



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

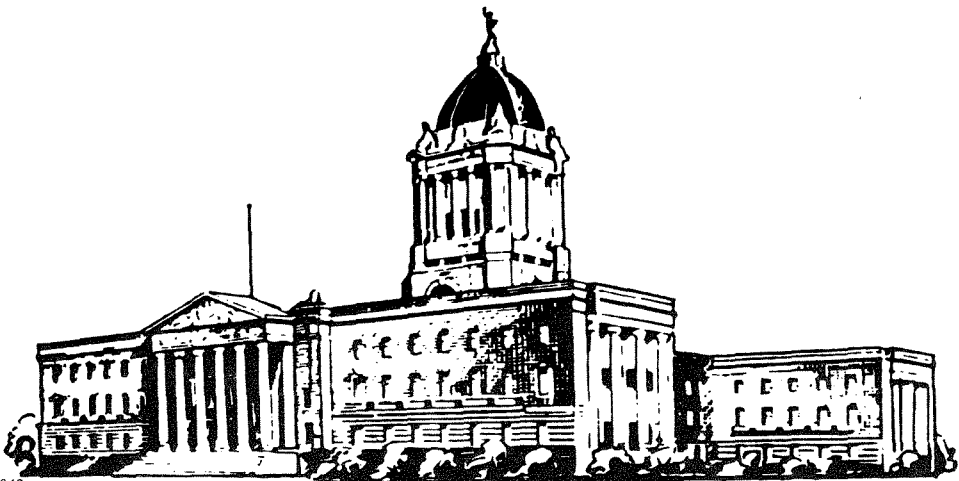
**DEBATES  
and  
PROCEEDINGS**

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**31-32 Elizabeth II**

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The Honourable D. James Walding  
Speaker*



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**VOL. XXXI No. 112 - 2:00 p.m., THURSDAY, 21 JULY, 1983.**

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

**Members, Constituencies and Political Affiliation**

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

Thursday, 21 July, 1983.

Time — 2:00 p.m.

**OPENING PRAYER by Mr. Speaker.**

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

**MINISTERIAL STATEMENTS  
AND TABLING OF REPORTS**

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

**HON. J. PLOHMAN:** Mr. Speaker, I have a statement. Mr. Speaker, yesterday I made a commitment to this House to keep all members fully informed of the aerial spraying operations to take place regarding the health emergency to combat a potential outbreak of Western Equine Encephalitis.

All initial phases of the operation from all reports are on target.

The first tanker of malathion will be arriving in Winnipeg at noon approximately tomorrow, followed by a second tanker arriving later tomorrow afternoon, followed by the arrival of one tanker of chemical delivered each day during the duration of the health emergency.

The airplane used to conduct the aerial spraying operation will be arriving tomorrow afternoon and barring any unforeseen complications the aerial spraying campaign against Western Equine Encephalitis, will begin Friday evening.

The communities of primary concern at this time are Winnipeg, Selkirk, Morden, Winkler, Altona, Stonewall, Beausejour, Steinbach, Morris, Carman and Portage la Prairie.

Evidence suggests that areas west of Portage la Prairie do not seem to have the high viral activity that is reported primarily in the Red River Valley area, however, Western Manitoba is being watched closely should the situation change.

I would like to assure all Manitobans that every effort is being made to conduct the aerial spraying at times that will cause those sprayed the least amount of inconvenience or concern.

I would also like to state that if weather conditions are conducive to spraying, the communities of Selkirk and Stonewall will be sprayed Friday evening between the hours of 8:00 to 10:00 p.m. approximately.

If weather conditions do not permit the spraying of Selkirk and Stonewall, the communities of Morden and Winkler will be considered as alternates.

The City of Winnipeg is tentatively scheduled to receive the aerial spraying between the approximate times of 6:00 to 10:00 a.m. and 8:00 to 10:00 p.m. Saturday.

Again, I emphasize that the spraying can only occur if weather conditions permit.

The operation centre at the Winnipeg Airport is now in place and operational. The information centre located

in Room 41C of the Legislative Building was fully operational yesterday afternoon to answer all concerns and questions the general public may have and will remain in place throughout the duration of the health emergency. I'm also pleased to report that the information centre received close to 70 calls yesterday afternoon.

The monitoring procedures on the effect of the aerial spray on honey bees is now being readied and will be in place once aerial spraying has begun.

Environmental monitoring of the aerial spraying campaign will be dealt with by my colleague, the Minister of the Environment.

I would also like to inform the House that due to the time of tomorrow's sitting I may not be able to make a statement on the status of the aerial spraying program, however, as soon as the information is available tomorrow I will be calling a news conference to inform Manitobans of the state of the aerial spraying program.

As mentioned yesterday, an extensive radio informational campaign has been devised to permit any resident of southern Manitoba to turn to any radio station below the 53rd parallel to receive accurate reports of the aerial spraying operation at 6:00, 7:00, and 8:00 a.m. and noon, daily beginning Saturday, July 23.

I look forward to reporting to the House on Monday with information on the weekend spraying operation and plans for the coming week.

**MR. SPEAKER:** The Honourable Member for Fort Garry.

**MR. L. SHERMAN:** Thank you, Mr. Speaker, I thank the Minister for his statement and the information contained in it. It's not my intention to comment at length on this statement. I will have some questions that I want to ask of the Minister and of his colleagues when we move into question period. The only thing I would want to say at this juncture, Mr. Speaker, is that the weekend, of course, is very important and if the Minister advises that he's unlikely to be able to make a statement in the House tomorrow bringing Manitobans up-to-date on the situation, I would hope that there are detailed and comprehensive plans in place for continuing reports on the situation and continuing statements and assurances from the Minister during Saturday and Sunday as the weekend assault on the problem will, no doubt, be of fundamental importance.

Mr. Speaker, I am concerned about the choice of target areas, as I think all Manitobans are. We wonder what the precise criteria are for the target areas that are being selected and it would be my hope to deal with that perhaps with the Minister in question period.

Thank you for the information, on behalf of members on this side of the House up to this point in time, Sir, and hopefully we'll have an opportunity to explore some specific details about the program when we move into questions.

**MR. SPEAKER:** Notices of Motion . . .

## INTRODUCTION OF BILLS

**HON. R. PENNER** introduced Bill No. 112, The Statute Law Amendment Act (1983).

## SPEAKER'S RULING

**MR. SPEAKER:** Before Oral Questions, I have a statement for the House.

On Monday, July 18th, the Honourable Member for Inkster rose in his place to raise a point of order concerning the fact that a member had passed between the Mace and the Chair, contrary to the rules and practices of the Legislature.

After listening to the advice of several members, I took the matter under advisement.

Beauchesne's Fifth Edition, in citation 298(1) and Erskine May on Page 434 make it clear that in both Houses members may not pass between the Mace and the Chair.

Although our rules are silent on the matter, it was considered at a meeting of the Rules Committee on April 20, 1982, when members declined to recommend any changes in the rules, preferring to leave it as a matter of tradition.

In this particular case, the member involved explained to the House that he had approached the Table in order to speak to the Assistant Clerk, who was alone at the time, and no offence was intended to the Chair or to the House.

I would therefore conclude that the Honourable Member for Inkster did have a point of order in reminding the House of this tradition and that any further action should come about by the initiative of the House.

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

**HON. R. PENNER:** Just very briefly on that point of order, I may say that we have no difficulty at all on this side of the House, in accepting the statement by the Leader of the Opposition that no offence was intended to the Chair or to the House and we believe that your ruling satisfactorily disposes of the matter.

## ORAL QUESTIONS

### Brandon University - construction

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

**MR. B. RANSOM:** Mr. Speaker, my question is for the Minister of Education.

During the election of 1981, the New Democratic Party made a promise that construction on the music building at Brandon would begin almost immediately, that that would be a very high priority of the NDP Government. Can the Minister of Education advise the House when construction on that building will begin?

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

**HON. M. HEMPHILL:** Mr. Speaker, just to give just a little bit of the background of the commitment that was

made by the government, I think that the government had made a commitment to provide \$1 million and some special funding through a program that would allow them to add about another \$550,000.00. I think the total came to about \$1.6 million. But the Brandon University also made a commitment to raise the additional amount of money through a private fund-raising program, and they have attempted to do so. The size of the building that they are now undertaking, Mr. Speaker, is almost more than double the original size that was presented to the University Grants Commission that did receive approval. So a lot of the space and the facility that they are building is at their decision and with their commitment to raise a large amount of the money, we are prepared to support the program and we're looking very seriously at giving some additional help.

This is presently being reviewed by a couple of programs, the NEED Program and we hope to have an answer on whether or not there could be any additional funding from government in order to help them proceed with this building fairly soon.

**MR. B. RANSOM:** Mr. Speaker, in case the Minister missed it in her unfortunate absence from the House, a press release dated July 15th already confirms that the project has been approved under the NEED Program by both the Federal Government and the Provincial Government.

My question to the Minister of Education was, when will the actual construction on this project begin? It is my understanding that the province hasn't given the authority for the project to proceed even though they have made the public announcement of the funding through the NEED Program.

**HON. M. HEMPHILL:** Mr. Speaker, the member opposite is correct when he suggests that I haven't quite caught up-to-date with all of the things that happened while I was gone. I am going through the paper very quickly but I haven't quite — (Interjection) — not gone away - haven't quite got through it at all. If the approval has been given by both levels of government, the beginning of the construction will be determined by the Brandon University since they will be the ones that will be undertaking the capital project.

**MR. B. RANSOM:** Mr. Speaker, a further question to the Minister of Education. The announcement has been made by the province that they will participate in the funding, but the province has not given, Mr. Speaker

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

**HON. A. MACKLING:** Yes, Mr. Speaker, the Honourable Member for Turtle Mountain has asked two questions. The rules provide for a short preamble to the first question; no preamble to any subsequent question. That Rule has been brought to the attention of members of this House not once — (Interjection) — now, Mr. Speaker, I have some advice from some honourable member opposite saying, sit down, you idiot. Mr. Speaker, that indicates . . .

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

**HON. A. MACKLING:** . . . and, Mr. Speaker, that applause for that remark indicates the kind of attitude of honourable members opposite to the Rules of this House. The rules are prepared and were agreed to by members of this House many years ago to make sure, Mr. Speaker, that we can conduct the affairs of the people of Manitoba in an orderly, respectable and reasonable manner. Mr. Speaker, those rules are there, not to be flouted, but to be respected. I call upon you to advise what is apparently the temporary Leader of the Opposition to respect those rules, Mr. Speaker, in asking questions in this Chamber.

**MR. SPEAKER:** The Honourable Member for Fort Garry to the same point.

**MR. L. SHERMAN:** Mr. Speaker, to the same point of order, Mr. Speaker. We are the masters of our own rules in this House, not the slaves of any rules which the Acting Government House Leader would like to see invoked or imposed — (Interjection) — Mr. Speaker, I am speaking to the point of order. We have asked the Honourable Minister of Natural Resources a dozen times in this Session, what is the difference in a 40-minute question period, whether there is a preamble to a question or not? If there were four or five parties in this House, he would have a case in point. This happens to be a particular type of makeup of the House in this Legislature where essentially there are just two parties in the House. There is a 40-minute question period, what does it matter to the Minister of Natural Resources whether there's a preamble to a question or not?

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

**HON. L. DESJARDINS:** Yes, Mr. Speaker, to the same point of order. There is no doubt, as the Honourable Member for Fort Garry stated, that we are masters of our own destiny and it's up to us to set up the rules. But he did recognize, he did mention the word "rules," and if they are rules, when rules are set up we must abide by them or it becomes a joke. It's just like a hockey game with no referee at all. This is what we've seen from both sides all through this Session and the last one - it's getting to be a joke.

Now, we must also remember that the question period - it's all right to have some flexibility - but the question period was never meant to become a full debate. It is questions to ask for information and that's all it is. So I think that, yes, we have to abide by the rules that we have. If we don't like them then we should change them.

**MR. SPEAKER:** Order please. The two points that were raised by the Honourable Minister of Natural Resources, let me read once more 359(2) of Beuchesne which says: "The question must be brief. A preamble need not exceed one carefully drawn sentence. A long preamble on a long question takes an unfair share of time and provokes the same sort of reply."

I hope all members will give due notice to that citation.

The other matter that the Honourable Minister mentions is the decorum of the House. I would hope that all members being honourable members would not wish to say anything from their seats that would be considered unparliamentary if they did so during the course of debate.

The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, I have another question for the Minister of Education.

The Minister of Education does not seem to be aware of the fact that the governments, both the Provincial and the Federal Governments, have already announced support for the Brandon University Music School, for the new building. It's been announced by the government as being one of their initiatives. The problem is that the authority has not been given for Brandon University to actually proceed.

My question to the Minister of Education is, is she aware that this authority and the actual construction must begin by approximately the 1st of September, if Brandon University is to be able to take advantage of the federal funding for that project?

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

**HON. M. HEMPHILL:** Mr. Speaker, The Member for Turtle Mountain, I think, will probably be aware that I like to give quite full and complete and well-informed answers. I would like to suggest to him in this case, I have indicated that I have not been fully briefed on some of the happenings of the previous week or two. I would like to take an opportunity to do that and then I am going to be in a better position to fully answer his question. So I would undertake to take the question as notice and to come back tomorrow with the full answer for him.

**MR. B. RANSOM:** Mr. Speaker, I have a further question for the Minister of Education. This is not a supplementary to the last question.

I appreciate the fact that the Minister of Education has undertaken to investigate that. Perhaps if she could give her assurance that, irrespective of what she learns through her investigation, that she will give her commitment that the government will stand behind its word that they have made with respect to support for this program, realizing that working documents are actually in place for this project, whereas some of the other announcements that the government has made with respect to support for building projects, the site hasn't even been selected. So can she give her assurance that she will do everything she can, as Minister of Education, to see that the government adheres to its commitment?

**HON. M. HEMPHILL:** Mr. Speaker, I can give the member opposite the assurance that if there is a deadline problem, a time problem for beginning construction, or for receiving grants, or anything else that causes problems in having a delay so that this facility could be completed, I can give him the assurance that we would do everything that we could to make sure that there were no unnecessary delays for any reason that we had control over, that would delay the

building, them starting construction within the time period that they needed to begin.

### Brandon University - President

**MR. B. RANSOM:** Mr. Speaker, I have a further question to the Minister of Education.

Mr. Speaker, members of the Senate at Brandon University are attempting to have the President of Brandon University fired. Dr. Harold Perkins has been President of Brandon University for several years now; is in the first year of his second five-year contract; is well-respected by students, staff, alumni and the general community in Western and Northern Manitoba. Is this a concern to the Minister of Education that members of the Senate are attempting to have Dr. Perkins fired?

**HON. M. HEMPHILL:** Mr. Speaker, I think the first thing that I would like to go on record as saying is that I have no knowledge of the information that was just presented by the Member for Turtle Mountain.

The second thing I would like to say, is that the Boards of Governors are independent academic bodies that are appointed and who have the responsibility to run the affairs of the university and that responsibility, like responsibilities that we carry in this House, covers personnel; and that the University Board of Governors is, as he is representative or has representatives of the Senate; it has representatives of the public; it has representatives of the student body; it has representatives of the faculty and I am quite sure that they are going to be, and that they are, in the best position to make decisions regarding things that are in their area of responsibility for the university.

**MR. B. RANSOM:** Mr. Speaker, a further question to the Minister of Education. My reference was to the Senate. The Minister of Education gave an answer with respect to the Board of Governors. The specific reference was to the Senate and my question to her was, was she concerned about this matter? I brought it to her attention last December that there were problems at Brandon University. Has the Minister of Education spoken to her representative on the Senate of Brandon University?

**HON. M. HEMPHILL:** Mr. Speaker, my first thought to that question was, my goodness, if I had attempted to make a telephone call to speak to my representatives of the Senate I am sure, on this or any other matter, that the members opposite might be the first ones to cry political interference. I do not make telephone calls to the Senate representatives or any other representatives to tell them what they should be doing.

When the Member for Turtle Mountain suggested that the Senate is out to have the President removed, I might just say that the Senate has no authority, absolutely no authority, to make to make a decision to have the University President removed. They have, and I can't quite remember the number, but I think they may have two representatives on the Board of Governors and those representatives will have only two votes on the entire Board of Governors on any matter that comes before them.

**MR. B. RANSOM:** Mr. Speaker, a further question to the Minister of Education.

Since the Minister of Education says that it would be improper for her to be interfering in the affairs of Brandon University, it causes some concern that the Attorney-General indicated last December 7th, that he felt Dr. Perkins was the problem at Brandon University. We have sought some assurances from the Minister of Education who is responsible for universities in Manitoba. We have sought some assurance from her that she is, indeed, concerned and is doing whatever she can to see that the universities function effectively.

A further question to the Minister of Education, can she advise the House who her appointee to the Senate of the Brandon University is?

**HON. M. HEMPHILL:** Mr. Speaker, I will also take that question as notice. I think the Senate is allowed to have a certain number of representatives and the Senate themselves elect their own representatives to the Board of Governors. Now that's my recollection but I will confirm whether that is accurate. We do not appoint the Senate members. They have one or two representatives they elect and those become the Senate representatives. They choose themselves, as do the students, as do the faculty.

**MR. B. RANSOM:** Thank you, Mr. Speaker, a further question to the Minister of Education then. The Minister of Education says that she does not appoint a person to the Senate of the Brandon University. Mr. Speaker, it becomes evident that perhaps the Minister of Education is unaware of the structure at the university and that she should make herself aware of that.

Mr. Speaker, is it a concern to the Minister of Education that the budget for Brandon University was to have been submitted to the Universities Grants Commission by approximately the middle of May of this year and that budget has, to this date, not been submitted to the University Grants Commission?

**HON. M. HEMPHILL:** Mr. Speaker, I think the requirements of the Universities Grants Commission to the universities to submit budget information or any other information, are requirements that the Universities Grants Commission has, and if the universities are not complying or meeting those I'm sure the Universities Grants Commission is quite capable of communicating to them what their requirements are.

### CPR - taxes

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

**MR. R. DOERN:** Mr. Speaker, I'd like to direct a question to the Minister of Urban Affairs concerning his announced agreement with the CPR and the province and the city.

Mr. Speaker, since a year ago the Minister has had about a year now to negotiate an agreement and he has come up with another gift of \$3 million to the CPR. After 100 years of no taxes and low taxes and after a gift on the part of the citizens of Winnipeg of probably \$100 million minimum over all those years I simply ask the Minister, is this the best that he could do?

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

**HON. E. KOSTYRA:** Thank you, Mr. Speaker. It's certainly hard to argue with logic such as that, but it's logic that we've come to expect from the Member for Elmwood.

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

**HON. E. KOSTYRA:** Mr. Speaker, it seems to me that the agreement that was reached with the CPR and which met the concurrence of the Mayor of the City of Winnipeg is a good one, Mr. Speaker. It's an agreement that will provide the City of Winnipeg with additional revenue over the next number of years of in excess of \$5 million; and it's an agreement that reduces by 16 years the time in which the CPR would have been receiving some partial exemption from property taxes. I believe, Mr. Speaker, it is a good agreement and it's important the fact that the citizens of Winnipeg are going to see the end, within the next five years, of an agreement that originally was reached 100 years ago and one that, under the circumstances of today, was inappropriate and I'm please that we've been able to negotiate, with the concurrence and agreement of CPR, an end to that concession.

**MR. R. DOERN:** Mr. Speaker, I simply ask the Minister this. Does he not recognize that he had a mandate from this Legislature to legislate an end to that agreement? He did not have a mandate to negotiate a new compromise.

**HON. E. KOSTYRA:** Mr. Speaker, the resolution that was adopted by this Assembly last year called on the government to attempt to change the existing agreement that was reached with the Government of the Day in 1965 and the CPR, to amend the original 1883 legislation. The CPR took the position, Mr. Speaker, that the original 1883 legislation was an agreement reached with the government and the CPR at that time and that the agreement ought to be maintained.

We took a somewhat different position in discussions with CPR and the fact is, Mr. Speaker, that we have reached an agreement that would provide for increased revenue to the City of Winnipeg, will mean an end to what has been considered an unjust agreement with the CPR. I think it's important because, on the other hand, the Canadian Pacific Railway has provided a great number of jobs in the City of Winnipeg and has indicated that it is still going to play a major role in the economy of the City of Winnipeg and the Province of Manitoba; so I think it is important that we have now achieved an agreement with the CPR that provides for them accepting their full responsibility with respect to taxation and also is an indication of the position that CPR holds in the Province of Manitoba.

**MR. R. DOERN:** I'd also to ask the Minister, in view of the importance of this legislation which has been talked about for a long time in the Province of Manitoba and has the support of the general public and the citizens of Winnipeg and this Legislative Assembly and the New Democratic Party, I would ask the Minister why he chose to make this announcement outside of this Chamber during a press conference and didn't announce it here in its proper place.

**HON. E. KOSTYRA:** The Bill 106 that will enshrine the agreement that has been reached between the CPR, the City of Winnipeg and the province, was distributed for members along with a copy of the media release prior to any public announcement.

I would just add, Mr. Speaker, that this is not a typical situation with respect to legislation because this legislation is a result of discussions, of negotiations that have taken place with a major corporation in the Province of Manitoba and one that, I think, was appropriate that they ought to participate in the announcement — (Interjection) —

I hear calls, Mr. Speaker, of "sell-out" from across the way, but it was some members across the way that were opposed to us even entering into these discussions with CPR to end these tax concessions, and they can't talk out of both sides of their mouths, Mr. Speaker.

### Bill No. 110 - deposit limitation

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

**MR. R. BANMAN:** Thank you, Mr. Speaker. I direct my question to the Minister in charge of Consumer Affairs and would ask the Minister to confirm that he has introduced a bill in the Legislature which will limit the amount of deposit with respect to the retail sales of goods in Manitoba to more than 5 percent of the cash price. Could the Minister confirm that the 5 percent deposit limitation will apply to all small business retailers in Manitoba who are selling goods to consumers?

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

**HON. J. BUCKLASCHUK:** I'm rather surprised to hear the question. The member maybe is not aware that I did distribute Bill 110, I believe, last Monday. I spoke to the introduction at second reading and the questions that have been raised are, I think, a matter that are proper for debate and that will be taking place at the appropriate time.

**MR. R. BANMAN:** A further question to the Minister, Mr. Speaker, and I would ask him if he could confirm that a small clothing store operator who is selling a \$300 tailor-made suit, under this legislation, will only be allowed to take a \$15 deposit on this custom-made item?

In light of the opposition by all retailers in Manitoba to this type of legislation which now tells the consumer, as well as the retailer, the amount of . . .

**MR. SPEAKER:** Order please. The Honourable Government House Leader on a point of order.

**HON. R. PENNER:** On a point of order, Mr. Speaker, I believe you've ruled on this before. When a bill is before the House for second reading, it is not appropriate to deal with it in question period. That is well established and you have ruled on that before.

**MR. R. BANMAN:** Mr. Speaker, I pose my question to the Minister of Consumer and Corporate Affairs. Since

this 5 percent limitation is unnecessary tinkering in the marketplace by this government, and is going to be of great detrimental effect to the small retailers in this province, will he remove that section of the act?

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

**MR. B. RANSOM:** No, I have a question, Mr. Speaker.

**MR. SPEAKER:** I believe that the Honourable Government House Leader was referring to Citation 357(v) which says, "A question oral or written must not anticipate an Order of the Day or other matters." It was seen that the Honourable Member for La Verendrye could quite clearly make his remarks into the second reading of that bill which is set down for debate.

The Honourable Member for The Pas.

### Hay-cutting rights

**MR. H. HARAPIAK:** Mr. Speaker, I have a question to the Minister of Natural Resources. The northern part of the province, including The Pas area, has had a cold and wet spring and these wet conditions have carried on into the summer. Because of this, the hay is in short supply. The Local Government District Council has passed the resolution and the farmers and ranchers in the area have phoned me on several occasions to see if they can cut hay in the Saskeram area.

My question to the Minister of Natural Resources is, will he allow the farmers and ranchers of The Pas area to cut hay in the Saskeram area this summer?

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

**HON. A. MACKLING:** Yes, Mr. Speaker. First of all I would like to thank the honourable member for giving me notice of the question. Mr. Speaker, honourable members of the opposition laugh. There was a time, Mr. Speaker, in this House when members of the opposition would give notice of questions to Ministers, but that courtesy has long since failed in this House on the part of members of the opposition.

In respect to the question that the Honourable Member for The Pas asked, it is a serious consideration to grant any haying into the Saskeram wildlife area, an area that is presently under an extended permit with Ducks Unlimited until confirmation of some arrangements are made in respect to Saskeram.

Certainly, as we did last year, we will give every consideration to the needs of agriculture in that area and if it is established that haying is vital and necessary, certainly we'll consider a controlled haying program as we did last year.

### Strike - Safeway Stores

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

**MR. G. MERCIER:** My question is to the Attorney-General, Mr. Speaker. Could the Attorney-General

assure members of the House that despite the tentative approval with the Safeway workers, that the investigation into the comments and the alleged threats by Mr. Christophe will be continued?

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

**HON. R. PENNER:** Mr. Speaker, I don't know - sometimes this reminds me of primary school. You have to repeat something 42 times before the letter "a" is learned.

The Attorney-General of the province does not run the police force. The police force, when they receive complaints or when other evidence of an offence or an alleged offence comes to it, investigates that. I gather that there has been an investigation and the result of that investigation and the conclusion was that there was no criminal offence that was committed. That ends the matter.

What assurances am I to give the member opposite? I am not in my constitutional situation as law enforcement officer. I am not, let me repeat again - I know it's a bit tiresome - supercop or supersheriff.

### Non-potable intoxicants

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

**MR. S. ASHTON:** Thank you, Mr. Speaker. I have a question also for the Attorney-General, both in his capacity as Attorney-General and as the Minister responsible for the Liquor Commission.

A report in the Thompson Citizen yesterday confirmed that there is a significant problem in the Thompson area related to the consumption of non-potable intoxicants. A study done by the local Nightrider group showed that there are as many as 15 sites in the city where these intoxicants are consumed and between the period of May 17th and 30th for example, 364 Lysol bottles were retrieved by the organization; between June 11th and 30th, 341 cans of Lysol were retrieved. In addition, Mr. Speaker, there is also serious problems with consumption of hairspray, glue, mouthwash, nail polish and Pam.

In view of the fact that this is causing a significant social and health problem for the individuals involved, it is also causing a significant problem in terms of sanitation and public safety, I was wondering if the Attorney-General, Mr. Speaker, could undertake to look into this matter and see if there is anything the province can do to help out?

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

**HON. R. PENNER:** An analogous issue arose approximately two years ago when the City of Winnipeg passed a by-law to attempt to deal with intoxicants, things like glues and so on, solvents being used as intoxicants by younger people. The question came, what is the appropriate statutory instrument for control should that be necessary as a statutory regulation? The courts held that this really came within the purview of the Federal Government under The Natural Products Marketing Act.



Nevertheless, I pursued the matter with the then Minister of Justice federally, and after some hesitation on the part of the federal authorities they finally agreed that it would be appropriate to amend federal legislation so there could be stricter control on the sale of these types of products which have a legitimate but may have an illegitimate use, a legal as well as an illegal use.

One cannot seek to control it in a way that one cuts off normal marketing. The Federal Department of Consumer Affairs is presently drafting legislation which I think will strengthen the control of marketing of these products.

**MR. S. ASHTON:** As a supplementary, Mr. Speaker. I was wondering if the Attorney-General might discuss with the federal authorities the possibility of denaturing some of these products so they cannot, in fact, be used for human consumption.

**HON. R. PENNER:** Yes, that's a good point. I'll be taking that up.

### Mosquito fogging

**MR. SPEAKER:** The Honourable Member for Fort Garry.

**MR. L. SHERMAN:** Mr. Speaker, my question is to the Honourable Minister of Government Services. I would ask him, what are the criteria for selecting target areas in the encephalitis aerial spraying operation? In 1981 the basic criteria were first, incidents of horse cases and secondly, of course incidents of suspected human cases. Can the Minister advise what the criteria are in this case?

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

**HON. J. PLOHMAN:** Mr. Speaker, the criteria generally are the viral counts that have been taken as a result of the sentinel or test chicken flocks around the province and also the mosquito numbers, the mosquito counts that have been made at the various locations. A combination of those two would present a high-risk situation. So the high risk situations are those that we have listed as the primary targets for spraying.

In addition to that, population is important and, as well, a geographic location. If you're going to spray one town in a particular area, an alternate would be chosen that was close by that is also in the high-risk area so that the plane would not have to fly to the other end of the province to take care of the spraying on an alternate site.

So, those are some of the things. The primary one is, of course, the level of risk, based on the culex tarsalis mosquito count and the virus.

**MR. L. SHERMAN:** Mr. Speaker, over and above the new target communities which have been identified by the Minister today for the next phase of the spraying operation, will the Minister be giving consideration, in view of reports that he might have on mosquito population counts and, in particular, in view of heavy summer human populations, would the Minister be

giving consideration to extending the aerial spray operation to the Lake Winnipeg beaches communities, Gimli, and communities of that type, prior to this weekend or during this weekend?

**HON. J. PLOHMAN:** Well, the spraying is not taking place to eliminate mosquitoes because of the nuisance that they cause. Obviously, the problem is particularly severe right across the province this year with the number of mosquitoes and the nuisance factor is very high. However, that does not warrant the spraying, as the honourable member knows, it does not warrant an operation emergency situation. So what has to be taken into consideration, of course, is the factors that I mentioned earlier, and they will be taken into consideration for those areas, as well, and if the counts indicate that it's a high-risk area they will be targeted.

**MR. L. SHERMAN:** Mr. Speaker, I wonder if I could direct a question on the same subject to the Honourable Minister of Health.

When he announced the implementation of the spraying program and declared the public health emergency, on Tuesday of this week in this House, he said that he was acting, Sir - and I quote directly from his statement - "on advice from expert sources from outside the province." Well, he said the provincial epidemiologist, and advice from expert sources from outside the province. I wonder if he could advise the House what those sources outside the province were.

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

**HON. L. DESJARDINS:** Mr. Speaker, yes, that was my statement that we've asked for staff of the different departments, people involved, and advice from inside and outside the province. I do not happen to have the names with me at this time. I think that before we make this public I'd want to get in touch with these people to make sure that they would accept that. I can't see where at a later date that these names cannot be given, but I'd want to check with them before.

### Moose hunting

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

**MR. D. BLAKE:** Mr. Speaker, thank you. I have a question for the Honourable Minister of Natural Resources.

In a press release of July 15th, the Minister announced a special moose-hunting season on Hecla Island, and in the Spruce Woods Park, for senior citizens. Unfortunately, I won't be able to get in on it, but the statement goes on to suggest that they apply for it on the special application forms that are obtainable from the department, and the applications must be received at 191 Broadway no later than July 8th.

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

**HON. A. MACKLING:** Mr. Speaker, as to the date referred to in the information release, there must be

an error in that. — (Interjection) — Well, Mr. Speaker, I don't know who is perfect in this world; maybe the Leader of the Opposition is perfect, but I think some of his colleagues have some differences of view about that. I think to err is human, so I think we have some humanity in government.

I'm glad that the honourable member has brought to the attention, again, of members of the House, the innovation that's involved in this season's hunting of moose. There is a special season on Hecla Island for senior citizens, and that will be a unique opportunity for some of the hunters of Manitoba who are not prepared to engage in much more rigorous terrain to hunt moose. The season in Spruce Woods is entirely new, there was never a season there before. — (Interjection) — The honourable members are unhappy about my confirming — (Interjection) —

**MR. SPEAKER:** Order please.

**HON. A. MACKLING:** Mr. Speaker, as I indicate, there may be some error in the date of that release - I would assume there is - and that certainly will be rectified.

**MR. D. BLAKE:** Yes, just a preamble to my supplementary, Mr. Speaker, we just had a long tirade from the Minister a few ago about paraphrasing questions, and we've just heard a paraphrased answer which we didn't get. All we want to know is what the date is and the deadline for the applications. I'm sure the Minister could look that up. It's probably August 8th, because that's the date when you have check to see if you got an elk licence that was closed earlier.

The news release goes on to state, Mr. Speaker, that licence fees for other Canadians is \$200 and for non-residents it's \$250.00. It seems, under Bill 3, Mr. Speaker, they won't allow non-Canadians or foreigners to come in and buy farm land, why would they allow them to come in and kill a moose?

**HON. A. MACKLING:** Well, Mr. Speaker, the honourable member is correct if he is referring to the significant increase in non-resident hunter licence fees. That is true, Mr. Speaker, there is a limit to the resources we have, and we feel that, as a matter of priority, Canadians should have first claim on those resources where they are expendable. Where there is an opportunity to share with our brothers and sisters to the south, fine; but we consider that we should have reasonable fees and, I think the fees we've set recognize that, Mr. Speaker.

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

### ORDERS OF THE DAY

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

**HON. R. PENNER:** I believe, Mr. Speaker, there may be some committee changes.

### COMMITTEE CHANGES

**MR. SPEAKER:** the Honourable Member for Inkster.

**MR. D. SCOTT:** Mr. Speaker, I'd like to move, seconded by the Member for Wolseley, that the composition of the Standing Committee on Statutory Regulations be amended as follows:

The Member for Transcona for the Member for Wolseley; and the Member for Gimli for the Member for Thompson.

**MR. SPEAKER:** Order please. A motion is not necessary. A simple statement to the House will suffice.

The Honourable Government House Leader.

**HON. R. PENNER:** Mr. Speaker, I move, seconded by the Minister of Finance, that Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

### HANSARD CORRECTION

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

**HON. S. LYON:** Yes, there's a correction in Hansard, Mr. Speaker. On Page 4413 of Hansard I'm quoted as saying, "Look at the people that they hire into senior positions in this province. They hire some of their socialist friends, some of whom have to find a traffic map, Mr. Speaker, to find their way around Manitoba. They have never been here, but they're of the left. Mr. Scott, we haven't heard about him for a while have we, Mr. Speaker?"

That is an error, Mr. Speaker. That should be Mr. Scotton, Mr. Cliff Scotton, the former Secretary of the National NDP who is hired at over \$50,000 a year. I wouldn't want anybody by the name of Scott to fall victim to that indictment.

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

**HON. R. PENNER:** I've already made the motion.

**QUESTION put, MOTION carried** and the House resolved itself into a Committee to consider of the Supply to be granted to Her Majesty with the Honourable Member for River East in the Chair.

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

### COMMITTEE OF SUPPLY

#### INTERIM SUPPLY (2)

**MR. CHAIRMAN, P. EYLER:** Order please. We are considering the Resolution for Interim Supply (2), which was passed out and distributed to members yesterday. Are you ready for the question?

The Member for Fort Garry.

**MR. L. SHERMAN:** Mr. Chairman, just a couple of brief questions which I direct to the Minister of Finance and I'm sure he'll have to take them as notice because I would want to put them to the Minister of Health, and they have to do with the hospital budget situations in the province at the present time.

I would like to know what the deficit position is with respect to the approximately 84 hospitals that are funded and financed by the taxpayers of Manitoba through the Manitoba Health Services Commission and secondly, what the situation is with respect to the adult cardiovascular unit, the cardiac surgery unit, that was set in motion at the Health Sciences Centre notwithstanding the fact that there had been no official approval either by this current government or by the previous government.

The Minister indicated during the Estimates that some arrangements were being made whereby the Health Sciences Centre was going to have to pay for that themselves and it would not impact on their budget; and it would not impact on the amount of money that the taxpayer had to supply through the commission for the Health Sciences Centre budget. I would like to know from the Minister of Health precisely what the details are on that situation.

**MR. CHAIRMAN:** The Minister of Finance.

**HON. V. SCHROEDER:** Yes, Mr. Chairman, I'll take both of those questions as notice. Certainly I'd be as interested, probably, as the member in the answer to the second one.

**MR. CHAIRMAN:** The Member for Arthur.

**MR. J. DOWNEY:** Mr. Chairman, I have a few questions that I would like to ask of the Minister of Finance as well. He may want to take them as notice but I would think as the Minister of Finance, would be interested in getting this information as well.

In past recent days, Mr. Chairman, - and I raised it in the House not too long ago - it has been brought to my attention that there are numerous farmers in Manitoba who have, because of the tight economic conditions and lower returns that they have been receiving, well been aware of the pressure they've been under from the financial institutes, either to pay off loans or to do some refinancing.

A lot of farm operations have gone to either MACC or FCC and particularly FCC, the Federal Funding Corporation, and this has been a situation that I'll try and go through so that the Minister understands it and the Assembly does as well, that an individual who possibly this spring with some of the activity that's taken place by the bankers, put some demands on these individuals to pay off their loans. Those same individuals have gone to either MACC or to the Federal Credit Corporation to obtain funds. They have proceeded to go through the system of application and being led on all the time, that they were going to receive funds.

The Federal Government have been proceeding to try and get funds to FCC, some \$600 million was requested, and they were turned down and rolled back to some \$250 million. At the same time, I think it's worth noting that the people of Manitoba and the rest of Canada should be made aware of the fact that a Federal Government that has done this, has refused the farm community funds which would be repaid but at the same time have, by poor business practice, lost \$1.5 billion to build Canadair planes and make airplanes

for executive travel, which there is very little demand for. One really has to question what the real objective of any government would be when they would have that kind of a priority in place.

Currently the situation is that those individuals who have gone to FCC have been led to believe there were funds there, in most cases either given tentative approval or led down the road of saying, yes, probably they could be dealt with. They went back to their bankers and said, yes, it looks like we'll be able to pay off our loans. In fact, what is happening because of the cutting back of the Federal Government funds and the inability for them now to raise those funds, the banks are probably - and I say probably - going to force foreclosure on, what I would say, some pretty substantially large farms and in a lot of cases, farms that with good long-term financing through FCC could have been viable under that kind of a program.

Now, we've had a lot of talk from the present government in office in Manitoba that there were, in fact, going to be funds made available for farmers and homeowners so they wouldn't lose their farms or their homes because of high interest rates; basically this is why a lot of the banks are taking this action is because of accumulated high interest rates on these operating loans. The question really is, and I asked it of the Minister of Agriculture the other day, and he said there were funds being voted now in the Legislature for MACC, is the government satisfied that there are sufficient funds available to either help those farmers who have been refused FCC funds; or help those farmers that are faced with bank payments and are unable to make them? Is the government prepared to put funds into that program - sufficient funds - to cover those people who are demonstrating that they could have had the funds from FCC if available but now that they can't, will MACC, through the Provincial Government funding organization, pick up those loans? So I would like the Minister's comment on that.

**HON. V. SCHROEDER:** Mr. Chairman, originally there was an indication that the MACC would require an additional \$20,654,000 in loan authority. Last year's program, although a lot of it was committed and didn't really cash flow until now, the loans that were being negotiated last year, a lot of that money is being cash flowed, as I understand it, in the early months of '83-84. We have added, from where we had been originally, an additional \$6 million - as the member may recall a couple of weeks ago there was an amendment to The Loan Act - and I am told by the Minister of Agriculture, that there's a view now that the funding that has been requested should be sufficient on the understanding - and I want to make it very clear - the understanding is that there are no changes in the program criteria; because I believe that if we were to make any significant changes in those criteria that there's no question that there is far more demand out there that we are not meeting all of the needs, and I wouldn't want to make it appear that what we are doing is somehow taking up the slack from what people can't get at the banks or farm credit corporations, that somehow MACC is there waiting with the rest of it.

What the Minister of Agriculture has indicated to us he is confident of is that there is sufficient funding

based on current criteria. We would love to loosen those criteria in order to provide for funding for more of the farmers who don't quite meet the criteria we have under the existing programming; but we would have some degree of difficulty in terms of, as the member is aware, this has no effect on the deficit. It has an effect, however, on our use of money; that is, any of this money we do have to go to the public markets for and the total that we are requesting for non-budgetary programs is now very very close to the \$400 million mark for the year, and we're getting to that outside limit of where we can be. I agree with the member that it would be nice if we could provide more; I also agree with the member that it's a shame that the Federal Government, under the Farm Credit Corporation, has pulled in its horns over the last - and I don't think it's only this year - but if you look over the last 10 years as a percentage of the loan requirements out there, they've simply not been allowing their loan funds in this province to grow.

In a number of years in the last five or six years, by June, July, August of a year, farmers have had to simply get in line for the next year because their Farm Credit Corporation advisors tell them there is no more money available for the province, so it would be nice if there was more made available in that way.

**MR. J. DOWNEY:** Mr. Chairman, before asking the next question, I know the Minister of Highways was here earlier, I have a question of him. If he is not too far away, I would like to ask it after I am through with the Minister of Finance. I've got a couple of more for the Minister of Finance, maybe someone would indicate to the Minister of Highways, if he's not too far away, that I would like to ask him a question.

The Minister of Finance, I think, appreciates, hopefully, the point that I made, that the situation has changed in the last two weeks within the financial situation of FCC, and there are now refusals coming back. The farmer who said to the banker, I wanted to make my payment from FCC to you to clean this whole thing up by the 1st of July, was delayed 'till the 15th because of the politics of it and the answers, but now the farmer finds out from FCC that he's not going to get the money to pay the bank off; and so the alternative now is to either go bankrupt or to go to another lending institute. Well if it's the credit union or the bank that is giving him the hard time today and asking him for the funds, he can't go to the banking institute, he can't go to the credit union, he has to go back to MACC.

What I'm asking the Minister of Finance and his government to do is to reassess their criteria on debt consolidation, to reassess the criteria which would allow them to get involved in the financing of some of these operations that, I think, could be, after it goes through their review panel, could be recommended that MACC pick them up, because in most cases - and I say this, in most cases - what we're doing is probably bridge financing and, hopefully, this government, and I'm disappointed that they didn't accomplish more at their national meeting in PEI this week, I'm very disappointed that he didn't stand up and press that the Federal Government reinstate or reimplement the kind of funds that were being asked for.

It is a very serious situation and I don't believe that the public of Canada should be asked to put \$1.5 billion

into Canadair to be wasted and turn back the funds for the basic industry, agriculture, from a request of \$600 million to \$250 million. It's totally screwed up; their priorities are wrong, Mr. Chairman, and I'm disappointed that this Minister of Agriculture from Manitoba didn't make a bigger issue out of it when he was at the meetings with the Minister of Agriculture, nationally, and all the other provincial Ministers, because they had a golden opportunity. A golden opportunity to hammer, politically, at the Federal Government and maybe accomplish something, but they have not done that, so that the situation that this Minister of Finance is in, and the Treasury Bench, and the present government are, how are they going to deal with the Manitobafarmers who are now refused funds from FCC.

It's a crisis situation, Mr. Chairman, it's not to be taken lightly because everybody has been led, to this point, to believe there were funds in FCC to pay off the banks or the credit unions. The pressure is still there from the banks and credit unions to pay those loans off, and now if it triggers a foreclosure it's going to be on the desks of this government because they have been led to believe, through the promises, that there are things being done.

I would hope that in voting these kinds of funds, and the funds we're going to have to vote, that consideration is given to expanding this particular area.

I have another area of concern, Mr. Chairman. I think the Minister of Finance, as well, should be aware of this. I see the Minister of Highways here. I want to ask him a question directly and then I'll come back to the other one. I would like to ask the Minister of Highways a couple of questions dealing with the cutback in his road program, the funds that are available to him in the road program.

The question basically is this, and there's been a lot to do about the jobs creation fund, putting money into the hiring of engineers, that the government are now putting money in to hire some 80 engineers in Manitoba today, the \$20 million-some dollars of funds that were cut out of the Highways budget. Could the Minister of Highways use those funds to employ engineers, to give added job creation to the whole of the engineers who are coming out of the universities and available on the job market today, could he have effectively used that \$20-some million in Highways, accomplished the building of roads, accomplished the job opportunities for the workers for the heavy construction people that we all know are going to be laid off very shortly without triggering their unemployment coverage period for the next few years, could he have, in fact, used that \$23 million to hire the engineers, to hire the people who work on those big machines, and to provide jobs and opportunities for everyone in society without having gone the route that they have gone?

**MR. CHAIRMAN:** The Minister of Highways and Transportation.

**HON. S. USKIW:** Mr. Chairman, the member makes the point that the Jobs Fund is providing for very generous incentives for employers to hire civil engineers, and that that could have been accomplished by way of an expanded Highways program.

I think one of the criterion - I'm trying to remember it and I may be wrong - but I believe the criteria of

that program, the program that is providing incentives for the hiring of engineers, requires that those jobs be permanent. I don't think that I could say to the Member for Arthur that we could guarantee permanency if we had more money this year in the Highway Construction Program. I think I could say if we had more money, we would hire more engineers, albeit maybe on a seven- or eight-month basis out of the year. Their longevity would depend on what we do with the next fiscal year in terms of highways programming. I can't give him that kind of commitment that they could have been given permanent jobs per se. It is true that a number of them may have been hired for the construction season.

**MR. J. DOWNEY:** So, in fact, Mr. Chairman, what the Minister of Highways is saying is that there could have been jobs provided for engineers in Highways. The only question would have been the permanency of those particular jobs. One would have to question the permanency of the jobs that are being provided for those same engineers in the way in which the government have presently gone. I don't think that anybody in today's society can guarantee anyone a permanent job with the economy and the way the whole system is going, that their assuredness probably would have been as safe within the Department of Highways, because I would hope that any government, whether it be an NDP or whether it be a Progressive Conservative, would have the longer-term objective of not continuing to cut highway funding like they have done this year, but, in fact, the need has been demonstrated that there would be an expansion of the need for engineers.

I think it's a point that has to be well made, and should be taken account of by the public of Manitoba that they could have, in fact, accomplished three things. They could have given jobs to the people who work in the heavy machinery industry; they could have provided an assurance of the investment of those people who are operating those companies, and they could have hired engineers, even though he said maybe on a temporary basis, but I think I would believe on the longer-term basis without the kinds of policies and the kinds of programs that have been put in place. I would hope they would reconsider their decision to continue to cut funds in Highways and, in fact, turn around and spend it on highways so they could hire engineers. I want that point to be made.

Mr. Chairman, a final question to the Minister of Finance. There have been concerns brought to my attention that the operation - and I'll ask, first of all, how does the Manitoba Beef Commission who handle the marketing of all the Beef Commission cattle, how does the Beef Commission report to the government on how those funds are expended? How does their report system work so that the people of Manitoba can be made as sure that the Beef Commission are selling to the maximum dollar to the private sector who are in the packing house industry, how can he assure us that the operation of the Beef Commission is getting the maximum amount of money into that pool from the packing house industry? They don't go on a competitive or open bid - it's a grab-bag, sell-to-one-packer system. How do they account to the province on the use of the Beef Commission funds?

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

**HON. V. SCHROEDER:** Mr. Chairman, that last question is I think a very good one. I don't have an answer. I'll take it as notice.

The member made some remarks about the Jobs Fund and he's absolutely right that if you take money - if it would otherwise be spent on highways, then you would have jobs there. If you spend it on something else, then you have the jobs in the other place.

I would just remind him in his equation, that he should keep in mind that with the first \$130 million anyway of our spending, we've brought approximately \$80 million in from other sectors - private sector, municipalities, city, etc. - that we would not have brought in on the spending of money on highways because we're expected to do that completely on our own. Basically, up until now for every dollar we've spent, we've coaxed in about 70 cents of other forms of spending, be it the private sector or other levels of government which we can't do with highways and so we maintain that we're providing more jobs in this way.

With respect to the specific concern he has regarding farmers who had been expecting Farm Credit Corporation funds, who have now been told they're not going to get them, and they're in the embarrassing position of having told their bank or credit union the money is coming, it's in the mail, or whatever, I think that's a question that I should take as notice for the Minister of Agriculture, and I will talk with him about it. I think it's a serious concern. It's an embarrassment that certainly isn't the fault of the farmer, if there are games being played and funds being reallocated from FCC elsewhere.

I would say that I'm sure that the Minister is adequately making those kinds of representations. Sometimes when you're at a conference in the Martimes, the Minister from Manitoba doesn't exactly gain front-page news when he makes his comments down there. I'm sure that he would agree with the member, as all other members of the House would agree, that it is improper for the government of this country to be reallocating funds that have been going in a capital way toward agriculture in Western Canada, to paying off the debts of some of the companies that they've been playing around with in the east which have also been to the detriment of western aeronautics, for instance. We all recall what happened here with Air Canada within the last decade and the replacements didn't come true.

**MR. J. DOWNEY:** Mr. Chairman, some time ago the question was asked of the Minister of Agriculture and the Minister of Finance as to the current status of the collection of some \$400,000 under the old Beef Income Assurance Program. Could the Minister of Finance tell us what stage that is at? Have they collected the \$400,000 under the old Beef Income Assurance Program, or are they making any attempt to collect that?

**HON. V. SCHROEDER:** I'm going to have to take that question as notice.

**MR. J. DOWNEY:** Mr. Chairman, I just want to conclude that I think that it would be incumbent upon the Minister

of finance when it comes to talking about the operation of the Beef Commission - and I go back to that particular part again - to make sure that the public funds are not being used to support the inability of the marketing agency that's in place, to market at the highest dollar possible, and as I have been informed, the Marketing Commission today is not, in fact, doing that. The method of selling cattle is not getting the top dollar for the cattle that are being sold through the commission. I would hope that the Minister would be sincere about his attempt to find out precisely how it has happened so that we can be informed as to the use of public money.

**HON. V. SCHROEDER:** That is a serious concern and it is something I have every intention of communicating to the Minister of Agriculture. I'll ask him to provide a report at the earliest possible convenience to the Legislature. If that's happening, then we have to make some changes.

**MR. CHAIRMAN:** RESOLVED that a sum not exceeding \$301,679,720, being 10 percent of the amount of the several items to be voted for departments as set forth in the Main Estimates for the fiscal year ending the 31st Day of March 1984 laid before the House at the present Session of the Legislature be granted to Her Majesty for the fiscal year ending the 31st Day of March 1984—pass.

Committee rise. Call in the Speaker.

The Committee of Supply has adopted certain resolutions and asks leave to sit again.

### IN SESSION

**MR. SPEAKER, Hon. J. Walding:** The Honourable Member for River East.

**MR. P. EYLER:** Mr. Speaker, I move, seconded by the Member for Wolseley, that the report of the committee be received.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, I move, seconded by the Minister of Finance, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Ways and Means for raising of the Supply to be granted to Her Majesty.

**MOTION presented and carried** and the House resolved itself into a Committee to consider the Supply to be granted to Her Majesty, with the Honourable Member for River East in the Chair for the Committee of Ways and Means.

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

## COMMITTEE OF WAYS AND MEANS INTERIM SUPPLY (2)

**MR. CHAIRMAN, P. EYLER:** Committee, come to order. We are considering the Interim Supply Resolution No. 2 which has been distributed by the clerks. Are you ready for the question?

RESOLVED that towards making good the Supply granted to Her Majesty on account of certain expenses of the public service for the fiscal year ending the 31st day of March 1984, the sum of \$301,679,720, being 10 percent of the total amount to be voted for departments as set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1984, laid before the House at the present Session of the Legislature be granted out of the Consolidated Fund—pass.

Committee rise. Call in the Speaker.

The Committee of Ways and Means has met and adopted a certain resolution, and begs leave to sit again.

### IN SESSION

**MR. SPEAKER, Hon. J. Walding:** The Honourable Member for River East.

**MR. P. EYLER:** Mr. Speaker, I move, seconded by the Member for Radisson, that the report of the committee be received.

**MOTION presented and carried.**

### INTRODUCTION OF BILLS

**HON. V. SCHROEDER,** by leave, introduced Bill No. 113, An Act for granting to Her Majesty certain sums of money for the fiscal year ending March 31st, 1984 and to authorize commitments to expend additional money in subsequent years, and be ordered for second reading immediately.

### SECOND READING - GOVERNMENT BILLS BILL 113 - THE INTERIM APPROPRIATION ACT, 1983 (2)

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

**HON. V. SCHROEDER,** by leave, presented Bill No. 113, An Act for granting to Her Majesty certain sums of money for the fiscal year ending March 31st, 1984 and to authorize commitments to expend additional money in subsequent years, for second reading.

**MOTION presented.**

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

**HON. V. SCHROEDER:** Yes, Mr. Speaker. I had provided my speaking notes to the critic, the Member for Turtle Mountain. Basically the reason for us being here with this second Interim Appropriation Act is clear; that is, the original act called for 30 percent of the year's financial requirements and indicated at that time that those requirements would last us until early July. We're now a little past that and we expect to be running out

of funds as of the end of this week, so we require the additional 10 percent in order to meet our obligations.

As I understand, originally we had been concerned that we would not be able to actually meet the payroll for this period and I understand that there's no problem there; but that certain suppliers' bills have not been paid and we hope to be able to pay them by the end of the week.

**QUESTION put, MOTION carried**

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

**HON. V. SCHROEDER:** Yes, Mr. Speaker, I move, seconded by the Attorney-General, that Mr. Speaker do now leave the Chair, and the House resolve itself into a Committee of the Whole to consider and report on Bill No. 113, An Act for granting to Her Majesty certain sums of money for the fiscal year ending March 31st, 1984, and to authorize commitments to expend additional money in subsequent years.

**MOTION presented and carried** and the House resolved itself into a Committee of the Whole to consider the report of Bill No. 113, The Interim Appropriation Act (2), with the Honourable Member for River East in the Chair.

**COMMITTEE OF THE WHOLE  
REPORT STAGE**

**MR. CHAIRMAN, P. EYLER:** Committee, come to order. We are considering Bill No. 113. What is the will of the committee, page-by-page? Page-by-page. (Pages 1 to 5 were each read page-by-page and passed.) Preamble—pass; Title—pass. Bill be reported. Committee rise. Call in the Speaker.

The Committee of the Whole has considered a certain bill, passed a certain bill, and reports it without amendment.

**IN SESSION**

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

**MR. P. EYLER:** Mr. Speaker, I move, seconded by the Member for Radisson, that the Report of the Committee be received.

**MOTION presented and carried.**

**THIRD READING GOVERNMENT BILLS  
BILL 113 - THE INTERIM  
APPROPRIATION ACT, 1983 (2)**

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

**HON. V. SCHROEDER** presented Bill No. 113, an Act for Granting to Her Majesty certain sums of money for the fiscal year ending March 31, 1984, and to authorize commitments to expend additional money in

subsequent years be now read a third time and passed, by leave.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, would you please call the second readings on Bills 77, 102, 95 and 62, in that order.

**SECOND READING - GOVERNMENT BILLS  
BILL 77 - THE PUBLIC SCHOOLS ACT**

**HON. M. HEMPHILL** presented Bill No. 77, An Act to amend The Public Schools Act, for second reading.

**MOTION presented.**

**HON. M. HEMPHILL:** Mr. Speaker, Bill No. 77 will provide a number of important and necessary amendments to The Public Schools Act. I wish to highlight the major changes. The first and most important change is in regard to due process for teachers. The change reduces the time required before a teacher may apply for due process from at least 20 teaching months to more than one full school year. This simply gives teachers the right to a fair and impartial hearing. It gives them a chance to hear, before a fair and objective body, the reasons for a decision to dismiss.

School authorities will now be compelled to give the reasons for firing after 12 months, instead of 20 teaching months. This issue, Mr. Speaker, has been a bone of contention in the education system for years. The Manitoba Association of School Trustees, the Manitoba Teachers' Society, the Manitoba Association of School Superintendents have presented opposing positions for many years. I've tried, as Minister of Education, to seek consensus between the many important organizations in the education system and have attempted to get them to move away from conflict by attempting to resolve issues through discussion and accommodation. I've called all groups together in order to reach a compromise. They could not reach a consensus, they were unable, through discussion, to reach a solution, and we were left in the position of having to resolve what has become a point of contention within the education community.

The judgment of what was fair became ours to make and we took two things into consideration. First, the importance of having good teachers and ensuring that our children get the best education we can provide. In order to do this we must have a system of teacher evaluation which shows us how all our teachers are doing, not just our new teachers; and crucial to that evaluation system is the concept of due process where the cause for dismissal is confirmed through a fair and objective process.

This can only help to provide public confidence in our system. No one, myself, teachers, or trustees, or parents want to have incompetent teachers. What has bothered parents for many years is that they believe

there may be teachers who are not doing their job because no one in the education system has detected that they're not doing their job. Proper evaluation can improve that situation.

We also took into consideration the right of working people to a fair and just hearing. The amendment dealing with due process brings the provisions under The Public Schools Act closer into line with common practice in other sectors of the work force. Recently courts have upheld challenges by employees who have been fired from work after six months without cause. The courts have ruled that cause be given in such cases. We believe that after a full school year is the natural time to introduce due process for teachers.

It has been suggested that reducing the time period in which a teacher can be fired without cause extends tenure for teachers. This is not so. Teachers can be fired at any time for a legitimate reason. All that is being changed is that the teachers will be able to have a fair and impartial hearing.

It's also been suggested that school authorities may find it difficult to evaluate teachers in one year but, Mr. Speaker, I have to say to you that if a thorough evaluation cannot be done in that time firing without giving cause is no more just. The change will require school authority to develop better and more thorough evaluation methods. Another aspect of the amendment relating to due process is that a teacher who changes school divisions will not lose his or her right to due process, as has been the practice in the past. Again, this does not prevent incompetent teachers from being fired for legitimate reasons, it simply gives all teachers the right to be told the reason for being fired, as well as the right to challenge those reasons.

It is essential, in understanding the change to the due process aspect of the amendment, that it not be confused with an extension of tenure for teachers; there is no extension of tenure.

Teachers can still find themselves without employment due to cutbacks in teaching staff; they can still be let go for economic reasons, or because their services are no longer required by a division experiencing declining enrolment; and they can still be let go for incompetence; but the onus is on the school division to show that incompetence exists, Mr. Speaker.

Due process is simply the right to a hearing in which the reasons for firing are identified and the teacher has a right to challenge the reasons before an impartial, objective hearing, and I think that is fair, and I think it's time.

Another important change to The Public Schools Act is the extension of immunization programs within the school system. This addition to the act requires that compulsory immunization, as proscribed under pending changes to regulations to The Public Health Act, be required when children enter school. There are exceptions written into this amendment which allow parents to disregard immunization if they believe it is prejudicial to the child's health, or for religious reasons. Our purpose in making this amendment is simply to join other states and provinces throughout North America which are attempting to eliminate measles, which is considered by health authorities as a serious childhood disease.

Most jurisdictions immunize all children against measles. In Manitoba, only girls nearing puberty were

immunized, in order to avoid birth defects as a result of pregnant women contracting the disease. The result has been that measles epidemics have been common in Manitoba with all of the inherent problems associated with such epidemics. Loss of school is one of the minor ones, serious health problems for many students are the major ones.

A number of organizations, such as, the YWCA, the Manitoba Association of School Trustees, the Public Health Association are in support of this amendment which will be implemented in conjunction with changes in regulations to The Public Health Act.

Both New Brunswick and Ontario have introduced similar changes. In the United States, where measles immunization has been a requirement in all 50 States for some time, the incidence of measles is one-tenth that found in Canada.

Here, in Manitoba, we believe we can achieve similar results to those in the U.S. and the way to do so is to ensure that children are immunized before they begin school.

Other important changes to The Public Schools Act include provisions to reduce delays in the arbitration process. Under changes to the act provision is made for effecting an award within 65 days after delivery to an arbitration board of the required statement.

This section will not be proclaimed unless it is necessary for the purpose of expediting arbitrations, since both the Manitoba Association of School Trustees and the Manitoba Teachers' Society have agreed to have arbitration boards reach their decision within a 65-day deadline established by this new amendment. I'm pleased to be able to indicate that in some cases the organizations are able to find accommodation and reach consensus.

Another important amendment was announced in May and has to do with the use of schools which have become surplus to the needs of school divisions. The primary purpose for this change is to keep schools, which have been built at considerable expense to taxpayers, available for public use as long as possible and as long as they are needed.

Based on enrolment projections for the next few years the number of surplus schools will grow. This amendment is most timely because it creates an orderly system of guidelines which ensures the public has first access to the use of surplus schools, after all possible educational uses have been explored.

The first priority use is, of course, educational. School divisions must provide information to show that a school considered for disposal will not be needed for educational purposes for five years. The second priority is community use. School divisions have six months in which to find community-based groups which can use the facilities for educational, recreational, cultural or heritage purposes.

If no such groups are interested, the third priority is then government use, and the province will investigate the use of a surplus school for government or other public-sector use.

Finally, Mr. Speaker, if no such uses - education, community or government - can be found for the facility, the ultimate disposal of the building to the private sector may occur, but only then.

In summary, Mr. Speaker, school boards in closing schools will no longer be preoccupied with the ultimate



disposition of surplus facilities. Their first responsibility will be to work in close co-operation with non-profit community organizations in an attempt to maintain the closed school as an integral part of the community for education-related purposes that will benefit the community.

In the event that surplus facilities cannot be put to community use, the trustees' task is lessened by shifting the burden of leasing and/or selling to the province. The four major educational associations have reviewed these changes.

To sum up the major changes to The Public Schools Act, they do the following: They provide for fair and impartial hearing for teachers after 12 months of employment when a teacher is to be fired; they provide for immunization for children before they enter school; they set a limit of 65 days for arbitration awards; and they establish guidelines to ensure community use of surplus schools.

I believe these are all considered and judicious changes to the act which will improve education in our province and increase public confidence in the school system, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Fort Garry.

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

**MOTION presented and carried.**

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

### **BILL 102 - THE TEACHERS' PENSIONS ACT**

**HON. M. HEMPHILL** presented Bill No. 102, An Act to amend The Teachers' Pensions Act, for second reading.

**MOTION presented.**

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

**HON. M. HEMPHILL:** You'll love this one.

**HON. A. MACKLING:** I love them all.

**HON. M. HEMPHILL:** Mr. Speaker, as part of the ongoing process of updating the statutes it has become necessary, by way of Bill 102, to enact amendments to The Teachers' Pensions Act.

I wish, Mr. Speaker, to say in my introductory remarks that most of the sections of this bill have to do with technical matters, that is, correction of wrong references, repeal of inoperative parts, attention to former oversights, making sections affected by amendments in previous sections consistent with those amendments, and restructuring for greater clarity.

The most important changes are as follows:

The bill clarifies the powers of the Board to use its corporate authority and eliminates the requirement for the Board to obtain the consent of the Lieutenant-

Governor-in-Council to enter into reciprocal agreements for portability of pensions. Similar provisions have existed in The Civil Service Superannuation Act for several years.

As part of the process of assuring that the actuarial liabilities of the fund are covered by its assets, a minimum rate of return on those assets is guaranteed by the government. The minimum rate floats with the longer term returned assessment by the actuary at each triennial actuarial evaluation. I told you you'd like it.

It is proposed that the determination of any amount payable with respect to this guarantee be also on a triennial basis rather than annual, to coincide with the timing of the actuarial reviews. The bill also provides for an increase in the amount which the board is authorized to borrow for temporary purposes from \$2 million to \$5 million, in keeping with the increased level of expenditures from the fund since the original limitation was set.

In one section of the bill it is proposed to add a new section to the act for the purpose of enabling teachers, who did not meet deadlines for making payments, to obtain credit for various types of optional service if they make a payment equal to the actuarial cost to the fund of adding the service to their record. This method is consistent with other provisions in the act, for example, reinstatement of refunded service.

As a number of these proposals are to clarify amendments made in 1980, it is necessary that they have retroactive effect as provided for in the last section of the bill.

Mr. Speaker, it has been my privilege to introduce this bill to the House.

**MR. SPEAKER:** The Honourable Member for Fort Garry.

**MR. L. SHERMAN:** A brilliant presentation, Mr. Speaker.

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

**MOTION presented and carried.**

### **BILL NO. 95 - THE PENSION BENEFITS ACT**

**HON. M.B. DOLIN** presented Bill No. 95, An Act to amend The Pension Benefits Act, for second reading.

**MOTION presented.**

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

**HON. M.B. DOLIN:** Thank you, Mr Speaker. Further to the recommendations of the Pension Commission of Manitoba that were drafted subsequent to a series of public hearings on this important issue, I am pleased to be able to introduce this bill to this Assembly. The amendments to the act will actually occur in two stages and I would like to divide my remarks in that way.

The first set of amendments will become effective January 1, 1984, while the second set of changes for the most part will occur on January 1, 1985. I will later on introduce an amendment at committee to correct the bill as it is printed, as in the final section it does say 1980 instead of 1990.

The 1984 changes recognize basically all components of the work force and bring The Pension Benefits Act into step with other legislation that we already have in the province, such as The Marital Property Act or The Human Rights Act.

The second set of amendments which would become effective January 1, 1985, recognized the principle that pension benefits are in fact deferred compensation and give an equitable value to pension benefits earned by both terminating and retiring pension plan members.

First of all, the highlight of the first set of amendments. Portability is key in this area. Under this particular amendment, a member of a pension plan who does terminate employment, will have the right to either transfer the commuted value of the pension benefits to a locked-in RRSP plan, to transfer the commuted value of the pension to the pension plan of the new employer if that is so provided in the new plan; or to leave the accumulated benefits with the existing plan to be taken out at a later date. Implementation of this particular amendment alleviates one of the most serious criticisms of private pension plans since currently very few plans do make provision to a terminating locked-in member to be able to transfer out the commuted value of those credits.

Another amendment deals with eligibility and membership. It will provide that where a plan exists with a company on the date given, January 1, 1984, future employees of the plan sponsor will be required to join the plan upon attainment of two years of employment. For pension plan purposes, part-time employees, who earn in excess of 25 percent of the yearly maximum pensionable earnings as defined under the Canada Pension Plan which is approximately \$18,500 in this year, who are in there for two consecutive calendar years, shall also be required to join the pension plan where one exists. In any event, these part-time employees cannot be excluded from the pension plan at any time.

The great majority of current pension plans indicate that future full-time employees of the plan sponsor must join the plan wherever eligible. However, almost all plans in existence now exclude part-time employees from membership.

What we are finding in our society and in our work force these days is that employees who have a long service history of part-time employment, sometimes for the entire length of their work experience, have absolutely no benefits and no pension at retirement even though a pension plan has been in effect in the workplace where they worked, for the entire time of their working life in that place. We feel that part-time employees must have the right to prepare for their retirement.

The area of division of pension rights upon marriage breakdown is another area where we are bringing The Pension Benefits Act into compliance with other acts that we do have in existence right now. It recognizes the provision of The Marital Property Act which includes pension benefits as a family asset and also recognizes common-law relationships.

Common-law relationships are defined within this act however, and do not exist for pension purposes unless they have in fact been declared by the plan member. The amendment recognizes that in the event of marriage breakdown, the spouse becomes entitled to 50 percent

of any of the pension benefits earned during the interval years of the marriage, or of the common-law relationship.

Survivor benefits are dealt with in another amendment. That amendment provides that pensions payable to a married member at the time when the payments begin, shall be a joint pension payable during the lives of both the member and the spouse of the member, which may decrease by not more than one-third on the death of either party. Most pension plans today, Mr. Speaker, only provide for an annuity with a guarantee period on the life of the member and too often we find that on the death of the member the surviving spouse receives either little or no payment at all. This section however, does also provide for a waiver with both parties signing proper documentation.

Termination refund is dealt with in another section. This amendment requires that plan sponsors finalize a refund of cash, to a terminating member where applicable, within 90 days of the date of termination of that member. This follows directly upon the recommendation of those within the pension industry. It provides also that for any delay a rate of interest that is acceptable to the Pension Commission must be paid. This will avoid, of course, the unseemly delays that do occur in the payout by some pension plans.

Disclosure of information is another area that we felt it was important to amend. We are suggesting that there is a clarification of information that is necessary and which must be provided to either retired or to active plan members. This information is often of a highly technical nature and when it is distributed it is often of little value as there is no explanation attached.

On January 1, 1985 a further amendment to the act would come into force providing that plan members receive annually an individual statement containing information prescribed by the regulations, so that individuals can make reasonable financial decisions about their retirement years.

The two-step measure that is amended here, or is a part of the amendment here, is so that the industry can prepare for the coming into force of the second part, the annualized statement. Again, a recommendation of phasing in was received during the public hearings and has been recognized by both the Commission and by the amendments to the act.

We have dealt with the Old Age Security offset section by an amendment that will prohibit pension plans from offsetting accrued pension benefits by any amount received under the Old Age Security program. It corrects the problem experienced by a mobile work force that moves easily from one plan sponsor to another in today's society.

Normal retirement age is another item that must be dealt with by The Pension Benefits Act and by amendments to it, in light of recent court decisions. It is proposed that all pension plans shall now specify an age at which normal retirement, for pension purposes, will occur; however, nothing in the pension plan shall comply cessation of employment at that or at any other age.

The interest credited within a defined benefit pension plan is another area with which we must deal. Currently, many pension plans only credit nominal rates of interest; that is, perhaps 3 percent-5 percent on contributions being held within the fund. This is an inequitable

situation, given the fact and our experience over recent years, where actual plan earnings are often far in excess of this amount. An amendment will provide that this rate of interest shall also be prescribed by the act.

With regard to regulations and amendments that would come into effect on January 1, 1985, the following are involved: vesting and lockin; again responding to submissions received during public hearings we are proposing in these amendments that a fairly slow phase in of earlier vesting be put in place in this act. The act would be amended to show that, effective January 1, 1985, vesting and lockin would occur after five years of employment or membership. We are proposing that on January 1, 1990 this period for vesting would be reduced to two years. Should the Federal Government move on its proposed pension legislation sooner than that we would, of course, move to make our act compatible.

All recommendations, including Royal Commissions, since the pension debate began have indicated that vesting and lockin should occur at an earlier date than is currently provided by any existing legislation. By implementing the five-year vesting and lockin, we are allowing plan sponsors enough time to amend their plans before January 1, 1985. Inherent in this amendment, of course, is the principle that pension plans are, in fact, deferred compensation.

With regard to the employers' share of the deferred life annuity, this amendment provides that not less than 50 percent of the commuted value of any deferred life annuity shall be provided by the contributions to the plan by the plan sponsor. Because of the high interest rates in effect lately - and I see as of today they are starting back up again - many pension plans require only minimum funding by an employer on behalf of younger participants. Currently, under defined benefit plans, little or no contributions are required to be made on behalf of the plan's members under age 45, approximately; this means that an employee who joined the pension plan at age 20, has contributed for 25 years, without any contributions being made by the employer on his/her behalf. Naturally, as the employee gets closer to retirement, contributions made by the employer are oftentimes in excess of those contributions made by the employee. The reverse situation, in other words, must take place. However, this doesn't recognize the work pattern of most employees in today's society, and that, of course, is based on our experience in watching the workforce very closely.

We have also introduced an amendment that will prohibit discrimination based on sex. This amendment provides that, for the calculation of pensions and pension options, such calculations should not be based on the sex of the pensioner or the spouse. It further provides that women be provided with the same benefits as men upon retirement, assuming salary, history, service, and age are equal.

In summary, Mr. Speaker, amendments recommended for immediate implementation, that is January 1, 1984, can be accomplished with very minimal adjustments for pension plans currently registered with the Manitoba Pension Commission. By delaying the implementation of the other amendments to 1985 we have provided ample notice to accommodate these changes within the industry. In totality, the result will be more extensive coverage of Manitobans, together with a better assurance of financial security upon retirement.

Mr. Speaker, I am pleased to commend the amendments to The Pension Benefits Act to this Assembly.

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

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

**MOTION presented and carried.**

## **BILL 62 - THE PROVINCIAL COURT ACT**

**HON. R. PENNER** presented Bill No. 62, The Provincial Court Act, for second reading.

**MOTION presented.**

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

**HON. R. PENNER:** Mr. Speaker, the main purpose of this bill is to create a Provincial Court with two divisions; the criminal division and the family division. All Provincial Judges will be members of the Provincial Court. This, incidentally, is consistent with similar acts in other provinces and is merely bringing the act up-to-date in that sense. This is in contrast to the existing system of the Provincial Judges Court in which each judge has a separate court. They'll all be judges of the one court sitting in divisions.

Essentially, the bill is otherwise the same as the present Provincial Judges Act. There are some minor changes. We're utilizing this opportunity of correcting some anomalies in The Provincial Court Act. There are some additional provisions, for example, dealing with the eventuality of a judge's death or incapacity during a trial. There is a provision for Associate Chief Judges of both the Criminal Division and Family Division with some duties attached, administrative duties. There is authority for judges to act as the masters, referees, etc. in the Family Division of the Court of Queen's Bench and that, Sir, is the particular reason for bringing it in now; it's part of the total court package.

There are broader provisions respecting the enforcement of Family Division judgments and orders. There is a provision in the bill that no consent judgment or orders of the Family Division can be appealed except by leave of the court and this is similar to The Court of Queen's Bench Act and it merely brings it into conformity with that.

There is a provision for a direct appeal from the Family Division to the Court of Appeal with some additional authority respecting the stay of proceedings pending an appeal. Magistrates are given power to act as judges in the Family Division for limited purpose determined by the chief judge. There are some transitional provisions respecting continuation of ongoing actions and the continuation of appointments under the previous act.

I should say, Sir, that this revised way of administering the Provincial Judges' Court has been very carefully reviewed by the Provincial Judges themselves and that review has been of considerable benefit and I can say now that at committee stage there will be one or two

amendments brought in as a result of that consultation, one of which will change the composition of the Judicial Council to make it more representative of the Provincial Bench and I recommend this bill to the House.

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

**MR. F. JOHNSTON:** Mr. Speaker, I move, seconded by the Member for Fort Garry, that debate be adjourned.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, would you please call the adjourned debate on Bill 55.

## ADJOURNED DEBATE ON SECOND READING

### BILL 55 - THE LEGISLATIVE ASSEMBLY ACT

**MR. SPEAKER:** On the proposed motion of the Honourable Attorney-General, Bill No. 55.

The Honourable Leader of the Opposition.

**HON. S. LYON:** Thank you, Mr. Speaker. It shouldn't take too long to conclude my remarks on this bill because while it is a bill, as I've said before, with no one principle involved in it, there are some matters that are not of contention and others that are of serious contention and which relate back to the unfortunate tendency of this New Democratic Party, temporarily in government, to try to finance their cause out of the public taxpayers' pocket.

On matters that are not in contention, let me mention that the research fee that each member of this House receives proposed to be reduced by this act from \$1,000 to \$500, that meets with our approval because the government has made provision for research staff to be made available to the official opposition and to the government caucus as well. That, I think, is a more desirable way perhaps of looking after the growing problem of research that is needed for all members of the House, whether they be on the government side or otherwise. We have no objection to that and I give the government, Mr. Speaker, some credit for taking that action which is the better way of approaching, and a sensible way of approaching, this matter. I only wish that their approach to the printing of propaganda had been as sensible as that demonstrated with respect to research. So we have no objection to that.

Our principle objections, to recapitulate what I said the other day, are to the penchant of the NDP to ensure that their utilization of constituency offices be funded by the public. We do not support that. We will not only vote against it, we intend to hold this bill up as long as we can through any parliamentary procedure that is available to us because we do not accede to that in any way, shape or form. We do not think that a province that is going \$600 million into deficit this year, probably \$700 million, should be asked to undertake

further financing of the New Democratic Party merely because they want to help the socialist movement in Manitoba. That's not a high priority on anybody's list and I suggest to the honourable members that if they have no conscience on this matter, then perhaps they've got some political concern as to how much damage is being done to them in a political way on this matter because we intend to speak about it throughout the length and breadth of Manitoba to let people know of the kind of greed that is manifested by this kind of a bill, whereby they would try to feather their party nests by having constituency offices, by having their own propaganda paid for by the public and, as I will continue to mention in Bill 48, the most iniquitous and most horrendous of all, to try to have 50 percent of their election expenses paid for by the public of Manitoba.

Mr. Speaker, on the question alone of political propaganda, much can be said. The Member for Springfield said, can some of those criticisms be applied to Bill Davis? Mr. Speaker, I apply them to any government that tries to feather its own nest out of the taxpayers' pocket, I don't care whether it's Bill Davis' Government, Howard Pawley's excuse for a Government or what government it is. I do not think it is right that political parties, when in government temporarily, vote unto themselves the right through their majority to raid the taxpayers' pocket in order to fund political activities. That's never right - it doesn't matter what government does it - it's never right.

Mr. Speaker, I've said in this House before and I say it again, I object as a taxpayer of Canada having to pay one nickel toward any propaganda that is put out by the NDP. I abhor the NDP. I think they're a form of political disease that the country has to suffer from and, Mr. Speaker, I object violently as a citizen and there are millions like me to having compulsorily to pay a nickel for the partisan purposes of the NDP. If these people, Mr. Speaker, if there are people in Canada and people in Manitoba who want to belong to this funny party, let them pay for it themselves but don't let them ever expect that they should be able to raid the taxpayers' pocket and the Provincial Treasury in order to pay for the political activities of any party. It's just, Mr. Speaker, the only party in Manitoba that would have the brass to bring forward this kind of a piratical raid on the taxpayers' pocket is the NDP party.

**MR. A. ANSTETT:** Why do you bring in taxpayers? How are tax credits different?

**HON. S. LYON:** Mr. Speaker, the untutored Member for Springfield said how are tax credits different. I'm looking forward to giving the balance of that speech, and if he listens and is quiet, he will learn how tax credits are different. Obviously he comes from the Marxist school, Mr. Speaker, which believes that all of the wealth of the country belongs to the state and that people should only have what the state gives back to them. The rest of us, who come from the sensible side of life, the rest of us understand that people have to work to earn, and that companies have to work to earn, and it's their money and they can do with their money as they please; and one of the things that they permit is that the state will be allowed to take a certain amount of that money for purposes of the state for which the

individual cannot be responsible for looking after himself.

So we come at this problem, socialists and normal people, come at this problem from different angles - I'm the first to admit - from different poles of the compass. Socialists believe the state is all important. Those of us who are freedom-loving, those of us who believe in democracy, know that the state isn't all important. — (Interjection) —

**MR. SPEAKER:** Order please.

**HON. S. LYON:** Mr. Speaker, not only do we hear the whinings and yelpings from across the socialist way, wait till I finish with them on Bill 48 and there'll be a lot more whinings and yelpings, when some of the truths about how these temporary brigands are trying to rob the taxpayers of Manitoba are brought to light.

So, Mr. Speaker, all that is indicated in this bill of theirs - and I called it petty thievery the other day because of the grand larceny that takes place in Bill 48 - part of the petty thievery that takes place in this bill, Mr. Speaker, has to do with paying for party propaganda to be mailed by members of the Legislature once a year. Mr. Speaker, that is wrong in principle. The taxpayer should never be required to pay for party propaganda that is mailed, or the printing of party propaganda.

One can make a bit of an argument - I don't even agree with it entirely - but one at least can see a partial colour of right to say that the frank can be used to mail out party propaganda, but never should the government pass a law which says that partisan propaganda will be paid for by the taxpayers of Manitoba.

Mr. Speaker, I understand the mind set of my honourable friends. I wish my honourable friend from Springfield would get back into his back seat where he's going to stay for the balance of the two years that he's here, because his presence in the front seat is offensive, I'm sure, even to his own colleagues. — (Interjection) —

**MR. SPEAKER:** Order please.

**HON. S. LYON:** Mr. Speaker, as I've said before, I'm a believer in volunteerism and when I leave this House it will be voluntarily, unlike most of my honourable friends across the way.

**A MEMBER:** Go read your press clippings.

**HON. S. LYON:** Mr. Speaker, the dogs yelp and bark but the caravan moves on; and the caravan is here to tell my honourable friends today that the taxpayers of Manitoba should not pay for propaganda such as this garbage that was turned out by the NDP: "A Clear Choice for Manitobans, Policies of the Manitoba New Democratic Party, great people, great future, Manitoba and the NDP." We all remember that document. We all remember it, Mr. Speaker, and the taxpayers of Manitoba remember it because never was there a more perfidious document turned out by a political party in the recent annals of our history.

It is chuck-full of lies; it is chuck-full of misrepresentation; it is chuck-full of false promises; it

is chuck-full of misinterpretations and misinformation and, Mr. Speaker, I don't mind because I don't expect anything from the socialists. I don't expect truth from the socialists; I don't expect integrity from the socialists; I don't expect sane information from the socialists; I don't even expect them, Mr. Speaker, to know the difference between right and wrong because they don't know the difference between good policy and bad.

Mr. Speaker, my level of expectation from a socialist is nil. I don't expect anything from them at all. So I don't expect them to turn out a document that has any truth in it; I don't expect them to tell the truth to the people of Manitoba because they're incapable of it; but what I do object to is their gall, by this statute, in asking the people of Manitoba to pay for their lies and their deception, their propaganda. Never, Mr. Speaker, never.

As I will mention, Mr. Speaker, in the resumed debate on Bill 48, if ever a government was moving down a road to inspire and to make sure that there will be taxpayer revolts in Manitoba, this government is doing it with precisely this kind of information, with this kind of statutory piracy because, Mr. Speaker, I can think of thousands of Manitobans who would be prepared to withhold their income taxes from the perfidy of having those income taxes go into the coffers of the New Democratic Party, to pay either for their propaganda, to pay for their constituency offices, or worse still in Bill 48, to pay for their election expenses.

So I predict, Mr. Speaker, that unless this government, unless this collection of creatures who call themselves a government, unless these people withdraw this bill, withdraw this attempt at robbery of the taxpayers of Manitoba, that they will be guaranteeing, not only what is already in the books their electoral defeat, but they will be guaranteeing - if, God forbid, this kind of piracy ever came into being - that thousands of Manitobans would join in a tax protest against the kind of piracy that these people are trying to impose compulsorily upon the people of Manitoba.

Mr. Speaker, I started to say earlier that I know something about the mind set of my honourable friends. They find it difficult, although they've won elections in '69 and in '73 and in '81 again, they claim they find it difficult to raise money for their cause. Small wonder, Mr. Speaker, because the cause is such a foolish one.

But that aside, Mr. Speaker, they have managed through the law of the land, to work a system with the Canadian Labour Congress and its affiliated unions, whereby there is a compulsory checkoff of all union workers in Canada, and then each union makes a determination as to whether that checkoff is going to go to the NDP or to any political party. As far as I'm aware, Mr. Speaker, no political party in Manitoba, other than the NDP, receives any money from the compulsory union checkoff; and it's interesting to observe my honourable friends when it comes to the Cattle Producers Association. — (Interjection) —

Mr. Speaker, it's interesting when my honourable friends come to an organization that they don't like because it represents, by and large, people who don't support him - the Cattle Producers Association of Manitoba - who ask that there be a compulsory checkoff with a power for the individual farmer to get his money back if he wished.

Now my honourable members are making a great fuss about cutting out this compulsory checkoff for the

cattle because they say that that's undemocratic. But, Mr. Speaker, would they make the same amendment to The Labour Relations Act so that all unions in Manitoba would not have to have a compulsory checkoff in favour of them? If so, I would like them to stand in their places in this debate and tell us that they don't favour the compulsory checkoff of union dues which goes to finance their coffers, no; because you see, Mr. Speaker, according to the NDP it depends on whether they gain from something or whether the people involved are their enemies. If the people involved are their enemies, such as the Cattle Producers Association, then they won't pay any attention to them at all. They'll put on the cloak of decency, which ill-fits them, and they will try to pretend that they're doing something in favour of freedom of choice.

Mr. Speaker, my honourable friends want to benefit from the compulsory union checkoff. Now they come along and they say the next logical step is, we will have a compulsory checkoff from all taxpayers in Manitoba to pay for our propaganda; to pay for our constituency offices; and to pay for any other little expenses that we can sort of slide by the public. They'll probably end up in this debate, Mr. Speaker, saying if it wasn't for the Tories standing up and making such a fuss of this, this would have gotten through. Just as they do with the flag debate, if it wasn't for the Tories making such a fuss about their iniquitous behaviour on the flag debate, I suppose it would be over.

Well, we're going to make a fuss about this, Mr. Speaker, and it's a fuss they're going to hear throughout the length and the breadth of Manitoba about how they're robbing the taxpayers of Manitoba, or trying to rob. Mr. Speaker, I think we'll stop them from robbing the taxpayers of Manitoba because if there's any interest that my honourable friends understand, it is self-interest - and their own political self-interest, Mr. Speaker. - I make the prediction, their own political self-interest notwithstanding the wild cards in the back bench; notwithstanding some of the wild cards who apparently control this government; their own political self-interest is probably going to have them abandon this bill or abandon those iniquitous sections of this bill because the public won't tolerate it.

Mr. Speaker, if they think they've had a hard time from me on this bill wait till I finish on Bill 48 where they really move in with the machine guns and the hoods and they try to rob the total people of Manitoba, but they want to do it quietly.

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

**HON. S. LYON:** Mr. Speaker, we say we don't think the people of Manitoba should be called upon to finance this kind of silly propaganda that the NDP put out. It's a shame. It's a disgrace even that they would print it. To ask the public to pay for it is unconscionable and is perverse and no government, Mr. Speaker, with any ounce of decency or honour to it would ask the public of Manitoba to try to pay for this; particularly after this group of socialists have done their best to bankrupt the province in the first 18 months that they've been in office. Not only do they want to bankrupt the province they want to further bankrupt it by asking the taxpayers to pay for their own silly propaganda.

Mr. Speaker, there are tens of thousands of taxpayers in this province who will never pay - and you're looking at one of them - who will never pay a nickel toward the NDP for their propaganda; their constituency offices; their election expenses or anything else, mark my word. So if my honourable friends want to push ahead with their piracy; if my honourable friends want to suggest that they're going to get this bill through come hell or high water; they'd better be prepared for a big tax revolt in this province because that's what they'll get before they're defeated.

**MR. SPEAKER:** Order please. The time being 4:30 and Private Members' Hour, this bill will stand in the name of the Honourable Leader of the Opposition.

The Honourable Minister of Natural Resources.

**HON. A. MACKLING:** Yes, Mr. Speaker, before moving into Private Members' Hour, I want to remind members that the committee on Statutory Orders and Regulations sits tonight and is intended to sit tomorrow, that is Friday at 2:00 p.m., and on Saturday at 10:00 a.m.

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

**HON. S. LYON:** Mr. Speaker, I rise on a point of order to ask the Acting House Leader if he has concurrence for the House to sit Friday afternoon or Saturday morning. If our House Leader has concurred in it, that's fine, otherwise it's contrary to the rules and the practice of this House, unless the House is in Speed-up.

**MR. SPEAKER:** The Honourable Minister of Natural Resources to the same point.

**HON. A. MACKLING:** Yes, Mr. Speaker, I do not believe that sittings of committees must coincide with sitting times in the House. It has been practice for committees to sit at hours and times when the House does not ordinarily sit. That has occurred in the past, Mr. Speaker. I haven't got the references that I can give you immediately, but I can advise you that that has occurred.

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

**HON. S. LYON:** We raised this point the other day when the real House Leader was here, the Government House Leader was here, with respect to sitting on a Wednesday night. You, Sir, at that time said that you thought some arrangement should be made between the parties, and an arrangement was made and the House did not sit on Wednesday night because it was not within the power of the government to call it to sit on Wednesday night by the practice and tradition of this House.

So, Mr. Speaker, I tell you again, the government is trying to use its totalitarian push again to avoid calling Speed-up. They expect that they're going to have Speed-up times without a Speed-up resolution. They are not, Mr. Speaker; the House doesn't operate that way and it won't even for Marxists.

**MR. SPEAKER:** Order please. A point of order is not debatable as to the facts.

The Honourable Minister of Natural Resources.

**HON. A. MACKLING:** Mr. Speaker, I want to just clarify and correct one argument that the Honourable Leader of the Opposition addressed to you.

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

**MR. SPEAKER:** Order please.

The Honourable Minister of Natural Resources.

**HON. A. MACKLING:** Mr. Speaker, the Honourable Leader of the Opposition indicated that as a result of there being no concurrence between the Opposition House Leader and the Government House Leader, the House did not sit on Wednesday.

I would remind you that the Government House Leader said in view of the fact that there seems to be some concern on the part of honourable members opposite about sitting Wednesday night, he agreed that there would be no sitting; but we did not press the issue that the Government Caucus, the House Leader can set dates and times for committees of the House other than House hours. So that there was no withdrawal of the position we took, Mr. Speaker, that we can set committee hours for times and on days when the House does not ordinarily sit. We suggest to you — (Interjection) — Yes, Mr. Speaker, yes.

**MR. SPEAKER:** The Honourable Member for Sturgeon Creek to the same point. Order please.

**MR. F. JOHNSTON:** Mr. Speaker, on the same point of order. I've been 14 years in this House as many of us have — (Interjection) — Yes, and, Mr. Speaker, there would have been no necessity for a Speed-up Motion during the last 14 years and the years previous to that if the rules that the Member for St. James, Minister of Resources, is trying to put forward at the present time existed. There would have been no reason, Sir, for a Speed-up Motion.

Mr. Speaker, the reason for the Speed-up Motion is that the House can sit longer and committees can sit at different times, and that is the reason for the Speed-up Motion. For the Minister of Resources, because of his sheer vindictive meanness, who believes that he could run this House better than anybody else, and also, Sir, when he puts forward that suggestion that the committee should sit, it's the basis that he thinks that everything should happen the way he wants it to. Sir, there would no reason for a Speed-up Motion if what the member is trying to do right now existed previously, and that is his dictatorial attitude and it's the other side that who has said, we will not bring in Speed-up, and now they're trying to change the customs of this House, Sir.

Mr. Speaker, I would like to say that the Member for St. James was part of a - I have it in my desk but I won't take the time to find it - government that when it came into power said in the first Throne Speech we'd ever have, we'll get rid of old dogmas and traditions. That, Sir, is what he is trying to do at the present time, because he believes that everybody should do whatever he thinks they should do. Sir, with this House, the suggestion that that member is bringing forward to you

at the present time is one that says we should never have had a Speed-up Motion before. Sir, this House has never run worse in the 14 years I've been here - only at the times the Member for St. James has been operating it is the time when it runs the worst.

**MR. SPEAKER:** Order please. The Honourable Member for Springfield to the same point.

**MR. A. ANSTETT:** Mr. Speaker, I appreciate the sensitivity of members opposite on this question because of their unwillingness to expedite the business of the House without the passage of the Speed-up Motion . . . .

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

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

**HON. S. LYON:** Mr. Speaker, on a point of privilege affecting all members of this House, my honourable friend has just uttered an untruth saying that we don't want to expedite the business of the House. Let him either tell the truth or sit down.

**MR. SPEAKER:** The honourable member did not have a point of privilege.

**A MEMBER:** You had your chance.

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

**MR. A. ANSTETT:** Mr. Speaker, what I said, and the Member for Fort Garry is now confirming it, is that I appreciated the unwillingness of members opposite to expedite the business of the House without the passage of Speed-up. The Member for Charleswood, the Leader of the Opposition, clearly indicated that's what he wants.

Mr. Speaker, he has some difficulty when he talks about the rules and traditions of this House. He either doesn't know them or he's representing them to suit his own purposes. First of all, Mr. Speaker, the rules provide specific times, in Rule No. 3, at which the House will sit.

The arguments advanced by members opposite that committees can only sit at times appointed for the House to sit is repudiated ever week of this Session virtually, by Tuesday and Thursday morning sittings of committees. Those committee meetings have been traditionally scheduled for Tuesday and Thursday mornings. In addition to that, Mr. Speaker, committee meetings have in the past, prior to the calling of Speed-up, been held on Monday mornings, they have been held on Saturdays, and for the edification of members opposite, I would refer them to the meetings of the Standing Committee on Statutory Regulations and Orders, on the marital property legislation, both in the spring of 1977 and in the spring of 1978. I would refer members also to sittings of the Standing Committee on Industrial Relations in 1977, which sat very early in the Session, and considered industrial relations legislation on Saturdays.

That has been a practice in this House which has been used over and over again and to suggest, as

members opposite do, that there's some breaking of a rule. of all things, that the Acting Government House Leader cannot call government business and standing committee meetings for times other than times at which the House is sitting is first patently obviously wrong, and secondly to suggest that it can . . .

**MR. SPEAKER:** Order please.

**MR. A. ANSTETT:** . . . only be done by concurrence, Mr. Speaker, is also patently wrong. There have been many times when there has been some reluctance on one side or the other, depending on the parties in opposition at the time, to certain committee meetings. It's been the will of the House to get the business before the House done. There's an obligation on all members to attend the service of the House and its committees. That's an obligation that if members opposite don't want to fulfill, that's their problem.

The Government House Leader has the right and the obligation to call members to committees to do their duty as members of this House.

**MR. SPEAKER:** The Honourable Member for Lakeside to the same point of order. Order please, order please. Order please.

The Honourable Member for Lakeside.

**MR. H. ENNS:** Mr. Speaker, I know that it is always incumbent upon us to expedite the business of this House, but far more important is to also have some concern for the public that we serve. Mr. Speaker, over the years the people that watch the proceedings, those organizations that have business with the government and this Legislature know the Rules of the House, know when this House is sitting. In fact, Mr. Speaker, that's why we have that light flashing on the dome to let people know when Sessions are involved.

Mr. Speaker, over the years, interested parties have also come to know what Speed-up means, that that's when you have irregular and extended hours, and interested parties know that. Mr. Speaker, without that Speed-up resolution, we show only contempt for those people who have a genuine interest, and are prepared and have worked to make representations to us, we show only contempt for them if, without a Speed-up Motion, they are at the whim of the Acting House Leader to stand up from time to time to say when a committee meeting will be held.

Mr. Speaker, once a Speed-up Motion is passed everybody knows the rules, that we can sit Saturday, we can sit late Friday nights, and we can sit all those times. Mr. Speaker, that's what is wrong with what the government is now trying to do. Mr. Speaker, the people that are prepared to make representations to us know the rules of the House, and for them to be treated in this cavalier way is just very difficult to believe by a government that purports to speak for the people.

Mr. Speaker, allow me to raise one more point. We, in Manitoba, are unique and I am very proud of that. We are one of the few Legislatures in Canada that allows public representation at committee stages of bills and law amendments before they become law.

I would like to think, Mr. Speaker, that that is one of the dogmas, one of the traditions that this House

will not see fall into disuse and disrepute. The one way that you can assure that will happen is to have a House Leader to stand up arbitrarily and say, well tomorrow we're going to hear this bill, the next day we'll have that bill. — (Interjection) —

Mr. Speaker, my 16 years in the House - to paraphrase what my colleague, the Member for Sturgeon Creek says - it is just not done, Mr. Speaker, and it will not be done. It will not be done. We will certainly contact those persons making representations to indicate that if the government insists on having meetings, well they will be speaking to government members only. That is an uncalled for, an unprecedented affront to the way in which . . .

**A MEMBER:** Andy, you're causing more problems in here.

**MR. SPEAKER:** Order please.

**MR. H. ENNS:** . . . to the way in which we have conducted public business in Manitoba.

**A MEMBER:** Hear, hear.

**MR. SPEAKER:** The Honourable Minister of Natural Resources to the same point.

**HON. A. MACKLING:** Yes, Mr. Speaker. Honourable members opposite expose their rationale - they expose the devious thoughts that they have about where they want us to be by indicating that there would be no problem at all if there was a Speed-up. Just pass up the Speed-up Motion, and then you can have your meetings anytime you want. No inconvenience to the public is considered. They wouldn't worry about it then, Mr. Speaker, so why are they worrying now? Why are they worrying now?

You know their strategy as being so patent, pass the Speed-up so we can criticize you for ramming legislation through, including the resolution on French language rights, that's the strategy. — (Interjection) — The Honourable Leader of the Opposition laughs. That is their strategy, that is plain.

Mr. Speaker, the rules are there. Where will one of the honourable members refer me to a rule, in our rules, that says that a committee cannot meet other than a day of the sitting of the House? That is not so. Otherwise, Mr. Speaker, that would not have been possible. It would not have been possible even with leave to have met all those times that this House has done so in committee on Fridays, on Saturdays. The Honourable Member for Charleswood - the Leader of the Opposition, I apologize - says with concurrence, Mr. Speaker. No concurrence can overcome a fixed rule that it would prohibit, prohibit, prohibit.

Mr. Speaker . . .

**MR. SPEAKER:** Order please.

**HON. A. MACKLING:** Mr. Speaker, I submit that there is no rule that suggests that cannot be done. The fact that it was done indicates that the committee can sit on dates and times that the House does not sit. I urge you, Mr. Speaker, to so rule.



The honourable members believe that the only way of conducting business is by Speed-up. That is their thinking. When we pointed out the other day, and I did that — (Interjection) — well the Honourable Member for Lakeside - when we pointed out last week or the week before that we had a right as a government to call upon members to debate bills, the Honourable Member for Turtle Mountain says, well that's closure. Then he referred us to a rule in the book, it was closure. Well, Mr. Speaker, the honourable members don't know the rules.

The fact is, Mr. Speaker, that there's no closure involved in asking members who are here to attend to the business of the House to debate the bills that are before the House. There is no obligation on the part of the government to continue to accommodate members by standing bills.

The honourable members do not appreciate and understand that it is possible for government to move legislation - yes, to ensure debate without moving Speed-up. The Honourable Member for Turtle Mountain has come to realize that and I suppose he's frustrated by that, but, Mr. Speaker, we are not going to be hammered to do things, to conduct the business of the House in accordance with their dictates. They don't control the rules, Mr. Speaker, you do. I suggest to you there is nothing improper. It is indeed proper that in order to expedite the business of this House that the committee meet on the times and the places and the hours I've indicated.

**MR. SPEAKER:** The Honourable Member for La Verendrye to the same point.

**MR. R. BANMAN:** Yes, Mr. Speaker. What we just heard is a classic case of . . .

**A MEMBER:** Diatribe.

**MR. R. BANMAN:** . . . the problems that the members opposite have. First of all, the Minister, the Acting House Leader gets up and indicates they don't want to call Speed-up. Then he indicates, their going to sit Friday afternoon and Saturdays. but he doesn't want to call Speed-up.

Mr. Speaker, one of the reasons we have Speed-up is that it serves — (Interjection) — Mr. Speaker, if the Member for Springfield who should know better, could keep his tongue for a little bit, I'll explain why we have Speed-up. The reason we have Speed-up, Mr. Speaker, is it serves notice on the Legislature, on the Members of the Legislature as well as the public that there will be a concentrated effort and a conclusion brought to the sitting of the Legislature which means that the committees will be called at different times. What is happening now is that the House Leader gets up and suddenly out of the blue tells us that we are going to sit tomorrow afternoon and Saturday.

Mr. Speaker, there have been arrangements made on this side for different things.

**HON. A. MACKLING:** Well, then you'd better start co-operating with us.

**MR. R. BANMAN:** Mr. Speaker, that man who purports to call himself a House Leader, is a shame to this Legislature! What he is trying to do, Mr. Speaker . . .

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

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

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

**MR. SPEAKER:** Order please. The Honourable Member raised a point of order, but members have been debating the issue and peripheral issues as well. I believe the debate has gone far enough on this particular matter.

Order please. It is true that the House has met in committee on days when the House is not in Session on Tuesday mornings and Thursday mornings as has been pointed out. Since no member has quoted a rule having to do with this matter to me, I assume that there is not a rule. It has been the practice of the House that where committee meetings have been held, that it has been done so in co-operation between the two House Leaders.

I would ask all members to bear in mind the remarks of the Honourable Member for Lakeside, who, I believe, put his finger on it when he said it's a matter of very practical politics when a committee meeting is called.

I ask members of the government to consider whether they want to call a committee meeting when they are the only members who attend. For this reason, it has been done in the past by negotiation between the two House Leaders so that the matter is concluded in a reasonable and a sensible manner, and I urge all honourable members that they would get together with members opposite and, particularly, through their House Leaders to again arrange these matters through agreement with each other so that a reasonable and practical method of proceeding can be arrived at.

Can we proceed with Private Members' Hour?

**HON. A. MACKLING:** I didn't hear your decision, Mr. Speaker.

**MR. SPEAKER:** Private Members' Hour. On the proposed motion of the Honourable Member for St. Norbert, Bill No. 41.

The Honourable Member for Springfield on a point of order.

**MR. A. ANSTETT:** Mr. Speaker, I am unclear whether or not you have ruled that the committee meetings announced by the Acting Government House Leader are or are not to be held. Did you rule that the meetings were not to be held?

**MR. SPEAKER:** I did not rule either way, as the honourable member surely heard me, when I said that it's been a matter of practical negotiation in the past, and I would expect it to be that way in the future. If the Honourable Government House Leader wishes to call a meeting, he can obviously do so.

Private Members' Hour.

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

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

**HON. A. MACKLING:** Yes, Mr. Speaker, I've indicated that the committees are called for tonight, and Friday at 2:00 p.m. and Saturday at 10:00 a.m.

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

**HON. S. LYON:** We have indicated, Mr. Speaker, that that is not in accordance with the traditions and practice of this House, and no tin-pot House Leader, temporarily in this House from the socialist side, is going to impress his whim upon the House. That has not been the tradition or practice of this House. It will not be until there is proper negotiation as you, Sir, have properly suggested. So my honourable friend can take his announcement and stuff it.

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

**MR. SPEAKER:** Order please. On the second reading of private members' public bills, on the proposed motion of the Honourable Member for St. Norbert, Bill No. 41, the Honourable Member for Concordia.

The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, there has been an order of business announced by the Acting Government House Leader which is not in accordance with the tradition and practice of this House. Sir, I ask you to rule whether or not this House is going to uphold the traditions and practice of the House, or whether this government is to be allowed to trample on those traditions and practice, and try and impose their will upon all the members of this Legislature in a way that no government has ever attempted to do before.

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

**HON. J. STORIE:** Mr. Speaker, we have heard from members of the opposition how eager they are to get on with the business of proceeding with legislation, and we have clearly given them every opportunity to discuss. Mr. Speaker, I don't think that the Member for Turtle Mountain is correct in his assessment that this is a move by the government to force it. Mr. Speaker, co-operation works . . .

**MR. SPEAKER:** Will the Honourable Minister please state his point of order.

**HON. J. STORIE:** The co-operation works both ways, Mr. Speaker. Mr. Speaker, we will not be dictated by members opposite. We have ordered the business of this House in such a way that all members can have their say, and their opportunity will be on Saturday morning at the committee meeting.

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

**MR. D. BLAKE:** Yes, Mr. Speaker, on the same point of order.

**MR. SPEAKER:** There is no point of order.

**MR. D. BLAKE:** If it may be helpful . . .

**MR. SPEAKER:** There is no point of order. Would the honourable member please . . .

**MR. D. BLAKE:** No point of order? Well, I have a point of order, Mr. Speaker.

**MR. SPEAKER:** Will the Honourable Member for Minnedosa state his point of order.

**MR. D. BLAKE:** Yes, I just wanted to offer a suggestion that may help members opposite out of their dilemma. They've got senior members, the Member for St. Boniface and the Member for Concordia who have been here a long time, have seen this House operate; if they would consult with them and listen to their advice, I'm sure they could resolve this problem and we could get on with the business of the House in accordance with our traditions and customs, instead of the foofaraw that we get into every time this so-called . . .

**MR. SPEAKER:** Order please. The honourable member does not have a point of order.

Does the Honourable Member for Turtle Mountain have a point of order?

**MR. B. RANSOM:** I wish to speak further on my previous point of order.

**MR. SPEAKER:** The matter has been concluded.

**MR. B. RANSOM:** Well, then, Sir, I respectfully challenge your ruling.

**MR. SPEAKER:** Order please. Before putting the question to the Chair, I wonder if the honourable member would clarify what decision he is appealing.

**MR. B. RANSOM:** Sir, my point of order was that the Government House Leader has attempted to order business in a way that contravenes the tradition and practice of the House. I have appealed to you, Sir, as the Speaker with the responsibility for upholding the traditions and practice of this House, to rule that that ordering of business by the government was out of order.

You, Sir, have said that I do not have a point of order and I am challenging your ruling, Sir.

**MR. SPEAKER:** Order please, order please. In order to try to bring in some reasonableness into this particular situation, we'll recess the House for a brief time and ask that the two House Leaders meet me in my office to discuss this matter in perhaps a quieter atmosphere.

The House is accordingly recessed.

### (Recess)

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

**HON. R. PENNER:** Mr. Speaker, there has been some discussions but not yet a meeting of the minds. It appears that the difficulties that have been encountered may not be resolved without reference to the respect of caucuses and I would simply propose that the House do now stand adjourned until 10 o'clock tomorrow morning with the understanding of course that there's

a committee meeting tonight, as previously announced, at 8 o'clock. With respect to the other announcements that have been made about committee meetings, they stand until such time as we've had a chance to deal with the matter, as I say, in the respective caucuses and whether or not there'll be a change in that has yet to be determined.

**MOTION presented and carried.**

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

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

**MR. SPEAKER:** Call in the members. Order please.  
The question before the House is moved by the Honourable Attorney-General and seconded by the Honourable Minister Energy and Mines that this House do now adjourn.

The Honourable Government House Leader.

**HON. R. PENNER:** I wonder if I might make a statement before the vote is taken, Mr. Speaker.

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

**HON. R. PENNER:** Mr. Speaker, there have been further discussions between myself and the Opposition House Leader with respect to expediting the business of the House and I would like to make an announcement concerning the results of those discussions.

By leave, there will appear on the Order Paper for tomorrow a Notice of Motion with respect to what is sometimes colloquially referred to as Speed-up, a method of altering the rules by consent of the House with respect to the sittings of the House in order that we can use our concerted efforts to deal with the

remaining pieces of business on the Order Paper as expeditiously as possible. The motion will be dealt with as the first item of business following Routine Proceedings on Monday, and it is expected that there will be but a brief debate on that and the matter will be dealt with by the agreement of both sides of the House.

There may be statements made from both sides of the House on that agreement with respect to that motion, and that by leave in order that we can accommodate as many, perhaps all of the delegations, who want to appear and make their views known on Bill 60, the committee meetings as scheduled and on the Order Paper will meet as scheduled on the Order Paper tonight. The Standing Committee on Regulations and Orders will continue its hearing of delegations on Bill 60 Friday afternoon beginning at 2 o'clock.

**MR. SPEAKER:** The question before the House is that this House do now adjourn on the understanding that some members will reconvene in committee this evening.

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

### YEAS

Anstett, Ashton, Banman, Blake, Brown, Bucklaschuk, Cowan, Downey, Driedger, Enns, Evans, Eyer, Fox, Harapiak, Hemphill, Hyde, Johnston, Kostyra, Lecuyer, Lyon, Mackling, Malinowski, Orchard, Parasiuk, Penner, Phillips, Plohman, Ransom, Santos, Scott, Sherman, Smith, Steen, Storie, Uskiw.

**MR. CLERK, W. Remnant:** Yeas, 35; Nays, 0.

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

This House is adjourned and will stand adjourned until 10:00 a.m. tomorrow (Friday).