

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 16 December, 1980

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Attorney-General.

HON. GERALD W.J. MERCIER (Osborne): Mr. Speaker, I wish to table the 57th Annual Report for the Liquor Control Commission for the fiscal year, April 1, 1979 to March 31, 1980.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN: Mr. Speaker, I'd like to request leave to make a non-political announcement or statement.

MR. SPEAKER: Order please. We're dealing with Statements and Tabling of Reports. The Honourable Minister of Government Services.

HON. HARRY J. ENNS (Lakeside): Mr. Speaker, I would like to table the Annual Report for the year, 1979-80, of the Manitoba Telephone System.

MR. SPEAKER: The Honourable Member for Elmwood.

NON-POLITICAL STATEMENT

MR. DOERN: Mr. Speaker, I wanted to request leave of the House to pay tribute to John Lennon. Last week on December 8, 1980, John Lennon was gunned down in front of his New York apartment building and there was an unprecedented outpouring of grief as world leaders, governments and millions of people paid tribute to the man from Liverpool. Included in those tributes, Mr. Speaker, were the Prime Minister of Canada and the condolences of the various political parties of our nation. Lennon's musical career spanned some two decades. He wrote first of young love and in his last album of two decades. He wrote first of young love and in his last album, of marital bliss. His songs were full of high spirits containing messages of peace, love and brotherhood and he made a lasting musical contribution.

Of his hundreds of musical compositions I think he said it best in the song, Imagine, and I would like to read the final verse of that song.

MR. SPEAKER: Quotations under Statements is something that's stretching it a little further than what is intended. I hope the honourable member can be short in his statement.

The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I simply read a few lines of his song:

Imagine no possessions . . .

MR. SPEAKER: Order please. Order please. May I suggest to the honourable member that the statement he is making is hardly a non-political statement. It may very well be out of order at this time.

The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I want to speak on the point of order. Surely there must be a vehicle in the Legislative Assembly to associate oneself with an event which I think touched the hearts of millions of people around the world. This was certainly possible in the House of Commons and surely if I could be permitted another minute, I could conclude my remarks.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: In the song Imagine, if I may be permitted to read a few lines, Lennon wrote the following words:

Imagine no possessions
I wonder if you can
No need for greed or hunger
A brotherhood of man.
Imagine all the people
Sharing all the world.

and the chorus:

You may say I'm a dreamer
But I'm not the only one,
I hope some day you'll join us
And the world will live as one.

Mr. Speaker, the forces of hysteria are silent now as millions around the world honour a man and his music. John Lennon, 1940 to 1980, was a musician, poet, artist, gentle spirit and man of peace. I think it is appropriate that we honour a man and his music.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. BRIAN RANSOM (Souris-Killarney): Mr. Speaker, I wonder if I might revert to Tabling of Reports.

MR. SPEAKER: The Honourable First Minister.

HON. STERLING R. LYON (Charleswood): Before we revert to Tabling of Reports, I regret that the member saw fit to make his comment at this time. It would have been more appropriately done either at the beginning of Question Period or at the end of the Question Period rather than in the midst of regular Business of the House.

But I would wish, notwithstanding the inappropriateness of the timing, I would wish to associate the members on this side of the House with the expression of profound regret that I think all music lovers around the world feel at the tragic loss

of a person who was certainly one of the leaders, not only in the music of the Sixties and the music of the Seventies, but indeed in participating in the creation of music that will last, I think, for all time, and to that extent I'm sure we would all wish to be associated with the expression of regret to the family and to music lovers throughout the world, who have lost a great creative mind in the passing of John Lennon.

MR. SPEAKER: The Honourable Minister of Natural Resources.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS contd.

MR. RANSOM: On behalf of the Minister of Finance, who is out of town on business, Mr. Speaker, I would like to table the Public Accounts for the year ending March 31, 1980, and also to table copies of a document entitled The Financial Report 1979-80, which is not required to be filed by statute but it is a new report put together largely in layman's terms, more understandable terms than the Public Accounts. I'd like to table both those documents, Mr. Speaker.

MR. SPEAKER: Notices of Motion.

INTRODUCTION OF BILLS

MR. WILSON PARASIUK (Transcona) introduced Bill No. 4, The Freedom of Information Act.

MR. JAY COWAN (Churchill) introduced Bill No. 6, An Act to Provide Protection to Workers and Communities in the Event of Plant Closures, Plant Shut-Downs and Mass Terminations, and; Bill No. 7, An Act to Amend The Payment of Wages Act.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we go into Oral Questions, I should like to introduce to the House, 50 students of Grade 6 standing from St. Norbert Collegiate, under the direction of Mrs. Elaine Lochhead. This school is in the constituency of the Honourable Minister of Health.

We also have 60 students of Grade 9 standing from Westdale Junior High School under the direction of Miss Tinsley. This school is located in the constituency of the Honourable First Minister.

On behalf of all honourable members we welcome you here this afternoon.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. HOWARD PAWLEY (Selkirk): Mr. Speaker, my question is to the Minister of Agriculture. Can the Minister of Agriculture advise whether or not the measures proposed in the Throne Speech are the result of the 20.1 percent increase in realized net income that the Minister forecast would be the Manitoba increase in his press release of October 31 this year or whether or not, now that we have had more recent forecasts indicating that there will be a one percent increase only in 1980 and a minus 8

percent decrease during 1981, can the Minister advise whether new measures will be proposed?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Mr. Speaker, first in reply to the Honourable Leader of the Opposition, the figures that he first refers to were figures that were taken from Statistics Canada which have been further reviewed and updated. I will have further comment to make on those very shortly, Mr. Speaker.

The basis on which the figures were used or the method of calculation, there is a discrepancy in the figures in which we now have on which those we projected earlier. I want to make sure that the House is well aware that they were projected figures.

We have seen an increase in interest rates and as the corrective figures are available, or when they are, I will be communicating them to the House, Mr. Speaker.

MR. PAWLEY: Mr. Speaker, then can the Minister advise whether or not, in view of the correction of his estimate which the Minister is indicating is on the basis of Stats Canada statistics — but I want to advise the Minister that the statement issued by his department October 16, had the correct figures despite his later release of October 31 — can the Minister advise whether or not, in view of the change in the estimate, that he is undertaking any action to advise retailers or farm implement manufacturers or rural store operators that depend upon farm income mainly for their business operations, is he prepared to offer them any further advice pertaining to what may very well have been an increase in inventories based upon his incorrect statement of October 31 this year?

MR. DOWNEY: Mr. Speaker, I want to reiterate, the figures that were used came from Statistics Canada on the basis of a different method of calculation. As I have indicated, we are having these figures checked out so that we can, in fact, make sure that the public have the proper figures communicated to them.

I would further add that we as a government truly do appreciate the difficulties that rural Manitobans are having. I think that it's just a matter of evidence that we are looking at lower inventories because of the difficult year that we've had in the province. We are looking at higher interest rates which are affecting all segments of society which the provincial government does not have any control over. As far as the effect of incomes on the small businesses throughout Manitoba, we are concerned, Mr. Speaker, and of course we will be continuing to communicate with those people. MLAs who certainly represent a large portion of this province will be bringing I'm sure the concerns of their constituents before us as a government so that we can assess them as the year develops.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, I wish to refer the Minister to his department statement of October 16 which used correct Stats Can statistics, and ask the

Minister how his statement of October 31 was issued with incorrect reference to Stats Can statistics.

MR. DOWNEY: Mr. Speaker, just to be brief, I have indicated to the honourable members opposite that any discrepancies and figures or any changes will be forthcoming to the people of Manitoba from my department. Mr. Speaker, we'll have no problem at any time discussing with him or the farm community what is actually taking place. We understand the situation and we'll deal with it accordingly.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Speaker, I'd like to direct a question to the Minister of Corrections in the absence of the Minister of Health and the Minister to whom hydro reports. Has the Minister prepared the department responsible for social assistance in any way for the new hydro device — and I'm not making a blanket criticism of it — but the new hydro device which apparently will let you keep warm but not eat, or let you eat and freeze, and in order to collect hydro bills, has there been any cross-communication between the hydro and the Department of Social Assistance with regard to the use of this device?

MR. SPEAKER: The Honourable Minister of Community Services.

HON. GEORGE MINAKER (St. James): Mr. Speaker, not to my knowledge.

MR. GREEN: Mr. Speaker, I wish to be entirely serious on the question. The device is intended to collect bills — and I respect the right of hydro to collect their bills and I also have no sympathy for people who don't pay their bills — but where there are children involved and where this device is used and where there is a problem, can there be some communication between the hydro and the Social Assistance Branch, so that if there is a problem as it affects a family, that we will see to it that problem is looked after in the normal way in which we deal with impoverished people?

MR. MINAKER: Mr. Speaker, I can advise the honourable member that our welfare assistance rates, we pay directly the cost of all utility bills and hydro bills. They are included in our particular budget that we look at when we make assistance to the people who are on our welfare rolls.

MR. GREEN: Mr. Speaker, I wish to urge upon the member that I'm not trying to be critical, but I ask the member whether it is not a problem, regardless of whether the social assistance is paid and then misused or in the event that there is no social assistance — if hydro intends to cut off power to the extent that you either keep warm or eat and it you eat you freeze — is it of concern to the department so that hydro advises some public agency that this is going to happen so that we make sure that regardless of whether the people are on social assistance or not, if it's going to cause serious harm or injury to people who cannot take care of themselves — and there may be old people or young children — that there will be some communication?

MR. SPEAKER: The Honourable Member of Community Services.

MR. MINAKER: Mr. Speaker, our department is always concerned with regards to any child or any family that may have difficulties with regard to what the honourable member is describing and if the communication does not exist at the present time, which I believe it probably does, I will make sure that the communication does exist between the hydro and our department so that people in the situation that the honourable member describes, if they exist, will not incur that hardship.

I cannot make concrete recommendations to the City of Winnipeg but I will suggest to my counterpart of the City of Winnipeg, I believe it is Councillor Ducharme, that he look into the matter as well, related to Winnipeg welfare recipients and city hydro.

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

MR. SAMUEL USKIW: Yes, Mr. Speaker, I wish to ask the Minister of Government Services whether or not he has been able to reach agreement with the government of Canada with respect to flood protection and compensation programming along the Brokenhead River, which was held in abeyance for some period of one-and-a-half to two years now?

MR. SPEAKER: The Honourable Minister of Government Services.

MR. ENNS: Mr. Speaker, the honourable member will recall that in previously responding to that question, I have always indicated the willingness or the desire on the part of the government of Manitoba to entertain the expansion of that program, subject to the similar willingness on the part of the federal authorities to expand their contribution to cover the additional areas.

We have been unable, to date, to receive that kind of assurance from Ottawa for cost-sharing on the expansion of this program.

MR. USKIW: Mr. Speaker, I would like to ask the Minister whether or not discussions are still under way or whether the Minister has given up on the whole idea of including the Brokenhead River in the compensation program?

MR. ENNS: Mr. Speaker, no, we have not given up. As the honourable member is only too well aware, neither has the problem gone away. They have a way of recurring and returning, all too often at springtime. It's my hope that we can still proceed with successful negotiations on this matter and the persons affected, their names and their applications remain on active file.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MRS. JUNE WESTBURY (Fort Rouge): Thank you, Mr. Speaker. My question is addressed to the Honourable Minister responsible for Community Services. I wonder if the Minister could advise the House what the government policy is in the matter of Kinder-Care?

MR. SPEAKER: The Honourable Minister of Community Services.

MR. MINAKER: Mr. Speaker, the present government policy with regard to Kinder-Care, which would be a profit-oriented group that would provide day care services, is that we do not provide any subsidy in terms of government subsidy to such facilities except those that presently receive a subsidy payment to a user which would be the Mini Schools, which were granted that particular right or privilege under the former government and we have honoured that commitment.

MRS. WESTBURY: Mr. Speaker, would the government require enforcement of standards? Would they require certain personnel to be on duty, certain qualifications of the personnel who are on duty? Would the government, in drawing up any standards or requirements for profit-oriented day care, consult with board and staff members of the existing day care system?

MR. MINAKER: The day care centres which the honourable member is referring to would have to meet the health standards and safety standards that are presently required by any day care facility within the City of Winnipeg or outside the city and would have to meet certain standards with regard to numbers of employees per children. If they were infant care, there would be one staff per four or if they were over three years of age, it would be one staff per eight children. They would have to meet these basic standards in order to have a licence within the city or within the province.

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

MRS. WESTBURY: Mr. Speaker, would the Minister advise whether he has been asked to approve any of these centres and if he has been asked to approve them, whether there have been any applications for children under the age of two years?

MR. MINAKER: To my knowledge, Mr. Speaker, the Kinder-Care group, I believe, were in contact with our staff a few months ago but I don't believe they have been in contact with the department since. I do not have the information whether or not at the time of communication whether they were discussing the possibility of caring for children under the age of two.

MR. SPEAKER: The honourable member with a fourth question.

MRS. WESTBURY: If I may, Mr. Speaker, I wonder if the Minister then will assure the House that there is no plan at the present time for any of these centres to open, either for children over or under the age of two.

MR. MINAKER: Mr. Speaker, I cannot give such assurance. I would suggest that the honourable member make contact with the Kinder-Care group to see if in fact they have any intentions of opening facilities within Manitoba. We can't give assurance that facilities will not open that operate in the private sector.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. HARVEY BOSTROM: Mr. Speaker, my question is to the Minister of Resources in his capacity as being responsible for Crown land in Manitoba. I would ask him if it is the government's policy to negotiate the sale of land, which is presently being used by several users and to negotiate the sale of that land to one of the users without making it possible for other people who are users of the land, to bid on the land in question.

MR. SPEAKER: The Honourable Minister of Natural Resources.

MR. RANSOM: Mr. Speaker, the policy with respect to agricultural Crown land is that land which has been under long-term lease to an individual prior to June of 1977, I believe, is eligible for sale. To the person holding the lease, if the person does not wish to purchase the land, if it gains all the necessary clearances, then that person may continue with the lease. Now, if the honourable member has a question about some other type of land, I'll try and answer that.

MR. BOSTROM: Mr. Speaker, I'm not sure if the land in question is agricultural land but I would ask the Minister specifically then, if in respect to land purchased by the Manitoba government in the Libau marsh area in or about 1971-72 for purposes of providing public access to the waterfront and to the Libau marsh and subsequently leased back to several people who had hunting camps in the area, I would ask the Minister if that land is now being offered for sale to a private individual in the area without the other users having the opportunity to even bid on the land in question.

MR. RANSOM: Mr. Speaker, the description that the honourable member gives does not seem to fit with the policies that we have established and I will have to take the question as notice and enquire into the specifics of that situation.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: Thank you, Mr. Speaker. I'd like to address a question to the Minister of Education or perhaps it should be to the Minister of Government Services respecting the cost of construction of the Assiniboine Community College. I'd like to ask the Minister whether they now have the information so that they can verify that, indeed, the bids have come in over 2 million in excess of the estimated cost of the Assiniboine College extension. If he can verify this, can he advise the Legislature whether the government indeed will proceed forthwith with the construction of the Assiniboine College expansion in Brandon and whether there will be any possible cutback in that extension?

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH A. COSENS (Gimli): Mr. Speaker, I can assure the honourable member that the project

is going forth; the contract has been let and that there has not been any cutback in instructional space in that particular project.

MR. EVANS: Well, if I heard the Honourable Minister correctly, there will be no cutback whatsoever in the proposed extension of the Assiniboine College and that the additional 2 million will be forthcoming. There will be no cutback whatsoever.

MR. COSENS: Mr. Speaker, that is not quite what I said. I said there would be no cutback in the instructional space. There has been some modification of the total building plan but it does not involve the instructional space as such.

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

MR. EVANS: Since this 8.3 million cost now is approximately 5 million more than the original proposed cost in 1977, and since the provincial debt of Manitoba is now 650 million higher today than it was three years ago, and since the students and staff have had to suffer overcrowding and inconvenience for three years, Mr. Speaker, will the Minister advise the House whether this should be considered an example of Conservative fiscal management and efficiency?

MR. COSENS: Mr. Speaker, I would suggest it's a matter of initiative, that we have finally gone ahead with the building of this project. The other government didn't bother.

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

MR. D. JAMES WALDING: Mr. Speaker, my question is to the Honourable Minister of Education and it arises, Mr. Speaker, from a dispute between the Swan Valley School Division and the teachers of that division which subsequently went to binding arbitration. I'd like to ask the Minister if he can confirm that the school board has not accepted the decision of the Arbitration Board and that the teachers are without a contract.

MR. SPEAKER: The Honourable Minister of Education.

MR. COSENS: Mr. Speaker, I believe I heard the honourable member's question correctly. The answer to his statement is quite correct.

MR. WALDING: A supplementary question, Mr. Speaker. I'd like to ask the Minister what measures he intends to take to ensure that the clear intent of The Public Schools Act, that of decision by binding arbitration, is in fact taken in that division.

MR. COSENS: Mr. Speaker, I can inform the honourable member that particular situation is now before the courts and I have no intention of making any further comment on it at this time.

MR. WALDING: A further supplementary, Mr. Speaker. Given the fact that some years ago the teachers gave up their right to strike so that they

could enjoy binding arbitration, what assurance can the minister give to the teachers of this province that that binding arbitration which they presently enjoy will not be lost or given up, and that their dispute shall find their way through the courts up into the Supreme Court, which I understand has in fact happened in the past, and that the teachers of the Swan Valley School Division fully expect that this particular court action will go as far as the Supreme Court and that they will be without a '79 contract until sometime in 1982?

MR. COSENS: Mr. Speaker, the situation has always existed as it is today where either party to the agreement have had recourse to the courts. In this particular situation it's my understanding the school board has one particular clause of the contract before the courts. I have told the honourable member it's not my intention at this time to comment further.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. DOERN: Mr. Speaker, I'd like to direct a question to the Attorney-General. Since the Michener Report on liquor control matters is now some two months overdue, can the Minister indicate when it will be completed?

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I expect the report late this year or early in the new year.

MR. DOERN: Mr. Speaker, does the Attorney-General accept the MGEA charge that there is collusion between Canada Safeway and the Michener Commission, namely that there is an effort being made to skew or distort the final results through a poll?

MR. MERCIER: Absolutely not, Mr. Speaker. In fact, I have responded to a letter which I received this morning from Mr. Doer and I am pointing out to him Mr. Michener's comments I believe in the daily newspaper yesterday, where he indicated that the Review Committee's report will certainly not be held up for any independent customer survey done by Safeway.

I remind Mr. Doer that I took the time to meet with him in February of this year before the Advisory Committee was appointed, to review the terms of reference to him and to assure him that no member or employee of the commission should fear for their jobs, that that would be guaranteed. I pointed out to him the terms of reference in which we specifically asked the Review Committee to take into consideration employee concern.

I point out to him that the General Manager of the Liquor Commission has discussed the employee situations a number of times with him since he has been appointed, and has given him the same assurances. Mr. Speaker, in fact I will table a copy of my response to Mr. Doer because the suggestion that there is some sort of collusion or that employees should fear for their jobs, is totally incorrect.

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

MR. DOERN: Mr. Speaker, in view of other considerations of control and effect on society and taxation policy etc., does he share, does the minister share the concern of the RCMP and the Alcohol Foundation of Manitoba and a score of churches about the adverse effects of allowing wine and beer sales in grocery stores?

MR. MERCIER: Mr. Speaker, the Advisory Committee was directed in the terms of reference, to take into consideration not only the employee concerns that I have mentioned but the general welfare of the people of Manitoba having regard to public attitude and concerns etc., and law enforcement is one of those concerns, it should be reflected in the report.

MR. SPEAKER: The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Speaker. My question is to the Minister of Labour. Some indication was given last July by members opposite that the Minister would be convening the Minimum Wage Board by the end of the year in order for the board to examine increases to the minimum wage and report back with recommendations to the Minister, and in light of the fact that Manitoba's minimum wage is now lower than the provinces of Saskatchewan, Quebec, British Columbia, Newfoundland, Alberta, and the federal jurisdiction, will the Minister inform the House if the Minimum Wage Board has indeed met and if so, can he indicate what recommendations that board has made to him?

MR. SPEAKER: The Honourable Minister of Labour.

HON. KEN MacMASTER (Thompson): Mr. Speaker, I did say that we would be convening the Minimum Wage Board and I have asked it to convene some time ago, and it's my understanding that they have been holding meetings.

MR. COWAN: In that event, Mr. Speaker, can the Minister of Labour inform the House as to whether that board has recommended increases in the minimum wage or has recommended a formula basis for increasing the minimum wage, or if they have not made any recommendations to the Minister in regard to those increases which are long overdue?

MR. MacMASTER: Mr. Speaker, without accepting the premise of whether they're overdue or underdue, I gave the commitment to this House that the board would meet and the board has been meeting and I have not had a recommendation given to me yet.

MR. COWAN: Yes, Mr. Speaker. Then in light of the fact that since September 1, 1976, the minimum wage has increased by less than 7 percent while at the same time the consumer price index increases in the Province of Manitoba have been over 40 percent, can the Minister indicate what action he will be taking, or what action his government will be taking, in order to prevent this further erosion of the standard of living for the working poor in Manitoba?

MR. MacMASTER: I would suspect, Mr. Speaker, that if you took the same type of logic and applied it

to other jurisdictions in the country you could get the same variances as far as the cost of living and the increase in minimum wages are concerned. The Minimum Wage Board will be bringing forth their recommendations and we'll be dealing with it at an appropriate time.

MR. SPEAKER: The Honourable Member for Transcona.

MR. PARASIUK: Thank you, Mr. Speaker. My question is directed to the Minister responsible for Economic Development. Today there was an announcement in Ottawa that the Canadian General Electric Plant, the Blade and Vane Plant in eastern townships of Quebec, has been awarded a 60 million contract in connection with the F-18 fighter plane. Can the Minister indicate whether any Manitoba firms have yet been awarded any contracts with respect to the construction and development of this plane?

MR. SPEAKER: The Honourable Minister of Economic Development.

HON. J. FRANK JOHNSTON (Sturgeon Creek): Yes, Mr. Speaker, I haven't seen the announcement, but we were not surprised because the indication was that the Blade and Vane Plant would be going to Quebec a long time ago. So it's not any surprise to us. We have stated earlier that Bristol has had some work. I think it was presented in the newspaper last week or a week and a half ago that the awards of different contracts would be decided, that Bristol were looking at a contract on the gun barrel. Also, the opening of the announcement and the sod turning of the General Aluminum Forgings will take place in Manitoba very soon, the plant being open in the spring. The representative from McDonnell Douglas attended that announcement and assured everybody there that the plant would be doing forgings for F-18s, not only that would be supplied to Canada but to the U.S. Navy and other countries as well. We have been getting some contracts, Mr. Speaker.

MR. PARASIUK: Mr. Speaker, since last year in the House the Minister assured us that his department would be very active in trying to promote Manitoba interests with respect to the awarding of contracts in relation to the F-18 fighter plane. Seeing as how some time has passed since that, can the Minister now tell us how much in the way of contracts in dollar terms can Manitoba firms expect to receive from the F-18 fighter contract and how many jobs that will create over the course of the next year?

MR. JOHNSTON: Mr. Speaker, the honourable member is well aware that I told him in this House last year that these contracts are bid on. Our industry is bidding on them. We have people that are continually working with our industry to try to assist them to get this business in every way we can.

We are working at the present time on the support of the aircraft. We are working at the present time looking towards the support of the 404 engine which is manufactured by G.E. with one of our companies. I can't guarantee that the prices that they quote on the business will be the low ones or whether they

would be awarded the contract. We feel our industry can perform as well as anybody as far as support of the aircraft is concerned.

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

MR. SAUL CHERNIACK: Thank you, Mr. Speaker, I'd like to ask the Minister of Education whether we will have the government proposal and the study on the foundation program before the end of this month.

MR. SPEAKER: The Honourable Minister of Education.

MR. COSENS: Mr. Speaker, I would expect any announcements on school financing would be made in due course.

MR. CHERNIACK: Mr. Speaker, I ask the Honourable Minister if he will confirm that at the last session he stated that the Manitoba Legislators will be given the study that was in the works before the end of this year?

MR. COSENS: No, Mr. Speaker, I cannot confirm that at this time.

MR. CHERNIACK: Will the Minister undertake to check the records and confirm it after he informs himself as to what he said at the previous session of this Legislature?

MR. COSENS: I certainly will check those records, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Wellington.

MR. BRIAN CORRIN: Mr. Speaker, my question is for the Honourable Minister of Consumer Affairs. I wonder, Mr. Speaker, whether the Minister can advise this House why he failed to fulfill his obligations and his responsibilities last summer and launch an appeal into the Edison rental ruling that was brought down by Mr. Justice John Hunt of the Court of Queen's Bench. To refresh his memory, Mr. Speaker, I would remind him that case also involved Mr. Martin Bergen, a very prominent friend of his side. Why, Mr. Speaker, did he not appeal that ruling which affected over 1,400 tenants adversely?

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

HON. WARNER H. JORGENSEN (Morris): It was not the Minister that launched the appeal of a ruling of the Rentalsman at that particular time. The decision had been made by the rent review officer; it was appealed to the Rent Stabilization Board. The Rent Stabilization Board reversed the decision of the rent review officer, it was in turn again appealed by Edison Rentals and the courts reversed that decision. I don't know how many more times that the decisions are going to be flowing back and forth before the thing is settled. I decided that the settlement had been made.

MR. CORRIN: Mr. Speaker, I would ask whether, in coming to his decision that a settlement had been

made. My honourable friend received from his legal counsel and from the rent review officers in question that the case should be sent to the Manitoba Court of Appeal for final adjudication and whether he is satisfied in view of the fact, Mr. Speaker, that he did not seek the advice or the information of these 1,400 tenants who were adversely affected. Whether he's satisfied that he did all in his power, all in his power, Mr. Speaker, to satisfy the commitment he undertakes as a Minister of the Crown of this province.

MR. JORGENSEN: Mr. Speaker, I am satisfied that the matter has now been settled satisfactorily.

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

MR. WALDING: Mr. Speaker, my question is to the Honourable Minister of Municipal Affairs and it arises following a statement by the chairman of the Assessment Review Committee about two months ago that he intended to make a second interim report. I'd like to ask the Minister whether he has received that second interim report.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. DOUG GOURLAY (Swan River): Mr. Speaker, I have received the second interim report and I'll be tabling copies tomorrow.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. EVANS: Thank you, Mr. Speaker. I'd like to address a question to the Minister of Economic Development and ask the Honourable Minister whether in view of the fact that the furniture manufacturing industry in Manitoba is in serious trouble with a possible 772 jobs in jeopardy, whether this government is prepared to do something to help that particular industry.

MR. SPEAKER: The Honourable Minister of Economic Development.

MR. JOHNSTON: Mr. Speaker, the member is obviously referring to the request that has been made by the industry to take the sales tax off all Manitoba manufactured furniture. That's almost an impossible task to identify and very hard to do. The other situation that has been possibly recommended — I haven't seen anything of this nature from them — but Ontario took the tax off all furniture sold in Ontario. Unfortunately, we have considered this and we don't feel that we can take the tax off the furniture industry any more than we could take the tax off a lot of other industries that have problems at the same time in the province of Manitoba, as far as higher interest rates, etc., are concerned.

MR. EVANS: Thank you, Mr. Speaker, a supplementary question then. As I read the document, the Furniture Manufacturers' Association refers specifically to a rebate, a five percent rebate, to purchasers of made in Manitoba residential furniture. Is the Minister telling us that he believes that this is unconstitutional or that it's beyond the

legal powers of the Government of Manitoba to permit such a rebate to take place?

MR. JOHNSTON: The member obviously wasn't listening again, Mr. Speaker. I said it would be almost impossible to do. I didn't say it was against the law or unconstitutional. How do you identify it in the store? First of all there could be a tag, I guess, that it was made in Manitoba. How does the storekeeper keep the records? How does the Department of Finance keep the records? The amount of costs involved to be able to actually take care of that kind of a request is next to impossible. There's also, Mr. Speaker, people in this province who have very large staffs who sell furniture that is not manufactured in Manitoba. Are we going to say to them that you can't have the same situation as other people selling furniture in Manitoba? Does a storekeeper say if you buy that one you get the tax off, if you buy that one, you don't. When the people that manufacture in other areas may have a warehouse here employing probably 25-30 people, it's almost an impossible request, Mr. Speaker. The only way that you could go is to take the tax off all furniture, and we don't feel that that's the way to go at the present time.

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

MR. EVANS: Mr. Speaker, I don't appreciate the Minister of Consumer Affairs putting words in my mouth. But the fact is, Mr. Speaker, I would like to ask the Honourable Minister then, whether he's prepared to do anything to help the furniture manufacturers of Manitoba who are obviously in a very desperate strait. What, if anything, can this Minister of Economic Development do to protect 772 jobs in the Province of Manitoba besides making snide remarks along with his colleagues? That's about all we get from him, Mr. Speaker.

MR. JOHNSTON: Mr. Speaker, I don't know what the honourable member wants us to do. We have a department, we have a section that works with the furniture division, we sit down and we advise them, the different areas. We have people who advise them on accounting. We have people who do all kinds of work with the furniture industry. Is the honourable member suggesting we should buy them and run them? Is he saying we should put public money into all of them, and how many other businesses should we put it in and what other areas?

MR. SPEAKER: Order please. Order please. The time for question period having expired we'll proceed with Orders of the Day on the adjourned debate; on the adjourned debate of the proposed motion of the Honourable Member for Minnedosa and the amendment as proposed by the Honourable Leader of the Opposition.

ORDERS OF THE DAY THRONE SPEECH DEBATE

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, my friend the Member for St. Boniface says it's almost Christmas and that

is unusual, Mr. Speaker, for the Legislature to be meeting at this time of the year. I am fairly certain, if my memory serves me correctly that the last time we met in December was in 1966, which was the first session that I attended and members will recall, Mr. Speaker, that was the beginning of the end of the Roblin administration. The Conservative Government had just gone to the people by the way, on two very big announcements; one, a hydro development, the development of the Nelson River, some billions of dollars, and secondly, a 100,000 forestry complex in The Pas. And those two announcements were before the people during the election and Mr. Roblin came back with a reduction from something like 34 seats to 31 seats. He was very disappointed, very discouraged, called the session of the Legislature to introduce a sales tax, quickly resigned. As a matter of fact he did worse than that, he resigned a treasury portfolio. I remember he called upon kindly Gurney Evans to introduce the sales tax, then resigned to run in the federal leadership campaign and you all know what happened in 1969, and that's why I say that it was the beginning of the end of the Roblin administration.

The difference between the 1966 session and the 1980 session, Mr. Speaker, is, this is not the beginning of the end, this is the ending of the end of the Lyon administration, Mr. Speaker, and there are very clear signs of this, Mr. Speaker, in the Province of Manitoba.

Mr. Speaker, it's unusual to have a Throne Speech delivered at Christmas time and with the kind of announcements that were being made and I'm going to deal with them more specifically in a moment, and not have anybody, and we politicians like cliches and we use them continuously, label it as was. Remember Mr. Craik labelled unfortunately the Blue Sky Budget. But nobody, Mr. Speaker, has labelled this the Santa Claus Throne Speech. Despite all of the suggested benefits that are going to accrue, the people of Manitoba are smart enough, the press is smart enough, the opposition is smart enough and even the government is smart enough not to suggest that this Budget contains Christmas presents and that Mr. Lyon is a Santa Claus bearing gifts, Mr. Speaker.

As a matter of fact, if one wants to put a label on this Budget, they would have to call it, Mr. Speaker, and this is going to be a worse cliché than the others, a Sualc Atnas Budget, Sualc Atnas — that's Santa Claus in reverse, Mr. Speaker. Because the definite things that are contained in this Budget, and there are very few of them and I'm trying to be, if you will excuse the expression, liberal in my interpretation. The definite things, Mr. Speaker are not things that we are being given, but things that have been taken away from the people of this province.

The one definite program, Mr. Speaker, is the mining development at Trout Lake. And, Mr. Speaker, the people of the Province of Manitoba used to own 49 percent of that program but due to the lack of business sense and the desire to play Sualc Atnas, we are now deprived of a considerable share of that development, Mr. Speaker, and the fact is, Mr. Speaker, the Trout Lake development took place as follows, and Mr. Albert Koffman will describe it to you. Granges came to Albert Koffman

of Manitoba Mineral Resources, and apparently there is some misunderstanding as to our previous program. We could 100 percent under the previous program, and did. We could go less than 50 percent if we wanted to, but we had an option of up to 49 percent. And when Mr. Koffman said, and this was the 100 percent program of which Granges wanted Manitoba Mineral Resources as a 50 percent partner, said that he couldn't handle it, it went to the Department of Mines and they were 49 percent developers of that project, Mr. Speaker. And you will not find any mining consortium where they are joint participants, where the announcement is to the effect that the other people discovered it. If Inco went with Hudson's Bay 50-50 or Noranda went with somebody else 50-50 or 51-49, it is invariably announced as a joint discovery of Inco and Noranda, or Hudson Bay and Noranda.

I was embarrassed, ashamed and embittered, Mr. Speaker, to see the announcement made by the Department of Mines with regard to the Granges Development, specifically announcing this mine was discovered by Granges Exploration. No desire, indeed a repugnance on the part of our government, to admit that the people were part of that program because, Mr. Speaker, they won't admit it, because that program and the development of that mine, will more than pay for every dollar of mineral exploration that was spent by the public of Manitoba, in their program which lasted only two years, but I'm satisfied, Mr. Speaker, that it's coming back. Even despite what the Leader of the Opposition says, it's coming back and will come back in such a way as to give benefit to the people of the Province of Manitoba, as investors in their mineral resources, as well as the less satisfactory way, which I've always admitted, as people who happen to tax the private industry.

The second, Mr. Speaker, the second semi-definite, and it sounded definite hearing it in the Throne Speech, but it didn't turn out to be definite, was the potash development, Mr. Speaker, at St. Lazare. Mr. Speaker, that development also included 50 percent proven resources owned by the people of the Province of Manitoba, it now includes, Mr. Speaker, 25 percent. So, Sulac Atnas has reduced us, Mr. Speaker, from 50 percent to 25 percent. Is it proven, Mr. Speaker? The fact is we're talking about a 300 million development by their own admission, it is there, and by the way, Mr. Speaker, to show that we don't make such outrageous announcements, it was being joint, and it's on the record, they have the books and they can find it.

A feasibility study was jointly entered into between the Government of Manitoba 50 percent, and the International Nickel Company of Canada 50 percent, we studied it and because at that particular time, the richness of the Saskatchewan reserves and something else which our consultants were concerned with, the fact that Saskatchewan had a much preferred competitive position because it was publicly owned. They said that at that time we could not go ahead, but the reserves were there, Mr. Speaker, and we owned 50 percent but Sulac Atnas has taken away half of our ownership. And that's why, Mr. Speaker, it wasn't called a Santa Claus budget.

Mr. Speaker, the Premier of the Province of Manitoba, is not a stupid man, he's not, you know —

one thing about politicians, and when we hear the rhetoric — Mr. Lyon is not nearly so bad as the New Democrats make him, and I will even say that I was part of that and will associate myself with the Opposition, if not with the official party. And we are not nearly as good as we make ourselves, and the fact is that the Premier of the province is not a stupid fellow, and he knew, Mr. Speaker, that his government is on the ropes, his government is on the ropes and therefore they tried to drag everything that was on a drawing board, or in the mind's eye, or on some bureaucrat's desk, and announce it as a program. But he knew, Mr. Speaker, that the public of Manitoba was not going to buy pie in the sky, that they are too smart for that, so he tried strawberry shortcake, Mr. Speaker, and that too did not work, because the fact is that nobody has looked at these suggestions as being anything more than an attempt by the Conservative administration to compensate for the fact that the business conditions, the economic conditions, the financial conditions of this province are in the doldrums. That they are in very bad shape and they are resorting, Mr. Speaker, to dragging out these kinds of projects, in order to use them in an insidious way, Mr. Speaker, and we have not seen to this date, just how insidious it is going to be used.

Mr. Speaker, I'm surprised they didn't talk about the possible iron mine in Neepawa. You know that there is a possible — the Member for Gladstone knows there's a possible mine. Every government that ever existed in the Province of Manitoba knows that there's a possible iron mine in Neepawa

(Interjection)— Oh, he says, we'll get to it, Mr. Speaker. I'm surprised that they haven't also drummed up the possible uranium play in northeastern Manitoba, Mr. Speaker. They missed that one, it will be in the next Budget. And using these announcements, Mr. Speaker, the honourable members have never learned, Roblin went to the people with two definite announcements. They were definite, the Nelson River Development was definite; the ManFor Development was all too definite. — (Interjection)— Yes, CFI Development was all too definite. They lost seats, Mr. Speaker, they lost seats. Because the public of Manitoba, as is the public in any democratic system, and by the way, one of the things that I'm going to talk about is preserving this democracy — makes in the last analysis a pretty intelligent choice. And they know that any government that needs this type of rubbish, in order to try to get elected . . .

POINT OF ORDER

MR. SPEAKER: Order, order please.

MR. ENNS: On a point of order, Mr. Speaker. It is with some regret I have to inform you of the presence of a stranger in the Chamber. I would ask you to act accordingly.

MR. SPEAKER: Order please. I don't believe we have had anything quite as — any precedent in this Chamber before, so I refer members to our rule book, our Rules and Orders which takes precedence over Beauchesne. We refer to Beauchesne when there is no specific rule in our rule book. I refer members to Rule No. 13 of our Rules. And I read,

"Where a question arises touching the conduct of any member or his election, or his right to hold his seat, he may make a statement, and shall withdraw during the time the matter is in debate."

I think that is the rule that comes closest to applying in this particular case.

The Honourable Government House Leader.

MR. ENNS: Mr. Speaker, on the same point of order. I would ask you, prior to making a ruling on the basis of that particular rule that you cited from Beauchesne, as I believe we are now dealing with Beauchesne, to consider the ruling on Page 36 of Beauchesne, with respect to the exclusion of strangers; Rulings 108, 109 and 110.

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

MR. GREEN: Mr. Speaker, on the point of order, my honourable friend is begging the question. He is suggesting that someone has already indicated, or that it has already been found that there is a stranger in the premises, and the rule applies to strangers. The rule that you have read, Mr. Speaker, deals with somebody raising the competence of somebody to hold their seat. I have not heard that question raised.

MR. SPEAKER: The Honourable Minister of Government Services.

MR. ENNS: Further to the matter that the Honourable Member for Inkster raises, which I believe is correct, it is with reference only to the presence of a stranger in this Chamber that I rose to ask you to take appropriate action. That action is cited under Beauchesne. I don't know, Mr. Speaker, whether we are dealing with the same edition — I'm reading the Fifth Edition of Beauchesne — but my understanding of the rules as indicated in Beauchesne, then simply call for the motion to be put that the stranger be removed.

MR. SPEAKER: I believe one of the problems that is facing us at the present time is whether or not a person, a member of this Chamber can be classified as a member who has lost his right to sit or whether he is classified as a stranger in this Chamber. I would seek the advice of the House under which classification we wish to deal with this matter.

The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I am going to speak to this subject as it would affect myself or any other member. I don't wish it to be confused as relating in any way to the personality involved.

I believe that the Speaker and the House have received a Writ of Election from every person who is now sitting in this House. There is some apparent question as to whether a person is still entitled to sit by virtue of certain laws. I submit, Mr. Speaker, that you are not, nor is any of us qualified to interpret those laws. But there is, Mr. Speaker, the situation that is available to any citizen in the Province of Manitoba and indeed was used. When Maitland Steinkopf was alleged to be disqualified by the Opposition on the basis of the fact that he had entered into a contract and thereby forfeited his

seat, he certainly didn't remove himself while that question was being argued. But a Mr. Roy St. George Stubbs introduced a motion in the Court of Queen's Bench by way of a Writ of Quo Warranto, which is a writ specifically designed to challenge as to whether somebody holding an office is entitled to hold it.

Any citizen of the Province of Manitoba wishing to avail himself of that writ can challenge it and if, Mr. Speaker, the person does not have the authority to sit, an order of the Court of Queen's Bench will then be delivered to you indicating judicially, not by virtue of somebody's interpretation of a law, that a person is not entitled to sit. And if a citizen does that and Your Honour receives such a court adjudication, I suggest to you that the matter will be settled.

But I, Mr. Speaker, question very strongly whether this House should make a judicial finding on a particular section of the Criminal Code which apparently some people think disqualify one of our number and if it does, there is a way of determining that. It has been used before, it can be used again, and I, Mr. Speaker, would want the same kind of protection afforded for myself in circumstances which are now being made applicable to another member.

MR. SPEAKER: The Honourable Leader of the Opposition on a point of order.

MR. PAWLEY: Mr. Speaker, to the point in debate, obviously the provision of the Criminal Code is one in which there is considerable concern as to its interpretation, whether or not that provision in the Criminal Code does in fact, affect the Member for Wolseley in his capacity to sit in this Legislature. And I don't question the issue as to whether or not that particular provision should be used in this case or not. I think it is the responsibility of the House to make a determination.

I don't believe it is up to you, Mr. Speaker. I think the responsibility must rest upon the House itself and I think the House Leader who is now present, must determine whether or not to introduce a motion into this Chamber in order to provide for the suspension of the Member for Wolseley until such time as matters pertaining to his appeal have been dealt with or, on the other hand, it is within the capacity of the Member for Wolseley to seek whatever remedies he may feel that are available to him, at the present time through the court process.

MR. SPEAKER: Order, order please. I believe the honourable member is debating rather than offering advice on the point of order.

The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, you seem to misunderstand the content of my remarks. To the House Leader, we look to the House Leader to provide some indication of intention on his part pertaining to the situation that has arisen, pertaining to a motion in this House.

MOTION TO WITHDRAW

MR. SPEAKER: The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, all members of the Legislature are in receipt of a letter from you, to a

member of the House, which was not a ruling, Mr. Speaker. I submit there was some comment made on Friday, I believe, that this was a Speaker's Ruling. What you were doing at that time, in my opinion, was passing on to members of the Assembly a legal opinion which you received from the Law Officer of the Assembly.

Albeit, Mr. Speaker, there may be questions raised as to the constitutional validity of this legislation; it is not for this body to determine the constitutional validity of this legislation.

But, Mr. Speaker, in view of the opinion which you have received and passed on to members of the Assembly, regretfully it is my duty and responsibility to speak to this matter of privilege and to move, Mr. Speaker, seconded by the Minister of Government Services; "That Mr. Wilson be ordered to withdraw from the Chamber."

MR. SPEAKER: Order, order please. There has been a motion placed before the House. I have not got a copy of that motion at the present time. There is a motion before the House but before I put the question, I ask for clarification from the members of the Assembly because there are two different rules that apply. If this rule is to be used that classifies Mr. Wilson as a stranger in the Assembly, the motion is not debatable. If we are dealing with the question of Mr. Wilson's right to sit in this Chamber as it appears in our rules under Rule 13, then the matter is a debatable motion.

The Honourable Member for Inkster.

POINT OF ORDER

MR. GREEN: Mr. Speaker, on a point of order.

MR. SPEAKER: This is a point of order.

MR. GREEN: I don't know how this motion is in order. I don't know how any member can ever get up and make a motion that somebody not be permitted to sit in the Chamber. The member's rights to sit in this Chamber are established by an electoral writ, and after that, the only way a member can be asked to leave the Chamber is on the basis of the rules. If there is a Speaker's ruling which he refuses to obey, he can named. There has been no ruling, Mr. Speaker. You have not made a ruling; you were not in the House when you sent a letter to Mr. Wilson and I take it that all you are doing is conveying a legal opinion that has been given to you. So, on what basis is this motion being made? A member's right to sit here is established by the electoral writ. He can only be refused the right to sit here by well-recognized judicial proceedings in the way of quo warranto. He can be dismissed as a member from the Chamber if he refuses to obey the rules. There's been no refusal to obey of rules which permits the House Leader to read a motion naming Mr. Wilson. As a matter of fact the motion is contradictory. He can only make such a motion if he is a member but he says he's making it because he's not a member. Wherein has that been established?

MR. SPEAKER: Again, I repeat, rules that I consider applicable, I think our Rules of the Legislature take precedence over Beauchesne, and in that case, we would be dealing with this as a debatable motion. Is that agreeable with the House?

The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, on this point of order, I wish to submit to you, Sir, that Section 13 is not applicable. Rule 13 refers to a question arising touching the conduct of the member that is not in question. The right to hold a seat is not in question. I think that follows, Mr. Speaker, from the legal opinion which we received from the Law Officer of the Assembly and passed on to all members, the opinion that Mr. Wilson is incapable of sitting or voting as a member of the Legislature at the present time. Mr. Speaker, I submit to you that the motion, therefore, that Mr. Wilson withdraw is the correct manner of dealing with the question of privilege and is non-debatable.

MR. SPEAKER: We have a problem that I think is one that we must consider first, is whether we treat this as a matter of a stranger in the Chamber or a member in the Chamber. It is my inclination to seek the advice of the House as to whether this be treated on a point of order, as whether this be treated as a matter of a stranger being in the House or whether we're dealing with the right of a member to hold his seat.

The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, with the greatest of respect, there is a judicial proceeding which is specifically provided for this type of question. It is never taken as the law, what you are sent by a lawyer telling you what his opinion is. The question as to a member's right to sit can be determined by the Writ of Quo Warranto. No such person has applied for such a writ that I am aware of. My friend, the Attorney-General, is asking you to suggest that a letter has conclusively determined a person's right to sit and therefore he is asking you to have Mr. Wilson, the Member for Wolseley, removed from the House as a stranger. That question has never been decided, Mr. Speaker, in such a way as to have any effect on you and you have made no such ruling.

MR. SPEAKER: The Honourable Minister of Government Services.

MR. ENNS: Mr. Speaker, I refer you and members of the House to the letter that you sent to all of us, in which you indicate that under Section 682 of the Criminal Code there is valid reason to believe that the Member for Wolseley cannot take his place in this Chamber, vote, or do anything else in this Chamber. You also indicate to us that he has, of course, recourse under the law to appeal and should, in fact, and you draw that to our attention with your last sentence by saying that, should the disability be removed by the current conviction that he's faced with, should it be set aside by competent authority, any action taken in that interim period, of course, would also be restored. That, Mr. Speaker, I think quite correctly rebuts and is a correct responsibility situation that we face. The Criminal Code of Canada under 682 indicates very clearly and you have received legal advice that it precludes, by virtue of the nature of the conviction that the Honourable Member for Wolseley has received, him from his attending this Chamber.

However, the same provision, the same Criminal Code also provides that a subsequent successful

appeal would have to restore any of the disabilities that any action that occurred in the interim period. Mr. Speaker, I believe in dealing with the question and the manner and way in which the Government House Leader has suggested, in acting upon the motion in the manner and way in which he has suggested, is the only correct way that we can resolve this issue here this afternoon.

MR. SPEAKER: Order please. May I suggest to the honourable member that he once more read the letter, a copy of which he received.

The Honourable Member for St. Johns on a point of order.

MR. CHERNIACK: On the point of order and seeking to make some suggestion that would be of assistance, it is clear to me, Mr. Speaker, that you believe that Rule 13 would apply and I can understand that a motion such as the Honourable House Leader wants to present has to be debatable if the Legislature is to make a decision based on fact and not on a letter which reports on an opinion. Your letter, Mr. Speaker, and I had occasion to comment to you privately about it, is that your letter is informative only and does not make any sort of a ruling and does not even set out your intention nor that of the House. That's why when I heard that you had said that you wrote the letter on behalf of the House, I didn't know that you had done that, because the House and your letter did not indicate any sort of decision. It seems to me I would have thought that the government would have been ready for this situation and to deal with it. I'm surprised they weren't. What my suggestion would be and would have been was that it was a matter for Privileges and Elections and not a matter to bring this way. I would like to suggest, Mr. Speaker, to relieve you of a dilemma because you have not yet ruled on whether or not the motion is in order, nor have you ruled as to if you accept the motion, whether or not it is debatable. It seems to me it is not too late for the government to take the reins of the problem, take the problem in its hands and decide to move this matter to Privileges and Elections Committee which could be done now or at any time in order to deal with it and to have legal advice and to have counsel and to hear the discussion at that level. Now, I think it's up to them to do that. I think they ought to bring it that way or bring in a bill and on the bill it could be determined, but to do it on this basis, makes me feel that the rules are being made as we go along. That's certainly not the way rules are made in the House.

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, I regret that I was not in the House when the matter of this debate first arose; namely, the presence in the Chamber of the Member for Wolseley, so I'm not able to make comment on the debate that preceded my return to the House. May I say in contradiction, however, to what has just been said by the Honourable Member for St. Johns, that this is a matter for the House to decide, not a matter for any one government to decide. It's a matter for the House to decide and as I've indicated outside of the House on previous occasions, there are no precedents whatsoever for the situation as it

developed prior to today and as we find it as we sit in the House here this afternoon.

I would suggest that what you need at this stage, Sir, and what I think we should be all be engaged in trying to give to you, rather than trying to take some minor advantage of the moment is to receive the advice of the House on this matter collectively as to what is the fairest procedure to take with respect, first of all, to the House and secondly, with respect to the member in question. You have had, Sir, and you have communicated to us information that you have had advice to the effect that Section 682 of the Criminal Code of Canada prohibits a member who has been convicted of an indictable offence and sentenced to a term in excess of five years, prohibits that member from sitting or voting in the Parliament of Canada or in a Legislature in Canada. The advice that you have also had, as I understand it, Sir, is to this effect, that while that would on the . . .

PRIVILEGE OF THE HOUSE

MR. J.R. (Bud) BOYCE (Winnipeg Centre): Mr. Speaker, there's a camera in the gallery again. Excuse me, Mr. First Minister.

MR. SPEAKER: Order please. If there is a camera in the gallery, I ask that it be removed immediately.

MR. LYON: And behind you, Mr. Speaker.

MR. BOYCE: He's not listening to you at all, Mr. Speaker. I don't know who Haggerty thinks he is.

MR. SPEAKER: Order please. Seize that camera in the gallery.

MR. PETER FOX (Kildonan): On a matter of privilege, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. FOX: It's an abuse of the House, that someone knows he's not supposed to be in and in spite of that continues to take pictures, especially of a member who is protesting the fact that he's doing something illegal. I think that person should be brought before this House so that he answers to his actions which were totally illegal.

MR. SPEAKER: I would request that the camera and all the film — or maybe not the camera — but certainly all the film be delivered to my office. I would ask the Press Gallery to enforce that.

The Honourable First Minister.

POINT OF ORDER (Continued)

MR. LYON: Mr. Speaker, I think I was at the point where I was indicating what the section of the Criminal Code is with respect to the competency of a member to sit or to vote in an Assembly following upon a conviction of the type that has been registered against the Honourable Member for Wolseley. It's my further understanding, Sir, that the advice that you have received, as certainly is the case with respect to the Attorney-General, is to this effect that section prima facie, as the lawyers would say, prima facie at the outset must be taken to be the law of the land.

Now, Sir, there is no question that the Member for Inkster, who has already expressed some question about the competency of Parliament to rule upon the question of who is eligible or ineligible to sit in this Legislature or indeed any other Legislature is certainly an open question and one, Sir, I suggest with the greatest of respect that all lawyers and I'm sure all members of this House would have opinions upon, and very strong opinions I am sure.

But, Sir, again with respect, this Chamber is not the arena in which that determination can be made. This Chamber is not capable of making a legal decision on a section of the law which has been passed by the Parliament of Canada. Therefore, Sir, pursuant to that advice and I may add the one further piece of advice that has been alluded to by I believe the Minister of Government Services, the further piece of advice was to this effect — that the disqualification which appears in Section 682 of the Criminal Code of Canada does not relate to the ability of the member to continue as the member for the seat, for the very good reason as expressed in the section, that in the event that the conviction is later expunged or wiped out by virtue of the processes of appeal which are part of our judicial system in this country, blessedly, then of course the disability which obtains to the members either sitting or voting in the Legislature is erased with that successful appeal. So therefore the quality of the advice is: that the member pursuant to Section 682 may not sit, may not vote in the Legislature but that he remains the Member for Wolseley. That is the legal advice that you, Sir, have had. It's certainly the legal advice that the law officers of the Crown have given to the Attorney-General.

Now that being the case, what is the neat way of resolving it in the interests of the Legislature, the people of Manitoba, and indeed with the proper concern for the legitimate interests of the Member for Wolseley? I suggest to you, Sir, that your letter was an indication that you had had that advice. The suggestion that your letter was not a ruling, I suppose on a fine point it could be taken to be that way, but if that be the case then, Sir, I suggest that the onus is upon the Chair at this point to make a ruling and to see whether that ruling can be sustained. And if the ruling is to be sustained then there is a clear course of action open for the member in question if he disagrees with the ruling, namely to go to court, to test the section to see whether or not the ruling which you make based upon a section of the Criminal Code of Canada is valid, because the court and only the court is entitled to go behind that section to determine as the lawyers would say the vires or the jurisdiction of the Parliament of Canada to pass that law.

Now with respect, Sir, that is not a clear situation for any Legislature, for any member of the Legislature. But I suggest, Sir, at is the situation in which we find ourselves and that is the course of action that I would urge upon you, Sir, that you give to your opinion the force of a ruling and let the House make its determination.

MR. SPEAKER: The Honourable Member for Inkster on a point of order.

MR. GREEN: Yes, Mr. Speaker. I do speak to this point of order because I believe that we are coming

closer to where we should be. I submit, Mr. Speaker, with the greatest of respect that you have not made a ruling. It is inconceivable that a ruling can be made by the Speaker outside of the House; that you sent members an opinion which you had and, Mr. Speaker, I would urge you not to make a ruling. My friend urges you to make a ruling. I would urge you not to make a ruling. The secretary of the Legislature has received a legal document indicating that a member is entitled to sit here, the same as mine which I would not want to be overruled by a member or by the Chair or by anybody else because that, Mr. Speaker, and we were talking about the right to sit as a member and we are talking about doubt. That doubt should be resolved, not against the member, that's the most dangerous situation. There is a specific judicial procedure as to what happens when somebody says he is filling an office which he has no right to fill. When somebody presents you with a judicial finding and I submit, Mr. Speaker, that you cannot make a judicial ruling, you should not make one. When somebody submits to you a document, not a section of a code, but a judicial document having more force and effect than the writ and the return of the election of the member, then you can rule and not before then, I respectfully suggest.

MR. SPEAKER: The Member for Elmwood.

MR. DOERN: Mr. Speaker, I think that the matter could be clarified if you would explain the exact status of the remarks contained in your letter of December 4th to Mr. Wilson. In the key part you say "You are incapable of sitting or voting as a Member of the Legislature at the present time." And it seems to me that is the issue. Was this a ruling? Was this a judgment or was this simply some fatherly advice? And I think if you yourself would clarify the status of your remarks contained in your letter it would help the Assembly.

MR. SPEAKER: Order please. I again ask the Honourable Member for Elmwood to read the letter. I think it is self-explanatory. One of the problems that the Chair has, and it is traditional that the Chair has no power of penalty. Penalty is the responsibility of the Legislature itself. So the Chairman or the Speaker does not have the power to penalize any member of this Assembly. We do have a problem where the right of a member to sit in this Assembly has been challenged. Perhaps it hasn't been challenged. We have just had a motion that he withdraw. That motion is unnecessary if we use Rule 13 where the Chair invites the member to withdraw while the subject matter is under debate. And again I quote to the honourable members Rule No. 13, "Where a question arises touching the conduct of any member or his election or his right to hold his seat he may make a statement and shall withdraw during the time the matter is under debate".

The Honourable Member for Inkster.

MR. GREEN: The only motion that was made is that some person withdraw from this Chamber, and the motion was made presumably because there was a mistaken opinion that you had made a ruling. If a motion was to consider under Section 13 of the rules, it would have to suggest there had to be a motion, and a seconder, I gather, that somebody has

no right to hold their seat. And I suggest, Mr. Speaker, that the people making that motion would be very ill advised if there was no judicial finding that a person does not have a right to hold his seat.

MR. SPEAKER: The Honourable Minister of Government Services.

MR. ENNS: On the same point of order. The question of your making a ruling or the motion that is before you are not related. You may have received and I believe you have received legal advice, and in fact have shared that legal advice by means of a letter to all of the members, but the onus is clear on a member or some members of the Chamber, who when faced with a situation of having a stranger in their midst seek their removal. And that has been done. It has nothing to do with the Speaker's ruling, Mr. Speaker.

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

MR. CHERNIACK: Mr. Speaker, I hope we can work towards resolving this problem because it is a problem, and there's a substantial feeling that the member should not sit or vote. But, Mr. Speaker, I don't think his right to hold his seat has been challenged because your letter itself indicates, and the First Minister stated that he has the right to continue to hold his seat, and that's why I don't quite see Section 13 or Rule 13 to be applicable.

As I understand the problem before us, is that you have a motion about which you have doubts. The First Minister has suggested that you make a ruling. I think he is not suggesting that you accept the motion. As I listened to him it seemed to me that he was saying that the ruling should be made by you, separate and apart from the motion, which we are now discussing as to whether it's in order or not. He can clarify, but as I understood him to say, it seemed to me he was setting aside the motion as if it were withdrawn or rejected and then asked you for a ruling, and that creates a problem in itself, so I am no longer that sure whether the motion is what we are now discussing. When I had suggested a reference to the privileges and elections, I believe that that supersedes any other motion, and could have been a forum in which the matter could be discussed. But other than that, if the motion is accepted then I believe it is debatable and has to be discussed, whereas of course a ruling that you make would be one which I assume is not debatable.

MR. SPEAKER: The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, I made an attempt earlier on to submit to you, Sir, that Rule 13 is not applicable. The Member for St. Johns, I think, agrees with that. The question at issue is not the right to hold the seat. The question is whether or not the member is capable of sitting or voting. You have distributed a legal opinion from the law officer of the Assembly on that question. Pursuant to that opinion which was distributed I have made a motion that Mr. Wilson be ordered to withdraw, which I suggest to you, Mr. Speaker, is the proper way as you have said in the past, Sir, of concluding a matter of privilege.

It's a matter of House privilege, Mr. Speaker, in response to a comment that has just been made. Mr. Speaker, that motion can be withdrawn at some future time as pursuant to your legal opinion as you indicate if the member's appeal is successful and he is subsequently acquitted. Until then, Sir, on the basis of the legal opinion I submit the motion is in order, Mr. Speaker, and is non-debatable, and I think I would request to you, Mr. Speaker, to make a ruling with respect to Rule 13 which I submit again is not appropriate.

MR. SPEAKER: One of the problems I have with the motion that is before me is the motion is rather indefinite. I wonder if there's any intention of including in the motion a time frame or is it just a straight motion to withdraw?

The Honourable Member for Inkster.

MR. GREEN: Yes, Mr. Speaker, I submit with the greatest of respect to the people who made the motion that it should be ruled out of order, there being no basis for which, Mr. Speaker, a member is being asked to leave the House. And on that basis, Mr. Speaker, I suggest that the motion is out of order. If that motion is in order, Mr. Speaker, my friend, the Member for St. Boniface could get up from his seat and say, I move that the Member for Lakeside be asked to leave the House. Mr. Speaker, that's the motion that you have before you. On what basis is that motion in order? So they are going back to the letter. The letter is a legal opinion.

Mr. Speaker, what is the crisis here. There are a million people in the Province of Manitoba, any one of them feeling that man has no right to be here, can file papers tomorrow. It takes an originating notice of motion seven days, and it can be heard and if a judge says that section has disqualified him you will then be given a document. That document will supersede the return to the writ of election whereby that man and every single one of us sit here.

SPEAKER'S RULING

MR. SPEAKER: I've heard the arguments of various members. The question that has been put before the House is the one that does not in my opinion, impose any penalty, specific penalty, it just asks that Mr. Wilson be ordered to withdraw from the Chamber. So it has been moved by the Attorney-General, seconded by the Honourable Minister of Services that Mr. Wilson be ordered to withdraw from the Chamber. That motion is non-debatable.

The Honourable Member on a point of order.

POINT OF ORDER

MR. CHERNIACK: Yes, on the point of order, Mr. Speaker. I understand you are accepting the motion. I don't know on what basis you can say that it is not debatable. I would like to discuss the matter and I think other members should be able to discuss the Criminal Code and discuss the impact of this, and I do suggest to you, Mr. Speaker, that this is a matter for debate and should be debated and should be dealt with once you've accepted the motion.

MR. SPEAKER: The honourable member on a point of order.

MR. ROBERT G. WILSON (Wolseley): Mr. Speaker, the point of order that I have is —(Interjection)— the point of order is that this motion must be debatable in order to find out the reason why this member has been asked to withdraw.

MR. SPEAKER: Order please. The question before the House . . .

MR. LYON: Mr. Speaker you have said it is in order, you have said it is not debatable, I ask that the question be put.

MR. SPEAKER: Are you ready for the question?
The honourable member.

MR. CHERNIACK: Mr. Speaker, on a point of order. I have suggested to you, Mr. Speaker, that this is a debatable motion. I have not heard any basis on which it is claimed that it is not debatable and although I don't challenge your right to accept the motion, I certainly do have to question your decision that we cannot debate it. Therefore, I want to suggest to you, Mr. Speaker, that there should be a ruling on the basis of which you say that we cannot debate the motion.

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

SPEAKER'S RULING (Continued)

MR. GREEN: Mr. Speaker, I, with much regret and with the greatest of respect challenge your ruling that the motion is in order.

MR. SPEAKER: The ruling of the Chair has been challenged. Shall the ruling of the Chair be sustained?

Order, order please. The ruling of the Chair has been challenged. We are now in a vote, shall the ruling of the Chair . . .

MR. CHERNIACK: Mr. Speaker, I'm sorry, on a question of clarification from you. I don't know whether your ruling . . .

MR. SPEAKER: Order, order please. Order please.

MR. CHERNIACK: Mr. Speaker, we are entitled to hear the question and I want to know whether we are challenging your ruling that it is not debatable or challenging your acceptance of the motion. My vote will be determined by that . . .

MR. SPEAKER: Order please. Will the Honourable Member for Inkster repeat his . . .

MR. GREEN: I challenge your ruling that the motion is in order. I said that.

MR. SPEAKER: The ruling that the motion is in order has been challenged. Shall the ruling of the chair be sustained? All those in favour please say aye; all those opposed please say nay. In my opinion the ayes have it.

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

MR. SPEAKER: Call in the members.

Order please. The question before the House is: Shall the ruling of the Chair be sustained? All those in favour please rise.

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

YEAS

Messrs. Anderson, Banman, Barrow, Blake, Cherniack, Corrin, Cosens, Cowan, Desjardins, Doern, Domino, Downey, Driedger, Einarson, Enns, Evans, Ferguson, Filmon, Fox, Galbraith, Gourlay, Hyde, Jenkins, Johnston, Jorgenson, Kohnats, Lyon, MacMaster, McBryde, McGill, McKenzie, Malinowski, Mercier, Minaker, Orchard, Parasiuk, Pawley, Mrs. Price, Messrs. Ransom, Schroeder, Steen and Mrs. Westbury.

NAYS

Mr. Green.

MR. CLERK: Yeas 42, Nays 1.

MR. SPEAKER: I declare the Motion carried.

The Honourable Member for St. Johns on a point of order.

POINT OF ORDER

MR. CHERNIACK: I wish to debate the motion, Mr. Speaker.

MR. SPEAKER: Order please. There is a motion on the floor already.

MR. CHERNIACK: Mr. Speaker, it is that motion I wish to debate.

SPEAKER'S RULING

MR. SPEAKER: Order please. May I suggest to the honourable member, Rule 36(1) of our Rules states: "The following motions are debatable, that is to say, every motion

- (a) standing on the Orders of the Day;
- (b) for the concurrence in a report of a Standing or Special Committee;
- (c) for the Previous Question, subject to Rule 65(14);
- (d) for the Second Reading of a Bill;
- (e) for the Third Reading of a Bill;
- (f) for the setting aside of the ordinary business of the House when made for the purpose of discussing a definite matter of urgent public importance;
- (g) for the adoption in Committee of Supply, or Committee of Ways and Means, or other Committee of the Whole House, or the resolution, clause, section, preamble, or title under consideration;
- (h) for the appointment of a Committee;
- (i) for the reference to a Committee of a report or any return tabled in the House;
- (j) for the suspension of any rule of the House;

and any other motion made upon routine proceedings as may be required for the observance of the proprieties of the House, the maintenance of its authority, the appointment or conduct of its officers, the management of its business, the

arrangement of its proceedings, the correctness of its records, the fixing of its sitting days or the times of its meeting or adjournment.

(2) All other motions, including adjournment motions, shall be decided without debate or amendment."

The honourable member on a point of order.

POINT OF ORDER

MR. CHERNIACK: I think I should make it a matter of privilege, Mr. Speaker. I want to say that as a member of this House, I was not prepared to permit another body to rule on the business of the House, or of the right of members to speak in the House. I felt it was a matter for the House to determine.

Mr. Speaker, by the same token, I believe that as an elected member of the Legislature, I have a right, and must have the right, to be able to express my point of view on the motion before us, which deals so much with the matter of the rights of individual members of the House, and as I say, it was my intent to bring this matter to the House so that we can debate it in the House. But, Mr. Speaker, to deny a member of the Legislature the right to debate a matter which deals with the proprieties of the House, the maintenance of its authority, the appointment or conduct of its officers, the management of its business, the arrangement of its proceedings is, Mr. Speaker, a denial of the right of members of this House to debate their own problems and their own order within the House. That, Mr. Speaker, is a matter of privilege, is a matter I wish strongly to assert, that as any member of this House dealing with such an important decision as being requested by us in the motion before us, should I say, Mr. Speaker, be recognized as requiring and permitting full discussion, to the extent, Mr. Speaker, the clarification of the motion; to the extent of amending the motion so that we understand the extent of that motion, is something that must be debated because, Mr. Speaker, I and others in this House have definite points of view which are, I think, probably reflective of a majority point of view, but would not be reflective if the motion is not debated and clarified. The motion before us is so vague and general that we should have the right to clarify, to amend and to discuss, and denying us that right, Mr. Speaker, is tantamount to putting a muzzle on us; and I think that that is improper if it is supported. Mr. Speaker, I do submit that using much of the wording you have used under Section 36, the motion is and must be debatable.

Mr. Speaker, the motion before us is not routine, I accept that, but it is brought as a routine. There was nothing to say that the rules be suspended; there is nothing to say that we should disturb the order. Why, Mr. Speaker? The Member for Inkster was speaking and he was interrupted, and I think that is because of the importance of the subject matter before us and it demands, it cries out, that we should each have a right to express our point of view on how we are voting, why we are voting, what amendments we wish to make.

Mr. Speaker, I ask you, please, to recognize me as a person entitled to speak to the motion and to make amendments in the normal manner.

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, without wanting to get into a debate on a point of order, which is not proper to do, without disagreeing with my honourable friend's statement about the rights of Parliament and so on, I think we are in on an unprecedented situation with an unprecedented motion.

I merely say to you, Sir, that you have indicated, based on the authority that I believe was indicated by the House Leader, that this kind of motion after a member had been named is not ordinarily debatable according to the rules as we have them handed down through Beauchesne, and so on.

Further, Sir, I think we're in this position where you have indicated to the House that in your opinion this motion is not debatable. Now, if my honourable friend takes issue with that, there is the method by which that can be settled and that is to determine whether or not the Speaker's ruling shall be sustained and that, Sir, is I suggest the only matter now before the House.

MR. SPEAKER: The Honourable Member for Inkster on a point of order.

MR. GREEN: Yes, Mr. Speaker, to the same point of order. I am not able to say the matter falls clearly within the list of debatable motions. But if there's any misunderstanding on the question, Mr. Speaker, as to whether some citizen of the Province of Manitoba by quo warranto, even if this motion is defeated, will not have the right to declare that seat vacant and that misunderstanding should be disabused of all of the members, no matter what is decided in the House.

MR. SPEAKER: The Honourable Member for St. Johns on a point of order.

MR. CHERNIACK: Yes, Mr. Speaker, on a point of order as discussed by the Honourable First Minister; he said that you had named the member and I don't believe that is correct, Mr. Speaker. I did not hear his name mentioned. Had I heard it mentioned, then there's the set of rules whereby the House Leader automatically brings in a motion of, I think, it's suspension. But I did not hear you name him, Mr. Speaker. As a matter of fact I did not hear you make a ruling at all on the status of the member being discussed. You accepted a motion; you received support on this side and, Mr. Speaker, you received my support, largely because I want to debate the issue and because I have a point of view which is sympathetic with the motion but not sufficiently clear, and therefore, Mr. Speaker, I must insist that to deny us the right to speak on a motion which the First Minister called unprecedented is a denial of the right of the person who is being challenged, which is not that much of a concern of mine, but the right of each of us to have a point of view, not just to stand and sit as we are instructed so to do.

Mr. Speaker, I appeal to you once again. Please, Mr. Speaker, see to it that you recognize me and any other member who wishes to rise to speak on the motion. The rules may not be that clear but, Mr. Speaker, whenever there's any doubt on the rules you must, of course, always find in favour of the rights of the individual members of the Legislature, otherwise it becomes a farce. Therefore, Mr. Speaker, I again appeal to you to recognize me.

MR. SPEAKER: The Honourable Member for Winnipeg Centre on a point of order.

MR. BOYCE: Mr. Speaker, I would suggest there is another avenue open to the one suggested by the First Minister. As it is your prerogative to interpret the rules, Mr. Speaker, and your duty also, I would suggest it's possible for us by unanimous consent to waive those rules, and to the point that this is an unprecedented occasion in the history of this Legislature — in fact in the land, I suppose — I would suggest that the points raised by the Member for St. Johns be taken by all members and should it be the ruling of the Chair that the rules in this particular case should be applied in a particular way, I would suggest that in the interests of justice it is important that this matter be discussed and that the rules be waived.

MR. SPEAKER: One of the fundamental rules that I believe falls within the jurisdiction of the Speaker is to not in any way curtail the right of any individual to take part in debate in the Chamber. Any ruling the Speaker makes in that respect, I think, should be challenged.

One of the other problems that we have in this particular case is the lack of precedence. I searched diligently to try and find some precedent and some guidance and the closest I have come is to our own rules that we ourselves devised, Rule 36, dealing with what is debatable and what is not debatable.

One of the other things I took into consideration was the content of the motion that was before us and whether or not the passing of that motion would preclude any further debate; and I have looked at that motion and I think if that motion is either accepted or defeated, there is certainly not a total disability for further debate. I would think that further motions could be made if members so desire. Debate could continue if they put forward a motion in order to debate it.

I have looked carefully and I fail to see where I can find any rule of ours that is specific, sufficiently specific, to allow debate on the motion that is presently before the House.

The Honourable Member for St. Johns.

MR. CHERNIACK: It appears to me, Mr. Speaker, that there's an awkward situation. If you're saying that this can be debated further, it can be discussed and will be I'm sure, but the decision to bar a member from this House, once made, cannot be overruled, Mr. Speaker, I believe, until the next session of the Legislature and therefore it seems to me that the most fundamental rule in any democracy, and it must be throughout our rules, is that a member of the Legislature has a right to speak on an issue of such ? ? —

importance. Mr. Speaker, I urge you, since you've not yet made that ruling, that you reconsider it, Mr. Speaker, because I assure you, I assure you, Mr. Speaker, that I will have to respectfully challenge your ruling and appeal to the members of this Legislature to ensure that we all have a right to speak; but I would think would be much more graciously done, Mr. Speaker, if it is recognized as a fundamental right of people to speak, of all members to speak on an issue such as this. If you deny that, Mr. Speaker, you are really muzzling a matter which

is not precedented. We've all said it's unprecedented and to apply a rule to deny debate, Mr. Speaker, is, I think, a very dangerous attack on the very principles of democracy and on the principles of Parliament and discussions.

I appeal to you once more, Mr. Speaker, please recognize me for debate, otherwise we are into further problems in relation to the conduct of this House.

MR. SPEAKER: The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, on the so-called point of order, I believe you have made a ruling. If the Member for St. Johns or any other member is not satisfied with that ruling then they may challenge that ruling, otherwise I suggest the question should be put.

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

MR. LAURENT L. DESJARDINS: Mr. Speaker, on a point of order to refresh our memory. It seems to me that you said that there was a dilemma; that if a person was named it wouldn't be debatable, but if you entertain a motion that it would be debatable. I think that you said that earlier in the debate when the Minister was attempting to have you make a motion that there was a stranger in the House. I think that you made the ruling at that time.

SPEAKER'S RULING

MR. SPEAKER: Order. Order please. Once again I point out to the members of the Chamber that the rules that have been set to govern the business of this House have not been set by the Speaker, they have been set by the House, and the rules of the House are very clearly stated in Rule 36. It outlines specifically those motions that are debatable and those that aren't.

I have looked very carefully at all of the conditions that are applicable to a debatable motion and I fail to find this particular motion coming within that jurisdiction so it, in my opinion, comes under Rule No. 36(2), which says: "All other motions shall be decided without debate or amendment", and that is my ruling at this time.

The Honourable Member for Kildonan.

POINT OF ORDER

MR. FOX: On the point of order, Mr. Speaker, I realize that we have operated in this House and created rules by consensus, and I believe that sometimes they are subject to interpretation and we may have differences on them, but in this particular instance, I think we are discussing a motion in respect to the conduct of this House and the members pertaining to it, and the propriety of whether we do want all our members to participate or some of them to be excluded. I think this is a very important issue, something probably as everyone has said, we have no precedence but we are setting precedent by what we are doing.

Now I would ask any member in this House: Do you want to set precedents without debating the

issues? I think none of you want to do that. We are discussing the conduct, the proprieties of the House, the maintenance of the authority of this House and yet you are prepared to say, yes or no, without debating it. I think, Mr. Speaker, that doesn't make sense. I appeal to you, Sir, before you make a decision that you will accept this motion without debate; that you give us a chance, because otherwise we will have to challenge that and I think we will be setting a precedent which we may regret in the future, which some of our children may regret that we have made.

MR. SPEAKER: The Honourable Member for St. Johns on a point of order.

? ? —

MR. CHERNIACK: Mr. Speaker, "I move that the motion be referred to the Committee on Privileges and Elections", seconded by the Honourable Member for Elmwood.

MR. ENNS: Mr. Speaker, I should hardly have to rise, but you have a motion before you, the House is dealing with a motion and the Honourable Member for St. Johns, a veteran member of this Legislature, knows better than to try to introduce another resolution on top of the motion that we have.

Mr. Speaker, on the same point of privilege, because it is now a matter of privilege. It was given my understanding, clearly indicating to us by the members of the Official Opposition, in press conferences that they held prior to this Assembly coming together, Sir, that they were of one accord on this question and that is simply that in this instance the Member for Wolseley should not be allowed to sit in this Chamber.

I quote the Honourable Member for St. George who called a special meeting . . .

MR. SPEAKER: Order. Order. Order please. Order please. Order please. The Honourable Minister of Government Services was out of order.

Order please. The Honourable First Minister, on a point of order.

MR. LYON: In an attempt to be helpful, although I think, Sir, as I've indicated before, unless my hearing was mistaken and that can happen, it was my understanding, and I am subject to correction by the Member for St. Johns and others, because I was not here at the initial stages of this debate, it is my understanding that there had been a naming and then a motion followed upon that —(Interjection)— My honourable friends say that was not the case, Sir, so I indicate that was not the case. Then I suggest that perhaps the steps have to be retraced, because there is no question, so far as the indicators are that we have had, as to the procedure that should be taken, and perhaps, Sir, in those circumstances it might be helpful if at this point, rather than reach any final decision on that point, that you, Sir, take advantage of the opportunity to consider this over the dinner hour. The House will reassemble at 8 o'clock and we will then be able to assess the matter more carefully, and come to what, I would hope would be, a consensus of the House with respect to how its procedures should be handled in a matter of this sort.

MR. SPEAKER: I accept the suggestion of the Honourable First Minister and I'll be leaving the Chair to return at 8:00 p.m.