind of logic because, if anything, those who went overseas in '37 and '38 to the Iberian Peninsula did so far more out of conviction, and with far less chance, hope, or even the remotest opportunity of food, shelter, clothing and a reliable paycheck than those

Canadians, my father included, who enrolled in the Canadian Armed Forces after the declaration of war at the beginning of September in 1939. I have trouble with that kind of logic.

Even more so, and I don't want to extend the parallel to the Vietnam War too far, because I certainly was one of those in the 60s who thought it was a foolhardy misadventure, but still, nonetheless, I respect those who, out of principle, for whatever reason, felt that it was something they had to do. Why cannot the Member for Niakwa say to me that he respects those in this country 45 years ago who said, we believe there's an evil lurking in the world that's a threat to democracy; we believe, out of principle, we have an obligation to speak up for it. The Member for Niakwa says, no, I cannot recognize that. I say, why not? Why not, Mr. Speaker, when we'll give recognition to people who stand up for principle for far shakier causes.

I know the Member for Niakwa will defend my right to speak in this Chamber no matter how foolish he may consider the things that I wish to say. Why would he not grant the same right to young men of this country, this province, and this city, who chose to fight for democracy?

Mr. Speaker, I'm at a loss for words, I cannot understand the logic of members opposite. They've built a straw man, they've built a man that's based upon some legal precept that it was illegal, in this country in 1937, to join the armed forces of a foreign country. They've said the Royal Canadian Legion is opposed to this resolution. Well, Mr. Speaker, they didn't talk to Branch 146 in Hazelridge, of which I'm a member, because that branch certainly is not opposed; that branch sees the merit of supporting democracy; that branch is just as opposed to war as any other branch in this country; that branch stands out twice a year on Memorial Day and on Remembrance Day in favour of peace, and are advocates of the peace movement in this country just as much as every other Legionnaire and Legion veteran in this country believes in peace. Yet, they're willing to say, no, it's not right to deny people who fought for democracy recognition. — (Interjection) — I know one Legion Branch that's not prepared to do that.

Mr. Speaker, I also know that the logic of members opposite who want to suggest that loyalty to one's country, and to the democratic institutions of one's country, is predicated on the obeying of that country's laws at all times and at all costs, would be well-advised to read the quote from Junius on the editorial page of the Globe and Mail. I would also suggest to the members opposite and to members on this side who may wonder about the allegation that persons of non-Wasp, or certain ethnic, at least, extraction, weren't prepared to fight for this country in the last war or in the First World War.

Mr. Speaker, I happen to come from a heritage which has been in this country going on 200 years, pioneered in Southern Ontario in a county named Waterloo. The very basis of the county was based on a battle between the two founding races of this country, as it turns out; but the people who lived in that county, certainly at the time of the First World War, were over two-thirds of German extraction.

Mr. Speaker, I have to ask the Member for Niakwa, what county in Canada had the highest volunteer level

per capita of any county in the whole country? It was Waterloo County, Ontario, and those volunteers were three-quarters of German extraction and they went to fight Kaiser Wilhelm for the British king; and when I hear the kind of slur I've heard - and that's the only way I can describe it - against those people, then I have to tell the Member for Niakwa that my grandfather went to jail in Kitchener, Ontario during the First World War - it was called Berlin then - he went to jail for fighting for a principle.

He'd been in the armed forces, been injured; he was repatriated back to this country. After having fought for his country, he found that a lot of people in my home town wanted to change the name. For some reason, things stamped, "Made in Berlin," in 1917, didn't sell too well in the rest of Canada. I think members on both sides of the House can appreciate that. A fellow named Lord Kitchener, who had been made famous in a battle in the Sudan at Khartoum, was a very popular general in the British army at that time, and there were people who felt it would be appropriate to name the city after him. Well, it was fine and a vote was held and a decision was made. A short time after that decision was made, some members of the community decided to pay a great disrespect to those people of German ancestry, remembering that those were the people who had the highest volunteer ratio per capita for the Canadian army in the First World War.

There was a statue of Kaiser Wilhelm in a park in downtown Kitchener, appropriately called Victoria Park, and they took that statue and they took it off its pedestal and dumped it into the lake. The next day, the papers were filled with chagrin and many of the people of the community were angry. They went to find the statue a few days later when they found out that it had been dumped in the lake because nobody knew at first where it had gone, but it had been removed and the rumours were that it was in the Wolseley Barracks in London, Ontario, and it was going to be melted down to make bronze tie clips because it was a big bronze statue.

Within a year, the matter was forgotten as far as it went; people forgot about the statue of Kaiser Wilhelm. But within a year, a statue of Queen Victoria was placed on that same pedestal; quite appropriate because it was Victoria Park. Only, the day after that statue was placed on that pedestal, a group of young people, mostly of German extraction, my grandfather among them, put that statue in the Victoria Park lake. The trouble with these fellows was they weren't quite as surreptitious and they got caught, and my grandfather spent a night in jail. Having fought for his country, having fought for principle, he had to put up with that kind of insult in the community in which not only he was born, but his father and grandfather before him. Then I hear members in this House tell me that people of German extraction are somehow less likely to be true to this country and are willing, in some ways, to go overseas and fight for the enemy in a war.

**MR. SPEAKER:** Order please. The Honourable Member for Niakwa.

**MR. A. KOVNATS:** I did not make those remarks. There has been no remarks of that similarity made by any member on this side concerning people of German

background being somewhat less than other regular Canadians. There were people of German background who did go overseas and fight on the side of the country that they originated from; but I did not say that they were anything other than Canadians, and I will not have those words put in my mouth and I would ask the member to withdraw those remarks.

**MR. A. ANSTETT:** Mr. Speaker, perhaps I've gone too far; I withdraw the remarks. I certainly got the impression from the honourable member that there was some doubt in his mind about the willingness of German Canadians to fight for this country, and that many had then instead taken the option of going overseas and fighting for the fascists in the Second World War; but he's made it quite clear that he's talking about a small number of people and that he's not making a reflection on all of the German Canadian people.

**MR. A. KOVNATS:** Mr. Speaker, that doesn't suit me as far as a withdrawal. I had no intention at all; there was no intention at all to cause any type of thinking against German Canadian citizens, because one or two or three or four would have gone, but I'm sure that the majority were as strong a supporter of Canadian and anti-Germans as there were of any other nationality. As a matter of fact — (Interjection) — Well, I don't want to have to choose my words as to whether German or Nazi. Mr. Speaker, they're not synonymous, but let me not have to choose my words as to the difference and let me not have to choose my words whether it's a Native or an Indian; I know how I feel. I'm not the least bit prejudiced, Mr. Speaker, and I don't like to have it intimated that I am; but I'll tell you, there's an old friend in this Legislature who is of German background and when I was a young boy, during the Second World War, he was one of the first people that I know who went overseas and fought for Canada and he's working right here in this building. So, Mr. Speaker, I know what I'm speaking and there were no remarks made against the German Canadian citizen from Canada.

**MR. SPEAKER:** I thank the honourable member for that clarification.

The Honourable Member for Springfield.

**MR. A. ANSTETT:** Thank you, Mr. Speaker. I would like to apologize to the Member for Niakwa if I have, in any way, misrepresented his remarks; that was not my intent. What I wanted to do was make it very clear that I had the utmost confidence that people of German and Italian extraction felt just as committed to principle as any other Canadian; it was that point, and I tell you the anecdote about my grandfather landing in jail to tell you about the kinds of insults that are paid to people of certain ethnic groups in this country during war.

We needn't discuss some of the insults that were paid to ethnic groups during the Second World War. The First World War was bad enough in this country; the Second World War was horrific - in Canada, of all places. Mr. Speaker, I make that point to express and share with other members my concern for the illogical position of members opposite. Why deny the Mac-Paps respect for having conviction and for standing up for

it. Every member opposite would protest an unjust law in this country; every member opposite would not only protest, but would engage in civil disobedience, if a law in this province or in this country abrogated some principles that were basic to them. The Mac-Paps fought fascism, they fought it because it violated some principles that were basic to them. For members opposite to say that, on those grounds, there was no logic to their position, there was no principle involved, and they have to deny them that recognition, holds no logic with me, Mr. Speaker.

Mr. Speaker, the suggestion that somehow these vets are not comparable with the vets who fought, died or were taken prisoner at Hong Kong, also leaves me cold; I have trouble, again, with the logic. There was no war declared between Canada and Japan at the time of the takeover of Hong Kong, as I recall my history, in fact there was, as the Member for Portage says, a united force at that time; it was during the period when Japan was establishing its hegemony over the whole of the South Pacific without formal declarations of war in the late 30s, just as Italy was marching through Northern and Central Africa. Those were periods of territorial aggression. Certainly these were organized forces, but there was not war, just as those men had to fight for recognition and the military pensions to which they were entitled; they were there as volunteers in organized forces defending a British Colony. The Member for Portage says he commends Stanley Knowles for waging that battle. Mr. Speaker, I'm surprised - well, not surprised I guess, I'm disappointed - that the Member for Portage cannot see his way clear logically to offer the same congratulations to my colleague, the Member for Inkster. If members opposite can show me logically why men of principle cannot be recognized, regardless of where they stood, as long as they stood for principle, where men who have fought for democracy should not be recognized, then, Mr. Speaker, I'm willing to listen, but I've listened to this debate in Private Members' Hour every day it's come up and I'm still waiting to hear that argument.

Thank you.

**MR. SPEAKER:** Order please. The Honourable Member for Niakwa.

**MR. A. KOVNATS:** May I ask a question, Mr. Speaker, of the previous speaker.

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

**MR. A. KOVNATS:** The question I would like to ask, Mr. Speaker, is did the previous speaker, the Member for Springfield, hear me condemn the people from the Mac-Pap Battalion, or congratulate them, or to recognize them? I did recognize them, Mr. Speaker, I just said that I did not want to give them the same privileges and benefits as a member of the Canadian Forces who fought and defended Canada. Can the Honourable Member for Springfield deny that that is what was said?

**MR. A. ANSTETT:** Mr. Speaker, that's a fair question. The Member for Niakwa, somewhat begrudgingly in his remarks, said he was prepared to recognize that the

Mac-Paps had fought against fascism in Spain, without a doubt. Mr. Speaker, the majority of his colleagues weren't prepared to even give them that much and, Mr. Speaker, I addressed, not the question of pensions primarily in my remarks, but the question of recognition, and I believe that only the Member for Niakwa, and one other member on his side, was prepared to even recognize a fight of principle for democracy, and against fascism. I give the Member for Niakwa credit, that makes his argument at least a little more logical, but I would then expect him to vote for the motion because, if he's prepared to recognize principle then, with that recognition of principle, which is the same as the recognition he gives Canadian vets from '40 to '45, because if they weren't fighting for something that was right, that we believed in, we wouldn't have given them that recognition. Why deny it to the Mac-Paps?

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for Inkster will be closing debate.

**MR. D. SCOTT:** Thank you, Mr. Speaker. Throughout this debate I must say that I've been very, very disappointed at the kind of response that the opposition has given to a resolution that was brought forward as a very serious resolution, a resolution based on principle, a resolution that tries to undo some injustices that have been carried forward since 1938-39 when the men who went overseas to fight against fascism, in the first line against fascism, in the Spanish Civil War, were not accorded any kind of recognition from the Government of Canada at that time although, in an unofficial way, in a way they did; but that they should be still treated as some group of people who were, for some reason or other, fighting for something that Canadians did not believe, or that the Canadian Government did not feel justified in recognizing.

Mr. Speaker, these men went over there very clearly with one principle in their minds, and that was to try and stop the growth of fascism in Europe. Mr. Speaker, they heard very clearly what Franco was saying, they heard very clearly what was happening in Italy, what was happening in Germany, Franco's public pledges to abolish a democratic republic and replace it with a totalitarian state, to revoke any agrarian reform that had taken place in the country, to outlaw trade unions, and that strikers would face the same fate that the miners of Barrio-Real. When they were on strike they faced firing squads and, under Franco, they could expect more of the same.

State rights were also to be abolished. These were widely publicized but the Government of Canada chose to ignore them. The Governments of Great Britain, France, Czechoslovakia, Sweden, Belgium and Russia all joined together to form a non-aggression pact in September, 1936, just a couple of months after the war broke out. Why? So that they would not involve themselves in this war, because they were afraid of what the fascist threat meant for them. The one thing that was particularly interesting is part of that pact, working side-by-side with the French, with Great Britain who was still controlling, in most instances, our own foreign policy - remember this was just five years after we got the Statute of Westminster in '31 and still we did not have control of our foreign affairs. Italy and

Germany, active participants in this so-called non-involvement pact, while they were actively involved, and even had departments within their own governments, in the Government of Germany and the Government of Italy, clearly established within their governments to assist the fascist forces in Germany, and yet they signed a non-involvement pact, and the other nations signed a non-involvement pact.

There is an article that was lost for many many years; it's reprinted here in the Vancouver Sun, November 27, 1982. It's by Ernest Hemingway, and in this he points to the difference. "Murder is different from war. Men can hate war and be opposed to it, yet become accustomed to it," he said. "He doesn't have a bitterness toward the fascists when they try and kill him as a soldier, or try to kill a person as a soldier, but when they indiscriminately shell the city in the middle of the night to try and kill civilians in their beds, it is murder," he declared. "When they shell the cinema crowds, concentrating on the squares where the people will be coming out at six o'clock, it is murder. When you see a shell hit a queue of women lining up to buy soap, that is murder. They murder for two reasons," he said, "to destroy the morale of the Spanish people, and to try the effect of their various bombs in preparation for the war that Italy and Germany expect to make." The war, I repeat, that Italy and Germany expect to make.

This was written in July of 1938. We were still cowering at that point in time, refusing to recognize and to stop the growth of fascism in Europe. "Their bombs are very good," he went on, "they have learned much from their experimenting in Spain and their bombing is better all the time. You may frighten a man by threatening to kill his brother or his wife or his children, but if you do kill his brother or his wife and children, you only make him an implacable enemy. This is a lesson the fascists have not learned. They are successful," he continues, "as long as they can blackmail countries that fear them. It is when they begin to murder and to fight that they are lost, for the brothers and the fathers of the victims will never forgive and never forget. The crimes committed by fascism will raise the world against it." Those words by Ernest Hemingway, who gained much fame in his coverage of the Spanish Civil War.

It's a good sum-up, Mr. Speaker, of the attitudes of the western nations, of being afraid of the German and the Italian forces of that day, wanting to placate them. You can go back and look at the records of Chamberlain, and his negotiations with Hitler really aren't that bad, looking at the King at the time, or the Prince at the time, so that they would take it easy on Hitler, because Hitler, as we all know, had an awful lot of friends in the British aristocracy. He had a lot of friends in governments and high places. There was an awful lot of money being made off the Civil War in Germany, by the big auto companies in the United States, by the large oil firms in the States, as well, and there were also companies from Europe. They made an awful lot of money off this, and the Germans and the Italians gained tremendous war experience.

Mr. Speaker, to give recognition towards these people who went and fought overseas, the Canadian government already, in a form, gave recognition when the law they passed in 1937 they did not enforce in '38 and '39 when the men were coming home. They

even gave assistance to the people, Mr. Speaker, so that when they came back - and some financial assistance to even coming back into this country. The Minister of Justice at the time gave assurances to the men that they would not be prosecuted.

So Canada in a way threw away its act that it passed in 1937 and gave an informal recognition to these men that when they went overseas, and they fought in a war that Canada should have been involved in, and that Britain and France should have been involved in, because it probably would have stopped fascism and would have saved the millions of lives the Second World War cost us but, because of the principles that those men went over and fought for, and because of the lack of fortitude of the western governments, and the Government of Canada, in particular, we have never given official recognition. That is all this resolution calls for, Mr. Speaker, is to give recognition to those men who fought overseas, who were the first fighters against fascism.

Mr. Speaker, I would like to call on all members of the Legislature, the few from the opposition who are here at the current time and the members from this side, to join in support of this resolution giving it unanimous support.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Has the honourable member completed his remarks?

**QUESTION put, MOTION carried.**

**HON. A. MACKLING:** Ayes and nays, Mr. Speaker.

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

**MR. SPEAKER:** Order please. Question before the House is the proposed resolution of the Honourable Member for Inkster, Resolution No. 10.

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

### **YEAS**

Messrs. Adam, Anstett, Ashton, Bucklaschuk, Corrin, Desjardins; Mrs. Dodick, Ms. Dolin; Messrs. Evans, Eyer, Fox, Harapiak, Lecuyer, Mackling, Malinowski; Ms. Phillips; Messrs. Plohman, Santos, Schroeder, Scott; Mrs. Smith; Messrs. Storie, Uruski.

### **NAYS**

Messrs. Banman, Brown, Driedger, Hyde, Kovnats, Nordman.

**MR. CLERK, W. Remnant:** Yeas 23. Nays 6.

**MR. SPEAKER:** The resolution is accordingly carried.  
The Honourable Member for Riel.

### **COMMITTEE CHANGE**

**MRS. D. DODICK:** Mr. Speaker, I have a committee change on law Amendments. The Member for St. Johns for the Member for Selkirk; the Member for Thompson for the Member for Logan; the Member for Gimli for the Member for Fort Rouge.

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