



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

DEBATES
and
PROCEEDINGS

31-32 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, 23 June, 1983.

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions
. . . Reading and Receiving Petitions . . .

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for River Heights.

MR. W. STEEN: Mr. Speaker, I beg to present the First Report of the Standing Committee on Public Accounts.

MR. CLERK, W. Remnant: Your Committee met on Tuesday, May 17, Thursday, June 2 and Thursday, June 23, 1983 to examine the Provincial Auditor's Report and the Public Accounts of the Province for the fiscal year ended March 31, 1982 and finds that the receipts and expenditures of the monies have been carefully set forth and all monies properly accounted for.

Your Committee received, or has been assured that it will receive, all information desired by any member from the Minister, Provincial Auditor and staff with respect to receipts, expenditures and other matters pertaining to the business of the Province. The fullest opportunity was accorded to all members of the Committee to examine vouchers or any documents called for and no restriction was placed upon the line of examination.

All of which is respectfully submitted.

MR. SPEAKER: The Honourable Member for River Heights.

MR. W. STEEN: Mr. Speaker, I move, seconded by the Member for River East, that the report be received.

MOTION presented and carried.

MR. SPEAKER: The Honourable Member for Springfield.

MR. A. ANSTETT: Mr. Speaker, I beg to present the First Report of the Standing Committee on Municipal Affairs.

MR. CLERK, W. Remnant: By Resolution of the Legislature passed on June 29, 1982, your Standing Committee on Municipal Affairs was authorized to elicit the views of the citizens of Manitoba with respect to the Report of the Manitoba Assessment Review Committee (MARC - WEIR Report).

Pursuant to this mandate, your Committee held meetings in Souris on January 24, Gilbert Plains on January 25, The Pas on January 26, Winnipeg on January 27 and February 2, and in Morris on February

8, 1983. Your Committee heard representations from numerous organizations and private citizens as follows:

SOURIS, MANITOBA (Souris and Glenwood Community Hall)

Monday, January 24, 1983

Dennis H. Heeney — Reeve (RM of Elton)
Sid Ransom — Private Citizen
Bill Rolston — Private Citizen
Donald J. Alexander — Reeve (RM of Thompson)

W.G. Goodwill — Private Citizen
John Whitaker — National Farmers Union, Local 516

Lyle Ross — National Farmers Union, Local 516
Ivan Stocks — Reeve (RM of Roland)
Herman Arason — Private Citizen
Brian Gibson — Reeve (RM of Roblin)
Tony Riley — Private Citizen

GILBERT PLAINS, MANITOBA (Gilbert Plains Arena)

Tuesday, January 25, 1983

John Hyshka — Private Citizen
Ken Sigurdson — National Farmers Union, Dist. 7

Art Morin — Private Citizen
Bob Forbes — Private Citizen
Russ Phillips — Reeve (RM of Dauphin)
Mr. Phillips also read a brief from Art Rampton into the record.

Morris Mazurkewich — Reeve (RM of Gilbert Plains)

Howard Wilson — Private Citizen
Alan Armstrong — Private Citizen
Adam Smith — Private Citizen
Doug Cowling — Private Citizen

THE PAS, MANITOBA (Elks Hall)

Wednesday, January 26, 1983

Jack McIntosh — Reeve (RM of Minitonas)
Mayor MacLean — City of Thompson
Deputy Mayor DeGroot — City of Thompson
J.P. Bodnar — Reeve (LGD of Consol)
Tony Moule — The Town of The Pas
Chris Sunde — The Town of The Pas
Harold Ellingson — Reeve (RM of Swan River)
Ken Jenkins — Town of Snow Lake

WINNIPEG, MANITOBA (Room 255 Legislative Building)

Thursday, January 27, 1983

Arthur Doering — Private Citizen
Stephen Olnick — Manitoba Beekeeper's Association
J.S. Walker, Q.C. — Private Citizen
William Hilabura — Reeve (LGD of Armstrong)
Dave Harms — Union of Manitoba Municipalities
Aron Friesen — RM of Hanover

Charles Teetart — RM of Hanover
Fred McCullough — Carman District Farm
Business Association
Steve Rapko — Private Citizen
Wilfred Mutcher — Reeve (RM of Dufferin)
George J. Froese — Reeve (RM of Stanley)
Ed McCready — Private Citizen

Wednesday, February 2, 1983

J.C. Balderstone — Reeve (RM of West St.
Paul)
S.J. Lye — Reeve (RM of Portage la Prairie)
Albert St. Hilaire — Reeve (RM of Montcalm)
John M. Giesbrecht — Reeve (RM of La
Broquerie)
Rex Virtue — Manitoba Teachers' Society
John Wiens — Manitoba Teachers' Society
Philip Kienholz — Solar Energy Society of
Canada, Inc.
John Klaponski — Polish Gymnastic Association

MORRIS, MANITOBA (Legion Hall)

Tuesday, February 8, 1983

Dave Derksen — Private Citizen
Henry Hildebrand — Reeve of Rhineland
Louis Balcaen — Private Citizen
Leo Braun — Private Citizen
Luc Catellier — RM of De Salaberry
Francis Beneoit — Reeve of Ste. Anne
Jake Friesen — Private Citizen
Don Hamblin — Private Citizen
Lenore Eidse — RM of Morris
Tom Carruthers — Private Citizen
Ella Roy — Private Citizen
Roy McLaren — Reeve of Louise
Archie Hunter — Reeve of Franklin

WRITTEN SUBMISSIONS:

J.R. Guthrie, Reeve (RM of Pipestone)
Canadian Property Tax Agents Association
Canadian Hostelling Association
Carpathia Housing Co-op Ltd./Westboine Park
Housing Co-op
Assiniboine Memorial Curling Club
Winnipeg Chamber of Commerce
RM of Minitonas
St. James-Assiniboia School Division No. 2
Manitoba Milk Producers' Marketing Board
Casimir Petaski, Private Citizen
Rose and Alice Chita (Dauphin, Manitoba)
Jack Pawich (Cartwright, Manitoba)
Steve Rapko
Urban Development Institute
Town of Dauphin
David Roberts
Winnipeg Bible College
City of Winnipeg
I.M. Brandson (Ste. Rose, Manitoba)
J.A. and Edith Nicoll (Steinbach, Manitoba)
City of Thompson
Diploma Agriculture Graduates Association
Town of Selkirk
District of Alonsa
Rural Municipality of Rosburn
Canadian Nazarene College

Fort Garry School Division No. 5
Mr. Neil J. Bell, Manitoba Agriculture, Northwest
Region, (Dauphin, Manitoba)

Your Committee met on Thursday, June 23, 1983 for further deliberations and has agreed, on division, to report as follows:

The Committee heard and received submissions which covered a wide range of assessment and related taxation issues. Although it is not possible, in this report, to list each and every point raised at the meetings, the Committee has attempted to summarize the majority of concerns identified by the public.

General Comments - The Committee was impressed by the general public awareness of the problems facing the assessment process in Manitoba. It is fair to report that there was a general sympathy for the recommendations of the Manitoba Assessment Review Committee which attempted to resolve some of these difficulties. The general tone of the meetings was that there were many inequities in the current system and we should get on with resolving them. At the same time, the public is well aware that the assessment problems are complex and that solutions should not be rushed into place until they have been adequately evaluated and tested. The Committee must also report that the majority of submissions it received were from concerned rural residents and rural municipalities. There were regrettably few submissions from urban residents or urban municipalities.

Valuation - The concept of valuation level assessment, which would see property values associated with current market value, received a considerable amount of comment. Most speakers accepted the MARC rationale that market level assessment would be a step towards Province-wide equity and would also produce an assessed value that the public could most easily identify with. A number of modifications were suggested however, and a special concern was raised with the valuation concept as it might be applied to farm land.

Many speakers were concerned that market level valuation placed an unduly high level of assessment on farm land. Suggestions were received that productivity of farm land be the major criteria in determining its value. Other speakers, with reference to farm lands, suggested a combination of market value and productivity, while still others suggested that market value over a longer period of time might be an adequate measure.

Suggestions were also received that market value should not be the sole factor in assessing urban residences. Combinations of market value, replacement value, frontage and square footage were all suggested for consideration. In Northern Manitoba, in particular, it was recommended that replacement value be a major factor.

Comments were received that prior to implementation of a valuation system, a "dry run" might be tested over the entire Province.

Classification - General support was heard for the MARC recommendation regarding classification of property by use. An expansion of the number of classes

also seemed to receive support. Specific suggestions were received regarding the definition of several of the proposed classifications. In particular, the "golf and curling club" class and the "charitable and non-profit" class were discussed. Recommendation was also received that the residential class be subdivided into single-family and multi-family categories.

Portioning - The majority of delegations, who spoke on the concept of using only a "portion" of the valuation level of assessment for taxation purposes, were in favour of the idea. Strong support was received for the MARC recommendation that at least initially no shift in total assessment and taxation between property classes occur. The choice of portions was, therefore, viewed as critical to ensure that shifts did not come about. Again it was suggested that a Provincial "dry run" be considered before implementation.

A small number of delegations rejected the concept of portioning and indicated that the inequities that exist between classes would remain under a system of status quo portions.

A separate concern was also registered regarding the lobbying powers that might affect a government of the day in establishing portions.

Farm Property Assessment - By far the single greatest issue raised at the public meetings concerned the levels of assessment and taxation on the farm community. The recommendations to assess and tax farm residences and farm outbuildings were acceptable to most delegations, as long as the total tax burden on the farm community Province-wide would not be increased.

More specifically, there was widespread support for the assessment and taxation of farm residences. Comments were received that the present system of determining residential exemption based on income, was nearly impossible to administer. Most proponents of this recommendation also cautioned, however, that this new contribution from the farm community should be taken into account in establishing the farm "portion" so that the total Provincial farm contribution would not increase.

Most delegations also agreed, in principle, with the assessment and taxation of farm outbuildings. A greater variety of reservations were also heard by the Committee however, regarding the details of implementation of this recommendation. As with farm residences the main proviso was that the total contribution from the Provincial farm community not be increased. Other comments ranged from a suggestion that this was the single greatest inequity in rural Manitoba to the other extreme which totally rejected the concept of assessing outbuildings.

In between the extreme of comments on outbuildings, were suggestions for moderation of the MARC recommendations in this regard. Suggestions in this line included continuing to exempt non-productive outbuildings, for example silos, exempting vacant outbuildings after a suitable period of time, or the removal of school taxes from outbuildings.

Many of those who supported the principle of assessing and taxing outbuildings felt that the partial exemption relating to the size of the land parcel upon

which the outbuilding sits, was potentially very unfair. Recommendations were received that a flat rate exemption would be the easiest to administer and the fairest to all Manitoba farmers.

Urban Fringe Assessment - The complexities of assessing and taxing lands within an urban fringe also received attention from several delegations. The majority felt that farm viability would be threatened by a market level assessment where that market level was heavily influenced by the proximity of an urban centre over and above its inherent agricultural value. Again, a range of opinions was received on this issue, with some delegations agreeing with the MARC recommendation regarding payment of back taxes, while others felt that as long as land remained in farming it should be assessed based on use and that a tax deferral system was unfair and should be rejected. Another criticism of the deferral system was that it might result in a shift of assessment onto the residential and commercial properties until such time as the deferred taxes were charged and received. Further study was recommended by some into the problems of urban fringe assessment.

Residential Assessment - Little comment was received by the Committee in the area of residential assessment other than a frequently mentioned recommendation that all buildings should be taxed at 100 percent of value rather than the current legislative provision for two-thirds of value. One or two delegations did suggest, in addition, that certain relief from assessment for home improvements be provided and also that the value of energy efficient homes should be recognized in the assessment process.

Statutory Provisions - The delegations who spoke on this issue generally recommended an up-dating of all statutory rates and that the valuation of railway rights-of-way be closer in line with market conditions.

Crown Lands - Of those who spoke on this subject, most felt that Crown Lands should be assessed and taxed. Other more specific comments were received that suggested that developments on Crown Land were not paying their fair share of the overall tax load. A contrary recommendation was also received that suggested there was no need for the Crown to pay taxes or grants-in-lieu on land which was currently undeveloped and requiring no municipal services.

Small Business Relief - The concept of taxing the first \$50,000 of "other" building assessment for education support levy purposes at the residential rate, received support from all delegations speaking on the subject. Some questions were raised as to the definition of which businesses might qualify, with the suggestions that franchise-type business, pipeline companies, etc., might receive a greater benefit from the recommendation in that their properties were scattered over a greater number of parcels of land.

Administrative Authority and Procedures - It was suggested by a number of delegations that the assessment process and the taxation process be kept

as separate as possible. The valuation of land was considered a separate endeavour from the policy decision process which directs taxation.

Many delegations made mention of the complexity of the assessment process and of perceived inequities on how it is applied. A strong feeling emerged that Province-wide consistency in the assessment of real property is necessary. Most delegations recommended that a single authority afforded the best means of achieving this consistency. Some concern on this subject was raised as to the cost benefits of a single authority versus the existing system of assessment.

Many individuals and organizations stressed that the assessment system must be made easier for both the public and the assessors to understand. More frequent re-assessment and the use of market level valuation were considered steps in this direction.

A variety of specific recommendations were brought to the Committee's attention to improve the assessment process. These included self-assessment of property, more rigid guidelines for the assessors to follow, and more detailed assessment notices.

Other Matters - Although not within this Committee's terms of reference, the Committee would like to report, based on its experiences, that confusion continues to exist regarding the distinction between taxation and assessment in Manitoba; and secondly, that the issue of education financing and its relationship to real property assessment was raised by many individuals.

RECOMMENDATIONS:

The Committee having received the views of the public on the report of the Manitoba Assessment Review Committee wishes to recommend the following to the Legislature:

1. That the principals of property classification and portioning as generally proposed in the report of the Manitoba Assessment Review Committee are basically sound.
2. That further research be conducted into the determination of "portions" that would minimize to the greatest extent possible, any shift in taxation between property classes. Related to this research and prior to a decision with respect to the current exemptions on farm residences and farm buildings, the Provincial Assessor be directed to complete the assessment of these buildings across the province.
3. That further study be done to develop a method of determining valuation as applicable, which would include factors, such as, soil productivity and replacement value, in addition to the current consideration given to market value.
4. That until such time as the above principles can be equitably implemented, current legislation validating the assessment rolls and limiting the rights of appeal be extended as necessary.
5. That the Provincial Assessor's Office

immediately take such steps as are possible to ensure province-wide equity in assessment procedures and to provide for education of the public on assessment practices.

6. That a study be undertaken to determine the cost-benefits of a new single assessment authority, as compared to the existing structures or related alternatives.

All of which is respectfully submitted.

MR. SPEAKER: The Honourable Member for Springfield.

MR. A. ANSTETT: Mr. Speaker, I move, seconded by the Honourable Member for Thompson, that the report of the Committee be received.

MR. SPEAKER: It is moved by the Honourable Member for Springfield and seconded by the Honourable Member for Thompson, that the report of the Committee be received. On division?

MR. B. RANSOM: On division.

MR. SPEAKER: On division.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, I beg leave to file the 12th Annual Report of the Manitoba Law Reform Commission for the year 1983.

MR. SPEAKER: Notices of Motion . . . Introduction of Bills . . .

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we reach Oral Question period, may I direct the attention of honourable members to the gallery where we have 31 students of Grade 5 standing from the Windsor School under the direction of Mr. Frazier. The school is in the constituency of The Honourable Member for St. Vital.

There are 45 students of Grades 7, 8 and 9 from the Acadia Junior High School under the direction of Mr. Al Neustaedter, Mrs. Joanne King and Mrs. Lenore Loyins. The school is in the constituency of The Honourable Member for St. Norbert.

There are 25 students of Grade 7 standing from the Glenella School under the direction of Mrs. Marjorie Marciski. The school is in the constituency of the Honourable Minister of Municipal Affairs.

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

ORAL QUESTIONS

Employment Standards Branch re babysitter

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

MR. G. MERCIER: Mr. Speaker, my question is to the Minister of Labour with respect to the order of the Employment Standards Branch of her department, which has ordered a Mrs. Artina Normand to pay a former babysitter \$928 in compliance with the change in the laws which the government passed at the last Session of the Legislature.

In view of the fact that Mrs. Normand was not aware of the law, Mr. Speaker, is the Minister of Labour prepared to take any action to alleviate this situation, in view of the large amount of money which Mrs. Normand has been ordered to pay?

MR. SPEAKER: The Honourable Minister of Labour.

HON. M.B. DOLIN: Thank you, Mr. Speaker. This has certainly come to my attention, and I think that when a new law comes into being there is certainly some publicity about it. It is unfortunate that the person in question was not aware of the law that covered domestics, or perhaps didn't understand that anyone working for the same family for more than 24 hours a week was, in fact, covered by our employment standards law. That has been in place for well over a year now, I believe, or since the last Session at least, when we passed it at the last Session.

I will take a close look at this case but, in fact, the law does very clearly specify that 24 hours is the amount of hours per week working for the same employer in their home - I think that's what is important. A lot of people have questioned whether babysitting in someone else's home, or whether babysitting, such as in a family day care is covered under this act. In fact, it is not. It is the employee working for the same family more than 24 hours per week who has then all the rights of an employee, a member of the labour force, a member of the workforce does if they're working for any other kind of employer.

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

MR. G. MERCIER: Mr. Speaker, in view of the fact that Mrs. Normand and the babysitter agreed to a package of compensation, \$50 a week I believe, and both were unaware of the new law that the government had passed, could the Minister advise whether or not there are any other similar instances before her department? Could she also advise what steps her department took in order to make the people of Manitoba aware of the new law which the government had passed?

HON. M.B. DOLIN: Mr. Speaker, I will look into this case very carefully but, in fact, if someone does not know that the minimum wage is \$4 an hour and is not paid that by an employer who also pleads that they didn't know that it was increased to \$4 an hour, they would have the same kind of action taken against them should one of the parties discover it. I will look into the case and see if there are any extenuating circumstances.

MR. G. MERCIER: Mr. Speaker, the Minister of Labour didn't answer the second part of the question, and that was: What steps did the Minister and her department

take to inform Manitobans of the change in law which the government had passed at the last Session of the Legislature? What steps did they take, and is she ruling out entirely the possibility of some relief or some amelioration of this large amount of money which Mrs. Normand, a cafeteria cashier who has four children, will have to pay and will obviously be a significant financial burden on her and her family?

HON. M.B. DOLIN: Mr. Speaker, I will have to look into the case and I will have to look into what was done when this amendment to The Employment Standards Act was passed to see if there was a press release, to perhaps provide copies of such press release. I am not familiar at this point in time; I do not have in front of me that information. I have indicated that I will find that out, and then I will inform the member.

MR. G. MERCIER: Mr. Speaker, it's quite normal for press releases to be issued by this government with respect to bills. What steps did the government take and her department take and did she take to inform Manitobans of the change in the law? Again, is she ruling out entirely the possibility of some financial relief to Mrs. Normand, in view of the fact this is going to be a very onerous financial situation for her and her four children and her family? It's something that they could probably ill afford.

HON. M.B. DOLIN: Mr. Speaker, I have said that I will look into this case, I will investigate what was done as far as informing members. I certainly know that employment offices were notified, but what was done beyond that I don't know, and I will take it as notice and find out.

Gasoline prices - Manitoba

MR. SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Thank you, Mr. Speaker. This is a question for the Honourable Minister of Consumer and Corporate Affairs. It has come to my attention that the differential in gasoline prices at the retail level between Winnipeg and Grand Rapids is, right now, running 10 cents per litre, 9.8 cents per litre, to be exact. The Minister, as I understand it, commissioned an investigation into this matter a couple of months ago, and I'm wondering what information has come to light about this sort of differential in gasoline pricing between the remote areas of the province and Winnipeg, other than the fact that it exists. What information has he now concluded?

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

HON. J. BUCKLASCHUK: Yes, Mr. Speaker, I'm glad The Member for Tuxedo has realized that there is a serious problem in Northern Manitoba. As I'd indicated some time ago, I have asked for an interim report on the difference in prices between northern prices and Winnipeg prices. The staff person has been in contact with all the major oil companies, and I must confess that I am somewhat disappointed in the response that

we have been receiving. It's either their inability or unwillingness to provide what is, I would think, rather elementary information that has been requested. Having said that, I understand that we have received response from two or three oil companies and we are awaiting the response from the other three or four oil companies. Until we get those responses, then the staff person will not be able to complete that interim report.

MR. G. FILMON: Well, Mr. Speaker, the differential is not just between northern places and Winnipeg. For instance, Lynn Lake, which is considerably further north than Grand Rapids, is 4.5 cents a litre cheaper. So I'm wondering when the Minister is going to get down to it and get us a report; when can we expect some results, rather than just some window dressing in response to the Member for Thompson?

HON. J. BUCKLASCHUK: I wish to assure the member that there is no window dressing involved at all. If the member thinks that that is perplexing, I would suggest he take a drive down Highways 2, 23, 244 in Southern Manitoba and try to get some sense out of the gas prices that exist there at the present time. As I've indicated, we cannot complete a report until such time as we get the information that we've requested from the oil companies. I do anticipate we will be receiving that information, but I should also mention that in another jurisdiction, which happens to be Alberta, a few years ago the government there had asked the oil companies for simple information as to the number of service stations that they had. That information took 18 months to arrive. Now, I don't anticipate waiting that long, but certainly three or four months is not an unusual time.

MR. SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Mr. Speaker, we've been waiting for some Orders for Return for a year now, so the government here obviously has a similar problem to the oil industry.

Urea Formaldehyde Foam Insulation Program

On another matter, I wonder if the Minister of Consumer and Corporate Affairs can indicate, given the fact that the Federal Government has extended the time deadline for application for uffi relief for the federal program to remove urea formaldehyde foam insulation from homes, how many Manitobans have registered with the Federal Government for relief under that plan?

HON. J. BUCKLASCHUK: That is not a question I can supply an answer for, as the applications to the Federal Government don't come through our offices. So I would suggest that question should be appropriately addressed to the Federal Government.

MR. G. FILMON: Mr. Speaker, in view of the fact that this was a matter that, when I was in this Minister's portfolio, was being discussed by his colleagues then in opposition and did come under the purview of the

Minister of Consumer and Corporate Affairs at that time, I'm wondering if his department has completely removed their interest on the matter and we can't expect any further answers, because there are between 4,000 and 7,000 Manitobans who have this problem. I'm wondering if they have done anything to ensure that they are aware of their responsibilities and their rights to remuneration under this federal program. What have they done to ensure that all Manitobans who might have this problem are going to be able to take advantage of the federal relief program?

HON. J. BUCKLASCHUK: I am not under the impression that it is the Provincial Government's responsibility to advertise federal programs, but I am aware that there has been a very good take-up of the federal program. Certainly, problems that may have existed a matter of six months ago are not there to the extent they were then. The member, I'm sure, is well aware that the Federal Government made available a \$5,000 grant towards the removal of uffi, tied in with a number of other programs. Those persons that would like to have the material removed may be eligible for up to \$8,500 assistance.

MR. G. FILMON: Mr. Speaker, it seems to me that it is the responsibility of the Minister of Consumer Affairs to be able to deal with the problem that has to do with the installation of a defective or a potentially hazardous material in their homes. It could lead to health problems; and given that, since after a great deal of pressure and discussion by our government, there is a program that has been made available to Manitobans, I think that it is his responsibility to ensure that those Manitobans who need this assistance will take advantage of it.

What will he do now to ensure, since there's only three months left, that Manitobans will be aware of their rights to relief under this federal program?

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

HON. J. BUCKLASCHUK: Yes, I wish to assure the member that any enquiries that we have for assistance with the uffi problem, we have made that information available to the enquirer.

I am also aware that through MHRC, I believe it's the Critical Home Repair Program or the RRAP program, they are made aware of applications that come in through the UFFI program and make the consumer aware as to the maximum benefit that is available to him.

The member is asking us to go into a full-blown advertising campaign to duplicate what the Federal Government is doing, I don't see that we would be getting involved in that area.

Inco funding to PC party

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, my question is to the Minister of Finance. The Minister two nights ago, during debate on a bill, made a veiled reference - perhaps a

not so veiled reference - and allegation of possible conflict of interest involving Inco and the previous government of Manitoba. Unfortunately, this kind of statement has been publicly reported and is causing some concern.

I would ask the Minister of Finance to either apologize for the statement that he made, or will he undertake a formal investigation of the charge in order that the name of a good corporate citizen, Inco, could be cleared.

MR. SPEAKER: The Honourable Minister of Finance.

HON. V. SCHROEDER: Well, Mr. Speaker, I should probably give a little bit of background for those people who weren't present at the time. It was during the discussion of The Election Finances Act that I pointed out that Inco had provided what - \$20,000, \$25,000, \$30,000, I don't know the exact number - to the Conservative Party. I had the information here at that time. Then I pointed out the difficulty that exists when you have that kind of funding of political parties who have to be in government and dealing with people who are contributing to one party or another, and when negotiations start with companies that are different than negotiations with the general public, that there is an appearance certainly, to the public of a possible conflict of interest.

Now, in this particular case, as the Member for Turtle Mountain knows, there was a fair amount of discussion between the previous government and Inco. This is not something that comes as a surprise to Inco because they were aware of it; it doesn't come as a surprise to members opposite because they were aware of it. It does come as a surprise to the public because they never made the negotiations public while they were going on, but there were discussion leading up, indeed, to the point where there was an unsigned Order-in-Council, agreed, unsigned, but there was an unsigned Order-in-Council which we found on coming into office, which would have provided International Nickel with a dam site on the Burntwood River, which would have been another indication of the privatization of Manitoba Hydro. Of course, members of the House will recall that this was at a time when another dam site was under discussion during election campaign.

The previous government chose not to make that item public, which in itself is another indication of - you know, it makes people skeptical about the system and I raise that - I pointed out that this indeed had occurred. Well, the Member for Turtle Mountain asked me to allay public fears or something to that effect. He said that people were concerned out there and I'm trying to explain exactly how it happened. It was something that they chose to do in secret with a company that had donated a significant amount of money to their party.

MR. B. RANSOM: Mr. Speaker, that is the kind of smear and innuendo which this Minister is becoming well known for. What I asked the Minister is would he apologize or would he undertake a formal investigation into this allegation so that Inco can be cleared and that the public can have a full understanding of it. I didn't ask the Minister for his explanation of it.

As it happens, Mr. Speaker, at the time the long-term power agreement, which Inco had entered into with the Liberal administration of Doug Campbell, had expired during that period of time.

Mr. Speaker, I don't need interruption from the Minister of Natural Resources. If he's prepared to sit and let his Minister go on at length, then surely we are entitled to have the opportunity to state a case as well, Mr. Speaker.

That agreement had come to a termination and the government had to negotiate a new agreement with Inco, and they were looking at a number of opportunities.

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

HON. A. MACKLING: Yes, Mr. Speaker, I rise on a point of order to ask you, Sir, whether this is question period, and if it is, I want you to ask the honourable member to ask a question.

MR. B. RANSOM: Mr. Speaker, an allegation has been made by the Minister of Finance that there is a possible conflict of interest involving Inco. My question to the Minister of Finance: Will he either apologize, or will he undertake a formal investigation of the charge in order that all of the facts may be placed on the table, and that Inco and indeed the opposition has an opportunity to clear their names of this innuendo and this veiled charge which the Minister of Finance has made.

HON. V. SCHROEDER: Well, Mr. Speaker, certainly, I want to make it clear that we on this side were not making any allegations about Inco. The allegations we were making were about the previous government. The fact that Inco got into negotiations with the previous government is something that is quite normal in the course of events with a corporation, and the fact that they weren't making things public is also quite normal in the regular, ordinary course of events in the private sector. I would not have expected Inco to bring something like that forward to the public. The question I ask is, would members of the opposition not have expected that kind of thing to come forward to members of the public at a time when we were in the middle of an election campaign?

That is the issue that I raise. Now, in terms of - and certainly I wouldn't want to apologize to Inco because Inco has done nothing wrong. They were in the midst of doing some pretty good bargaining, fortunately for us, in my view, there was a change of government and that item did not go through. We were not prepared to go along with the privatization of our system, so there's nothing to apologize to Inco for in terms of the background to it. Well, Mr. Speaker, I can certainly look up the Order-in-Council and consider tabling it and I'm sure that the Member for Turtle Mountain, if he has some additional information, can provide it to the House and to the public — (Interjection) — During the election campaign.

MR. B. RANSOM: Mr. Speaker, I'll place my question to the First Minister in the hopes that the First Minister

will have more regard for common decency than the Minister of Finance has.

In view of the allegation that has been made by the Minister of Finance, will the First Minister agree to either apologize or to have commissioned a public open investigation into the allegation made by the Minister of Finance in order that he can either have his charge substantiated or that Inco and the opposition, the Conservative Party, can be cleared of this innuendo?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I think what is important is to ascertain whether or not there indeed was a draft Order-in-Council. Clearly, if there was a draft Order-in-Council, which would have given to Inco the rights as had been described by the Minister of Finance, then obviously there had been very serious negotiations and discussions that had led to the point in which there had been the preparation of a draft Order-in-Council. I have not seen such an Order-in-Council. I will indeed be looking at the draft Order-in-Council. If same exists, then it clearly indicates that the previous Conservative administration in the Province of Manitoba was seriously contemplating such a move.

I can recall during the period leading up to the November '81 election there being pooh-poohing of the fact that the granting of part ownership insofar as the generating plant on the Nelson River could possibly involve the similar arrangements being made with other industries, with other mining companies in the Province of Manitoba; and I do find it quite interesting, if there is information to the effect that we had reached such a point that a draft Order-in-Council had been prepared, certainly not signed but definitely indicating that the stage had reached such a point that serious contemplation had been made, and that then relates back, Mr. Speaker, to the question of government ensuring that when they negotiate, they do from a point of the public interest and I leave it at that, in view of the statement that the Minister of Finance has made, that there was a draft Order-in-Council signifying that there was an advanced stage insofar as negotiations between Inco and the Manitoba Government of the Day.

MR. B. RANSOM: Mr. Speaker, the New Democratic Party, during the election, made a number of allegations concerning alleged resource giveaways by this government, whether it had to do with the Abitibi agreement or the Trout Lake mine at Flin Flon. Those allegations have since been proved for what they were, absolutely and totally false.

The government is now embarked on a similar kind of campaign, in trying to allege that this government was doing something wrong in negotiating a new power agreement with Inco - the agreement which had expired - and I have asked the First Minister if he will simply have the intestinal courage, the common decency, to either apologize or undertake a full and open investigation.

SOME HONOURABLE MEMBERS: Oh, Oh!

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

HON. H. PAWLEY: Mr. Speaker, there is now an onus that is cast upon the Member for Turtle Mountain, and others that were involved in the previous government, to indicate how was it that there was a draft Order-in-Council that had been prepared? Are they suggesting that a draft Order-in-Council had been prepared by some Executive Assistant or some Special Assistant without any consultation with the Minister that was responsible for Manitoba Hydro? Are they suggesting that the Order-in-Council that had been drafted and typed had just come from nowhere? Are they suggesting that the Minister of Finance has manufactured, in his office since December 1st, the draft Order-in-Council that didn't, in fact, exist before December 1st? There are questions that honourable members across the way ought to be answering before they demand apologies from this side of the Chamber.

MR. B. RANSOM: Mr. Speaker, this side of the House is not making any innuendo; or we are not raising charges which we cannot substantiate. The government is somehow indicating that if an Order-in-Council, an unsigned Order-in-Council exists, that there is something wrong with that. That is the point, Mr. Speaker, that is the point that we are asking the government to either substantiate what was wrong, where was the conflict of interest between Inco and the Conservative Government? Either prove it or withdraw it; have some guts.

SOME HONOURABLE MEMBERS: Oh, Oh!

HON. H. PAWLEY: Mr. Speaker, it's clear that the Honourable Member for Turtle Mountain is very much on the defensive.

MR. SPEAKER: Order, please.

HON. H. PAWLEY: Mr. Speaker, when I have an Order-in-Council prepared, in respect to matters pertaining to my jurisdiction, it's not because I have not had serious consideration in respect to proposing that Order-in-Council around the executive table. We just don't prepare Orders-in-Council for the delight of preparation of Orders-in-Council. Orders-in-Council are prepared because there is serious consideration being given to a recommendation to the Executive Council. As I understand, though I was not present during the debate, that is the point that the Minister of Finance was making that, despite denials that had taken place - and we can find those denials . . .

MR. B. RANSOM: What denials? You're a liar. What denials are you talking about?

HON. H. PAWLEY: Mr. Speaker, I wonder if the honourable member would like to put his comment on the record.

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

MR. H. ENNS: Mr. Speaker, during the last election . . .

HON. H. PAWLEY: Mr. Speaker, on a point of order.

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

HON. H. PAWLEY: I was going to give the Member for Turtle Mountain the opportunity to place on the record that which he shouted from his seat. If he is not prepared to do that, then I intend to continue with my response.

MR. SPEAKER: I believe the First Minister had not completed his reply.

The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I recall discussion, in respect to the question and the issue of sharing the ownership of the generating plant pertaining to the Nelson River; that questions arose as to whether or not this would establish a precedent insofar as other industries entering into similar arrangements with Manitoba Hydro. I remember that very very well, those debates; and I remember very very well denials from honourable members across the way . . .

A MEMBER: That's right.

HON. H. PAWLEY: . . . in fact, honourable members across the way ridiculed the very thought that any serious consideration would be given to the Alcan arrangement being a precedent for any further such negotiations with other industries in the Province of Manitoba.

Mr. Speaker, all that I leave before you, and before members of the House, is when an Order-in-Council is prepared that that indicates serious consideration is being given insofar as making a recommendation to the Executive Council . . .

MR. B. RANSOM: Where's the conflict of interest, Howard?

HON. H. PAWLEY: . . . and whether or not the honourable members decided not to proceed with the Order-in-Council, or whether they simply held the Order-in-Council back, to be presented after the election, is a matter that only they can answer.

Abitibi agreement

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

MR. H. ENNS: Mr. Speaker, during the last election we heard similar noises as we just heard from the First Minister about the resource giveaway, the bad deal that was signed with Abitibi. I ask the question to the Minister of Natural Resources, who told the Committee of Supply just a little while ago, will he confirm that he is still of the belief that he expressed to the Committee of Supply that the Abitibi management arrangement, entered into by the previous Conservative administration, is a good one, a sound one and one for the benefit of the people of Manitoba?

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, honourable members have a way of trying to load questions. I was asked whether I had had any problems with the agreement. I had indicated that no problems had been brought to my attention, but I did not say, I did not say, as the honourable member wants to put words in my mouth, that the Abitibi agreement was the best agreement, it was a great agreement for the people of Manitoba.

I have looked at the agreement. I know that when we came into office in 1969 we had a good agreement; we had a good agreement by the courts; we had agreement with a company called Churchill Forest Industries. Now, it was a great agreement to develop the forest resources of the North. That was a good sound agreement developed by a hard-nosed tough businesslike administration, and everybody knows the kind of agreement that turned out to be. I have not studied the Abitibi agreement; I responded that I had not had problems brought to my personal attention; that's the end of it, Mr. Speaker.

MR. H. ENNS: He is either happy with the agreement or, for goodness sakes, will he not change it? The specific question I asked of the First Minister, who travelled that country and said that local woodcutters were being denied access to the resource because of the Abitibi agreement, can the Minister of Natural Resources confirm that he told the committee that that was not the case? As he said, just a moment ago, that he had no problems emanating from that agreement that were brought to his attention, but at election time, just as the First Minister is doing now, throwing the innuendo around about so-called arrangements that were in the agreement. What nonsense, Mr. Speaker!

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

The Honourable Government House Leader on a point of order.

HON. R. PENNER: Even if the honourable member were to set that to music, it is out of order.

Mr. Speaker, this is question period. For the last 10 minutes, it has sounded like anything but question period. May I appeal to you, Sir, to exert the authority of the Chair and have us revert to question period?

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

HON. A. MACKLING: No, Mr. Speaker. I was going to answer what the . . . the first part was a question, then there was a speech, and I was going to answer the short question.

MR. SPEAKER: Members do know that they are entitled to a preamble to a question, but a preamble by definition comes before the question. I would hope that honourable members would keep their questions relatively brief, and that the answers should also be brief and non-argumentative.

The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, I have had concerns brought to me as Minister of Natural Resources in

respect to the Abitibi agreement. I had no personal knowledge of the problems. When I was asked in Committee of Supply dealing with my Estimates as to my knowledge, my personal knowledge of complaints and problems, I said I didn't have those. — (Interjection) — I didn't have those.

I know there are concerns on the part of some in respect to that agreement. I have not personally investigated those concerns. That's the extent of my corroboration of that agreement, Mr. Speaker.

Foster homes - Native children

MR. SPEAKER: The Honourable Minister of Community Services.

HON. L. EVANS: Thank you, Mr. Speaker. The other day, Tuesday, the Honourable Member for Fort Garry asked me a couple of questions, whether children who had been in non-Native foster homes in Manitoba were being unilaterally removed from these homes and placed in Native environments. Also, he asked what recourse a white or non-Native foster parent or parents had when Native or partly Native children in that foster parent's care was removed from that person's home, or those person's homes. As well, he brought a particular case to my attention.

First of all, Mr. Speaker, I thank the honourable member for bringing the matter to my attention - and I have checked with the staff of the department and the major agency involved, namely the Children's Aid Society of Winnipeg - and I can advise that in this case and certainly in any agency's case there is no indiscriminate moving of children.

Secondly, there is certainly no desire to uproot any child or children from a permanent type of situation where the child or children are living as part of a happy and integrated foster family.

I can advise further that the agencies, the children's agencies, the child caring agencies and the department are following a policy of placing, wherever possible, children in culturally appropriate situations.

The child in question that the honourable member referred to had been with these particular foster parents for a period of approximately three months, but was placed in their care on a temporary basis. There perhaps was an unfortunate breakdown of communication between the worker of the child caring agency, CAS Winnipeg, and the foster family perhaps, but I have been assured by the Children's Aid Society of Winnipeg that the family was made very well aware of that.

I can quote from a letter of June 22nd from the Children's Aid Society of Winnipeg, and I'll read just the two sentences, Mr. Speaker: "The foster parents were cognizant of the fact that the child had been listed for adoption as well as attempts being made to have him placed on the reserve. Their home was to be seen as an interim measure, pending possible placement on the biological mother's reserve."

The only other point I guess I have to make in response to the honourable member's set of questions is that the parents do have an appeal procedure. They can appeal directly to the agency involved, the Children's Aid Society of Winnipeg, or indeed they can also appeal to the Ombudsman of Manitoba.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Mr. Speaker, I want to thank the Minister for that information. I must say that there is an area for debate and dispute with respect to the understanding under which the foster parents were operating. I'm not challenging the remarks in the Children's Aid Society letter at this juncture, but I want to point out, Sir, that the foster parents made it very clear that they were under the impression that it was a long-range arrangement leading, hopefully, to permanent adoption.

I would, therefore, just like to conclude by asking the Minister to confirm that it is not open season - if I may use that term - on boards or clients of the Children's Aid Society in this instance, and that pending the conclusion of the studies that the Minister has under way into the child welfare system, the Kimelman Task Force Report, etc., there are some rules and regulations and procedures in place that must be observed, and that individual child welfare agencies, Native or otherwise, are not at liberty to act unilaterally or arbitrarily where foster children, either white or Native in Manitoba, are concerned.

HON. L. EVANS: In response to the honourable member's question, I can say that the interests in welfare of the children are always the primary obviously. The welfare of the child is always the primary concern of the agencies and indeed everyone in the system. We are following a policy and this has been discussed in the past and Judge Kimelman has referred to it of the necessity of proceeding further along the lines, of wherever possible placing the children in culturally relevant situations.

Certainly however, there is no intent, no policy and as far as I'm concerned as Minister, never will be a policy of uprooting a child who has established loving and happy relationships with a particular foster family.

In this particular instance I can advise also that even while the child had been placed, plans were already being made with the particular child caring agency in the Interlake to have that particular child placed on a reserve where his biological mother lived. So I can say, therefore, that we are attempting to follow a course of prudence and a course, which I think has been accepted by most people in the child welfare system - and that is wherever possible to place the children in culturally appropriate situations. But each case has to be dealt with on its merits; we have to be pragmatic, and certainly as I have said before and I am simply repeating, the welfare of the child is always uppermost in our minds.

Russell Doern - new book title

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

MR. W. MCKENZIE: Thank you, Mr. Speaker. I have a question for the Honourable Minister of Cultural Affairs and Historic Resources. Mr. Speaker, I wonder, can I ask the Honourable Minister if he's had any recent meetings with Russ Doern, the veteran Member for Elmwood, regarding the title of his new book and when

we might get the new book published from the play of the meanderings that we hear that's taking place across in the caucus over there.

MR. SPEAKER: Order please. Perhaps the honourable member could rephrase his question so that it refers to a matter which is within the administrative competence of the Minister.

MR. W. McKENZIE: I was just wondering, Mr. Speaker, if the Minister of Cultural Affairs and Historic Resources can advise the House and the public if he's had any recent meetings with the veteran Member for Elmwood, Russ Doern, regarding the title of a new book that he'll be publishing, or when we can see the book issued, or when the public can get some meandering of what's taking place in the caucus over there.

MR. SPEAKER: I think that question also did not deal with a matter within the administrative competence of the government.

The Honourable Member for Roblin-Russell.

MR. W. McKENZIE: Mr. Speaker, it's a very difficult question to raise. Maybe I can talk with the Honourable Minister outside and the Member for Elmwood and discuss it.

Careerstart Program

May I ask the Minister of Labour, Mr. Speaker, if she can advise the number of applicants under the Careerstart Program that cannot or have not been approved to date?

MR. SPEAKER: The Honourable Minister of Labour.

HON. M.B. DOLIN: I'll take that question as notice.

MR. W. McKENZIE: I wonder, can the Minister as well advise me, the complaints from the Dauphin area that because public servants have an inside track on the Careerstart Program, the regulations and the details, if they get preference over the ordinary man on the street when they apply?

HON. M.B. DOLIN: Mr. Speaker, this issue has been under consideration for quite some time, being brought to my attention by the Member for Dauphin. In fact, we have pulled a complete listing of all of the Careerstart approvals in the Parklands area - not only just Dauphin - but the entire Parklands area.

There is no indication there that any civil servant in fact hired students or young people under the Careerstart Program. As the member knows, it would have to be I suppose on a farm that the civil servant also had and in fact, we don't have information. We are attempting to ascertain whether there is some validity to this allegation.

We don't have information about whether that is a full-time civil servant or someone who is working on the highways during the summer. We aren't sure just where this information is coming from. We are checking with the people in Dauphin to make sure of what the facts in the case are.

As far as information going to civil servants first, that is of course untrue. There was a complete and total mail drop of businesses and farms in the southern part of Manitoba - that means below the 53rd parallel - and that is the way the information got out, not to mention radio announcements and so on, so people had access to the information at the same time. Civil servants did not have access first.

MR. W. McKENZIE: I think the Honourable Minister can go and speak to a well-known municipal councillor in Dauphin regarding the subject matter. Can I ask her another simple question? Can a father or mother employ their son or daughter on the Careerstart Program?

HON. M.B. DOLIN: Yes, they may. Under previous youth programs, there was a restriction against hiring your own child. The Human Rights Commission has informed us - a case was taken to them last year - and they informed us that the ruling in the case was that this was discriminatory, it's discriminatory in the hiring practice, so that restriction has been lifted. However, these cases are very closely monitored by staff and there is an extra affidavit that is signed, and so on, to be sure that we have a careful monitoring of these situations.

MR. SPEAKER: Order please. The time for Oral Questions having expired, Orders of the Day.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Yes, Mr. Speaker. I would just first of all like to announce that on Monday next I will be calling the resolution on Aboriginal Rights. So I am advising the members opposite, indeed all the members in the House of that, and it will be introduced by the First Minister.

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, with respect to today's business, would you please call the bills, adjourned for debate on second reading, as follows: Bills 60, 55, 66, 76, 18, 91 and 48?

ADJOURNED DEBATES ON SECOND READING

BILL 60 - THE HIGHWAY TRAFFIC ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Highways, Bill No. 60. The Honourable Member for Pembina.

The Honourable Member for Morris.

MR. C. MANNESS: Thank you, Mr. Speaker. Mr. Speaker, I would like to speak in the place for the Member for Pembina, not in the place of, but I would like to leave it standing in his name, if I could.

Mr. Speaker, it's an honour to speak on this particular bill. I guess I can say from the outset that many of my

constituents would want me to reflect their views on this particular issue. I suppose I can tell you right from the outset that what I have to say today is probably no different than any other speaker that has debated this issue over the years, in the sense of how to argue the issue.

Certainly you can argue it in my view from probably three basic points. You can argue it on an emotional issue; certainly the issue of the infringement upon one's fundamental rights and liberties; and of course you can argue it from a statistical sense. I probably won't be any different than many of the other speakers that have risen to debate this particular bill, I'll try and cover all three of those.

Mr. Speaker, what makes this particular bill so difficult, for some of us at least, is the fact that it tries to grapple with three particular issues. That being of course, mandatory child restraint, helmet usage for motorcycle drivers and passengers and of course seat belts, mandatory usage of seat belt equipment.

I can say right off the start, I'm no different than many of my colleagues and members opposite, I certainly do support the child restraint system. I can tell you as a parent, having driven countless thousands of miles with young children of various ages, having seen them as infants being strapped in and then as new young toddlers maybe not strapped in in my particular case, and seeing what can happen when a car stops suddenly - even going at the rate of simply 5 miles an hour - to the unsuspecting child who is in no position to be prepared for the particular stop. Of course that child usually flies like a baseball off a bat. So I can certainly see the legitimacy and the desire probably of everyone in this Chamber for that type of restraint, regardless of the negative aspects it may have towards young couples wanting to take their friends with them and therefore having to remove some of this equipment from the back seat at times. But nevertheless let me say right from the outset that I do support it.

Helmet legislation presents a little different problem in my mind. I've read all the old speeches and I've seen all the statistics that indeed have been furnished to each and every one of us as members of this Legislature. I've even taken the opportunity to fit on the helmet that was brought in, certainly, into our caucus room, by the group representing ABATE; but I have not, in all honesty, driven a motorcycle for any great distance. I believe that there are some legitimate arguments, of course, for helmet legislation.

I do not know, Mr. Speaker, if helmets add to the inertia of a moving head so as to augment the mass of one's head when that body is flying through the air. I cannot support that scientifically; I have no way of knowing whether that is a correct assertion by those that make it or not. I do know, however, that I have tried on one of these very modern, one of these very sophisticated helmets, and I can tell you that I do feel, in a sense, uncomfortable, and I felt that my hearing and, to a degree, my eyesight was impaired.

So it's on this basis that I can tell you that I totally, at this point, am prepared to accept the arguments from either side as to the helmet legislation. I have no doubt whatsoever that helmets will reduce the incidence of head injuries, particularly in those cases where accidents occur at speeds of 30 miles per hour or less.

Nevertheless, Mr. Speaker, there's another side to the problem. That is, of course, as a parent who has

young children these days, who believes or who wants desperately to own a motorcycle, or at least to drive upon them, I say, as a parent of that child, would I ever want to see them out there driving on that vehicle without that protection? I can tell you that I would say, no; I would want to have them with that protection in case they're involved in that type of an accident that would afford to them head protection.

So it brings up, in my view, the point immediately - the fact that head injuries will probably be reduced, but is that good enough? Is that a good enough reason to bring forward legislation dealing specifically with helmet legislation?

I believe that deaths will not, and as a matter of fact, I don't have it with me, but as Members of this Assembly we were all given the evidence, the latest statistical information from States in America where there is, in some cases, mandatory legislation, and in others there is not. The deaths per 1,000 motorcycle accidents seemed to me, and I'm giving you these numbers from recall, somewhere in range from 1.8 to 2.2. There seemed to be no vast difference whatsoever. I suppose this has been borne out by comments from those supporters of helmet legislation who say, yes, they agree that deaths will not be materially reduced, mainly because, of course, speeds are such that the head may be protected but the rest of the body is not.

Well it also begs the question, Mr. Speaker, will drivers, and I suppose not only motorcycle drivers, but I think the same comment could be made of those people who drive vehicles and who will be buckled up, will they now drive under a false sense of security? Will they now believe that they are, in a sense, safer and, therefore, able to take more risks on the road? I think that's a very real and honest question that can be asked, because I believe in some senses that it will add to a false sense of security.

Well, as regards helmet legislation, Mr. Speaker, I can tell you at this particular time I could be convinced to vote either way, it's still an open question in my mind. I look forward to the presentations that will be made in committee.

Moving into, of course, the seat belt area, that has to be the main issue. It's the most contentious part of this bill, as reflected to me by my constituents. I can tell you, Sir, without any fear of being contradicted, that a full 80 percent of my constituents would be opposed to seat belt legislation. Their reasons for being opposed, Sir, are varied, and they cover a cross section of the views that have been expressed here by many other speakers. Again, in leading into this area I would, I suppose, debate it on three issues. Those being, of course, the emotional one; the imposition on one's rights and privileges and freedoms; and, of course, the statistical base.

The first issue, Mr. Speaker, would be that of emotion or experience. I can tell you, Sir, I hit the ditch once this winter. I was coming back from a curling game and it was a windy, stormy night. I might say that I was coming back from a bonspiel, as a matter of fact, held by the Member for Emerson. I can tell you we were so concerned that we did not even have any post-game celebrations that particular evening. There are a lot of wild curves out in that area on the roads. Anyway, Sir, I missed one of them. It was storming and I was with the rest of the team, and I hit the ditch roughly around

30 miles an hour - and I was in a truck, not a car, in a truck that accommodated four people. I can tell you that I came to such a sudden stop, just stopping on snow - we didn't hit a pole or anything, but just the hard-packed snow - that I was thrown with considerable force against the steering wheel I managed to sustain a little cut in my forehead.

I learned something, because that was one of the more violent, and that's hardly defined as violent in these times, it was one of the more serious events that I had ever experienced in driving a vehicle. When we were pulled out of that ditch I told myself, well I am going to really now seriously look into this whole seat belt legislation, because that's as close as I had ever come to banging myself up in a vehicle. I can tell you that I thought long and hard, because I was holding the wheel, and even then I still felt some considerable resistance and impact when I hit my head just above the sun visor.

Well, something else happened this winter. I was coming back from Carman, and I lost control on that wild curve around Sperling. That was another evening when I — (Interjection) — well I didn't go into the ditch that time, Mr. Speaker, I pulled it out just in time; but I can tell you my life flashed in front of me, and I also said after that event, I'm going to begin to wear my seat belt, certainly on a more regular basis — (Interjection) — well my colleague says I need lessons to drive, and I think there are people in my family who would agree with that.

The point being is, if you've been involved, and I believe those that came into our caucus room, particularly, said that if you've been involved in an accident; first of all, if you've experienced a bad accident, or you have been close to a family or friends that have experienced a bad accident, you see and you believe in the value of belts. On those two experiences, I believe that argument, that if you've been involved at all close in an accident, you see the value, so I don't reject that argument, whatsoever. But on the other hand we hear the Minister of Agriculture, and he spoke specifically to that, where he knew of a whole family that was virtually wiped out. He went into great detail, indicating how, in their particular circumstance, that they really had no hope.

Well, Mr. Speaker, on the other hand, just as strongly on the emotional argument, you have people who have been involved in accidents and who say that they would not be living today had they been wearing a seat belt. I honestly believe that while that happened in a few isolated cases - and of course one person told another person and we all heard about the same one or two instances - but I can tell you that within my constituency, I've had five people over the last two months come forward and tell me, in unrelated cases involving themselves, that indeed they would not be living today had they been wearing a seat belt. I take them for their word because they were just as emotionally involved in the argument and prepared to state their case against mandatory seat belts, as those people who had been involved, or had seen death where a seat belt would have possibly prevented it. So the emotional argument flows to both sides, by way of experience, by way of people who have been involved in an accident.

So I say when we reach out and we attempt, through the debate, to find which way to favour, I'm afraid

through my experience at least, and by what people tell me, I can't come to the conclusion as to how I should vote on the basis of people being involved in accidents or not. — (Interjection) — Well, Mr. Speaker, the Member for Flin Flon says, how do we know? If you're living, how do you know you would have been killed? Of course, the other argument can be said about the other argument, if you die, how do you know if you would have lived had you worn the belt? How do you know that?

So, Mr. Speaker, the Member for Flin Flon wants to talk about statistics and I'll answer that in a little second and I'll also make reference to the analogy he used the other day in his speech when he made reference to Stop signs. I believe it was that member. So that's the emotional argument, Mr. Speaker.

Of course, then we have the fundamental rights. It impinges and imposes upon my right as a free citizen to protect myself. Of course, this has been spoken to on many occasions and no doubt, Sir, having been a veteran of this House, you've heard all the speeches - the good ones and the bad ones - directed towards that particular argument.

Certainly I had the opportunity to read this morning a speech made by Mr. Green, the former Member for Inkster, when the resolution was last debated in the House previous to the introduction of this bill. Of course, like he and others have claimed, does the state have the power to protect you from yourself in this case? Because if it does, then there are many other areas in which the state or the government should exercise those very same powers - powers to protect yourself. To what degree should one's safety be legislated? I think when you ask yourself that question, you say, to what degree? You can just about go off on any tangent you want, and I'd like to go on a few of them, if I could.

Well, I hear some chuckling over on the other side. I hope the members will treat my comments as seriously and with as much sincerity as I attempted to do, when they spoke of this particular bill.

Well, Mr. Speaker, I ask the question. How much safer would one be? I acknowledge that we would all be safer, as a population, if we buckle up. I have no problem whatsoever in accepting that basic fact. But would we not even more be more safe, or safer, if indeed, not only in buckling up, we also wore a helmet in a car? Would we not be safer then? Well, I think we'd just have to say yes. — (Interjection) — Oh, certainly, I even heard a comment say, good idea. Would we not even be safer yet, Sir, if also being buckled up, maybe we wore a suit of armour - and I'm not going to take the argument any further because I'll be accused of making a mockery of the argument - but the point being, how far do you go in the legitimate? How far does one go? — (Interjection) — Of course, I hear the comment, the minimum.

Well, some would say that the minimum may be as a soft dash, or the changes that were made a decade ago where you removed all those steel knobs that used to supposedly kill people, maybe that was the minimum. Today the minimum, in the minds of many, is the seat belt, using the existing equipment that's in the car. But then what does the minimum become five years from now? Does it become something else? — (Interjection) — And the member says, probably, and I agree with him. It probably will be something else.

Where does it end? Or should the minimum be possibly speed limits not over 25 miles an hour? Should that be a limit, or a minimum? Because I would daresay, Sir, that if you had that, you would not have a great deal of injury and certainly very few deaths, as I comprehend the road system today. I think these are legitimate questions and that's why many people, when they debate this particular bill, centre in on that particular area.

The argument was made by the Member for Flin Flon that there are a lot of people opposed to stop signs and he'd say, certainly those people that would say that maybe we shouldn't have seat belts, wouldn't say that we do away with stop signs. Of course, his analogy to a degree has some merit, but only to a degree, Sir, because I can tell you there are two ways of looking at it.

As a rural citizen and seeing many stop signs through rural Manitoba, whereby a car may pass at the most on an average every 20 minutes, I believe that the stop sign at that particular location is an encumbrance upon me as a driver, but yet I fully realize why that stop sign is there. Furthermore, the reason that stop signs are there specifically, is because if I plough through one, or somebody else ploughs through one, it could result in injury to a second party - a very serious injury - to an individual who's in the right; who's an innocent party driving down the road, or myself, if I happen to be that innocent party.

But here, we're talking about a little different issue. We're talking about one's rights to protect oneself, and again it begs the question — (Interjection) — Well, the Minister says, stop signs protect me. Well, that's fine, but the reason that they're there is not to protect me so much, as to protect the innocent second party that I may hit. That's the reason stop signs are there. I don't know when stop signs came into being; I don't know how many decades ago, but I'd love to see the debate there, and I'm wondering if that was one of the reasons used, that stop signs were to protect you, the person who is supposed to stop. I doubt it; I doubt that the argument would be that it was to protect the person that had the right-of-way.

Anyway, moving on, Mr. Speaker, I think that the argument used by the member, although partially correct, I believe does still not address the specific concern and the specific area we find ourselves. I can tell you it's this particular argument of fundamental rights and the imposition upon them that is the major concern, of course, to my constituents.

Well, who will obey the law? I think this is one of the most crucial aspects of the whole debate. I believe that, and I say this in all sincerity, the people that will obey the law are the ones today, those drivers today who, for the most part, are the people that are defensive drivers, who very rarely exceed speed limits, who virtually never go on the road in a state of intoxication.

I believe it's the law-abiding citizen, of course, who will buckle up, the person that's the least likely to be involved in an accident, and that's why - and I'm now, Mr. Speaker, going to move into the statistical area if I can - I can see where the rate of those who buckle up, the percentage of people, and I don't know if we have agreed today as to what percent are buckling up, whether it's 8 percent or 10 percent; but if that moves up to 50 percent - and I believe if this law comes in,

that that will most likely happen - that you will see a marginal change, that you'll see any significant change in accident, in injury and death. The reason I say that is simply because the people who are going to buckle up and obey the law are the people that are not going to be involved in accidents for the most part. — (Interjection) — I'll get to that point in a second.

I believe those that say, for instance, and you have to realize and again, moving to statistical area, that 92 percent of the drivers in one year do not have an accident of any kind, or that 98 percent that have no accidents involving injury or death, and you can work those numbers from reverse; but I honestly believe that the people who are the most inclined to be involved in accidents, and certainly I'm talking about one vehicle accidents, are the people who aren't going to buckle up and who are going to break the speed limits and who are going to drive while under the influence of alcohol. I think the figures actually prove that. Because why is it, if, in fact, the percentage of usage in the other jurisdictions in this nation where there is supposedly 40 or 50 percent of the population buckling up in Ontario, why have not the accidents or the deaths and the injuries from accidents, why have they not dropped dramatically? I'm told today, Sir, that they have not.

I do not know whose statistics are correct; I'll say that right from the beginning, I really don't, and I agree with those who say you can put many many different interpretations to the available figures and data that are there. So, to me, the stats become irrelevant, even though I believe that 95 percent of the people will go through a lifetime without serious vehicle involvement as far as accidents, and yet we are told again that the serious injuries and deaths will diminish.

Yet, Mr. Speaker, I have a letter here before me that was sent to the First Minister today. It comes from a constituent of mine by the name of John Martens, an individual who has done an awful lot of work in this area and who has, I think, probably researched statistics from his vantage point as an ordinary citizen more so than probably any other member in this House. — (Interjection) — Excuse me, I hear the Member for Inkster talking.

A MEMBER: Don't worry about him.

MR. C. MANNES: Mr. Speaker, no doubt, members throughout the House will have an opportunity to see some of these comments, but he makes the point and I don't know if it's correct or not, Sir. I hope he has an opportunity to come before us in committee, I am sure he will, and that he will develop his statistics as he's seen them and prepared them. He makes a claim that Manitoba has had the lowest fatality rate of all the large provinces from British Columbia to Quebec, and I would like to know more about that particular thing. It goes on to say, in the last number of years that we've had the third lowest injury rate. He also goes on to claim that Saskatchewan, the province most equal to Manitoba in conditions and population, had in the years 1980 and 1981, those two years combined, a total of 160 more vehicle-related fatalities than Manitoba.

I'm looking forward and I'm encouraging this particular individual to come to committee to give us

the reference and the background to those types of statements. Because if there's truth to them, Sir, what are other people telling us? What is our injury and our death rate for 1,000 accidents in Manitoba, compared to other jurisdictions, and how much lower can we realistically expect them to be, given the passage of this particular bill?

Sir, he goes on to say and I would quote, and I'm prepared to show this to anybody if they so wish. "It has been said that for 1982, the recession must have played a part . . ." - and he's talking about what appears to be the reasons for the drop off. Well, to continue: "It shows that Manitoba achieved the lowest fatality rate ever and quite likely the lowest of all provinces in Canada. This has happened in a province with the reputed lowest seat belt usage in Canada." And he asks the question: "Well, how does this add up?" And he attempts to answer his own question and says, "It has been said that for 1982, the recession must have played a part. It is probable, but why not give credit where credit is due. I am sure that some credit must go to the drivers, the law enforcement, the driver training, the licensing, and to all those concerned with doing their part towards safe driving. If we neglect any one of these priorities, safe driving starts to break down. The main causes of serious accidents are easily identifiable. Up to 90 percent of all accidents can be traced to driver fault. Driver fault basically is taking chances or risks greater than you can handle or what the conditions allow. We should continue to direct our full intentions, determination and effort toward accident prevention."

Of course, that's his theme throughout, but in his final paragraph, he gives a few other very interesting figures. He says: "In Saskatchewan . . ." - and he's talking about 1982 - "In Saskatchewan, the collision rate increased by about 10 percent." - the year of compulsion - I'm sorry, whenever seat belts came into that province, that accident rates increased. "In Ontario, about 6 percent." I think what he is leading to is that sometimes when you bring in these laws, it gives those that drive a false sense of security, believing they can do things, they can take risks that otherwise they could not take.

He says, "This year, 1983, in British Columbia the doctors are calling for a higher drinking age," not for better seat belts or safer vehicles, or demand by the law enforcement people that they crack down upon those who do not follow the law. Well, like I say, Mr. Speaker, I look forward to this particular individual's brief during committee and I look forward to members opposite, indeed colleagues of my own, to the questions that they pose to him asking him to support some of the statements he's made.

Mr. Speaker, is enforcement possible? Again I want to dwell upon this just for another second because I honestly believe and I think the statistics from other areas prove this out, that just by driving upwards the percentage of people who are now prepared to strap themselves in by the law, does not make a major change in the death statistics. I believe it's because those people who aren't going to buckle up anyway tend to be those in times that find themselves more often intoxicated, those people that have probably less respect for all laws, those people who drive recklessly in any event. Unfortunately, Sir, that small group, but that add up in

figures, they will continue to die whether they wear seat belts or not. Of course, I see the value however to the innocent victim in the second vehicle involved in that type of situation where you have a reckless driver. I can see where seat belts would certainly offer, to those individuals, some protection.

Also, in this whole area of enforcement, Sir, I heard the Chief of Winnipeg Police interviewed on the radio the other day. He implied that there is not a large enough police force to do an adequate job of enforcement within the City of Winnipeg. I am wondering what can be said about rural parts of our province. Really, can an adequate job be done to enforce this particular law?

He went on further of course to say that still the major crimes have to be given the top priority, and that's the real world, Sir.

So I would like to conclude my comments on this particular bill by saying that I recognize the sincerity of all the people that speak on this issue, and realize fully well that from the constituency that we represent that there is a change in attitudes, certainly between possibly rural Manitoba and urban Manitoba, and that for the most part my constituents are totally opposed in a sense that it's against their basic rights to protect their own safety in the manner that they see fit.

I tell you, Sir, that if health costs are the issue, I would hope we'd never hear from anybody that speaks on this particular bill, the argument of health cost savings because to me, if you enter that into the argument then you enter into a whole new area because you could argue probably ad infinitum laws that could be brought forward and passed in this House that would go toward reducing health costs. The member shakes his head. We've had references to the banning of smoking, banishing of all drunken drivers, drinking drivers . . .

A MEMBER: Drinking, period.

MR. C. MANNES: . . . and I say stiff sentences, even stiffer than we have now. If we wanted to get serious about reducing health costs associated with accidents, we could do these sorts of things. So to me the argument is not one of the saving that injuries may have upon our health cost.

Mr. Speaker, in closing I tell you that I do believe that seat belts, if we all wore them, would reduce injury and death, I believe that, but only marginally I might add because of the comments I made previously. Therefore I hope to become myself a more regular user but again on a voluntary basis because I see the merit in it.

I must tell you, Sir, I cannot see this government wanting to impose upon myself and my constituents safety and not only that but aspects of safety that may go beyond this, as the members indicated. Where does it end? So on that basis, Sir, I am glad to offer these few comments and I look forward to those other members who may speak on this particular bill.

Thank you.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. H. CARROLL: Mr. Speaker, I would like to take this occasion to say a very few words on this issue.

I listened with a great deal of appreciation to the previous speaker's remarks. They are well thought out, they're concise. — (Interjection) — He didn't convince me, but till the very end I wasn't sure just which way he was going to go either.

Mr. Speaker, at the beginning of the debate some weeks ago, some of the members to my right made a bit of an issue that the government wasn't going to allow a free vote. The implication that I took from that was, if a free vote was allowed this bill wouldn't go forward. Mr. Speaker, all of my votes are free votes and I am going to be supporting this bill.

Mr. Speaker, there are a number of very valid arguments against this bill. The one of freedom of choice always concerns me. The question of degree always concerns me and I think that is a question that each of us has to make up our mind individually as to, does this bill go too far or doesn't it go too far? The previous speaker indicated, should we be wearing helmets in our cars? Well, that's a legitimate question, maybe we should be.

At this point I think that is going a bit far, but that's a valid question to be asked, and any question of degree, you go a little bit further and little bit further. On this particular issue I don't think we've reached that point. That's a personal decision that I have made. My friend to the right has come to the opposite conclusion and I respect him for that.

Mr. Speaker, I received a lot of phone calls from my constituents in Brandon. Initially they were all opposed to the bill. There was a lot of people that I respect that phoned me. There were a lot of people that worked very hard for me in an election campaign that called me on this issue and I respect what they had to tell me. On the other hand as time went on I started getting letters and calls from people who took the opposite view and that put me in the position of doing what an elective representative had to do and that is, to make my choice based on the evidence that was before me.

The statistics that we have - you can argue anything you want from those statistics - I happen to believe that some good will come from the wearing of seat belts, from restraints for children, and from the wearing of motorcycle helmets. This is how I read the statistics, so this is how I am going to vote.

Mr. Speaker, I made this decision, oh, approximately a month ago, after a lot of soul-searching. Then an incident happened on the 6th of June. During the supper break I was visiting a friend in St. Boniface; we were standing on Marion Street and we heard a screech of breaks, and we both looked up to see a motorcycle going out of control. The driver of the motorcycle was virtually cartwheeling down the street right in front of us, not more than 20 feet from us. He was very fortunate he landed on his shoulder and not on his head, because he wasn't wearing a helmet. At that point, if I had made up my mind the other way, I'm sure I would have changed it.

I see in the paper over the weekend that another motorcyclist was killed in the parking lot of one of the shopping centres. He was injured over the weekend and died just the other day. These are the things that helped convince me.

Now I have read all the statistics, and I think that the motorcycle people have done an excellent job of presenting the case based on what they have. I've got

another missive today, and I've read it. They can be very, very persuasive but, on balance again, and seeing the incident on the 6th of June, and reading the incident in the paper this weekend, as far as the motorcycle helmets are concerned, there is no question in my mind; as far as the child restraint is concerned, there is no question in my mind.

The only question that there was in my mind was with respect to seat belts because, Mr. Speaker, I normally don't wear them. Yet, to repeat what others have said, when I was in jurisdictions with my family where seat belts were mandatory, I wore them. My children wore them; my wife wore them. My learned friend may be right when he says that they shouldn't be forced upon you and that, if they are forced upon you, the lawbreakers will break the law.

Well I don't consider myself, normally, a lawbreaker and I, for one, will be wearing seat belts because they become mandatory. Because I'm basically perhaps lazy, careless, whatever it is, I don't wear them — (Interjection) — Yes. Well in any case, my family, for one family, will be wearing seat belts as a result of this legislation. Emotionally and rationally, we understand that we should be wearing them all the time, but we don't. Some of us need a little bit of persuasion, and if we can persuade 5 percent, 10 percent, 30 percent more that they should be wearing them, even without a great deal of enforcement, then for those reasons I think we should have the mandatory seat belts.

Again, Mr. Speaker, I would like to close by saying I understand all of the arguments that have been made on both sides; I am sympathetic to all of the arguments. More and more as I grow older, to use a bad term, I'm getting somewhat more conservative in some of my views, so I can appreciate the freedom of choice argument and, more and more, I do. Yet, in this particular instance, I think that it's necessary for the government to impose this legislation.

Mr. Speaker, on balance, I think the legislation is good legislation. I would like to commend the government for having the guts to put it forward, and I look forward to the bill passing.

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

MR. G. LECUYER: Thank you, Mr. Deputy Speaker. I most certainly want to put a few comments on the record in regard to this most important piece of legislation. Mr. Speaker, I wish to address my remarks on this issue in the following manner: First, I would like to deal with the question of freedom of choice which is the stated bone of contention, at least that I've heard expressed most often so far, from members of the opposition. I'm not saying it's the only one, but definitely one of the factors that leads many on the other side to express their opposition to this particular piece of legislation.

Secondly, I would like to deal briefly with the facts as they relate to this issue. I don't want to deal with that in any great amount of length, because the facts are numerous. Many of the speakers in this House have recounted a number of facts already and put some of them on the record and, as some members have stated, the facts depending where you get them, which ones

you use, you can also make them say different things. But I have to say, that in using facts I don't think that the argument is one that really is very convincing.

First of all, I want to state that I most certainly support the legislation. When at first we, as a government, started considering whether to introduce legislation having to do with highway safety, I was definitely, from the outset, in general agreement, but I had certain doubts. I have no doubt that it would improve highway safety; I have no doubt that it would bring about a reduction in the numbers of lives lost every year on our highways, on our roads, on our streets; I have no doubt that it would reduce the number of people who are crippled each year; I have no doubt that it will reduce the number of people in the hospital for long stays. Every time this happens invariably certainly this has an effect on the people, the dependants, and the family, and the relatives of the people who find themselves in such a situation.

The Member for Morris a while ago said that we shouldn't use the argument of cost, it's not the main and shouldn't be used as a single argument, but there is no doubt that it's associated with it as well. If we can reduce the number of accidents, if we can reduce the seriousness of injuries, in the process we're also reducing health costs.

Mr. Speaker, I, too, a few months ago had certain hesitations as to the necessity of the legislation, or legislating every aspect contained in this bill. Let me assure you, I don't have these hesitations now. As, I suppose, every member in this House, we have been assailed with a great deal of information and statistics on this particular issue. We have seen visual presentations; we've heard speakers talk to us on this particular issue; and we have accumulated and studied information and statistics related to the issue.

As a result, I say I am satisfied that, in supporting this piece of legislation, I am doing what I consider the right thing. I have left no doubt that it is not only good, but essential, and not to proceed with it, as far as I'm concerned, would invariably leave every crippled citizen, or dependant, or relative of a traffic victim, with no alternative but to feel extremely resentful at our government for having faltered in its resolve and courage. As far as I'm concerned, the blood spilled would necessarily weigh on our shoulders. — (Interjection) — Oh yes, this legislation will not be popular with everybody. I do not disagree with the members there, that it will not be popular with everybody, especially at the beginning; but as far as I'm concerned, any government would be irresponsible to legislate only on the basis of a popularity contest.

MR. DEPUTY SPEAKER: Order please. The Member for Lakeside on a point of order.

MR. H. ENNS: Mr. Deputy Speaker, I draw to your attention the rule, which number escapes me for the moment, that prohibits any exhibits from being displayed in the chamber. I know that from time to time, the Rev. Father is wearing something other than a halo around his head.

MR. DEPUTY SPEAKER: The Member for Radisson.

MR. G. LECUYER: Thank you, Mr. Speaker, Well, I was saying that it would be irresponsible, Mr. Speaker, to

legislate on the basis of a popularity contest. Rather, I believe, that all of us here were elected to be responsible people and to represent and act on and for the best interests of all the citizens of Manitoba, and I would like in this particular regard to invite members of the opposition to really take a principle stand on this issue, to play their role as responsible people and to exert an influence on so many of their constituents who will be telling them that they don't support this legislation. I think that many people, when you explain to them and you talk to them on this issue, and I've received calls on it and I've talked to some people and they said, well, I think I have to agree with you, you're right; but they didn't start that way.

Mr. Speaker, the honourable members on the other side say that they can't support this bill, and I've heard many state this, because it interferes with individual freedoms and choices. I can recognize that in effect this legislation would, to a certain extent, limit the freedom of people, but it will not have an effect on the basic freedoms, what we traditionally refer to as the basic freedoms of speech and assembly, etc., none whatsoever. Furthermore, we must all recognize that all legislation affects to a certain degree the freedom of choices of somebody. Somebody is affected; otherwise the legislation wouldn't be passed. It's true in regard to all means and mechanisms presently in use to enforce traffic flow, such as traffic lights, speed limits, stop signs and so forth.

Now, a moment ago the Member for Morris was saying, well, those are basically there to protect the innocent people, not really there to protect the driver; but it does that as well. I'm not so sure we could debate whether speed limit laws are enforced really to protect primarily the innocent individual on the road, or if it's there primarily to protect the driver. I think that maybe you could argue that stop signs are there to protect primarily the innocent individual. Maybe we could argue just as strongly that speed limits are there to protect primarily the driver himself for self-protection, in other words.

I'm sure that no one in this House would advocate that we did away with these particular laws just for the sake of freedom. The members opposite favour freedom of choice, they say; but in so doing, it is to favour for everyone the freedom to choose to wear or not to wear a helmet, the freedom to choose to use or not to use his seat belt, the freedom to choose to use or not to use the child restraint seat; and I say that, in the same breath, we have to say it's also the freedom to choose to kill or to maim oneself or passengers in the vehicle that you are driving. I don't think that is exercising one's freedom responsibly to make that kind of choice.

Mr. Speaker, in Canada and everywhere else there are laws which prevent people from committing suicide. If we're talking about doing something to one's self, what about suicide? There are laws preventing people from committing rape, murder, robbery and what not. We could go on; the list is non-stopping. My colleague here shows me the words, "The Ten Commandments," which are the first laws. Should these laws be eliminated? While I'm sure nobody is going to argue that they should. Some members perhaps would argue that the use or non-use of safety restraint measures infringes only on the drivers, but it also infringes on the freedom of taxpayers because that's part of it,

whether we like it or not; the burden is there paying for the costs.

I know the members a while ago stated, well, we could talk about other things in this regard, and I agree. They state that in reducing accidents, reducing injury in the case of implementation of highway safety measures, we are invariably touching on that as well. So we would reduce costs, therefore, not to use it. One who chooses not to use it is, in effect, infringing on the freedom of somebody else. That is, the taxpayer who has no choice but to assume the burden of the costs that will be involved. It doesn't infringe only on the drivers themselves; that is not true. As I stated before, the whole life of the dependant or the relatives can be drastically affected by the negligence of a motor vehicle driver.

It is also true that when negligence is the cause of death or injury to others, and we know and the member awhile ago stated it, probably in 80 percent of the cases, accidents happen because of human error. They frequently occur, and I agree, because alcohol is frequently involved or impaired driving, which I have no qualms about making the laws a little bit more stringent in this regard.

Infringement of personal freedom is often cited against compulsory seat belt and helmet laws, and that argument would be more convincing if the public through Medicare did not, as I stated awhile ago, have to pay the bills for the treatment, for the rehabilitation and, in some cases, the support of the person who is permanently crippled.

There is another point I wish to raise on which I fail to understand the contradiction that I frequently heard coming from some of the members of the opposition, and this has to do with child restraint. I have heard many members across - and I want to stress this particular point - I've heard many members across agree with this aspect of the legislation. I don't think I've heard anybody oppose the use of child restraint seats. The reason, of course, is simple. There is no doubt that it will save many children's lives. After all, road accidents are probably - and not only probably - the statistics show that it is the biggest or the No. 1 killer among children, more than any other disease for that matter.

It will save many more children's lives, that's a refutable fact, as cited by the Manitoba Medical Association, and I quote, "Canada has led the ten western industrial nations in its rate of accidental deaths among children," as reported in the Status Report of 1981. I continue the quote, "Motor vehicle accidents are the most frequent cause of death in Canadian children, resulting in 23 percent of all deaths between the ages of one and 14, as reported in Statistics Canada for 1980. Researches of Children's Hospital of Pittsburgh noted that motor vehicle crashes kill more children than any single disease and that only 12 percent of children below age two, and 6 percent from ages two to nine, are properly restrained. The logical conclusion from reading statistics is that all children should be using restraint equipment while riding in motor vehicles."

Also recently the following was reported in the Free Press under the heading, "Motor Vehicle Greatest Hazard to Canadian Children." I quote, "Dr. John Read, speaking during the final day of the Canadian Road

Safety Conference at the Hotel Fort Garry yesterday, said the traffic accident problem is far worse than Canada's devastating polio epidemics of the early 1950s."

"Last year, about 30,000 Canadian children were injured from all causes, 3,000 of them severely and 300 mortally," and that is again statistics that were provided by Dr. Read. "Thirty-five percent of severe injuries sustained by children under age four happened in traffic situations, rising to 50 percent traffic-related in the five-to-nine age group and to a whopping 90 percent for children between the ages of 15 and 19." Those are words spoken by Dr. Read at the conference.

As I said before, I think members across have generally stated that they're all in favour of protecting children's lives, even if that means an infringement on the children's freedom of movement. It's definitely an infringement on the child and when the child is, in fact, old enough to be able to voice what he'd prefer, I'm sure he would prefer not to be restrained, and he could even voice that when he's two years old, three years old, four years old. — (Interjection) — That's right. We infringe on the freedom of children much more readily and we accept that much more readily than we do on that of adults, but I wonder why? Is it because as long as they are children, they're not quite human beings? — (Interjection) —

Well, I think we use that argument too readily and too easily, of saying they're not mature enough. Now when is it that they're mature enough? When they're 18, automatically? Because someone turns 18, he is mature enough and free to make his own choice. Well, as I said before, all the laws that are on the books that affect people that are 18 and above, affect their freedom, infringe on their freedom and every time we make a child do what he doesn't want to do, we infringe on his freedom, but we do it because we feel it's the right thing for him to do. If he doesn't want to eat at any time, we probably . . .

A MEMBER: You give him a licking.

MR. G. LECUYER: . . . at times have used big words and said, well, you've got to eat. It's good for you. We know it's good for him, so we probably have imposed curfews or asked them to go to bed at certain times, and so forth, and they didn't want to, because we know it's good for him. Well, we know it's good for him to be also in a child restraint seat or to be buckled up, so we infringe on their freedom.

Now children are human beings and supporting child restraint legislation would be an indication, probably as all other methods used, to rear our children, are probably just an indication in many ways, that we love our children. Perhaps it would be an indication that children are worth protecting in the same way as our pets are worth protecting. I think it's more than that. Maybe the members across would want to give their children every opportunity to grow and that's what we all want. We want them to be alive long enough so that they can enjoy full adult life. Maybe they want to be able to continue to enjoy their children and the comforts their children bring them. Maybe they want to provide them with all the protection that restraints will afford them for those reasons. At any rate, whatever the

reasons are, we do accept the overwhelming evidence in support of the value of child restraint seats for children.

But I would hope, as well, that some of the members across will come to recognize that there is somewhat of a contradiction in that. I would hope that some of them would exercise your own freedom responsibly, to support this bill. If one can condone the infringement of children's freedom, as a responsible measure, because it will save their offspring's lives for the enjoyment of the parent, they can, and I invite them. I invite all members to think about this seriously, can they not be responsible enough in the same manner to realize that it is good for the whole, to affect some limited infringement on the freedom of adults, so that their lives can be saved for the good and enjoyment of their children?

See, that's the contradiction. We say we're going to tie down our children because we don't want them to die. We don't want them to be crippled. We want our children to be with us. We want to keep them for a full life, but we should stop to think that maybe in using that kind of mechanism as a seat belt or as a helmet, we shall also be protecting ourselves and all adults for their children. It's not only good to protect the children. It might be good to protect the adults for the same reason.

If this bill is good for children, it's likewise just as good for adults. The intent and the purpose of the legislation is to save lives and to prevent the continued bloodbath on our roads, highways and streets. If the members opposite cannot understand this, well I'm sorry, I will have no choice but to believe there is really something fuzzy about that kind of thinking.

I have to remind everyone that the freedom we all enjoy is not really called freedom when it is used irresponsibly. That's not freedom. We are only free to act responsibly as human beings.

The other day when I listened to the Member for Minnedosa, he said that when this bill becomes law and he receives complaints from some of his constituents . . .

MR. D. MALINOWSKI: He'll move.

MR. G. LECUYER: . . . who are fined for not abiding by the law, he will simply use the opportunity to make political points by reminding these people that he did not vote in favour of this legislation; that he was forced to by the members on the government side and he had no choice.

MR. D. MALINOWSKI: Let him move from Manitoba.

MR. G. LECUYER: Yes. I would ask the Member for Minnedosa, I know he's not here now, but I would ask the Member for Minnedosa and other members across to consider how they will face their constituents who will complain to them because they themselves have suffered injuries or someone in their family is crippled or is killed because he wasn't wearing a seat belt or a helmet. How will they explain that fact, the fact that they lacked the courage and the moral fortitude to support this legislation when they had an opportunity to do so? Will they not then feel the burden of the spilled blood on their shoulders?

I believe if we don't exercise, therefore, this opportunity we have now as responsible representatives of the people to bring in this legislation, we're really lacking the courage and we are lacking an opportunity to save many lives and injuries.

I would like to quote a passage in the article in the Free Press on May 28th, the author Val Werier, where he says and I quote, "My first reaction to mandatory use of seat belts is that it is an intrusion in an individual's freedom of action. I no longer hold that view after examining the evidence and the intense human suffering endured by drivers who did not use seat belts. I would be happy to forego this freedom of choice if only one person would be spared the tragedy of spending the rest of his or her life in a wheelchair. There is irrefutable evidence that many will suffer this fate in the future unless the Provincial Government goes ahead with its plans to make seat belts compulsory. For a concerned society, the choice is clear. Suffer a little discomfort and save many lives, possibly your own."

"It will also reduce the anguish and misery of those who survive accidents with terrible injuries because they did not wear seat belts. We are our brother's keeper. Society pays in suffering and in cash. A paralyzed survivor may cost society up to \$1 million for care during his or her lifetime."

MR. D. MALINOWSKI: How true. How true it is.

MR. G. LECUYER: Many organizations have indicated their support for - I guess it would be safe to say that practically all organizations who have anything to do with highway safety in one way or another - are supporting this legislation. As I said, I would invite the members across to use this freedom that they are talking about to do what is right for their constituents by voting in support of this legislation for the very fact that it's going to save lives.

In another article in the Free Press recently - I'm sorry it's not dated there, but it appeared recently - the Director of the University of Manitoba Road Safety Research Unit says, "Compulsory seat belt legislation in Manitoba last year would have cut the province's highway death toll by one-third. Dr. Bill Mulligan told about 120 Canadian and American physicians, engineers and safety experts attending the Canadian Multidisciplinary Road Safety Conference, 'The same reduction could have been achieved in 1981.'"

"Mulligan said, scientific investigations by medical and engineering experts working with his unit in the medical school determined 75 of the 227 motorists and passengers from fatal traffic mishaps would be alive had they worn their belts."

Dr. John States, Head of Orthopedic Surgery at the University of Rochester Medical School said, "Seat belts are the single, most effective means of protecting people in cars, but education about seat-belt safety is not enough. You also need legislation, and I am pleased to hear that your province is considering it this year."

Those are the words of people who we have to really listen to, because they are experts in this field. They have seen too many people on the operating table, people in the wheelchairs crippled for life as a result of their inability to deal with them, unfortunately, because they did not take the proper measures to protect themselves.

I don't disagree that there are a lot of other things that could be done, and especially a lot could be done by way of reducing accidents which result from impaired driving, not only to the person driving himself but to so many innocent victims and perhaps we have to take measures to really strengthen laws in this regard as well.

"In 12 months of the 1981 . . . " and I'm quoting here from the Manitoba Medical Association Report, "In 12 months of the 1981-82 fiscal year, MHRC processed 1,111 hospital claims for drivers or passengers injured in motor vehicle accidents, excluding motorcycles. These injuries required 12,250 days of hospitalization . . . " and you have a pretty good idea of what the total costs for that might be. "In 1981, the cost of settlement by Autopac for personal injuries in Manitoba, resulting from motor vehicle accidents, was \$15.5 million."

Now, without a seat belt the overall risk of injury, there is no doubt, is increased. The Manitoba Medical Association says, it has increased by four times. The risk of injury is increased, they say, by 65 percent, and the risk of death is increased by an average of 50 percent.

Safety advantages of seat belts are so well-established that courts in British Columbia and elsewhere have ruled that non-use of seat belts constitutes contributory negligence; in British Columbia, a court has so ruled. Accident victims not wearing seat belts have had their damage claims reduced correspondingly by the court.

From January 1, 1975, to July 31, 1982, there were a total of 250 spinal injuries, of which 105 were due to motor vehicle accidents; 42 percent. The incidents due to car accidents was 95 and motorcycles 10. I think these facts and figures speak for themselves.

We know that seat belts or helmets are not going to be by themselves the factors that are going to reduce the number of accidents. It may not reduce the number of accidents. It's just going to reduce the number of injuries and the seriousness of the injury, it's going to reduce the number of deaths, and it's going to help reduce the tremendous amount of human suffering that the dependants, the relatives have to endure, and the loss to the quality of life that they have to endure as a result of such injuries. It can be stated, without any doubt, that there has been a dramatic reduction in injuries and in the severity of injuries when seat belts have been utilized, and a significant decrease in the number of deaths has also been shown.

We could go on and give a great number of more facts in this regard, but I will just add in terms of facts to the seat belts just this one more. We have a tendency of saying, well, we can make the figures say whatever we want them to say, but the fact remains that when seat belts were introduced in Ontario in 1976, there was a decrease the year after the seat belts were introduced. There was a decrease from 1,800 deaths in 1975 to 1,420 deaths in 1976, a decrease of 21.1 percent; that's in fatalities. There was a decrease in injuries of 1.4 percent.

Now, let's look at what happened in Quebec the year following the introduction of seat belts. In 1975, also in Quebec, there were 1,893 deaths; whereas in 1976, 1,556 deaths, for a decrease of 17.6 percent in fatalities. In terms of injuries in Quebec, the statistics are even

more dramatic because there was a decrease of 15.6 percent in the injuries. The statistics in Australia are even more revealing in that regard.

We know that not everybody is going to wear a seat belt, and the members across the way raised that point. The Member for Morris was asking that question just a while ago - who's going to wear a seat belt? It's only going to be the law abiding citizens, and I think that members across have to take some responsibility in this regard, have to be stronger and more principled and encouraging people not by this kind of loose talk perhaps to be law breakers. I think maybe you have to assume a responsibility here in encouraging people to be law abiding citizens.

It bothers me a little bit when I heard the Member for La Verendrye the other day say that was the second big problem in regard to such legislation was law enforcement and he said, "Just recently I was at the Leadership Convention in Ontario and I never wore my seat belt and I wasn't stopped or fined." It worries me a little bit because, in a way, it encourages people to be lawbreakers. I guess we have to say that, in so saying, when the Member for La Verendrye says, well, I was in Ontario for a week, I broke the law a week and there were no consequences, perhaps this in a way encourages many people to do the same. What I believe is we should take a more principled stand in this regard, and perhaps we have an opportunity here to give an example by ourselves wearing it and by ourselves perhaps encouraging people to wear it in our constituency; but the fact remains, that even if not all people are going to wear seat belts, and we know they're not going to all wear seat belts . . .

MR. D. MALINOWSKI: They have to.

MR. G. LECUYER: . . . but if there are 50 percent of the people that wear their seat belts, or more, as compared to the present 6 percent of people who currently wear seat belts in Manitoba, we know that it's going to accomplish at least this; it's going to reduce injuries; it's going to reduce lives lost on the highways.

I don't either accept the fact that this is just "big government" again always telling people what they have to do and affecting all people's lives. I know it's going to affect the people's lives; it's also going to affect the people's lives that don't wear it because they're the ones that are going to suffer the injury; they're the ones that are going to die on the roads. So maybe it's better that we affect the freedom of people in a certain way by a small discomfort to reduce the carnage that is now taking place on our highways, and we have the opportunity to do so.

It is proven that they do reduce injuries - Dr. Mulligan says it would reduce it by one-third, 30 percent. In every province or country where the wearing of seat belts is compulsory, serious injuries and deaths were reduced substantially. In the provinces with seat belt laws, usage varies but generally it's 45 percent or above; whereas in Manitoba currently, the usage is at 6 percent.

Some people say, in certain instances, they have caused the loss of life. I'm sure that may be true in certain instances, but it's a small percentage of the accidents where this could be true. Perhaps in the case of fire, some say, but if you have an accident, the car's

on fire and your head's been banged on the windshield or some other metal part of the car and you're unconscious, you can't unbuckle anyway.

As far as helmets are concerned, we know that already too many motorcyclists have been killed this year, including John Campbell, a young man, 21 years old, who was killed in my constituency, and he was this year's first fatality. And some two weeks ago - he wasn't wearing a helmet and probably would not be dead today had he been wearing one - another young man was killed on the street next to the one where I live, on a Friday night. Both these young chaps probably died unnecessarily because they were not wearing their helmet. Others have died so far this season and many others have suffered injuries and many more will suffer injury and death before the end of the year because they will not be wearing their helmet.

Gary Tomlinson, 25 years old - the Member from Brandon a while ago was referring to this young chap who had an accident in the Polo Park Shopping Centre the other night. He's in critical condition because after starting his bike, it flipped up and fell on top of him, on his head. I am just told that he died yesterday now, so that tells us what happened to him. The motorcyclists who complain against this legislation say they have a better solution. That solution consists of the establishment of meaningful, educational programs and motorcycle training programs for novice motorcycle riders. I have no objections to that, just as I have no objections to tightening licencing regulations; but I have a better solution to counteroffer. Why not proceed with these suggestions and, along with that, also bring in this legislation.

Thank you.

MR. SPEAKER, Hon. J. Walding: The Honourable Member for Roblin-Russell.

MR. W. McKENZIE: Mr. Speaker, I wonder if the honourable member will permit a question.

MR. SPEAKER: The honourable member's time has expired. There has to be leave of the House for a question to be answered. Is there leave? (Agreed)

The Honourable Member for Roblin-Russell.

MR. W. McKENZIE: Thank you, Mr. Speaker. Could the honourable member advise the House, Mr. Speaker, who has 70 percent of his constituents, plus three Reeves, advised the member that's sitting in this Chamber that they are opposed to the mandatory seat legislation that is before this Chamber, and would refuse to wear the belts, should that member vote for, or against, the legislation?

MR. SPEAKER: The Honourable Member for Radisson.

MR. G. LECUYER: Mr. Speaker, I'm not sure whether the member was stating that 70 percent of my constituency, or if 70 percent — (Interjection) — Well I think perhaps, Mr. Speaker, in answer to that what I would say is, in my particular case, I can only answer for myself, I would try to talk to a lot of these people who feel that way, and I would try to make them understand that, indeed, there is some small discomfort

that they will have to endure as a result of this. That is the approach I've taken so far, and I have told people who have called me on this regard that I feel strongly that I have no choice but supporting this legislation, because I really believe it is for the better, for their own betterment, the good of Manitoba as a whole; that's the approach I have to take. If I lived in a constituency where I experienced the same high degree of opposition to it, I would still, as I say, have to support this legislation personally.

MR. W. McKENZIE: The second question, Mr. Speaker. Is the honourable member telling the House today that he knows better than the constituents that he represents.

MR. G. LECUYER: Mr. Speaker, when I was elected by my constituents, it was not only to vote on every issue, according to the majority of my constituents, I think when they elected me they elected me because they thought I was also a responsible person, and that I would act as a responsible person in their best interest, knowing full well that perhaps, on every issue that I will vote or support, there will be some members in my constituency who are not going to be in agreement with this. You cannot please, or try to please everyone. I don't think we should legislate by referendum or by popularity contests.

MR. W. McKENZIE: Thank you kindly.

MR. SPEAKER: There is no one else wishing to speak to this bill. It will stand in the name of the Honourable Member for Pembina.

BILL 55 - THE LEGISLATIVE ASSEMBLY ACT

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 55.
The Honourable Member for Emerson.

MR. A. DRIEDGER: Thank you, Mr. Speaker. I want to make a few comments on Bill 55, The Legislative Assembly Act. I want to indicate, Mr. Speaker, that I will not be supporting this bill, and I want to give a few reasons why. I found it very interesting, when the previous speaker indicated that, as a Member in this House, he felt he had to be responsible, even if it was unpopular with his constituents. He stressed it, to some effect, that the way he was voting was not necessarily the way his people would like, but he felt that that was a responsible position to take.

I suppose that same thing would reflect in Bill 55, that it is not a popular bill possibly for the public, but he would be voting for Bill 55, as well. I can only assume that because it is a government bill. However, I would like to indicate the reasons why I feel I cannot support the bill. I have asked myself, well why wouldn't I support the bill, because basically there are advantages for everyone of the members in the House in that bill. There is little perks in there, and I think the human nature in all of us, a certain amount of, maybe a little bit of greed is in all of us in terms of getting advantages. When I consider my real estate business, or my farm

business, I spend all my working hours with the business to try and make more profit, to make an extra buck. I don't work for the pleasure of it itself; I work to make money. Then I say, well if that is the case, then why would I not take and go along with something that is going to be giving me financial benefits; and that is what this is doing, it is creating financial benefits for me and for all members here.

The other concern — (Interjection) — the Member for Springfield is a bit noisy in his seat, and I'll cover his aspects of it in a little while. I thought for a minute we might have to introduce him in the loges. He's practicing to sit in the loge after the next election already.

Anyway, I am looking at this, Mr. Speaker, in terms of why should not Members of the Legislature have added advantages? I don't think there is a politician in this House that has made a pile of money being a politician. When I consider the financial aspects of being a rural member, for example - I cannot speak, as well, for the city ridings - but a rural member, I have a big geographic riding that I cover, and if I want to be a responsible representative I have to cover all aspects of it, all corners of it, driving, every community I hit I get hit with raffle tickets - it could be anywhere from a buck to 50 bucks, whatever the case may be - the normal promotional work that is involved, and it all costs money.

I say to myself, why wouldn't I go along with this bill then, because it is putting more profit into my pocket, or helping defray costs, whatever the case may be. Then I say, that's where my difficulty comes in. Am I going to let my normal intuition take place and say, well okay the government is bringing in this bill, I'll float along and take advantage of it because it won't affect me that much. I can turn around and say, well the government brought in this bill, but that is really not the case, that is really not the case. I have listened to the speeches in the last while where some of the members have gotten up and stated that this should be a full-time position, and I would say that, for this kind of responsibility, to get that kind of money for a full-time position possibly would not be adequate because I think many members in this House that have a full-time occupation of whatever their training is could be making substantially more money . . .

MR. C. MANNES: They're all professional politicians over there.

MR. A. DRIEDGER: . . . so I would have to assume that the majority of the members that are in this House, Mr. Speaker, are not here for the financial aspect of it. I would think, Mr. Speaker, that the majority of the members in this House are here not for the financial aspect of it.

A MEMBER: You're right, every one of us.

MR. A. DRIEDGER: Then I wondered who would or would not be here for financial gain as a representative and then I looked around and I sort of looked at both sides and said, well if everybody of the 57 members in this House were unemployed tomorrow or tonight, who would be working tomorrow? It was an interesting

thought so I ran through the names on both sides and it's an interesting little aspect of it. Who of the members here would not be employed three months from now?

Now, I would think as I indicated before, that the majority of the members here are not here for the financial aspect of it, not for the pay that they're getting because the pay isn't that dramatic. Nobody has been making money in politics. We have people here who have made financial gains, have done well in their businesses, in their farms, but nobody has been making major money here, so why would I not support this bill then?

Then I'd like to continue with that aspect of it, why not? When I go back home to my rural riding and I see the financial pressure that the farm community is under in terms of their profit picture declining, their costs going up; they're so subject to the weather conditions, to the rains, to the frost, etc., they have a lot of pressure on them at this time. When I look at the jobless people in my area, people that don't even qualify for unemployment that are possibly on the social services roles.

A MEMBER: Or the Careerstart Program.

MR. A. DRIEDGER: There are so many aspects of it, that at this time I think I could possibly look at a bill like this during better economic times and say yes, why not? But I think the timing is dramatically wrong. When everything is going downhill, we have had an economic depression and we're still not out of it. The employment situation has not improved and here we are coming along and giving ourselves some quirks.

As I indicated before I think under different circumstances I feel there is room for improvement. What bothers me though is some of the aspects of the reasoning behind some of this. Why not have a straight indemnity increase? We're camouflaging it in this act with things like printing and mileage and it is slanted to some degree, in my mind, for those members who are concerned that possibly cannot - this is to help get re-elected to some degree I suppose - and I take objection to that. Why should the public - it's just like The Elections Finance Act, Mr. Speaker - why should the public be paying for some of these things? If any member wants to promote his own propaganda, you all have constituency organizations, ask them to have activities, raise money and go out and spend the money, send out whatever you want to send out, but to go into the public pocket and have them pay for these kind of things concerns me.

The other aspect that concerns me is two sections in there, one is the \$2,500 that is referred to in terms of where you put in chits, or bring forward expense accounts; and the other one is the \$500 one which indicates - if I can just look at the bill for a second here - where it refers to the \$500 for special supplies and assistance. Which is what really? Special supplies? Would that mean that if somebody had a habit of imbibing, would that be special supplies? It's not outlined. What would you use it for? — (Interjection) — Well, I think for those members on this side I can verify that if they have any habits of that nature they pay for it themselves, they don't have to go to the public trough.

I want to just get back to the \$2,500 that is supposed to be covered by expense accounts or submitting of receipts. Does anybody in this House think for one minute that there's not going to be 56 members that are going to be submitting "\$2,500 worth of expenses?" That would be ludicrous. Everybody is going to be having their chits in there for the \$2,500. Who are we kidding? — (Interjection) — It reminds me of the time - it's regressive that's what it is - if you want to give the members \$2,500, give them \$2,500, but this business of coming in with expense slips now.

When I was Reeve of the R.M. of Hanover at that time councillors were paid on the basis of mileage and expenses that they ran up and time put in. That created many problems, Mr. Speaker, because everybody was touring around trying to put in time when they had spare time - I've referred to this before - putting in mileage and time, then they'd put in their expense sheet and then seven guys would sit around and we'd look at each other's expenses and then there'd be a bad feeling because one guy had bigger expenses than the other.

A MEMBER: And he did a lot less work.

MR. A. DRIEDGER: And we wondered, had he done work? What had he done with it?

A MEMBER: He hadn't done anything.

MR. A. DRIEDGER: It's all on paper, you can put anything on paper and exactly that is why I call it regressive. Finally the municipal law got changed and allowed councillors to get an indemnity across the board, solved all the problems.

Now this bill is going back to the point where we'll start running around and picking up bills. I'll tell you something, Mr. Speaker, I have no problem coming up with \$2,500 worth of expenses that would qualify. None of them will because they'll all be having constituency offices, secretarial work, all kinds of things that they can do it on. The rural members can do it more on maybe fuel, gas, etc., travelling expenses . . .

A MEMBER: We'll find another way.

MR. A. DRIEDGER: . . . but everybody will be going in there for the full \$2,500.00. Then why not? It's going to possibly create some dishonesty amongst the members. The possibility is there and I talk of somebody whose been through this before where you're going to make up expenses and they qualify, sure, nobody will say that it isn't. But psychologically it's starting to create a problem and that's what bothers me about that aspect of the bill.

Listen, if we want \$2,500 let's give ourselves \$2,500, but this business of running around with stupid expense sheets I think is degrading, I think it is degrading, and the Premier at that time was the Minister of Municipal Affairs, I think, when it was changed where we could get out of the expense aspect of it among councillors and pay a straight indemnity. Now we're going back to that and I can't understand this. It is going to create more problems. It is definitely going to create more problems. For these reasons, morally I don't think it

is right to go through with the bill at this stage of the game.

You're camouflaging all kinds of little quirks in there and it is for that reason, Mr. Speaker, that I cannot support this bill at this time and if the Member for Radisson it takes courage to bring in unpopular things, I think it also takes courage to speak out and say exactly what is wrong with these things, to speak the truth. That's what they're not doing at this stage of the game, Mr. Speaker, in bringing in this bill, they're not being honest. They're hiding behind all kinds of little things that they feel will eventually be a financial gain to them.

A MEMBER: Right on.

MR. A. DRIEDGER: That's why I say, why not — (Interjection) — I did not go out and win the last election, neither did any one of them in terms that they would be able to raise themselves certain privileges or quirks as this is. If they want to do that, I think during better times there's nothing wrong with it. I think it's in keeping because it costs more now than it did some time ago, I think it's quite proper. But to do it at this time under this kind of circumstance, as trying to hide behind this thing, makes it a very weak bill as far as I'm concerned. For that reason, Mr. Speaker, I will be opposing this bill. Thank you.

MR. SPEAKER: The Honourable Member for Tuxedo.

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

MOTION presented and carried.

PRIVATE MEMBERS' HOUR ADJOURNED DEBATE ON SECOND READING - PUBLIC BILLS

MR. SPEAKER: The time being 4:30, Private Members' Hour. The first item on the agenda for Thursday's Private Members' Hour, the adjourned debates on second readings of public bills.

On the proposed motion of the Honourable Member for St. Norbert, Bill No. 41, standing in the name of the Honourable Member for Concordia. (Stand)

On the proposed motion of the Honourable Member for River East, Bill No. 58, standing in the name of the Honourable Member for Rhineland. (Stand)

SECOND READING - PUBLIC BILLS

MR. SPEAKER: Introduction of second readings of public bills - the Honourable Member for River East.

BILL 94 - THE OPTOMETRY ACT

MR. P. EYLER presented Bill No. 94, An Act to amend The Optometry Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Member.

MR. P. EYLER: Thank you, Mr. Speaker. Two day ago, I introduced for second reading a bill on The Occupational Therapists Act. At that time, I went over the regulations and the guidelines which governed the professional societies in the health profession. Rather than reviewing those guidelines again today, I would just like to say that this particular bill follows the same set of guidelines in respect to definitions and governing bodies with representation from the public and that sort of thing.

There is, however, one aspect of this proposed bill which has been somewhat controversial in the past insofar as the definition of the optometry profession. Before proceeding with the technicalities of it, I would just like to say that an optometrist is a doctor who's been granted the title of doctor by legislation who is primarily concerned with refractions of the eye, that is fitting eyeglasses for people. An ophthalmologist in contrast is a medical doctor who specializes in diseases of the eye and a specialist such as a surgeon.

There are in Manitoba some 75 optometrists and 29 ophthalmologists. Of those ophthalmologists, 26 are in Winnipeg and three are in Brandon. So when it comes to rural service for fitting eyeglasses, basically the optometrists cover the whole of rural Manitoba.

The particular aspect of this bill which has been contentious has been the degree of responsibility which optometrists can exercise in using drugs in the profession. It has been argued by the ophthalmologists that optometrists, not being medical doctors, should not be allowed to use diagnostic pharmaceutical agents in the eye when conducting examinations of patients. However, in the United States, this particular practice is condoned in 33 states, and in Britain it has been the usual practice since 1921. As well in Canada, New Brunswick, Newfoundland and Alberta have adopted the same guidelines primarily since 1978.

The ophthalmologists have taken their concerns to the College of Physicians and Surgeons in Manitoba. The College assigned a member of the medical faculty at the university to conduct a study of the proposed pharmaceutical products which are used by optometrists right now. They find that there have been no adverse effects on record which are related totally to the use of those drugs by optometrists. So the College of Physicians and Surgeons has set up a list of some six drugs which they have approved for use by the optometrists in examining their patients.

I should add that these drugs are already used by many optometrists. Technically it is illegal for them to do so, but they are in use right now. They're all over-the-counter drugs which can be bought by anyone. For example, phenylephrine is one of the components of Visine which is used to take the red out of your eyes; it constricts the blood vessels. It is also used by optometrists to dilate the pupils.

The ophthalmologists were concerned that excessive use of phenylephrine could bring about a glaucoma attack. However, there are no cases reported in the literature which stem from the use of the suggested strength of 2.5 percent which is recommended by the College of Physicians and Surgeons.

So the six drugs basically outlined by the College would be allowed to be used by the optometrists in conducting examinations of patients. The bill, therefore, provides that the Minister in consultation with the

College of Physicians and Surgeons would have the power to review the list of drugs which were permitted and the concentrations of those drugs. It also allows the Optometric Council to set the standards for who can use these drugs.

One of the other concerns of ophthalmologists was that the optometry profession has been evolving quickly in the last few years. Whereas 10 or 15 or 20 years ago, optometrists were not given any training in the use of drugs in the eyes, today they are. This lack of training in former students has been recognized, so the College has again recommended that graduates from the University of Waterloo which is the only English language institute for training optometrists in Canada, graduates from the graduating classes of '78 and '79 would be allowed to write exams which would entitle them to use these six prescribed drugs. Those who graduate from 1980 on would have the automatic right to use those drugs. For those who were students before those years, there would have to be special refresher courses or instructional courses to allow optometrists to use these drugs.

That basically is the compromise which has been worked out between the College of Physicians and Surgeons and the optometrists in Manitoba. So with that compromise, I don't think there should be any problem on the part of members of this House in considering this particular bill.

There is one further aspect which took a little bit of compromise between the medical doctors and the optometrists, and that governs the recommendation that optometrists refer patients who have diseases which are not related to refractions, to ophthalmologists. The optometrists wanted a code of ethics which would simply say that the optometrist would refer to medical practitioners if they felt that it was required. The doctors felt that the law should say that they will refer anyone with suspected diseases.

The compromise has been that the act refers specifically to the code of ethics calling for the optometrists to recommend, which gives a bit more legal force to the code of ethics, but doesn't provide the extent of compulsion which the College had recommended. So that again is a compromise between the two groups.

So with that, I would simply commend this bill to the House, and I understand it has already been taken up by the optometrists with the opposition. I hope that it will be referred to Law Amendments Committee within a very short period.

MR. SPEAKER: The Honourable Member for Fort Garry.

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

MOTION presented and carried.

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

MR. SPEAKER: On the proposed private members' resolution, Resolution No. 2, by the Honourable Member

for Turtle Mountain, the Honourable Member for Lakeside has sixteen minutes remaining.

MR. H. ENNS: Mr. Speaker, I want to continue my comments about this particular resolution, and I do so with a hope that even with the amendment that was offered by the Honourable Minister of Natural Resources or I believe somebody else on his behalf, that pretty well emasculated the purport of the resolution that was so straightforward, easy to understand, and very acceptable, I would say, by virtually all Manitobans.

Most things that my colleague, the Member for Turtle Mountain, does is straightforward, easy to understand and — (inaudible) — by many, if not always most Manitobans. But, Mr. Speaker, the government chose to fudge the issue again, play the little game of politics, which they are so astute at, but that does not detract from the original merits of the resolution.

Mr. Speaker, I want to pay compliment to another colleague of mine, who perhaps put it equally eloquently and equally straightforward and equally easily understood, and I refer to the Member for Sturgeon Creek, when he simply said that nightlighting shouldn't be done. Nightlighting is not fair; nightlighting is cowardly; nightlighting is dangerous; nightlighting for anybody and everybody should not be allowed to be practised in the Province of Manitoba. That is the simple purport of the original resolution, which you chose to ignore.

Now, Mr. Speaker, I can't understand why this government chooses to on so many issues now, and they seem to be trying to establish some track record to see how many issues they can create in a single Session where they find themselves virtually all by themselves, or representing a very small minority. Mr. Speaker, we have had issue after issue rising during the course of this Session, where that is the case.

Mr. Speaker, I won't abuse the privileges of the House by going into some of those issues. It would be very easy to do. We see daily demonstrations of how this government finds itself in their pursuit of narrow political gain, in the pursuit of attempting to resolve and to gain friends, political friends, by bowing to or being fearful of every pressure that is exerted on them by a special interest group.

In this case, Mr. Speaker, I'm certainly not fearful of mincing words. In this case, it is our Indian brothers, although the resolution is not aimed at them, at all. Nothing that has been said about that resolution from this side has left that implication. What is said, that the methodology used - nightlighting - is destructive to the preservation of wildlife and we, Sir, have a responsibility. We understand what responsibility a Government of Manitoba accepted, when we accepted The Transfer of Resources Act back in 1932-33, that we have a responsibility. It says so. It's laid out in that legislation that we so manage that resource to ensure that those very rights, those special rights - well, Mr. Speaker, I'll even retract the word "special" because it's something that I don't mean. Those deserved rights, those rights agreed to by treaty, should be enjoyed by generations of our Indian brothers, as long as the sun shall shine and as long as the water flows.

Mr. Speaker, the resolution placed before this Legislative Assembly by the Honourable Member for

Turtle Mountain tries to acknowledge that responsibility; tries to ensure that we can live up to those promises, and does not, in any way, abrogate those treaties and those promises made.

Mr. Speaker, the Honourable Minister of Natural Resources has chosen to publicly take issue with his own staff, people, his own biologists, his own department that has, I believe, done their best to catalogue an inventory of what precisely the wildlife situation is in Manitoba. I think that was an initiative that certainly I'm proud of that was initiated by a government that I was part of.

If the Minister chooses or this government chooses to, and I accept that initiative, then, Mr. Speaker, I think it would only be responsible on their part to replace it with some initiatives of their own. But, Mr. Speaker, this kind of blinker application, this kind of refusal to face the facts, and more importantly - well perhaps not more importantly, but equally importantly because we're all politicians - but the politics of you, again, finding yourselves, as a party, as individual members, on the wrong side of an issue.

None of your people support nightlighting back home in your constituency. None of them do. Or do they? Is there a member opposite that supports nightlighting? Is there? Well then, why this charade, Mr. Speaker? Why tinker with a perfectly legitimate resolution and why not allow this Legislature, who is all too quickly to pass all kinds of judgment on all kinds of issues, on people who felt compelled to fight in distant wars four decades ago, on people that should, or whether or not we should honour important treaty obligations such as NATO?

We're prepared to honour, in a little while, Martin Luther's 500th year of birth. We make all kinds of moral statements, if you like, about the rightness or wrongness of various issues, which of course is the point and the unique opportunity of Private Members' Hour and the Private Members' Resolutions that we can place. The Conservative Party placed a very straightforward, easily understood resolution before this Chamber. They say it is isn't fair to deer, to moose or to antelope to go out at night with a big spotlight and shoot them.

If I asked both those children that just walked up in the public gallery, they'd say it is not fair because they don't like seeing our deer killed that way, our moose, our elk and our caribou. You run a poll anywhere, Mr. Speaker, in the public school system, at peace gatherings, peace demonstrations, you run a fast poll, and if you think that nightlighting, shooting with a high-powered rifle in the dark of night, when you've got an innocent animal stunned with the glaze of a high-powered spotlight that that's fair. Furthermore, Mr. Speaker, I'm not even allowing my vested interests to come up front because all too often, while that hunter thinks he's shooting at a deer, he's shooting at my cow or my burro and they get shot that way. More dangerously, with these same high-powered rifles, they can shoot and they don't know where the dwellings are; they don't know whether that family is sitting down to a supper or preparing for bed when a high-powered rifle bullet will come slamming through the walls of that building.

Mr. Speaker, I prevail upon you. My socialists friends opposite, my friends in the New Democratic Party who are in bad disarray, they need some unifying issue that

they can all get together for a change in caucus and agree on something. Let them take this issue, Mr. Speaker, this isn't quite as complicated as some of the other ones they face as to what to do with errant members, or how to deal with the municipalities on other issues, on how to deal with the abortion issue. Mr. Speaker, this is a straightforward, common-sense issue which surely they can all get together around that Cabinet table. They can even maybe order in a brown bag lunch and sandwich or two, which is the practice of our NDP friends opposite, and they could find communion. They could have a common interest for a change. It would be morally uplifting for them; it would be an experience for them and they could sing. They could henceforth sing that song, "Solidarity Forever," with a great deal more conviction, a great deal more feeling and there would, at least in this instance, be some truth to it that in unity, whether in union or otherwise, you have strength.

Mr. Speaker, I implore you, for the sake of the little deer, the little Bambis. — (Interjection) — Right about now, right about now. It's been an excellent year for the deer population. Back home at the farm, I bet you the fawns are just dropping; they're the cutest little things. You can see them at Assiniboine Park. You've seen them, haven't you? They're all cute, little deer like that, and what we're trying to do in this House right now is to stop people from shooting them at night; we think it's bad. My Member for Turtle Mountain thinks it's bad.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please.

MR. H. ENNS: Mr. Speaker, I honestly ask those members, I honestly ask my socialist friends, don't allow the Conservative Party and I want to particularly impress upon the young listeners in this room tonight, don't give us the chance to portray ourselves of the Conservative Party, the ones that have compassion for both man and beast.

Thank you, Mr. Speaker.

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

HON. J. STORIE: On a point of privilege, Mr. Speaker. The Member for Lakeside is implicating that members on this side somehow support nightlighting, which certainly is not the case, and I would ask the member to refrain from imputing that to members on this side.

Further, Mr. Speaker, he was — (Interjection) — indicating to members of the gallery . . .

MR. SPEAKER: Order please.

HON. J. STORIE: . . . that he was opposed to the shooting of deer and I would ask the member if members on his side support the abolition of hunting of game entirely. If that's the case, then let's have him support that. Certainly, members on his side have indicated on a number of occasions that they are hunters and they do go out and shoot deer, in fact.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, it's not really fair for a member to confuse the young minds in this audience. If the honourable members are prepared to withdraw the amendment to the resolution, support the resolution in its original form, Mr. Speaker, I'll be happy to acknowledge that they also have some understanding and some feeling for our wildlife.

MR. SPEAKER: Order please. The Honourable Minister did not have a point of privilege. All members know that remarks should be addressed to the Chair and not to the gallery, and if honourable members have a differing point of view they have every opportunity to stand up and state it to the House.

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Thank you, Mr. Speaker. I'm disappointed that the members opposite had to see fit to amend this resolution to the point where it is unlikely to have any significant impact in terms of the action that will flow from the resolution. But I am pleased to have had the opportunity to have this resolution on the Order Paper and to have it debated on numerous occasions; and I appreciate the fact that many members of the House have participated in the debate because it has allowed the issue to be debated publicly and openly. Up until now that has not been the case, that people have felt free even to discuss this kind of issue, and I think that is a sad thing, Mr. Speaker, that should be so.

MR. SPEAKER: Order please. I recognize the Honourable Member for Turtle Mountain, but since he introduced the resolution originally, he would be closing debate. I wonder if other members are aware of that.

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Thank you, Mr. Speaker. I think it was and is a sad thing that people are unable to speak about an issue, such as this, without fear of being branded as a racist, as the Member for Inkster attempted to do at one point when he participated in this debate, that because a member should dare to lay an issue before the House which happened to deal with a right that a particular group or race of people has, that to talk about that right is somehow to be construed as racism. Mr. Speaker, I think that is most unfortunate that there is a reaction among - however small - a number of people that there is that type of reaction because when there is a problem such as there is in this case it really cries out for public discussion and for some action.

Mr. Speaker, I would like to take a few minutes to go back and recap my position on the resolution and the reason for putting it forward and to deal in general with some of the arguments that were put forward by members opposite in support of their position which that they couldn't support this resolution. The treaties were entered into in the 1870s between the Government of Canada and the various Indian tribes and the Indian tribes were given the right to pursue their avocations and their vocations of hunting and fishing and trapping without limit in time and on such lands as they had access to but subject to such regulations as might, from time to time be passed by Her Majesty's

Government. So it was acknowledged that even though the treaties were signed at a time when there were no game laws; everyone had the same rights as the Indian people had at that time; and I must say that at that time the numbers of game animals were very badly depleted and the Indian people were on the verge of starvation and, of course, that was one of the reasons why they even signed the treaties at the time. But it was recognized then that it would be necessary that there be game laws in place in the future even though none were in place with respect to anyone at the time. So that provision was put in the treaties, Mr. Speaker, and as time passed the Federal Government has invoked that right and as it now stands the Federal Government has the right and has exercised the right to place restrictions on the taking of fish, for example, by Indian people.

The province each year, when it passes its fisheries regulations has to have those regulations given authority under The Fisheries Act of Canada but The Fisheries Act of Canada has the power to say that Indian people must respect limits and they must respect seasons concerning the taking of fish and the same applies with respect to the International Waterfowl Convention, the Migratory Birds Treaty where, once again, the Indian people, despite the treaties, because the treaties made provision for it the Indian people must recognize and adhere to the laws that are passed by the Federal Government. So provision was made in the treaties to have restriction placed upon the taking of game by Native people.

At the time that the treaties were passed, of course, all of the land in Western Canada was controlled by the Federal Government and it remained under the control of the Federal Government even after the formation of the larger Province of Manitoba and of the Provinces of Alberta and Saskatchewan. Indeed, the lands and the resources remained under the control of the Federal Government until 1930 and it's very clear to any layman who reads The Natural Resources Transfer Act of 1930 that when the resources were transferred to the province the province was instructed to recognize the obligation that the Federal Government had towards the Indian people and at the same time they were given, again I say in a layman's view, in a layman's reading of the act, the right to impose the same kinds of conservation laws as the Federal Government is able to impose but as time passed, individual case law evolved in such a way as to leave the province with the obligation to still supply the access to the game but without any authority to place any kind of control on the taking of game.

So, we have now arrived at the situation where the Indian people who have status under the treaties are the only people who have that kind of right. There are essentially no limits on the taking of game in Manitoba or on the methods which they may use to take them.

So I have to say that the argument that some of the members opposite use that they objected to this resolution because it singled out Indian people, I must reject that argument, Mr. Speaker, because this resolution does not single out Indian people because they're Indian people, it singles them out because they are the only group of people who have that right and that is why those people are addressed because they have a right that no one else has. Because I think that

that is a problem, although it is not illegal by any means for the Indian people to do what they are doing, that's another point I would like to make, that it is not illegal for them to do what they are doing. I don't it to be understood that I have been accusing them of anything illegal. Their right has been recognized but there are two problems that flow from this, Mr. Speaker.

One is that you simply cannot have uncontrolled harvest of any game species and expect to be able to maintain that species as a viable population over an indefinite period of time. If there is one fundamental aspect or one fundamental principle to population dynamics and game management, it's that you cannot have uncontrolled harvest of game animals especially big game animals and still expect to maintain the resource.

So what must be done in that case is that the public, the government, Indian people themselves, have to face up to the fact that this cannot go on and that, indeed, there is ample evidence right now that we are now seeing depletion of our big game resources at a rate that we have not experienced for decades and I believe that the report which the Minister of Natural Resources tabled outlines that in an objective fashion and I personally believe that the information provided in that report is accurate to the extent that it is based upon information ranging from judgments of experts through to fairly hard information. There is a problem and the problem has to be recognized if it's to be dealt with. I know that many of the Indian people and others who are in support of their general position like to say that the Indian people are really great conservationists and somehow, because they have this special relationship with the land, that these general principles don't seem to apply.

Well, Mr. Speaker, I have to say I don't believe that as a group of people that the Indian people are any more conservationist than any other group of people is. Within every group of people, you have varying attitudes towards the use of a resource. I don't think that it varies from one race of people to another.

Secondly, a problem that has to be recognized and this is one that the government would do well to recognize, is that there are a lot of problems, a lot of social tension, I believe was the terminology that I used in the resolution, Mr. Speaker, that is growing because of this right which the Treaty Indian people now have. There are a great many people who don't have that right out there, and perhaps who don't fully understand the background of the treaties who see this as a special privilege which has been given to the Indian people even though it's basically a right that has been given under the treaties, but they see now that a privilege which they have had themselves is now slipping away. As the big game resources of the province diminish, they become unavailable to other people who don't have the same rights as the Treaty Indian people have. That is causing a problem, Mr. Speaker, because those people believe that they have rights too; that they have reason to think that they will have access to the resource, even though our government and this government, I'm sure, recognize that the Indian people have first call upon the resource. But that doesn't mean that it should be mismanaged in a way that excludes other people from having a call upon it.

So now there are examples, Mr. Speaker, where literally thousands of people out there are signing

petitions that are calling for government action that is much more severe than what my resolution called for. They go much beyond that. I am told that there are now something like 55 resolutions from municipal councils dealing with this issue. How long does it have to go before the government is prepared to recognize that there is a rapidly-growing problem. It must be dealt with, or else it is going to get totally out of hand.

Now the government has amended this resolution to the point where they say they're going to talk. Well, Mr. Speaker, I want to make it plain that I'm not going to oppose the amended resolution, because talk is some better than nothing because it indicates that maybe the issue will have a little more light thrown upon it, but I will tell the members opposite that it is not going to be successful until the province is prepared to act.

Because all we're saying is, apply the same methods of hunting to the Indian people as apply to everyone else. We're not saying, limit the numbers they can take. We are not saying, limit the season that they can take them in even through there may be a great many of the public calling for that. What we are saying is, stop nightlighting; stop the use of aircraft, helicopters, infrared telescopes, that type of specialized equipment which is unavailable to anyone else to use. Stop it. Say that you're going to stop it and get on with acting.

I find it hard to understand why, in a situation such as this where, I believe, a recent reading of the treaties and the transfer agreement, the actions of the Federal Government, all will lead one to believe that this is a power which the government should have and for which there would be great support for the government to have. But the government is unprepared to act decisively. They say that they will not act to bring about a change in the transfer agreement without the consent of the Indian people.

Why is it that in this case, where there is a relatively small proportion of the population that has a certain right given by the courts, that the government will not act at the moment? Yet, when they come to the constitutional amendment dealing with the extension of French language rights, they are prepared to act without consulting with the other 95 percent of Manitobans who are also affected by that resolution.

Now that is a contradiction that I find very difficult to understand; that if in one case, there is a right that requires public discussion and consent of those affected by it, why does not the same measurement apply to every other right that people have? Surely, the rights that all Manitobans have under the Constitution are fundamental rights which should not be changed without the consent of the people of the province. Yet in this case, the government refuses to act.

Mr. Speaker, just in summing up, as I say, we are prepared to support the resolution even though it is a

much, much weakened version from what the original resolution was. I am confident that when the House comes back next year and the year after, if the government should still be in power, that this problem will not have been dealt with by this government. The problem will not be diminished from what it is now, and I can assure the honourable members that it will be my intention to introduce the same resolution again next year when the House meets. We will be able to debate the issue then with one year having passed and the government having had the opportunity to enter into discussions. We will see then if any progress has been made. And it will be introduced again the year following that, because the issue has got to be dealt with, Mr. Speaker. It is not going to disappear.

I'm afraid that it is one of those things that is going to require some action on the part of the government. Perhaps as time passes, they will realize that, important as discussion and talk is, there comes a time where it will be necessary for them to act in accordance with the way that the original resolution recommended. Or else, as more time passes, the government's hand will be forced to act in a way that will truly infringe upon the rights that the Indian people have been given under the treaties. Because I am confident, Mr. Speaker, that if the present situation is allowed to continue that the big game populations will be depleted to the point where there will be essentially no resource available for anyone. There will be such an irresistible outcry against that that the government will be forced to take a stronger action even after it is too late. They will be forced to take a stronger action, which indeed could be interpreted as seriously infringing on the rights of Indian people; whereas this kind of an action would be interpreted by any reasoned analysis as being something that is simply parallel with what the Federal Government is able to do now and I am confident that there are a great many Indian people themselves who would support this kind of action.

I don't expect to hear much support from the leadership of the Indian people because it is an emotional issue for them, even though I have had some expression of support. But I do expect that among the individual people, the individual Indian people, they realize that this kind of practice cannot go on and that some action should be taken to stop it.

**QUESTION put on the Resolution, as amended;
MOTION carried.**

MR. SPEAKER: Is it the pleasure of the House to call it 5:30? (Agreed) In which case, I am leaving the Chair to return this evening at 8:00 o'clock.