



Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

31-32 Elizabeth II

*Published under the
authority of
The Honourable D. James Walding
Speaker*



MG-8048

VOL. XXXI No. 40 - 2:00 p.m., WEDNESDAY, 6 April, 1983.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, 6 April, 1983.

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

PRESENTING PETITIONS

MR. SPEAKER, Hon. J. Walding: The Honourable Member for Inkster.

MR. D. SCOTT: Mr. Speaker, I beg to present the petition of the Society of Management Accountants of Manitoba, praying for the passage of an Act to amend The Society of Management Accountants of Manitoba Act.

MR. SPEAKER: Reading and Receiving Petitions . . .

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for River East.

MR. P. EYLER: Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and begs leave to sit again. I move, seconded by the Member for Wolseley, that the report of the committee be received.

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Labour.

HON. M. DOLIN: Mr. Speaker, on behalf of my colleague, the Minister of Economic Development, who is suffering from laryngitis, I beg leave to table the Annual Report of the Manitoba Development Corporation for the year 1981-82.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, I'd like to table the first Five-Year Report to the Legislature on Wildlife for the year ending March 31, 1982. Other copies will be available from the Clerk's Office shortly.

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

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we reach Oral Questions may I direct the attention of honourable members to the gallery where we have 25 students of Grades 5 and 6

standing from the William Paterson School, under the direction of Mr. Halpenny. The school is in the constituency of the Honourable Minister of Consumer and Corporate Affairs.

There are 25 visitors who are exchange students from Kennebecasis, New Brunswick, and 25 students of Grade 11 standing from the Kildonan East School. The students are under the direction of Mr. Thomas and the school is in the constituency of the Honourable Member for Concordia.

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

SPEAKER'S RULING

MR. SPEAKER: Also, before we reach Oral Question period, I have a ruling for the House.

On Monday, April 4th, the Honourable Member for Springfield rose in his place on a point of order concerning a dispute which arose during a meeting of the Committee of Supply, Thursday, March 31st.

Rule 64(3) states quite clearly that, "The Chairman of the Committee of Supply shall maintain order and decide all questions of order subject to an appeal to the committee." On perusing Hansard, I find on Page 1312 that the Chairman ruled that no point of order or point of privilege existed.

Since the ruling was accepted by the committee without appeal, the matter is concluded and debate cannot be revived on a matter which has already been decided.

ORAL QUESTIONS

Careerstart Program

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

MR. G. MERCIER: Mr. Speaker, my question is to the Minister of Labour. In view of the Minister's opening statement to the Committee on Supply at the beginning of the Department of Labour Estimates, that the program, Careerstart, was simply an ongoing program - one that had been commenced under the Conservative Government and was continued through last year by the new NDP Government although it employed less students - Mr. Speaker, in view of those statements, would the Minister of Labour instruct her apple polishers and her image makers to amend the advertisements that are appearing in the newspaper, to the effect that the Jobs Fund makes it happen, in referring to the program, Careerstart?

Would she change the advertisements that are appearing in the newspapers, Mr. Speaker, to recognize the fact that this is merely an ongoing program and end the charade?

MR. SPEAKER: The Honourable Minister of Labour.

HON. M. DOLIN: Mr. Speaker, Careerstart is a new program. There are certainly similarities between this

program and last year's program. There are similarities between this year's program and the program of two or three years ago. The best features of those programs were taken to devise a program that will reach the widest possible group of young people who are greatly in need of employment this summer. It is not an ongoing program in the sense that it automatically occurs year after year after year. It must be determined each year whether or not a program of that type will be included in the Estimates.

It was determined that it is appropriate to expand upon the program that will reach and provide employment for young people, whether they are students or whether they are in the 16 to 24 age group. That program has been completely redesigned and is being offered to employers and to young people at this time.

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

MR. G. MERCIER: Mr. Speaker, the program has not been completely redesigned. It is simply a continuation of last year's program, Mr. Speaker.

Mr. Speaker, the advertisement has no indication as to when the applications must be submitted. In the information and regulations booklet, Mr. Speaker, the Minister indicates that the deadline for receipt of applications is Friday, April 15, 1983, and applications postmarked after this date will not be considered.

The Member for Virden has already asked the Minister whether she would extend that deadline, but does she not consider it appropriate that such a large ad, Mr. Speaker, should at least contain an indication that applications must be submitted by April 15th, if the people are to apply for this.

HON. M. DOLIN: Mr. Speaker, I believe that question, as the member has indicated, has already been asked and has already been answered. I gave my answer the other day. It is under consideration, the deadline date, and I will bring to the House information from my department when we have made a decision.

MR. G. MERCIER: Well, Mr. Speaker, in view of the fact that the ad, the large ads that are printed almost every day in the newspapers with respect to this program contain no indication as to when the application must be submitted, but the regulations which the Minister distributed to Members of the Legislature indicates that applications received after Friday, April 15th will not be considered, will she give a commitment now that the deadline will be extended and that people who apply after that date will be allowed to become part of the program? Will she instruct her image makers to include the deadline date for filing the applications in the next ad or series of ads which I am sure will continue?

Mr. Speaker, the Minister of Labour has established regulations for this program whereby applications have to be submitted by April 15th. The large ads contain no indication as to when the applications must be submitted. In view of that omission, will she guarantee and commit herself to extending the deadline for filing the applications?

MR. SPEAKER: The Honourable Minister of Labour.

HON. M. DOLIN: Mr. Speaker, just let me make the point to the honourable members across, that the ad does not contain all the information for the program, as no ad does for any program. That information is contained in the brochure which the member is waving around in his questions. That's a different piece of information and it expands upon the items mentioned in the ad. The telephone numbers are clearly given. All information is given to those people who wish to inquire about the program.

MR. G. MERCIER: I partially agree with the Minister, Mr. Speaker. The only information that it really contains is political information, an attempt to indicate to the public of Manitoba that this is all something new when it is not, Mr. Speaker.

In view of the fact, Mr. Speaker, that the regulations say that an approved employer will interview only those candidates referred by the Minister's offices for employment; and in view of the fact that this ad contains no indication to young people in Manitoba that to be a part of this plan they must apply to one of these offices in order to be enrolled, in order to be referred to a prospective employer, would the Minister change that part of the ad and provide some substantial information of the workings of the plan so that employers and young people can become a part of it, rather than simply trying to enhance the image of the government?

HON. M. DOLIN: Mr. Speaker, I find it interesting that the member is complaining that we are advertising and in the same breath suggesting that we advertise more. The direction is a bit confusing to say the least.

What he is suggesting is that we reprint the brochure giving all of the details in the newspaper. That is not appropriate. We have an ad giving people information on what are the requirements for the program, whether you are a person looking for employment or a person looking for employees, can be found. That is very clear and that is the intent of the advertising.

MR. G. MERCIER: Mr. Speaker, I am asking the Minister if she could eliminate the political part of the ad, for example, "The Jobs Fund makes it happen," which is not appropriate and instead provide some real information to employers. For instance, they must make application by April 15th and young people must apply to these offices in order to be referred to prospective employers. That's about all I am asking, Mr. Speaker.

HON. M. DOLIN: Mr. Speaker, I don't know about other members present, but I certainly hear the same question being asked over and over and over again. I have given the answer to the member. Some of the information that he is presenting is not complete and not accurate, and I would ask that he read the brochure to familiarize himself with the requirements of the program.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. R. BANMAN: Thank you, Mr. Speaker, a question to the same Minister. Since about half of the ad has

big bold headlines saying "Jobs for Young Manitobans," which really doesn't give any information to the young Manitobans that are unemployed of how to apply for this particular program, could the Minister tell this Legislature how much public money is being expended on advertising in the Province of Manitoba on this project? How much taxpayers' money is being spent on promotional material which is trying to prop up this NDP Government?

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: The Honourable Minister of Labour.

HON. M. DOLIN: Mr. Speaker, it's difficult to answer when I can't hear myself.

This particular ad, Mr. Speaker, was part of an information campaign to get information to potential employers about the opportunity that is available to them. It was part of a program that included a mail drop to farms and rural small businesses and large businesses of all kinds.

We also did a mailing to all of those who participated in previous programs - Employment Opportunity Programs. It is important that people know that this opportunity is there. It is obviously important that employers know that they have this opportunity for assistance in providing jobs for young people. We must tell the employers, the potential employers, about this opportunity and we are also telling young people, but the employers have to be there first. That seems obvious to anyone who has ever worked with this kind of a program.

Jobs Fund - allocation of funds

MR. R. BANMAN: Mr. Speaker, a supplementary question to the same Minister. I wonder if she could tell the Legislature whether the funds for advertising that she has referred to are coming out of the Jobs Fund money.

HON. M. DOLIN: Mr. Speaker, it seems to me a question like that is properly answered either in Jobs Fund Estimates, which are planned for later during this Estimate Session, or an Order for Return from the member.

MR. R. BANMAN: Well, Mr. Speaker, to the same Minister, all I want to know is where the monies are coming from? Is it coming from the monies that have been allocated to the Jobs Fund? And I would ask the Minister again, in light of the fact that this advertisement does not give the information that it should be giving and that it is really propaganda material by the NDP using taxpayers' money to help prop up this ailing government, would the Minister tell the House how much money and from where this money is coming from?

Removal of TV Stations by CRTC - Westman

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Speaker. My question is for the Minister of Communications and I

think that's the right fellow. In view of the fact that the Canadian Radio Television Commission, the CRTC, has recently indicated that the Westman Media Co-op must remove the three American television stations that they are currently using as part of their programming spectrum to their customers in Western Manitoba, in view of the fact that demand has been made by the CRTC of Westman, has the Minister of Communications intervened on behalf of Westman Media Co-op to ask the CRTC to cease and desist in this unreasonable demand?

MR. SPEAKER: The Honourable Minister of Cultural Affairs.

HON. E. KOSTYRA: Thank you, Mr. Speaker. That ruling was made by the CRTC just last week and it was as a result of an existing licence that was granted to Westman Media Co-op in order to provide services to those communities.

Since the issuing of that decision I have met with representatives of the Board of Directors of the Westman Media Co-op and they indicated to me at that time that it was their intention to do what they had to do in order to comply with the decision. I will be continuing to work with Westman Media Co-op, also with the Minister responsible for the Manitoba Telephone System and with the CRTC to ensure that residents of those communities will have access to comparable TV services to other communities served by Westman Media Co-op and other communities in the Province of Manitoba.

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Mr. Speaker, in view of the fact that Westman Media Co-op's application agreed to use the current U.S. television channels only until Cancom could provide the three-plus-one programming, the same programming as Winnipeg, and that it is expected to be offered in the near future, can the Minister indicate whether he has asked the Canadian Radio Television Commission, CRTC, to allow Westman Media Co-op to continue to provide the present service to their 15,000 customers until such time as they can legally obtain a proper signal from Cancom later this year?

HON. E. KOSTYRA: I don't believe that the honourable member listened to my reply to his first question, because I answered his second question in that we will do everything that is necessary with respect to assisting Westman Media Co-op and thereby the residents of those communities in Western Manitoba, in consultation with the CRTC, in consultation with Westman Media Co-op and other levels of government to ensure that people have comparable services in those communities with respect to receiving television broadcasting services.

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: A final question to the Minister. Has he provided funds in his departmental budget to support Westman Media Co-op financially if they enter a legal battle against the CRTC, because obviously the

CRTC is quite serious about the fact that Westman Media Co-op must immediately remove those U.S. signals? Will the Minister financially support Westman Media Co-op in the event that they have to face legal action?

HON. E. KOSTYRA: Well, Mr. Speaker, it's pretty difficult to answer hypothetical questions. Indeed, I think the Rules indicate that one doesn't have to, but it's pretty silly to talk about a decision which was just made last week in regard to Estimates that have been determined and tabled prior to that decision being made.

As I indicated, we will do everything we can to assist Westman Media Co-op and the citizens of those communities in Western Manitoba to ensure that they have comparable television services to people living in other communities that are presently served by Westman Media Co-op and services that are comparable to the residents in the City of Winnipeg.

Brandon Auction Mart - Beef Income Assurance Program

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

MR. W. McKENZIE: Thank you, Mr. Speaker, I have a question of the Honourable Minister of Agriculture. In light of the headline in the Brandon Sun yesterday, "The Beef Plan has the Auction Mart Reeling," it says and it goes on, "Manitoba Pool Elevators new million dollar livestock plant in Brandon has been torpedoed by the Beef Stabilization Program and that producers are marketing their cattle directly from the farms," can I ask the Honourable Minister why is Manitoba Pool in their new plant at Brandon being by-passed under the Beef Stabilization Program?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: Thank you, Mr. Speaker. First of all, I would like to advise the honourable member that the facility at Brandon is not being by-passed at all by the Beef Commission. In fact, Mr. Speaker, in March the number of cattle marketed through the Beef Commission in the Brandon area was just under 600, 594 fat cattle, Mr. Speaker. Normally over 50 percent of those animals would be shipped direct by the producers in those areas. Of the remaining 50 percent, thereabouts, 185 were assembled at the Brandon Auction Mart, Mr. Speaker, and the Auction Mart was paid the assembling fee of \$7.50 per head.

Mr. Speaker, the honourable member should be aware that there is a general shortage of finished cattle in North America, and the price pleasantly went up about 3 cents one day last week right across the Canadian market. Mr. Speaker, the honourable member should also be aware that in the Province of Manitoba over the last four or five years we've had a fairly substantial decline in beef cow numbers. In '75 we had over .5 million beef cow numbers and we're down to somewhere in the neighbourhood of 370,000-375,000 beef cows, which is a substantial decline in the number of cattle in this province.

MR. W. McKENZIE: Thank you, Mr. Speaker. Mr. Speaker, I'd like to advise the Honourable Minister these are statements by the General Manager of the plant, Mr. Cliff Penno, who is putting this in the record. May I ask the Honourable Minister, Mr. Speaker, even though the producer pays the shipping charges for his cattle he must deliver the cattle to the packer named by the Beef Commission. Can I ask the Minister if is he prepared to change the regulations to allow Brandon a chance to have some of these cattle processed in their Auction Mart and plant?

HON. B. URUSKI: Mr. Speaker, the Brandon Auction Mart, like all auction marts, is designated to be an assembling point for cattle. The Commission's role is to get the best price for the animals that they can, and the best price that they have been able to maintain in the main now is to sell those animals on rail grade, Mr. Speaker. But the Auction Mart in Brandon, like all other auction marts that are assembling points, does get the fee for assembling cattle there, and the bulk of the cattle that were assembled in the Brandon area were handled by the Brandon Auction Mart, Mr. Speaker.

MR. W. McKENZIE: To clarify again the Minister's comments and the statement by Mr. Penno, can I ask the Honourable Minister if in fact he intends to expand the stabilization and the central marketing regulation to eliminate the need for auction marts and plants such as this new million dollar plant in Brandon under the Beef Stabilization Program?

HON. B. URUSKI: Mr. Speaker, there's no intent. In fact, the auction marts are an integral part of the Beef Stabilization Plan in terms of being used as assembling points and depots and the marketing of unfinished cattle within the province - far from what the honourable member alleges in terms of his statement.

Mr. Speaker, in fact, I do have the article. The remarks that the honourable member attributes to the General Manager of the plant at Brandon were not made by him, they were made by the reporter as statements by the reporter, not attributed as quotes by the Manager of the Brandon Auction Mart.

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Mr. Speaker, a question to the Minister of Agriculture. When the Brandon facility burned down about a year-and-a-half ago, did the Manitoba Pool Elevators hold meetings with the Minister of Agriculture about the implications of his soon to be announced beef plan at that time and its impact on their relocation and re-establishment of the auction market facility?

HON. B. URUSKI: Mr. Speaker, yes, we did have discussions at staff level, and I had discussions with the General Manager of Manitoba Pool Elevators. We indicated to him that we would be using the facility and we are using the facility, Mr. Speaker, in terms of using Brandon as an assembly point. We may not be using the facility in terms of the auction facilities but the commission does pay an auction fee, Mr. Speaker,

of \$7.50 per head to the Brandon Auction Mart. In fact, Mr. Speaker, the rates that are carried on in that area, if there's cattle marketed under 25 head, the fees charged by Brandon and Virden is \$9.30 per head. If there are more than 25 head marketed through those facilities, it's reduced to \$5.45 a head.

So in fact, Mr. Speaker, we are paying at least a comparable fee to what is being charged to producers who market through those facilities, so there should be no diminution of funds there in terms of the numbers of cattle shipped through that facility.

MR. D. ORCHARD: Well, a follow-up question then, Mr. Speaker. Was the management of the Manitoba Pool Elevator assured that the Beef Marketing Plan in no way would reduce the volume of livestock and fat cattle that would go through their facility. If they were so advised, could the Minister indicate when?

HON. B. URUSKI: Mr. Speaker, first of all, I don't accept the statement from the honourable member that the beef plan would have reduced the numbers of cattle through that facility.

Mr. Speaker, the decision to build and rebuild that facility was made by the Board of Directors of Manitoba Pool Elevators, under whose direction that facility is. Mr. Speaker, we did give them the assurance that we would utilize the facility to the best of our ability and we are doing so in terms of the numbers of cattle being marketed through that area.

MR. D. ORCHARD: Mr. Speaker, the Minister indicates he gave Manitoba Pool Elevator management the assurance that they would use the facility, if replaced, to the best of their ability. Does the best of their ability include maintaining volumes prior to the establishment of the beef program, and was that assurance given to Manitoba Pool management?

HON. B. URUSKI: Mr. Speaker, the honourable member, I presume, doesn't understand that the numbers of finishing cattle have dropped right across this country, right across North America. The honourable member should also be aware that we have lost about 125,000 beef cows in the last four or five years, Mr. Speaker, while, guess who was in office?

SOME HONOURABLE MEMBERS: Oh, oh!

MR. D. ORCHARD: Now the Minister has indicated that numbers, etc. - he's given a bunch of figures which are not relevant to the question - and I can only assume from the Minister's answer that he gave no assurances to the Manitoba Pool Elevators as to the volume that they could expect through there with the implementation of his beef program, and indeed that the Manitoba Pool Elevators may well have been misled by this Minister.

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

HON. R. PENNER: Again, I regret I must bring to the attention of the Speaker that the honourable asking a supplementary is launching into a speech. It is by no means the kind of short preface to a supplementary that you have indicated is desirable in this House.

MR. SPEAKER: I hope that the honourable member will rephrase his question to shorten that preamble.
The Honourable Member for Pembina.

MR. D. ORCHARD: Mr. Speaker, to shorten my preamble and my question in compliance with the learned Attorney-General, can the Minister then indicate to the House that he gave Manitoba Pool Elevators no assurance of continued volume through a facility, should they rebuild, with the implementation of the beef plan?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: Mr. Speaker, I could not give the Manitoba Pool Elevators any assurance that the numbers of cattle that we saw dropping in Manitoba over the last five, six years would occur. We did attempt to bring about stability in the beef industry by our program, Mr. Speaker, and to say that we shall tell every farmer in that area that they should market their cattle through the Brandon Auction Mart, as the member seems to suggest, we cannot do that; farmers, many of whom have marketed their cattle direct. And I'm sure the honourable member, who objected to the regulations of telling farmers where to market their cattle earlier, now is saying we should tell the farmers of that area that they should in fact put their cattle through that facility.

We have attempted, Mr. Speaker, and we said that we would use the Brandon Auction Mart to the best of our ability and we are using it in terms of the numbers of finished cattle that are marketed through that area.

Manitoba Hydro - Northern heating conversion

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: Thank you, Mr. Speaker. I have a question to the Minister of Energy and Mines. Over the past winter, I have received many suggestions from constituents that Manitoba Hydro undertake a program to encourage use of electricity for home heating in the North. In view of the fact that there is presently a \$500 difference, on average, in favour of the use of electric home heating as compared to oil and gas heating in the North, I was wondering if the Minister of Energy and Mines might consider instituting such a program for encouraging Northerners to switch to electric heating.

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

HON. W. PARASIUK: Mr. Speaker, at present, there is a federal program which encourages and provides some inducements for people to switch from oil heating to electrical heating, if in fact the economics so warrant. That program indeed is being pursued by Manitobans and there has been a fairly strong move by Manitobans to move from oil heating to electrical heating where they have that option.

With respect to any type of financial incentive to get people to heat their homes electrically, we have taken

the position that we would like to be neutral on this subject; that is, let the consumer decide what is best for himself or herself from an economic point of view. At the same time, I did undertake, a month or so ago, to have a complete assessment done of the rate structure and anomalies within the rate structure. I expect that this study will be completed some time over the summer, Mr. Speaker. This aspect will be one aspect that will be looked at and I would be reporting to the House on this matter in due course.

MR. S. ASHTON: As I said, Mr. Speaker, there is a significant saving to individual consumers, in particular, in comparison with propane gas, whereas natural gas in Winnipeg is virtually the same price as electricity.

However, Mr. Speaker, I'm wondering if beyond the aspect of the individual benefit whether the Minister could look at the possible employment benefits of a program — (Interjection) — which would convert homeowners to the use of a Manitoba fuel, as opposed to . . .

MR. SPEAKER: Order please, order please. I'm having some difficulty in hearing the honourable member's question.

MR. S. ASHTON: Mr. Speaker, this is a matter of concern to my constituents. I wish they would listen. I am asking whether the Minister could undertake to study some of the possible employment benefits of conversion to a Manitoba fuel source as compared to the present situation when the fuel sources are coming from out of province?

HON. W. PARASIUK: Mr. Speaker, I will certainly undertake to look at the aspect of the impact on the Manitoba economy of further electrical home heating by Manitobans.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. R. BANMAN: Thank you, Mr. Speaker. I direct my question to the Minister of Energy and would ask him, in light of the Member for Thompson's concern about the fuel and energy costs for Northerners, I wonder if he could inform the House whether or not the Member for Thompson voted for the 5-cent a gallon tax increase as of April 1st which will mean increased prices to Northerners for fuel that they consume.

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

HON. R. PENNER: If, as I understood it, the question was asked directly or indirectly of a person who is not a member of the Treasury Bench, that question is improper in the question period.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. R. BANMAN: On the same point of order, Mr. Speaker, the question was directed, and if you will check Hansard, it was directed at the Minister of Energy.

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

HON. W. PARASIUK: Mr. Speaker, the Member for Thompson was asking questions about home heating and you don't heat homes with gasoline, as the Member for La Verendrye may in fact ascertain. So, Mr. Speaker, I certainly acknowledge the concern of the Member for Thompson in raising this matter with respect to home heating costs and those aspects, Mr. Speaker. I think that was a very sincere question. Mr. Speaker, I really can't comment on mixing gasoline with home heating oil, in that I don't think the two mix and they're two different subjects, and obviously this was a frivolous question on the part of the Member for La Verendrye.

Payroll tax rebate

MR. SPEAKER: The Honourable Minister of Finance.

HON. V. SCHROEDER: Thank you, Mr. Speaker. I had a question last week from the Member for Turtle Mountain, who asked what the net return to the Provincial Government would be during the fiscal year 1983-84, concerning the Health and Education Levy and the other tax-sharing agreement we had entered into with Ottawa recently.

As I had indicated earlier, the amount we will receive from the Federal Government in payments on the levy is approximately \$7 million. We expect federal Crown Corporations to contribute another \$5.2 million, and as a result of the recently negotiated Reciprocal Taxation Agreement the Government of Manitoba will realize an additional \$4.4 million gain for a total direct of \$16.6 million. Then, of course, there's an additional amount undetermined at this point, indirect resulting from deductions from net income that corporations are able to deduct from their taxable income in this province.

MR. SPEAKER: The Honourable Leader of the Opposition.

HON. S. LYON: Mr. Speaker, just for clarification and for the sake of the record, did I understand the Minister of Finance to say that the Federal Government were paying the employment levy? Were we not given the firm understanding by the Federal Government that they were making, in effect, an ex gratia payment, a grant-in-lieu, because they do not, as do any other lawyers who understand the Constitution, admit the propriety of the Provincial Government presuming to tax the Federal Government?

MR. SPEAKER: The Honourable Minister of Finance.

HON. V. SCHROEDER: Well, we've indicated all along that there are differences of opinion as to the legality. The payment has been made for a number of years in the Province of Quebec. The payment is now being made in the Province of Manitoba and I think that there's only one Manitoban who is concerned about what it's called. The rest of us are concerned about whether we get the money or not.

We are in fact receiving the money and the comment of the Leader of the Opposition referring to lawyers

who disagree with his position in that disparaging fashion is something which — (Interjection) — Well, you know there's a number of people who sincerely disagree with him who have done very well in the legal system in this province over the years and have contributed well to that system. For him to suggest that those people who honestly hold different opinions from him are somehow inferior is, I think, a little regrettable.

HON. S. LYON: Mr. Speaker, having now had confirmed and corroborated, as we have on many occasions, the Minister's absence of concern about principle - that's with an "Ie." Mr. Speaker, if he is so certain of the alleged legal case that he espouses on behalf on Manitoba's ability to tax the Federal Government, is he going to sue the Federal Government for last year's employment tax, which it refuses to pay?

HON. V. SCHROEDER: For last year we are getting far more than three-quarters of what we anticipated we would get in the first place from the Federal Government, including direct and indirect payments. We expect to have lost approximately \$5 million, as a result of the Federal Government not paying for last year.

Now we have, as a Cabinet, decided that on the principle that "a bird in the hand is worth two in the bush" that it would be foolish to jeopardize the position we now have where we might lose the entire payment. There's a possibility of that. We believe that we are right, constitutionally. We are getting that payment now and we expect to be getting that payment in the future. Why would we jeopardize that at this stage with a court proceeding?

We would certainly have done it, had the Federal Government decided not to pay. We've seen what happens when P.C. Governments run just directly into the courts, as though that is the area that will solve all their problems for us - the previous Manitoba Government with the Constitution; the Newfoundland Government, Mr. Peckford losing further ground with respect to where he had been in political negotiations. It seems to me that for the sake of the people of Manitoba, we are better off taking the position that we have taken; and, incidentally, the Leader of the Opposition is well aware that we have as a province, for instance, been paying municipal taxes on the same kind of a basis that we are now receiving this payment from the Federal Government. The bottom line again is, in collecting the money, they said we wouldn't. It is here - whatever they want to call it - as long as the package comes, we will be happy.

HON. S. LYON: Mr. Speaker, to get the Minister of Finance back to the truth and back to the question, the question very simply was, if he is so certain that he has a legal case permitting the province to collect the employment tax, why, No. 1, is the Federal Government paying the tax - and we agree with it on a *ex gratia* payment, that's fine - because they don't admit the legality of the tax? And No. 2, Mr. Speaker, why is the Minister, if he's so certain of this real legal case that he's got, why is he prepared to forego \$5 million?

A MEMBER: Why are you so sad?

HON. S. LYON: I'm not sad at all.

HON. V. SCHROEDER: Mr. Speaker, what one must understand in federal-provincial relations is that there are in any year . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

HON. V. SCHROEDER: . . . there are numerous occasions upon which Federal and Provincial Governments sit down at a bargaining table to negotiate. We have for last year, for instance, in comparison, negotiated a safety net under our equalization payments that has netted us for last year somewhere in the vicinity of \$40 million. That kind of a safety net will help us this year and next year as well, and we're negotiating on another one for the year after.

We think that it doesn't make a great deal of sense with items in the magnitude that we're talking about with the Federal Government, with those things on the table, to be running into the courts and trying to solve our problems there, as he could not solve our problems when he was First Minister.

One of his problems is that he's been away from the practice of law for a considerable period of time and does not appear to realize, that when you go into the courts you may believe that you are right and you may find out that in fact some judges have a different opinion. Why would we jeopardize that kind of payment for the Province of Manitoba in a legal way? Why would we jeopardize our relations with Ottawa with respect to all the other items that are in magnitude far greater, in order that we can satisfy the ego of the Member for Charleswood?

The bottom line again is, we're getting the money he said we wouldn't and it is coming.

A MEMBER: That's the bottom line.

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

COMMITTEE CHANGES

MR. SPEAKER: Order please. The Honourable Member for Riel.

MRS. D. DODICK: Mr. Speaker, I have a committee change for Law Amendments.

Replace the Member for Kildonan for the Member for Thompson.

BUSINESS OF THE HOUSE

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

MR. G. MERCIER: Mr. Speaker, just on a matter of House business. The Government House Leader indicated that the delegations before Law Amendments Committee are expected to not be accommodated

within the morning meeting, and he indicated privately whether it would be appropriate for the Law Amendments Committee to meet at the same time as two committees of supply. Mr. Speaker, that is not, in my view, acceptable.

I don't particularly believe that committees should be meeting at the same time as the House unless they have some unusual circumstances, but we would be prepared to consider just having the Law Amendments Committee meet, which does have some 30 or 32 members on the committee, meet in the evening.

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Well, the whole point was not to convenience members of the House, but to accommodate people. Most of them will be coming from southwestern Manitoba who are making the trip here, and we hope that they can be heard on Thursday morning. It may well be the case that they can. If they can't, it just seems inadvisable to send them packing.

It seems to me that there is a compromise which might be effected here and I would propose that. We needn't take up the time of the House. I can discuss it with the Honourable Member for St. Norbert later on this afternoon, namely, that we have only one Committee of Supply meeting on Thursday night, if necessary, so that we can hear the remainder of the delegations coming from southwestern Manitoba on Surface Rights.

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

MR. G. MERCIER: Mr. Speaker, I would hope nothing that I said indicated in any way that we did not want to accommodate the people from outside the city who wish to make representations tomorrow. That's exactly what we do want to do.

ORDERS OF THE DAY

ADJOURNED DEBATES - SECOND READING

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Yes, Mr. Speaker, would you please call the Debate on Second Readings as they appear on Pages 2 and 3, in the order in which they appear.

BILL NO. 2 - THE LAW ENFORCEMENT REVIEW ACT

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 2, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, this bill was introduced in the Legislature on December 16th, before Christmas. We understood from the Attorney-General then that we were being presented with a number of bills and this was, I gather, one of the more important bills that

the government wish to present to the House. It was to be presented early in order that there might be sufficient opportunity to consider the bill and deal with it as soon as the Legislature resumed sitting in February.

Since that time, Mr. Speaker, it is my understanding that a number of organizations, individuals and groups - and yesterday the Attorney-General indicated that a new set of summary of amendments has been sent out to some 20 individual groups and associations - but during that period of time the Minister received recommendations and comments from those groups and that there has been, during this period of time that has elapsed since the bill was presented to the House for second reading on December 16th, a large exchange of correspondence, comments, recommendations and changes in the bill that was introduced on December 16, 1982.

The Attorney-General indicated that in - and he forwarded me at my request a summary of proposed amendments to The Law Reform Review Act on March 24th and there are some six pages in this summary of proposed amendments to this Act and the exact amendments are not there. How many pages those amendments would actually be and would carry on are probably much greater than the summary that was sent to us.

At the same time, the Attorney-General acknowledges that the summary itself is subject to change as a result of being sent out to some 20 groups or individuals concerned with this piece of legislation. I want to say, Mr. Speaker, and the Attorney-General himself said that he wanted to develop a consensus. Well, Mr. Speaker, I think the first thing is, the Attorney-General should not have introduced a bill on this subject without having already obtained a consensus.

This matter was under consideration by the Manitoba Police Commission that we had appointed while we were in government and they were slowly but surely gathering a consensus on what, if any, changes were required. But out of the blue the Attorney-General introduced a bill and I suggest, Mr. Speaker, it has caused a great deal of consternation among police forces in the Province of Manitoba.

I suggest further to him that it would probably be more appropriate if he would, at this stage, withdraw the bill until he is able to gather that consensus because this is an impossible way for the members of the Legislature to have to deal with a bill on second reading.

Mr. Speaker, we have a bill introduced on December 16th. We have had a large number of amendments circulated between the Attorney-General and the various groups and associations involved. We have a six-page summary of proposed amendments given to us on March 24th which is subject to change in the future, and the Attorney-General expects the opposition and even members on his side to debate this bill without having any idea where the Attorney-General is headed, in what direction he is headed, and where the focus of the changes in the legislation propose to be. Mr. Speaker, I don't think that is the way you treat the police forces in the Province of Manitoba. I think that's an insult to the police forces in Manitoba.

Police forces in Manitoba and everywhere, Mr. Speaker, perform an extremely valuable and important function and perhaps, as members of the Legislature and as individual private citizens, I think we all recognize the important role that they play in society.

When people are in trouble, when a crime is committed in a community, it's the police force that we look to for immediate and urgent action; they are the people we look to for protection for our communities, for our families, for our children and the vast vast majority, Mr. Speaker, of policemen in Manitoba are honest, hardworking, devoted men and women and they perform a very very valuable role. They perform, I think as we all recognize, Mr. Speaker, a very difficult job in very difficult times. We see, in recent years particularly, reports of the effects of the stress of their particular occupation on their own personal lives.

Here we have, in dealing with this institution, a bill introduced which policemen throughout Manitoba have expressed some very grave reservations about. It's introduced. Amendments are going back and forward. Six-page summaries of proposed amendments have come forward from the Attorney-General, those are subject to debate, and the Attorney-General stands up and expects the members of the House to debate this bill.

Mr. Speaker, the members on this side and I'm sure the members on that side don't know what is happening in the mind of the Attorney-General with respect to this bill. The policemen don't know what is happening. They don't know where the direction is going. A summary is sent out to them without any detail of proposed amendments. Policemen can't deal with it unless they see the detailed amendments that the Attorney-General is proposing and members of this Legislature should not be asked to deal with the bill in principle on second readings until the Attorney-General has decided exactly what he wants to do. The fact is, he proceeded with too much haste, Mr. Speaker, in an attempt to somehow gain some credit, he thought, by introducing the bill before Christmas.

When a bill dealing with one of the most important institutions in our society, the police forces, is introduced in this Legislature, which is going to have some significant changes in their operations, Mr. Speaker, it should be one where a consensus is developed and it should be one where the Attorney-General has some principles that he wants to advance. It shouldn't be one that is still subject to this ongoing debate outside of this Legislature as to what exactly is to be contained in the bill.

Now, Mr. Speaker, one thing that the police, I know, have questioned - and I would ask the Attorney-General to deal with this aspect when he closes debate on second reading, if indeed he does not withdraw the bill for the time being, Mr. Speaker - is the need for this bill.

Certainly there was one case before the Manitoba Police Commission and no doubt he will cite that case, Mr. Speaker, but there are strong arguments that the police forces had with respect to that incident on the other side too, which I would ask him to take into consideration. But there have been in recent years, I think the Attorney-General will acknowledge, some very effective internal investigations that have resulted, for example, in probably the largest number of criminal charges being brought against members of the police force in recent years than has ever been seen in the Province of Manitoba, against those few very small minority of policemen who are a problem. I think that's

an issue that the Attorney-General should deal with, the need for the changes, Mr. Speaker, as well as whether or not he has a consensus.

The bill of course, Mr. Speaker, does not deal with the members of the RCMP, and probably for good reason because of the constitutional decision a few years ago in the Province of Alberta, but that does also cause some problems. It would be interesting to hear from the Attorney-General whether or not he has had any discussions with the Solicitor-General on attempting to formulate some mutually acceptable mechanism that might be followed, if indeed one has to be followed, involving complaints against both members of police forces in Manitoba and members of the RCMP. If he has he probably would be successful with the Solicitor-General, but it would be interesting to know if he has had any communications with him on that particular point.

Now, Mr. Speaker, there are a number of principles in this bill that I want to deal with and I want to point out to the Attorney-General. I have decided the only way that I can really deal with this bill is to deal with the bill that was introduced in the House on December 16th of last year, and not with the summary of the proposed amendments because I don't know what is going to happen to those, whether they're going to be acceptable to the groups and individuals that the Attorney-General circulates them to, or whether the Attorney-General will decide to change them, but there are some aspects I would like to deal with. I think if the bill is indeed going to go forward and pass second reading, obviously I am going to have a lot more that I want to say in committee when we see the actual proposed amendments of the Attorney-General and deal with specific sections.

There is a principle in Section 3(3) to the effect that, "The Commissioner," to be appointed by the Attorney-General, "shall devote his full time to his responsibilities under this Act, and shall not concurrently hold any full-time or part-time position of any kind." Now that is I know, Mr. Speaker, an issue that has been raised, why should the commissioner have to be a full-time person? I really find it difficult to believe that there will be enough work in this particular job to require a full-time commissioner and I would ask the Attorney-General to amplify on that, whether there are not, for example, existing judges who might be asked to fulfill this role on a part-time basis, but I would like to hear from him as to why this position has to be a full-time position.

Again, Mr. Speaker, there is a principle in Section 5(3) with respect to the Law Enforcement Review Board, "No person shall be appointed presiding officer unless he is a member in good standing of the Law Society of Manitoba with at least 5 years' experience at the Bar."

Now, Mr. Speaker — (Interjection) — the Attorney-General says to be careful, but I don't really want to be careful. I don't see why the person has to be a lawyer, I really don't. — (Interjection) — The Attorney-General responds from his seat with rules of evidence. It is very easy, Mr. Speaker, for such boards to employ counsel, I'm sure they would in any event, and even if the chairman were a lawyer they would employ counsel who would advise the board as they met with respect to their actions. I don't particularly think it is necessary to include in this or in any other board the necessity that the chairman be a lawyer.

In Section 7(2) I think, Mr. Speaker, there is a very important principle . . .

MR. SPEAKER: Order please. During debate on second reading, I'm sure the honourable member knows that his debate on principle, he should not refer to individual clauses or sections.

MR. G. MERCIER: Mr. Speaker, that's exactly what I'm trying to do, is speak on the principles contained in this bill. Another principle is, "The complaint may be filed notwithstanding that the conduct of a member," of a police force, "has affected some person other than the complainant." So we can have third-party complaints under this piece of legislation. That, Mr. Speaker, I suggest could have a tendency to develop into very frivolous complaints against members of the police forces in Manitoba and I would ask the Attorney-General to consider that very seriously. At least there should be, if someone were to file a complaint, "on behalf of," a person affected. Fine. With that person's permission or consent is one thing, but I think the principle involved in this bill could very well lead to some frivolous complaints.

There is another principle, Mr. Speaker, in this bill which allows a complaint to be filed up to three months after the incident took place. Again, there should be some consideration given to making that a shorter period of time and I think the Attorney-General does attempt to deal with this in his summary of proposed amendments, so perhaps he recognizes a bit of a problem here.

There are other important principles, Mr. Speaker, which I think the Minister has to address, and one is the principle that whereby the Act will rule out any investigation by the department involved in the complaint, so that in the example of a complaint involving a member of the City of Winnipeg's police force, the Internal Investigation Unit of the City of Winnipeg police force, would not be allowed to investigate that complaint; that the complaint must be investigated by persons outside of the City of Winnipeg Police Department.

Now as I recollect, Mr. Speaker, with this particular issue I would like the Attorney-General, in summing up, to give some examples of where investigative units opposed to members outside of police departments are used to investigate members of a police department. I don't think it has proven to be very successful. I point out to the member again, the fact of the large number of criminal charges, at least compared to past history, laid in the last few years against members of departmental police forces, those have all been investigated by Internal Investigation Units in the main, Mr. Speaker, and they have been successful. I think the Attorney-General is perhaps proposing something that may very well be termed impractical and not effective.

Now an important principle, Mr. Speaker, is with respect to the authority of the commissioner to recommend or impose internal disciplinary action on the member of the police department. I suppose it's one thing to recommend, and that may even be going too far, but it does seem to me - and this is where I do sympathize with the public statements of the chiefs

of police, Mr. Speaker - they have to be responsible for the internal disciplinary action within a police force. Mr. Speaker, I don't think that a commissioner appointed by the Attorney-General, whoever that Attorney-General is, should have that authority. If the police chief is not doing his job then remove him from his job. But as long as he is doing his job then he has to be responsible for internal discipline. In my view I agree on that particular point with the complaints and concerns expressed by, for one, the Chief of the City of Winnipeg Police.

An issue that has been raised and one I would like the Attorney-General to expand over is with respect to various stages of this bill, notice is to be given and I know a concern has been raised as to whether notice should be given to counsel for the Police Association, and in view of their collective bargaining agreement with the city, and perhaps the Attorney-General could expand on his position with respect to that matter.

There are questions that will have to be looked at, I think, in committee, Mr. Speaker, with respect to the balance of a probabilities test that is used in this legislation and whether that is an appropriate way of dealing with this.

In the discipline code under this legislation, Mr. Speaker, there is a definition of what constitutes a disciplinary default, and there are some matters in here that particularly raise my concern.

For example, the suggestion that the breach of a provincial law constitutes a disciplinary default - now, Mr. Speaker, this is a very important issue that I would like the Attorney-General to deal with, because the Attorney-General knows, or should know, that in police investigations or police chases, for example, there are policemen who break speeding laws, break traffic laws, or an investigation may very well breach various provincial acts by using other identification to register vehicles or to register in hotel rooms, or things of that sort. I would like the Attorney-General to indicate particularly whether those kinds of breaches, that are provincial laws, that are deliberately done by policemen in the public interest in police chases and in police investigations, that are simply a necessary part of a police investigation, are to be considered disciplinary defaults under this Act, or how does he propose that the Law Enforcement Review Board would deal with that particular issue?

Mr. Speaker, on the discipline code I have a number of concerns on that, that are more appropriately obviously to be raised in committee to be discussed in detail.

The Attorney-General has not indicated what would become of the Winnipeg Police Commission, for example, with this legislation. I take it, because there is no proposed amendment to The City of Winnipeg Act that the Winnipeg Police Commission would continue to exist and have some much more narrower function than it presently does.

The Attorney-General has not indicated who is to assume the costs of this operation. Is the cost of this operation to be imposed on the municipalities or on the City of Winnipeg, the City of Brandon, or the Town of Winkler, and a few others that have their own police forces in Manitoba? I know that is a concern. I would appreciate him dealing with that point of view.

Mr. Speaker, I would hope that the Attorney-General is very - he's not going to withdraw a bill and reintroduce

a bill later on that carries the degree of consensus that is his option to introduce - then I would hope, Mr. Speaker, that before the bill is debated further that the Attorney-General would decide what are the changes that he's going to make to the bill.

Now I appreciate he can't decide all of that, because it's a usual part of the process to go to Law Amendments Committee and receive representations, and based on those representations perhaps make some changes to the legislation. But I hope he will appreciate that members on this side, and members on that side have been put in a very difficult position in debating this bill when there are very significant differences of opinion that, I believe, have taken place between the Attorney-General and the outside groups and individuals and police associations who are very much interested in this bill.

He should recognize, I think, that he has created a great deal of upset and consternation amongst police forces and those involved in the enforcement of law and order because of this bill, because of the fact that he introduced a bill that certainly had no consensus among the people involved in this area before he introduced it.

Now it's proceeding; it's been introduced; it is proceeding on to second reading; there's a distribution of some amendments. Some of those may be changed. It's very difficult for interested groups, and individuals, and police associations, and Members of the Legislature to deal with a bill in this way, Mr. Speaker.

MR. SPEAKER: Are you ready for the question?

The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, I move, seconded by the Honourable Member for Swan River, that debate be adjourned.

MOTION presented and carried.

BILL NO. 3 - THE FARM LANDS OWNERSHIP ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Agriculture, Bill No. 3, standing in the name of the Honourable Member for Rhineland. Stand?

The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, there has been an illness in the member's family, so I would ask that the bill stand.

MR. SPEAKER: The Honourable Member for Springfield.

MR. A. ANSTETT: Mr. Speaker, I'd like to have the matter stand in the name of the Honourable Member for Rhineland, but I would like to speak to the bill today.

MR. SPEAKER: The Honourable Member for Springfield.

MR. A. ANSTETT: Thank you, Mr. Speaker. Mr. Speaker, Bill No. 3, The Farm Lands Ownership Act

has been a bill that attracted a great deal of attention both in the House and in the province; both in the last six months since its introduction by the Minister in a revised form and last year when it appeared in the House as Bill No. 54.

Mr. Speaker, I would like at this time to congratulate both the Minister and members opposite for what's happened in the last year on this bill. Members opposite made some constructive criticisms of the bill last year, various farm interest groups criticized the bill, some positive statements about the bill, and the Minister agreed to reconsider some of the proposals in the bill.

I give the Minister a lot of credit for having done that. I think that was a positive initiative and I congratulate the opposition for taking a positive attitude, at least in part, on that bill and making those kinds of suggestions. I think the Minister and the government have come forward with a much better piece of legislation because of that review process.

But, Mr. Speaker, what amazes me is that despite the fact the Minister has made the fundamental changes, which were made in the last year, the opposition is still strongly opposed to the bill. Mr. Speaker, I don't really understand the full logic of their opposition, but I'd like to deal both with my reasons for supporting the bill today which I do enthusiastically, and address some of the concerns that they place before this House.

I believe, Mr. Speaker, that this bill, as was first attempted in 1977 by the previous Schreyer administration, under the leadership then of the present Minister of Highways - as Minister of Agriculture, the Member for Lac du Bonnet - also attempted, was to strengthen family farms as the foundation of our rural community. I don't think there's any question that was the intent in '77; I don't think there's any intention that that's the intent today.

I think it's the intent of the Minister of Agriculture to preserve the owner-operated family farm as the most efficient form of agricultural holding, and also as the basis for our agricultural economy. I don't think there's any question about that and, in fact, I don't think there are members on either side of the House that would disagree with that, that would say for one minute that it's not a laudable objective. Agriculture is certainly our largest and most important industry and its foundation, which unquestionably is the family farm, must be protected and respected by us, as legislators.

However, Mr. Speaker, there appears to be some disagreement as to how real the problem is. We on this side firmly believe that the foundation, that family farm foundation to our agricultural economy, is under serious threat and has been seriously threatened for close to a dozen years.

Absentee ownership in Manitoba rose from 1.2 million acres in 1971 to over 1.8 million acres in 1977. That's when the first Act was brought in. But more seriously, Mr. Speaker, subsequently to that - that's after 1977 - over 200,000 acres of farm land were purchased from 1978 to 1981 by non-farming corporations, and in addition about 250,000 acres were acquired by non-Manitobans in that same period.

So, Mr. Speaker, what we're talking about is almost half-a-million acres of agricultural land in Manitoba. That's a little difficult to conceive, particularly for many of my colleagues who may not be from rural

constituencies or have rural backgrounds. But let's put a different complexion on it. Let's describe half-a-million acres as 20 square miles of Manitoba's agricultural heritage. That's what we're talking about. That's what was sold during the administration of members opposite.

So, Mr. Speaker, when members on this side say they are concerned about the threat to the family farm that is represented in the absentee ownership and acquisition of Manitoba's heritage, may have serious cause for concern; 20 square miles during the term of the previous administration.

Why are we concerned then? Why do we see the disruption and threat to the family farm in absentee ownership of Manitoba farm land? Well, there are a lot of reasons, Mr. Speaker, but I'd like to discuss a few of them here today.

Certainly one of the primary disadvantages of absentee ownership, whether it be in the form of foreign ownership or non-farm corporate ownership, or whatever, is its effect on land prices. There's also the question of a loss of revenue to the Manitoba economy and to the rural communities, more importantly. In 1981 apparently, rental payments by Manitoba farmers to absentee landlords totalled \$50 million. Of that \$50 million fully a third, over \$15 million, went outside the Province of Manitoba. So, Mr. Speaker, we are facing a serious threat and the suggestion that we need reform in this area certainly carries favour with me.

In addition, Mr. Speaker, there's an insecurity that applies to someone who's renting land, particularly when that person cannot get any security of tenure. Members opposite have talked long and loud during the early and middle '70s about the difference between ownership under a Torrens title, an ownership through a land-lease program or any kind of lease program, even though it gave a lifetime lease, and emphasized how crucial it was that that person felt the pride of ownership, and for that reason invested time, effort and dollars in good husbandry and stewardship of that resource.

Well, Mr. Speaker, the same logic applies. How do we expect farmers who have short-term tenure, who have no reason, in fact would be foolish to invest money in the long-term good care of their land, when they have no security of tenure and when they cannot then do effective planning, capital investment and management of that land resource?

So, Mr. Speaker, I share the concern of members opposite from the middle '70s and hope they will now reciprocate and express that same concern this year, that Manitoba farmers have a right to own their land. Manitoba farmers have a right on a family farm and farm corporate basis, to plan for the future and have security, a tenure on that land, and not be faced with competition for that land from absentee buyers because, Mr. Speaker, all of the concerns that members opposite had about short-term and long-term leasing in the '70s, apply today just as well.

I realize the tables may be turned slightly. We may be talking about a slightly different type of concern because, Mr. Speaker, I for one have always been enthusiastic in my support of the Land Lease Program of the mid-'70s and I look forward to the day when a similar program can be reintroduced, when the population, the economy, the rural farm sector are ready

to see the instrument of government assist them in developing farm security and developing a land base.

The opportunity is not there today, particularly because of financing problems and farm input costs and the fact that people are not really enthusiastic about acquiring more land. But the time will come, Mr. Speaker, and when that time comes, I will be one of the first to urge the Minister of Agriculture to renew the Land Lease Program.

Mr. Speaker, that's not the issue, but the arguments are the same. The issue is: how do we control foreign and absentee acquisition of farm lands to the benefit of Manitoba family farms?

Well, other provinces have attempted it. In fact, provinces which could scarcely be described as raving socialists, which I think was part of the diatribe that was used by the Member for Pembina when he split his speech between December and March. It was unfortunate he wasn't allowed to finish in December because he got a little worked up during the winter recess.

This legislation is similar in terms of concept and by that I mean the concept of affirming certain rights to own land and denying it to all others rather than running through a series of restrictions which was the problem with the previous legislation. It is similar in that concept to legislation in Prince Edward Island, in Quebec, in Saskatchewan, and immediately south of the border in Minnesota and North Dakota. Of course, there are other American states that adopt the legislation, but I am trying to stay as close to home as possible.

So, Mr. Deputy Speaker, this is not an unusual practice, not an unusual form of legislation, which has been one of the suggestions that's come from members opposite. In fact, what I found rather amazing, because I expected, a year ago this month when the Government of the Province of Saskatchewan changed, that one of the first things that would happen would be that terrible socialist piece of legislation which was brought in by the Blakeney Government, which has even tighter controls than that proposed by the Minister of Agriculture, which is even more restrictive in terms of some of its definitions, particularly with regard to effective control in the definition of farm corporations - there, they refer to them as agricultural corporations - I expected the new government, led by Premier Grant Devine, to immediately rescind, but a short time after forming office they were asked that question by the media and replied, no, we have no such intention because this legislation is supported by 80 percent to 90 percent of the farmers in the province. So it was good legislation. We have the Minister of Agriculture and the Premier of Saskatchewan, both of the same political stripe as members of the opposition, confirming that it's good legislation, has a mass base of public support and, Mr. Speaker, this takes the cake.

In their Throne Speech, the beginning of last month, they brought into the Saskatchewan Legislature a proposal to tighten up the NDP legislation. It wasn't strong enough. So the Progressive Conservative Government in Saskatchewan is now bringing in legislation into the Saskatchewan Parliament to improve the NDP legislation to restrict absentee ownership of farm land, to tighten it up.

Mr. Speaker, I have to qualify that, because the one thing they're going to tighten up is a provision which

allowed limited partnerships unlimited rights to acquire land. Mr. Speaker, that was a loophole. We don't have that problem here because our corporate and partnership structure, under our laws in this province, doesn't provide for the incorporation of partnerships in the same way that Saskatchewan law does. So that was something that had been overlooked. The new government is going to correct that; it will not be a substantive change, but it does represent a firming up and a statement of their commitment to that kind of legislation.

I look forward to hearing from members of the opposition telling me why what is good in Saskatchewan and has been recognized by such by both major political parties of that province, is not good for Manitoba. What's the difference? Now, Mr. Speaker, I realize they may not be willing to tell us today, but I'm willing to wait a month, two months, three months. But, Mr. Speaker, even I cannot be more generous than that, because we need this legislation this spring; it must be passed this spring and receive Royal Assent. We need the protection that it's going to provide to Manitoba farmers.

So if members opposite are willing, and I issue the challenge to them, I hope they are, to explain why legislation which was passed by the NDP in Saskatchewan and is now going to be improved by the PC's in Saskatchewan, won't work in Manitoba - why both parties in this House cannot join hands together as they've done in Saskatchewan to protect the family farm? I want them to tell me why we can't.

Mr. Deputy Speaker, the current statute, The Agricultural Lands Protection Act contains some loopholes that are so substantial that close to one-half-a-million acres, I referred to that earlier as 20 square miles of Manitoba farm land has been lost to absentee ownership. That's the real problem, and that's the problem that members opposite failed to address when they were in government.

I'll come to that a little later when I discuss the correspondence and briefs that were submitted to the former Minister of Agriculture, the Member for Arthur, and his abject failure to recognize a crisis and recognize the incompetence that have been demonstrated by his caucus in the amendments they made in 1978 and further compounded when they opened more loopholes in 1981.

The problems associated with absentee landlords and absentee ownership of Manitoba farm land are recognized by virtually all Manitobans except for those who were in government from 1977 to 1981. There's a number of Manitoba farm organizations that made representations begging for changes to the Member for Arthur, and he responded by opening a larger loophole.

What kind of loophole? Was it a loophole that was accidental? Was it a loophole that could have been intended to correct a fault, but instead opened a door? Absolutely not, Mr. Deputy Speaker. He opened a loophole that allowed offshore money, specifically in the form of mortgages and loans, to be used to capitalize the purchase of Manitoba farm land.

Now, how could you do that by mistake? How could you do that without the deliberate intention of denying and alienating the rights of Manitoba farmers, and rights of Manitoba family farms to remain the foundation of

our No. 1 industry. Mr. Speaker, that was intentional, and the culpability for that will rest forever on the head of the Member for Arthur and those who sat with him.

Mr. Deputy Speaker, the current Minister, and the government, are acting to limit absentee ownership, nothing else. That's all this bill attempts to do. First of all, it affirms the rights of all Manitobans to the unlimited acquisition of Manitoba farm land. Despite some of the things that we've been reading in the Press, and hearing in the media from members opposite, that's exactly what it says, and if members opposite are in doubt I'll quote them chapter and verse. It also affirms the rights of non-Manitobans and non-Canadians who want to come to this country and live in Manitoba to buy unlimited amounts of farm land. I'm sure there are some members who might wonder about the wisdom of that. That's a pretty wide open provision that says anybody who lives anywhere in the whole world can come to Manitoba or say he's going to come and buy the land and then, within a specified period, come. You know something, he doesn't even have to come here and farm, Mr. Speaker, he only has to come here and live. Well, I think this is a pretty loosey-goosey piece of legislation.

The Minister has this thing so wide open that virtually anybody in the whole world can come to Manitoba and buy farm land. Anybody, anywhere in the world who wants to buy farm land in Manitoba, all he has to do is make a commitment to come and live in this province, not be a farmer or anything like that. Even the Minister of the Environment, Northern Affairs, could buy unlimited amounts of Manitoba farm land, even though he doesn't have a single farmer in his constituency.

HON. J. COWAN: I have some farmers.

MR. A. ANSTETT: The Member for Churchill says that he has some farmers in his constituency who are temporarily working in the mines . . .

HON. J. COWAN: And the Port.

MR. A. ANSTETT: . . . and the Port of Churchill.

HON. J. COWAN: I'd like to talk about the Port.

MR. A. ANSTETT: The Member for Churchill, I'm sure, does not have any farm land in his constituency.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. A. ANSTETT: Obviously, Mr. Speaker, I better leave the Member for Churchill alone. The Member for Churchill does not currently have any farmers actively farming farm land in his constituency, even though he may have some peat bogs with a lot of potential.

Mr. Speaker, the concern that I have is that members opposite have refused to read the Act. They have refused to recognize: one, that this bill does reaffirm the right of every Manitoban to own unlimited amounts of farm land and at the same time is affirming the right of any person in the world to buy Manitoba farm land provided they come and live in Manitoba. Now, Mr. Speaker, if anything, that's a wide-open provision. If I were to say anything to the Minister, I would say, don't

you think maybe you could tighten that up just a little? Don't we really want to protect Manitoba farm land for Manitoba family farms and Manitoba farmers and farming corporations? But instead members opposite say it's far too restrictive, we're denying the rights of Manitobans and Canadians to own Manitoba farm land. Now, Mr. Speaker, either they are being deliberately malicious, which I wouldn't want to suggest, or they can't read. But it's very clear and, once again, I offer to quote them the sections which provide the affirmation of those rights to unlimited acquisition for anyone in the world.

The other thing that this Act does, which some could argue should be required and I, on occasion, have been one of those, is that it specifically says even if you bought all kinds of Manitoba farm land as a corporation, an offshore syndicate or whatever, before this Act comes into force, we're not going to force you to divest yourselves of it, even though Manitobans on both sides of this Chamber said in 1977 - and there was support from both sides to the basic principle of the 1977 legislation - that Manitoba farm land should not be alienated from Manitoba farmers, that Manitoba farm land should be restricted to Manitobans and Canadians who were willing to live and work and farm in Manitoba. That was the primary purpose for which we wanted to set aside Manitoba farm lands and both sides agreed, and I'm sure the Member for Swan River still agrees with that basic principle. But some would argue, and there is a provision in the Saskatchewan legislation, that legislation that's just recently been endorsed very strongly by the Devine Government that does require divestiture under much more stringent provisions than anything provided for in this Act. In fact, the only divestiture provided for in this Act is divestiture which relates to the change of a corporate structure which takes control outside of Manitoba and then it only goes back to the date of the first bill in April of 1977. That only applies to non-farmers.

So, Mr. Speaker, I have a real problem in understanding the objections; in fact, if anything, I also have a problem in understanding why my Minister is being so liberal. He's giving unrestricted rights and requiring virtually no divestiture. But, Mr. Speaker, I wouldn't want you to assume for a minute that I don't support the Minister and support the bill. I just have trouble understanding the objections of those who think that the Minister is being less than open and in some way restrictive about the purchase of Manitoba farm land.

Now, why do we need the bill then? I made reference earlier to some loopholes in the changes that were made by the Member for Arthur when he was Minister of Agriculture, loopholes that said that Canadian citizens could buy land, even though Canadian citizens are not subject to any Manitoba residence requirement or to any Canadian residence requirement. In fact, they did not have to be farmers; they could be Canadian non-farm corporations of totally unknown control in ownership. That was the provision that was made in 1978.

In addition, the Agricultural Lands Protection Board, during the tenure of the former Minister of Agriculture, discovered that corporations had a multitude of sophisticated share and financing arrangements, including offshore mortgages and loans designed

specifically to obscure who was in control. His board told him this was happening and he said, oh, but aren't offshore mortgages and loans illegal? They said, yes, they are, we want to prosecute, and he said, no, no, we'll make them legal. That was the attitude of the former Minister of Agriculture. He brought in legislation which didn't have quite enough loopholes and three years later, when his board pointed out what was happening, he legitimized it by bringing legislation into this House.

So, Mr. Speaker, we had some serious problems. Manitoba does not have the legal authority to acquire information about corporations and individuals who are outside the Province of Manitoba. This was pointed out to the former Minister of Agriculture; this he refused to deal with. Constitutionally, this new bill is on much better footing than the legislation that was brought in by the previous government for the simple reason that the province has no authority in matters of citizenship, and yet The Agricultural Farm Lands Protection Act purported to pass regulations with respect to Canadian citizens and the definition thereof. We have no such problem with Bill No. 3, Mr. Speaker.

There is another problem which should be pointed out, especially for those who propose that Manitoba should follow the way of Alberta - and I'm going to discuss this in a little more detail if I have time later on - but it relates to a court case that took place in Manitoba not too long ago, a corporation referred to as the Manolay Corporation, (phonetic) was involved in substantial purchases of Manitoba farm land. Up to that point, up to the time of that decision, Mr. Speaker, most people interested in this issue had come to assume that a landed immigrant, to retain landed-immigrant status, had to reside in Manitoba six months of the year, 183 days of the year. But a further loophole - and I don't suggest for a minute the Member for Arthur was responsible for this, he couldn't foresee this court case and this court decision - but a further loophole was driven into his Act when the court decided that a landed immigrant only had to live in Manitoba one day out of each 183. In other words, he only had to be in Manitoba two days a year. I don't know if you can book hotel rooms for two days of the year well in advance for four or five years, but that obviously is all that is required for those people to continue to hold Manitoba farm land and to continue to acquire great deal more acres of land which will then be, for all intents and purposes, permanently alienated from the foundation, family farm and family farm corporations that maintain our single most important industry.

So, Mr. Speaker, the Minister of Agriculture suggests that the Member for Arthur might even have known that the court would so decide. Mr. Speaker, I think the Minister of Agriculture gives the Member for Arthur far too much credit. The Member for Arthur couldn't possibly have known what the judge was going to decide.

Mr. Speaker, in early 1980, when the pressure began to mount from the farming community and farm organizations, the Minister of Agriculture began to receive briefs, submissions, letters and phone calls from those who were interested in the continued acquisition by absentee landlords of Manitoba's heritage. The Manitoba Farm Bureau, the Manitoba Women's Institute, even his own board wrote him letters. I don't

have a record of all the phone calls he received, but the Member for Arthur I'm sure can speak to that when he speaks again on this bill.

They asked the Minister to monitor the share ownership of all corporations that were buying farm land. They asked him to do that and said that was required in the legislation. What did he do? He passed legislation opening Manitoba farm land up to offshore loans and mortgages. They asked him to limit purchases of Manitoba farm land by non-farm corporations. What did he do? He brought in legislation allowing offshore mortgages and loans. They also asked him to require prior board approval for all purchases by non-farm corporations of Manitoba farm land. What did he do? He opened it up to offshore mortgages and loans.

I have a great deal of trouble when the Member for Arthur protests that his legislation was good legislation when organizations that have traditionally offered him support and condolence on virtually every issue which he brings to this House . . .

HON. R. PENNER: Mostly condolences.

MR. A. ANSTETT: . . . told him he should be doing something different and he refused to do it.

There's another issue that has been raised by some members opposite. Mr. Deputy Speaker, how much time do I have left?

MR. DEPUTY SPEAKER, P. EYLER: Ten Minutes.

MR. A. ANSTETT: And that is the question of going the Alberta route? What's the Alberta route? Well, for members who aren't familiar with the provision, in 1980 the Federal Government delegated to the provinces, that wanted the authority, powers under The Citizenship and Immigration Act and the regulations that flow from that Act, to regulate certain things within their province and use that authority. Some people have argued, as did the Government of Alberta, that foreign and absentee ownership of farm land within a province could be controlled by adopting those regulations and using the authority they provided.

Mr. Speaker, some reviews of been done of that and I just want to point out a couple of the legal fallacies. I don't want to get into the debate because the Alberta Government is apparently, right now, doing a review of this legislation which they passed and their board, which administers that legislation, is recommending to them that the review take place because they're not sure that the legislation is effective any longer, or ever was effective. They're now facing the possibility of some court challenges which could well render their whole land protection legislation invalid.

There is an interesting legal point. I ask members opposite to consider it very carefully. In The Citizenship Act the word "person" only refers to natural persons.

A MEMBER: Not corporations?

MR. A. ANSTETT: It does not refer to corporations. However, the powers given in respect to corporations or associations would have to be exercised on an individual basis. There is no authority to make a general prohibition then in respect to corporations or

associations without doing something which in law is referred to as "fulfilling the condition precedent." The condition precedent in this case is that the Lieutenant-Governor-in-Council has to be of the opinion that the corporations or associations are controlled by persons who are not Canadian citizens. Is that the kind of regulatory power that we're going to give to that board, that in every case they cannot take a prosecution or even do an investigation against what appears to be an infraction of their Act without first going to the Lieutenant-Governor-in-Council and getting a determination from them?

There is also no authority under The Citizenship Act and therefore can be no authority under regulations passed thereunder, to require divestiture which means, Mr. Speaker, that anyone who illegally or improperly acquired land once it was acquired, or anyone who ceased to be qualified to continue ownership of that land, could not be asked to divest themselves of that land. In effect what the law says is, the fact that a person becomes an ineligible person does not constitute a transaction for purposes of the Act.

The Act does not confer the authority to prohibit, annul, or in any manner restrict the taking, or acquisition, or of succession to any interest in real property. Furthermore, effective control with regard to corporations would have to be defined in the regulations, and effective control could only be defined in terms of Canadian citizenship, or persons with permanent resident status. Therefore it would not be possible using the citizenship route to differentiate between farm corporations, family farm corporations, Inco, or Alcan, or the CPR.

So, Mr. Speaker, for those who suggest that going the citizenship route, the Alberta route will allow us to preserve the integrity of the family farm and to prevent the alienation of Manitoba farm land from the family farm and family farm corporations. Perhaps they should have another look at the Alberta legislation. There are some serious problems.

In the short time I have left, Mr. Speaker, I'd like to deal with one other issue that's come up, and in which I personally have a great deal of interest, and that is the statistics that have been collected by the Leader of the Opposition, and his staff, and the suggestion that somehow the statistics presented by the Minister of Agriculture are wrong and that their statistics are right. Well, we can always have statistics wars and I don't want to get into a statistics war. What I want to do is examine how statistics on this issue would have to be conducted to be reliable and to gain acceptance from both sides of the House.

The Minister of Agriculture presented statistics that related to a study done by Professor Kraft at the University of Manitoba. Those statistics are somewhat dated, and members opposite say that they were not collected in exactly the fashion they would have preferred and that they're not as accurate as they like. I won't concede that point, but I'll certainly concede that they may have a basis for objection to the use of those statistics, but they're certainly not the Minister's.

The Minister did not produce those statistics, and the Minister never laid any claim to the authenticity of those statistics or to the authorship of them. What he said was that Professor Kraft has demonstrated as follows. And the statistics were quite alarming.

For example, in my constituency, the Local Government District of Reynolds, according to Professor Kraft and his researchers, was 37 percent owned by absentee owners. But, Mr. Speaker, those absentee owners, as the Member for Swan River says from his seat, could well have been in Winnipeg. He's quite correct. So there might well have been a fallacy in the way those statistics were collected.

Since the Member for Swan River recognizes that there could be that fallacy, I have to ask him if he recognizes the same kind of fallacious logic in the way his leader and the Member for Lakeside have collected and collated statistics with regard to ownership.

What did they do? They wrote a letter to all the Secretary-Treasurers in the province. In fact, some of the Secretary-Treasurers of municipalities in my constituency sent me copies of the letter. In fact, one of them even asked me whether or not he should reply because he didn't have the information and he asked my for advice, and I said, "You're neutral and I'm staying out of it. If you can reply, please reply; if you can't reply, tell him that. Don't get me involved in it. If he wants these statistics from your R.M. and you've got them, please provide them."

Then I asked him if he had those statistics and he said, no. I said, "Well, what is he really asking you?" Well, the Member for Lakeside tells us, and the easiest way to know what he asked is to quote from the Member for Lakeside, on page 1035, Hansard, March 23rd.

A MEMBER: I thought you had the letter.

MR. A. ANSTETT: I have that too. Would you like me to table the letter? When I read from the letter, I'll table the letter. I'm sure I'll have a second chance to speak - "... how many non-resident owners had land in their municipality, how many non-resident foreigners owned land in their municipality and how many of their acres of land were registered to resident Manitoba citizens."

Well, the Member for Lakeside says that's what I was asked. The first question I was asked by the Secretary-Treasurer was, "But how do I know who owns that numbered Manitoba corporation headquartered in Winnipeg? I said, "I don't know, but do they ask you to determine ownership?" "Well, not really they just, I guess what they're really after is for us to tell them where we mail the tax bill."

Well now, Mr. Speaker, I have a real problem.

A MEMBER: You bet you have, he is sitting in the front row, the Minister of Agriculture.

MR. A. ANSTETT: The Member for Minnedosa says, "How many numbered companies are there?" There were about 20 in the last issue of the Manitoba Gazette. He holds up his hand and says there's five. He'd better start reading the Gazette. That's why he's on the mailing list. — (Interjection) — Oh, Mr. Speaker. I have records here of a company incorporated as Manitoba, I think it's 88825 which was just ordered to do a divestiture, yes, 88825 Canada Limited, on grounds that it was beneficially owned by non-residents. The person who handled the purchase did not contest the board order and thought that the person had acquired land at

immigrant status, but was uncertain if he'd ever stepped foot in Canada. That's what he told the board. Acquired landed immigrant status, but never set foot in Canada.

Now, the Member for Minnedosa wants to make noise about numbered companies. Do you want to know how many acres that numbered company had? Eighteen thousand. And the landed immigrant who was going to buy it had never set foot in Canada. Now the Member for Minnedosa had better check his Gazette the next time it comes out and find out how many of those companies are buying Manitoba farm land.

But, Mr. Speaker, that's not the point I wanted to make. The point I wanted to make very simply is that there is no way for secretary-treasurers in municipalities to determine from the mailing address on the tax roll. Okay. And that's all they have, and that's all we have, and that's all the Member for Pembina has, is the mailing address on the tax roll. How can a secretary-treasurer determine from the mailing address on the tax roll who the beneficial owner of the property is? It's not possible. And yet the Member for Lakeside says that on the basis of that they have some glorious statistics — (Interjection) —

MR. D. BLAKE: A point of order for clarification, Mr. Speaker.

MR. A. ANSTETT: I may be short of time. If the Member for Minnedosa has a question, I will gladly deal with it, by leave, at the end of my remarks.

MR. D. BLAKE: A point of order for clarification.

MR. A. ANSTETT: At the end of my remarks.

MR. SPEAKER: Order please.

The Honourable Member for Minnedosa on a point of order.

MR. D. BLAKE: A point of order just for clarification.

The Member for Springfield is attributing so many acres under ownership for companies that we don't know the address of, whether they're foreign companies or whether they're Canadian companies. I'm wondering where they got the names and addresses of the ownerships on the statistical information that he has. How did you ascertain where the ownership resided on the information that you have?

MR. SPEAKER: Order please.

That is not a point of order.

The Honourable Member for Springfield.

MR. A. ANSTETT: Mr. Speaker, if I have leave at the end of my remarks I'll gladly answer the member's question. I do have that information.

Very briefly, I believe I only have a short time left, my concerns with regard to the municipal statistics, very simply for the benefit of the Members for Pembina and Minnedosa, are the questions of beneficial ownership. I do not believe those can be determined.

Secondly, there was no distinction in the way those statistics have been compiled between absentee owners and active farmers. There's been no distinction made between people who may live in Winnipeg and own

land in the southwest, or other Canadians who may live far away from Manitoba in Toronto or Vancouver and acquire land here. Those distinctions are not made. The existence of corporations that are shell corporations, purely for the purpose of acquiring Manitoba farm land, cannot be sorted out from the tax roll information that's been collected by members opposite.

In fact, Mr. Speaker, I happen to know that two, at least two of the Municipal Secretary-Treasurers in my constituency have written to the Leader of the Opposition advising him that they will attempt to provide the information he has requested, but that it will be meaningless because they have no way of determining beneficial ownership.

Mr. Speaker, I rest my case, I support this bill and I commend it to the House.

MR. SPEAKER: Order please. The honourable member's time has expired.

The Honourable Member for Minnedosa.

MR. D. BLAKE: I wonder with leave of the House if I might ask a question, Mr. Speaker? (Agreed).

Would the Member for Springfield now tell us where he obtained the residency of the ownership of the land claimed in the statistics provided by the Minister of Agriculture earlier on? Where did you ascertain the residency in the various municipalities where you claimed they were 11 percent, 20 percent-owned by foreigners. Where did you ascertain the residency?

MR. SPEAKER: The Honourable Member for Springfield.

MR. A. ANSTETT: Yes. Mr. Speaker, the Member for Minnedosa asked me during my remarks and now has asked again a slightly different question. The first piece of information he asked was, where did I acquire the resident's information that I had when I quoted from my notes which referred to an individual who had 18,000 acres under a Manitoba company, 88825? That information is from the board. The board has that information. They are aware of this. They made an order which is a public order, requiring the divestiture of these holdings. The individual did not contest the order. The board made that determination on their own investigation.

For the member's benefit, that same information is available on - I have a list here of eight cases and if he wishes I would be happy to detail for him the details in those eight cases, all of which involve — (Interjection) — I don't intend to read the whole document. A lawyer in the east who is a land dealer, who resides most of the year in Switzerland, purchased 5,060 acres of prime agricultural land valued at \$3.1 million through two corporations. To facilitate his transactions he entered into agreements with local farmers. The local resident used this same numbered Manitoba holding company to buy and register the farm land and then sold it to the two corporations that were owned by the gentleman who resides most of the year in Switzerland. As you are aware you only have to live two days a year in Canada to maintain your landed immigrant status. I don't want to abuse the member's question, but there

is a whole series of examples of that type and I can give the member those details.

With regard to the Kraft Study, I would commend to the Member for Minnedosa the study and suggest that he read it. Professor Kraft has outlined in that study exactly how ownership was ascertained and the suggestion by the Member for La Verendrye, in his remarks two weeks ago that a person was defined as an absentee landlord if he lived in the next municipality, was grossly incorrect. That's not the way Professor Kraft did his study and for the benefit of the Member for Minnedosa, I strongly recommend that he read the Kraft Study and then he'll get his answer.

MR. SPEAKER: Order please. The bill will stand in the name of the Honourable Member for Rhineland.

On the proposed motion of the Honourable Minister of Energy and Mines, Bill No. 4, standing in the name of the Honourable Member for Morris. (Stand).

On the proposed motion of the Honourable Attorney-General, Bill No. 14, standing in the name of The Honourable Member for Lakeside. (Stand).

On the proposed motion of the Honourable Minister of Highways, Bill No. 15. (Stand).

On the proposed motion of the Honourable Minister of Energy and Mines, Bill No. 16, standing in the name of the Honourable Member for La Verendrye.

MR. B. BANMAN: Stand, Mr. Speaker.

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 18, standing in the name of the Honourable Member for Fort Garry.

MR. G. MERCIER: Stand, Mr. Speaker.

BILL NO. 21 - THE MUNICIPAL ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Municipal Affairs, Bill No. 21, standing in the name of the Honourable Member for Swan River.

The Honourable Member for Swan River.

MR. D. GOURLAY: Thank you, Mr. Speaker. I'd like to thank the Minister of Municipal Affairs for providing detailed information on the amendments to Bill No. 21. I have looked these over and I don't have any concerns to raise at this time. However, members of this side may have some questions to ask at the Committee Stage. So with those few comments I would suggest that this bill then proceed to committee.

QUESTION put, Motion carried.

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 25, standing in the name of the Honourable Member for Turtle Mountain. (Stand)

MR. D. ORCHARD: We'll have that stand, Mr. Speaker.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Community Services, standing

in the name of the Honourable Member for Fort Garry. (Stand)

On the proposed motion of the Honourable Minister of Health, Bill No. 33, the Honourable Member for Rhineland. (Stand)

Does the Honourable Government House Leader wish to proceed with Second Readings?

HON. R. PENNER: Yes, Mr. Speaker. Would you please call the Second Reading on No. 22.

SECOND READING

BILL NO. 22 - THE WILLS ACT

HON. R. PENNER presented Bill No. 22, The Wills Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, this revision of The Wills Act, and it is a complete revision, permits the Act to be fully re-enacted in both the French language and the English language and I should say, parenthetically, that where there are a number of amendments to a statute not yet translated, we are following the practice where possible of introducing the revisions so that we may introduce them in both languages and an Act like The Wills Act, which is one very commonly used, as you may well imagine, is one that ought to be available with some sense of priority in both languages.

However, in addition to this particular purpose, there are some changes of substance in the Act. Some of these changes were recommended by the Law Reform Commission and it's to those changes which I refer firstly. The Law Reform Commission, in its Report on Substantial Compliance in respect to the Execution of Wills, recommended that a remedial provision be added allowing a document to be probated despite defect in the form of execution. If the court - and this is really the nub of the matter - if the court is satisfied that the document embodies the testamentary intent of the deceased, and the point I'd like to make here, and it's very important, that because we carried forward into our present statute a lot of the archaic provisions relating to the execution of wills from the 19th Century, a number of wills have been declared to be invalid because of technical defects and the clear intent of a testator has been defeated for that reason.

A lot of people, in making a will, decide that they're not going to go to a lawyer - I won't comment on that - and they get one of these printed forms and they attempt to do it on their own and they muck it up in some way and then that which they clearly intended is defeated in the result.

Here, the experience of time has indicated that it is clearly possible for the courts to ascertain the intent, in most instances, of a testator, and if a court is satisfied that the document embodies the testamentary intent of the deceased, then a mere defect in form would not be allowed to defeat that intention.

Again, the provision with respect to a defect in form should apply to defects in the execution of wills,

alteration or revocation of wills. Again, this still flows from the Law Reform Commission that provisions should be added to The Wills Act to allow the court to permit gifts to a beneficiary who has signed for a testator - sometimes a testator is not able to sign and someone signs for the testator, and of course there would have to be proof that, in fact, it is the intention of the testator - or who has signed as a witness - and that's important, I'll come back to that - and in carefully defined circumstances to permit gifts to the spouse of a witness or a person signing for the testator. This is the problem under the law as it presently is, again usually in circumstances where the advice of a lawyer is not sought, but sometimes where there has been a lawyer not quite up to the mark, someone who is designated as a beneficiary in the will signs as a witness, not knowing the law that that automatically deprives the person of the gift in the will. Indeed it goes so far, that if Mrs. Brown signs as a witness for Smith's will and there is a gift to Mr. Brown, Mr. Brown is deprived of that gift.

The reforms being proposed here will allow the court, in carefully defined circumstances, to permit the gift, in fact, the clear intent of the testator to be allowed. So that the fact that people are not sophisticated in the law and sometimes do things not quite in the right way, should not be allowed to have such drastic effects.

Another principal change in the legislation being proposed arises from comments contained in Professor Dale Gibson's report on the Impact of the Canadian Charter of Rights and Freedoms on Manitoba Statutes, and again let me say parenthetically that with respect to Professor Gibson's report, we are attempting, as legislation is being introduced, to deal with the provisions rather than attempt to bring in an omnibus bill which would be very difficult for the Legislature to deal with, it would not be fair to Members of the Legislature. So, we'll deal with some of those recommendations as we deal with particular bills in the normal course of events.

Professor Gibson's comments raised the question of the treatment of illegitimate children in the construction of testamentary dispositions. Under the present Wills Act, a child born outside marriage would be treated as a legitimate child of the mother, but not of the father of the child. The Act has been changed, or it's being proposed that the Act should be changed, so that every child, whether born inside or outside marriage, shall be treated as the legitimate child of the child's natural parents. So that this is consonant with changes and social policy that go back to the early 1930s. So that as long as a child is clearly designated and ascertainable - I leave the residue of my estate in equal portions, share and share alike, to all my children - it will, in fact, include all of the children and the question of legitimacy will not act as a bar, unless, of course, the testator can always say, I leave to Suzy and Alex and Bill, but I don't leave to Joe. A testator can always do that. But where the testator simply says, I leave to all my children an equal share and share alike, then it will be all of the natural children and indeed the adopted children as well of the testator.

A third class of changes are mere changes in language. In preparing this revision, attempts have been made to remove as far as possible words such as, "he", "him", "his", which have, of course, unisexual

connotation and are unfair and discriminatory. This has required some restructuring of sentences, of course. Care has been taken that there has been as little change in the meaning of sentences as it is at all possible to effect, having regard that sentence structure does become changed.

Also, there are provisions respecting changes in language to update certain provisions, particularly those which relate to dates. Without mentioning the sections, there are sections in the present Wills Act which spoke in generalities about, for examples, the rules regarding the time when international law became effective in Manitoba. The proposed changes will now specify the exact day.

So, Mr. Speaker, this revision of The Wills Act brings it into modern form, modernizes some substantive provisions, which have long been considered out-of-date, and I may say based on my own experience as a lawyer, in practice for some years, and knowing how people, trying to do a little of the sometimes expensive legal work for themselves defeat their own intention, that this is an important reform, a remedial reform and I recommend this bill to the House.

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

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

MOTION presented and carried

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, I wonder, with the consent of the opposition, if we might not call it 4:30 and move to Private Members' Hour. There's hardly any point going into Supply at this stage. — (Interjection) — You want to call it 5:30? Anybody opposed to calling it 5:30? What the heck! You didn't hear that.

Mr. Speaker, I sense a consensus to call it 5:30, the House has been working hard this week.

MR. SPEAKER: Order please. The time of adjournment having arrived, the House is adjourned and will stand adjourned until Thursday afternoon at 2 p.m.