

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**Thursday, 9 April, 1981**

Time — 2:00 p.m.

**OPENING PRAYER by Mr. Speaker.**

**MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell):** Presenting Petitions . . .

**MATTER OF PRIVILEGE**

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

**MR. HOWARD PAWLEY (Selkirk):** Mr. Speaker, I beg to move, seconded by the Honourable Member for St. Vital, that:

WHEREAS allegations have been made that the Minister of Mines and Energy resorted to threats and intimidation against former members of the Hydro Board;

AND WHEREAS the Minister made misleading statements to the Public Utilities Committee and to the House;

THEREFORE BE IT RESOLVED that the House refer the matter to the Committee of Privileges and Elections.

**MOTION presented.**

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

**MR. PAWLEY:** Mr. Speaker, I rise on this matter of privileges of the House pursuant to questions and answers that were received by members of the Public Utilities Committee, commencing Friday of last week, continuing into Tuesday of this week, and further until this morning's sitting.

Mr. Speaker, it was October 4, 1977, when the First Minister in a meeting of some 700 in the constituency of the then First Minister, the Member for Rossmere, said that under a Conservative Government, there would be an opening of the so-called New Democratic party closet to reveal political interference and incompetence in its handling of Manitoba Hydro.

Mr. Speaker, we were then treated to the formation of the Tritschler Commission. We were treated to the expenditure of some \$2 million, closer to \$3 million, the Member for Inkster mentions, of expenditure in order to present the Conservative Party position pertaining to Manitoba Hydro, additional sums were spent by Manitoba Hydro and, Mr. Speaker, in the last few days important revelations have come to light pertaining to the Tritschler Commission, pertaining to the Minister's intervention, pertaining to what ought to have taken place as a result of legal advice which was provided to the then Board of Manitoba Hydro during the time of the Tritschler Commission proceedings.

Mr. Speaker, on Friday of last week the Member for St. Vital asked a question of a Chairman and General Manager. The question was a straightforward question: "Did special counsel to Manitoba Hydro, Mr. Steward Martin, provide to

Manitoba Hydro a legal opinion pertaining to the proceedings of the Tritschler Commission, and if so what were those recommendations?" On Tuesday morning of this week the response was provided by both the Chairman and the manager of Manitoba Hydro to the effect that no legal opinion was sought nor was any legal opinion given. The basis for the conclusion that was drawn by the Chairman and the manager of Manitoba Hydro was to the effect that they had checked with Mr. Smellie, who had assumed responsibilities after Mr. Steward Martin had apparently discontinued service as legal counsel to Manitoba Hydro. They also mentioned that they had gone through the files and the minutes of Manitoba Hydro in order to attempt to obtain information pertaining to legal advice.

During the discussion that followed, Mr. Speaker, the Minister responsible for Hydro identified himself with those statements by the Chairman and the manager of Manitoba Hydro. The Minister indicated that indeed the answers had been provided adequately and completely by the Chairman and the Manager of Manitoba Hydro.

Mr. Speaker, it was at that point that Opposition members continued to press their case with the government and, Mr. Speaker, we were met with a stonewalling attempt to ensure silence until, and I give credit, I want to give credit to a member on the government side, the Member for Rhineland. After an hour, Mr. Speaker, of silence on a conspiracy to suppress information and the Minister participating in that conspiracy, the Member for Rhineland had had enough and he spoke up, and the Member for Rhineland said, "Look, I was a member of that Board, I know the chief legal counsel. Steward Martin did express concerns to the Board in the early part of January, 1979." Mr. Speaker, that was the first clear indication that we had that indeed that which we were seeking was in fact true.

But then, Mr. Speaker, did the Minister open up? Did the Minister say, "Oh yes, it is true, the Chairman of the Manitoba Hydro did approach me; the Chairman of the Manitoba Hydro did show me a legal opinion and I indicated my negative response to that legal opinion."? That was the time, Mr. Speaker, that the Minister responsible for Hydro, the Deputy Premier of this province ought to have spoken up but did he speak up? No, Mr. Speaker.

I want to read into the record, Mr. Speaker, statements by the Deputy Premier of this province. This I want to mention to you, Mr. Speaker, and you may wish to check with the final version, is a non-edited version of the transcript of the proceedings of this past Tuesday morning. The Minister responsible for Hydro: "If," starts out "If", "If that legal counsel had concerns at the time," and this was after the revelations by the Member for Rhineland, "had concerns at that time," he's not saying he did but if, "and did not formalize it and now the Leader of the Opposition is suggesting that we ought to, you know, rediscover all of this, then I think it's not serving the best interests of the committee. He knows very well that he can go to the legal counsel and ask him for his opinion and perhaps get it." Well, Mr. Speaker, it was within a space of a few minutes that the Minister

responsible for Hydro recognized indeed that there was a restriction on the former chief legal counsel for Hydro. There was a solicitor-client confidentiality. There was no way the Leader of the Opposition could go and obtain information from the former chief legal counsel and I can't help but think that the Minister responsible for Hydro ought to or should have known of that when he made such an inane suggestion to us at the committee.

Furthermore, during the morning's proceedings, the Minister said, "that really the question has been answered, the question in respect to whether legal opinion had been obtained and what the recommendations were, but really the question has been answered. There was no request for that kind of opinion, no opinion was rendered and there was no recollection by a Board member, who was the only person on the Board at the time of such having taken place; no opinion, no recollection" — the words of the Minister responsible for Manitoba Hydro, the Deputy Premier of the Province of Manitoba.

Furthermore, Mr. Speaker, in this morning's proceedings — "well, Mr. Speaker, I can tell the Opposition directly, that the former legal counsel certainly did not, in any direct way, advise me of his feelings in this regard" — this again is the Deputy Premier. "I'm quite aware of the fact from the former Chairman of Manitoba Hydro, that Mr. Martin left under a high degree of disturbance." Well, Mr. Speaker, we wondered what all that disturbance was, the Minister was at least being kind enough to let us know there was some degree of disturbance on the part of the former legal counsel for Hydro. If we find out a little later on what that disturbance was — disturbance over the affairs with regard to representing Hydro and the work of the Commission and so on. So if that's any help to him, that's about as much help as I can give him.

Then he further states "complete" by saying that, "Mr. Martin left the representation of hydro at some point in time during the hearings, was replaced by another lawyer from the same legal firm who took over the work and carried it to its conclusion. There was no formal, as you can see, just so the record is complete, there is no evidence in Hydro of any, at least of formal concern being expressed about the Terms of Reference of the Commission, although it is quite possible he may have had on a personal basis expressed those concerns."

Then I posed a question to the Deputy Premier. The Minister indicated that it was not brought to his attention, that chief legal counsel then for Manitoba Hydro recommended that proceedings be initiated within the court, in order to question the proceedings of the Tritschler Commission, and the Deputy Premier responds, Mr. Speaker, "certainly not in any formal way." Now, Mr. Speaker, we had some trouble finding out what formal ways and informal ways were, whether it was a chat by the Minister with the former Chairman of Manitoba Hydro on the bus going home would have been in informal discussion; whether a discussion in his office would be considered a formal, but if it was out in the corridor, an informal discussion. I know not, Mr. Speaker, but the Deputy Premier continues, "not in any formal way, not either directly by that legal counsel nor directly by the Hydro Board. But as I say, there is no

doubt about the question that he was disturbed about the work, his work, Hydro's position. Some of the things that were occurring as a result of the inquiry and whether or not the Terms of Reference of the Tritschler Inquiry Commission were his concern.

"I can't tell you, it may very well have been wrapped up in his entire concerns about it, and may well have been one of his reasons for leaving; you will have to ask him," again says the Deputy Premier.

Then in the House, Mr. Speaker, on Tuesday, a question was placed to the Minister in respect to whether he had been made aware of legal opinion, the recommendations pertaining to that legal opinion from Chief Legal Counsel, and the Deputy Premier responded, and I read on Page 2,481 of Hansard, "Mr. Speaker, as I indicated to the Committee meeting this morning, on any number of occasions, since it was a very repetitious session we had this morning, that the legal counsel, the first legal counsel, one of the two that Hydro had retained of their own volition, was upset when he left about the progress of events. I was advised by Hydro that he was upset; I was also advised that he was ill and that he would not be available for their services any further." Would not be available any further for their services, as he was ill.

It carries on: "Details" — Mr. Speaker, and this is very important — "Details beyond that are not available to me." Details beyond that are not available to me. "It was the business of the Board at that time to deal with it as they saw fit."

Mr. Speaker, those are the statements by the Deputy Premier, the Minister responsible for Hydro.

Mr. Speaker, I would like now to deal with — and I believe if there's a Hydrogate, this is a Hydrogate if there ever was one. Mr. Speaker, first, the Member for Rhineland speaks out and alerts the members of the committee that there is more under the surface than what appears to be. He speaks frankly and openly, as a member of the Hydro Board, that indeed concerns were expressed. As a result of that, Mr. Speaker, we request at the Committee that an order be granted by the Public Utilities Board in order to require former Board members; chief legal counsel at the time, Mr. Steward Martin; to appear before that committee, so that the air could be cleared, so that we could have the truth, Mr. Speaker, the truth of what had taken place. That's all we were seeking.

Mr. Speaker, though the motion was placed, the motion was voted upon, and they voted it down by way of their majority, as is their right. They saw fit not to open the committee hearings in order that we could arrive at the truth of the matter before us.

But, Mr. Speaker, in addition to the comments by the Member for Rhineland, more and more information began to appear. Quotes began to appear. Mr. Hoogstraten, former Board member, indicated that he was aware that there was unhappiness on the part of Mr. Steward Martin with the Tritschler Commission proceedings. He was unable to recall precisely the nature of the recommendations that were made by chief legal counsel, but he could recall that there were recommendations and that chief legal counsel was unhappy with the proceedings of the Tritschler Commission.

Then, Mr. Speaker, Mr. Wedephol, the former Chairman of Manitoba Hydro, says, "Yes, there was

a legal opinion provided to the Board, and recommendations were included within that legal opinion that an application ought to be made to the courts of the Province of Manitoba to quash the proceedings under which the Tritschler Commission was proceeding." The Chairman, the former Chairman recalls that quite well and, Mr. Speaker, the former Chairman also recalls that he saw the Deputy Minister, the Deputy Premier, that he made the Deputy Premier aware of the legal opinion and the recommendations. And what is the former Chairman quoted as saying as a result of his meeting with the Deputy Premier, "the Deputy Premier appeared to be unenthusiastic, unenthusiastic about the recommendations."

See now, Mr. Speaker, we have the link, the link from the former Chairman to the Deputy Premier. Did the Deputy Premier divulge that in Committee, Mr. Speaker, did the Deputy Premier divulge that in Committee? The answer is no.

Then, Mr. Speaker, a question was posed to the former Chairman, according to the article, "would you recall whether or not information provided by another Board member indeed is correct, whether the Deputy Premier threatened to fire Board members?" Well, you know, that would have been, if a threat was made of that nature, I would have thought that that would be recalled, but the former Chairman, his response is that he couldn't acknowledge or deny, that that indeed was the case. What did he say? He said he would have to duck that question, Mr. Speaker, he was going to have to duck that question, he couldn't answer it.

Mr. Scott, another Board member provides information. Mr. Scott recalls that Mr. Steward Martin indeed did present legal opinion to the Board, that indeed that legal opinion did recommend that proceedings by commenced to quash the proceedings of the Tritschler Commission. He recalls that indeed the former Chairman did take that legal opinion to the Deputy Premier and that the former Chairman did return to the Board and did report what? — not only that the Deputy Premier was negative towards the recommendation but that the Board would be fired, would be fired, if they undertook to complete those recommendations from chief legal counsel.

Mr. Speaker, I believe that this matter could have been held and dealt with much better this morning if the government, rather than using its majority of 6 to 4, I believe it was, would have opened up the committee proceedings, would have been open government which it pretended to be but only a few years ago, let all come forth, let there be open government, and had announced at the committee this morning, "we have nothing to hide." We want Steward Martin to appear before this committee. We want him to tell all that he knows. We want to see if there is a legal opinion or not. We want to see that legal opinion. Did they do that, Mr. Speaker? No, and, Mr. Speaker, I would have thought they as well would have said, it would be important for us to have the former Board members appear before the committee, so we don't have to find out by way of newspaper reports what former Board members are saying. I would have thought that the Deputy Premier himself, in order to remove the cloud that now hovers over Manitoba Hydro, would have said bring

forth, bring forth the former Board members so we can get to the bottom of this.

Mr. Speaker, we provided to the government an opportunity to clear the clouds away which unfortunately they are the cause of, but the Deputy Premier, the other members at that committee, unfortunately the Member for Radisson, the Member for Rhineland, and other members that were present, the Minister of Municipal Affairs, lined up shoulder to shoulder to participate in the stonewalling, the blocking of information that the Opposition has been attempting to obtain in respect to this matter since past Friday, by their majority, by their blocking, they resisted efforts to open up the committee so we could get to the bottom of this matter.

Mr. Speaker, what we are confronted with, and you have the unedited transcript, and soon the edited transcript will be available to you, you have the copies of Hansard, you have the statements that were given in committee by the Member for Rhineland. You have the quotes that have occurred on the part of former members of this Board. They clearly indicate that the Deputy Premier, the Minister responsible for Hydro, is responsible for grossly misleading the members of the Public Utilities Committee; grossly misleading.

Mr. Speaker, if the government is really anxious to ensure that there is openness, that the air is cleared, then they will vote in support of this motion to refer this matter pertaining to the statements by the Deputy Premier to the Committee on Privileges and Elections so that we can call to that committee, Mr. Speaker, all those witnesses, all those citizens of the Province of Manitoba, or indeed now outside the Province of Manitoba that once participated in respect to the operations of Manitoba Hydro, that we can call those witnesses to that committee, and if, Mr. Speaker, we are wrong, then we will admit that wrong. But if we are prepared to do that, let the government as well stand on their own two feet and say we have nothing to lose. We are prepared to open up the statements for the Deputy Premier. We are prepared to have a full discussion in the committee. We are prepared to call to that committee all those that can throw some light on this matter.

Mr. Speaker, the First Minister doesn't seem to yet understand the issue. Mr. Speaker, that seems to have been the problem with the First Minister for the past three-and-a-half years and still doesn't know what the issues are in the Province of Manitoba. Mr. Speaker, if this is not done, and the First Minister can read from the Tritschler Commission, it's not going to throw much light on what we are dealing with now, namely the grossly misleading statements by the Deputy Premier of this province, that's the issue that's before us; that's the issue.

The First Minister might like to divert the issues. He might like to talk about everything else, about the statements by his Deputy Premier, and as my colleagues are indicating, and the First Minister used this phraseology last week, they will squirm, the will weasel, but, Mr. Speaker, they will not escape the truth. They will not escape the truth as outlined by way of the transcripts in committee, by way of the verbatim report of the questions and answers that took place here on Tuesday. They will not escape the fact, Mr. Speaker, that we've been involved in —

and they don't like the term, but it's accurate — Hydrogate and, Mr. Speaker, the conclusion that any that will read the evidence is that the government has been engaged in stonewalling, in cover up, in a conspiracy to be silent. Why, Mr. Speaker? Because (a) it would discredit the some \$2 million that were spent and more in order to put together a political document which have been the appendix of the Progressive Conservative Hydro policy in Manitoba.

Secondly, Mr. Speaker, if I can just return for a moment, those famous words by the First Minister, October 4th, 1977, "Under a Conservative Government there would be an opening of the New Democratic Party closet," and I guess he had in mind then the Tritschler Commission. The Tritschler Commission, Mr. Speaker, to do what? To reveal political interference and sheer incompetence. Mr. Speaker, it's come home to rest. It's come home, the incompetence and political interference is there for all to see. It's there by way of evidence and, Mr. Speaker, the government can this afternoon, by way of its majority, vote down this motion. They can try to pretend that this never occurred. They could go on their way, and I expect that's what the government will do because that will continue the pattern of the past three days in committee or the government can say we have nothing to lose, we are not afraid, we are prepared to go to the Committee on Privileges and Elections because we have nothing to hide, bring forth your witnesses, our Deputy Premier will be exonerated.

Mr. Speaker, the decision rests in this House as to whether the government has the guts that we fear they do not have.

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

**HON. DONALD W. CRAIK (Riel):** Mr. Speaker, we have just seen one of those hapless and inept presentations that we have become accustomed to watching across the way from the Leader of the Opposition. Mr. Speaker, probably one of the most hapless and inept presentations that any Leader of any Opposition has ever presented in this House. Mr. Speaker, the desperation that motivates this Leader of this Opposition is hard to determine, Mr. Speaker, when he has to delve for the kind of issues that he's attempting these days.

Mr. Speaker, let me say first of all; let the House be well aware that the Opposition walked out on a Committee Meeting. This was the fourth meeting of that Committee. There were important things in the constituencies represented by the members opposite that should have been presented to Manitoba Hydro in the way of questions that are of direct interest and concern to their constituents. That was not done, Mr. Speaker. They walked out of the Committee like a bunch of children, childishness, absolute and pure childishness, and left all the questions unasked, questions that pertain to a large number of the constituencies they represent. So the members of the government side that were at the Committee asked the questions and a number of them pertaining to their own constituencies, and that is the kind of mindless opposition that we've become accustomed to see now with this group across the way, twitery.

Mr. Speaker, let me deal with some of the points that the Leader of the Opposition attempts to make.

Let me tell you, Mr. Speaker, that every possibility was undertaken to be co-operative and helpful in the Committee and this includes both the Chairman and the General Manager of Hydro, who are more recent in their roles than the matter that is being discussed. The matter that is being discussed is over two years old and both the Chairman and the C.E.O. were not in position at that time, so the Leader of the Opposition in some way wants to try and brand them as not providing . . . fabricate an issue that would indicate that they are not being forthcoming. They have been forthcoming. Everybody on the Committee was forthcoming.

The Leader of the Opposition read the statements from the various records that I made myself on this matter. I stand behind everyone of them, Mr. Speaker. He's trying to make a suggestion, and I think it should be known for the record, he seems to be trying to make a point that somehow I received a legal opinion either directly or indirectly from the Chief Legal Counsel, and even though he's told that is not the case, he keeps coming back to it and he wants to say it over and over again and he insists that I never answered it. Well, Mr. Speaker, how many times do you have to answer? He's goes around this thing like it was a stuck record. I've made no bones about the facts immediately off in the Committee, that at the time of the legal counsel having departed from Hydro, he went out, I think I used the words "being disturbed about matters".

I've made no bones about that, Mr. Speaker, but for him to try and portray a case where some legal opinion was overridden in this matter, and that somehow that I intervened in this matter is just so much nonsense. But, this seems to be the sort of wild goose chase that they're so apt to go on. They're so short of real issues that they have to chase this kind of issue to try and create an issue whether it's there or not.

**A MEMBER:** Desperate for an issue.

**MR. CRAIK:** Well, Mr. Speaker, the real reason for them being so desperate in this case is that they so much want to really try and disguise the real issues of the Tritschler Enquiry Commission and that was the mistakes and the waste and the money that went down the drain without producing any power, Mr. Speaker, in this province, without producing any power at all. They were identified in the Tritschler Enquiry Commission. That is the kind of thing that they want to try and cloud over. They're still smarting over that, Mr. Speaker, but they're not going to get out of it. The mistakes are well documented and they would be well advised to learn from them. It only seems to be in the last three years that they've taken any interest. They certainly didn't take any interest when they were on the government side in the matters that are identified in the Tritschler Enquiry Commission.

Mr. Speaker, the Leader of the Opposition talks about stonewalling. Well, there was every possible effort made to assist them. I think we have to recognize that the operations of the Public Utilities Committee has taken on a format over the years, over the decades, that has said that it would deal with the reports that were presented before them. The Public Utilities Committee has not made a practice and certainly not in the time of the former

government of receiving representation. That was attempted in days gone by, Mr. Speaker, various attempts have been made to bring witnesses before that Committee. As a matter of fact, I recall when they were in government that it went from the Committee into the House and a resolution was placed before the House on the matter to have the Public Utilities Committee hear witnesses. That was never approved. It's been the standard format for that Committee to deal with the report and not for the purposes of calling witnesses on an obtuse subject, particularly as obtuse as the subject that they're trying to introduce here, Mr. Speaker. And, that's exactly what it is. I could use much unkind descriptions of it. I should use much unkind descriptions, but if I did I would be bending to his level in so doing.

Mr. Speaker, the Opposition in the last several sittings have been very irresponsible. They have avoided the issues that are important to their constituents because Hydro is an important matter, whether it's a servicing of the native communities on the east side of Lake Winnipeg, which is a major undertaking by Manitoba Hydro into those communities working along with the Federal Indian Affairs Department. It's a matter as important to those people as it was to the farm community in Manitoba when rural electrification went through. Not a question on it, Mr. Speaker. It's important to the people of Flin Flon to know that there's a new tie that's going from The Pas to Flin Flon that's going to give added securities of supply to Flin Flon. No questions asked. It's important to the people who have cottages on the Churchill River to find out what is happening on the Churchill River, Mr. Speaker. Not a question asked at the Committee. In at least three constituencies represented by the members across the way, major issues that involve that utility; not a question, Mr. Speaker, not a question. What do they do? They bury their heads into an issue where they think that they can get some cheap headlines and create a phony issue. Give it a nice name like Hydroweir, Hydrogate, in hope that it will catch on as far as a name is concerned.

Deal not with issues, Mr. Speaker, that's their philosophy, deal not with real issues just deal with scuttlebutt, because that's basically what it is. It's all flimflam and scuttlebutt, that's all they're cases are made of. So, Mr. Speaker, better that they would have called it Windygate; it would have been more inaccurate description of what is happening here, more fuss and bluster than there is fact.

Mr. Speaker, I don't think that this matter deserves really the time of the House. Everything that could be said about it has been said, we've said from Square One that there was a question at the time of the legal counsel at Hydro being disturbed about the progress, or lack of it, of events with regards to the work of the Tritschler Inquiry Commission. He was concerned about a number of things that I know he relayed, as has been indicated, to the Board or the former Chairman, some of those were related to me.

Mr. Speaker, I have to tell you I was never presented with a legal opinion; I've never met with this gentleman to start with; I had nothing to do with his appointment; I had nothing to do with his leaving; I never met him in between; he never presented me

with a legal opinion. I mean, what are they talking about across the way?

I can tell you what I did get. It was reported to me that he was upset and concerned about the progress, or lack of it, of the Tritschler Inquiry Commission; disagreements with it; he was concerned about whether or not they were exceeding their Terms of Reference. Well, I suppose that's a normal legal thing for a lawyer to be concerned about. Sure, that was all rolled in there, but it certainly wasn't, Mr. Speaker, any more important, I don't suppose, than any number of other things that were bothering him. Maybe he was not doing well on his case, who knows? That's for him to decide.

I suppose if he felt strongly enough about it, he could take the advice that was given at the Committee, that if he felt he wanted to apply to be released from the traditional client-solicitor type relationship, he hasn't given any indication by going back to his client and asking for it, and I'm telling you his client is not me. The question was asked at the committee, "Would you resist it?" I said, "How could I, I had nothing to do with engaging him, I had nothing to do with releasing him, I had no meetings with him in between, I had nothing to do with the man. It's the client's business."

So the procedures are straightforward, Mr. Speaker, that's all there is to it.

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

**MR. SIDNEY GREEN:** Mr. Speaker, it's interesting that the Honourable the Deputy Premier has chosen to talk about everything except what the motion contains, and one can understand that, Mr. Speaker.

There are two things that are suggested here, Mr. Speaker, and the very fact that they have not been dealt with indicates to me that there is probably some substance in them.

It is suggested that the Deputy Premier, in his capacity as the Minister to whom Hydro reports, told the Hydro Board, or their representative, that if they took any court action to try to keep the Tritschler Commission within its Terms of Reference, he would fire the Board.

**MR. CRAIK:** That's nonsense.

**MR. GREEN:** Mr. Speaker, the Minister says, "That's nonsense." When he was on his feet and had a chance to talk about it, he ignored it, he ignored it, Mr. Speaker. The charge is, Mr. Speaker, that the Minister told the Board that if they chose to try to take legal action as is recommended by their counsel, to keep the Tritschler Commission within its Terms of Reference, that he would fire the Board. The Minister has not answered that charge, Mr. Speaker, and there is a legal principle that when an allegation is made and not denied by the person against whom it is made, it is taken to be admitted, Mr. Speaker.

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

**MR. CRAIK:** Yes, Mr. Speaker, if the member had taken the time to attend the committee, that question was dealt with. With regards to the

nonsense about whether the Board was fired, it was dealt with at the committee.

**MR. GREEN:** Mr. Speaker, the allegation was made in the motion and when the Leader of the Opposition was on his feet:

"WHEREAS allegations have been made that the Minister of Mines and Energy resorted to threats and intimidation against former members of the Hydro Board."

There's the allegation, Mr. Speaker, and the Leader of the Opposition articulated that allegation in a more precise form.

Mr. Speaker, I was at the committee. I was not there this morning. In any event, that is No. 1 of the allegations that are made in this House and the basis of the motion that has been put before you. The second allegation, Mr. Speaker, is:

"WHEREAS the Minister made misleading statements to the Public Utilities Committee and the House."

Now, Mr. Speaker, I was at Public Utilities Committee yesterday, I heard questions being asked. It was yesterday that the misleading statements were made. Mr. Speaker, I was at the Public Utilities Committee meeting. There were questions asked about whether chief counsel to Manitoba Hydro had made recommendations, or had advised the Board or in any way dealt with the Board in terms of trying to keep the Tritschler Commission within its Terms of Reference.

Mr. Speaker, not only were those allegations specifically denied on the basis of a cursory examination, but the Minister, who knew that such allegations were made, and now gets up and tells us that they were made, distinctly took the position, Mr. Speaker, that he knew nothing about it, and that no such thing has happened. Mr. Speaker, I regard those as misleading statements to the Public Utilities Committee.

**MR. CRAIK:** You are lying. You are lying.

**MR. GREEN:** Mr. Speaker, I go further than that. I want you to know that the Deputy Premier has said that I am lying. Mr. Speaker, I am clear that I want that on the record, that I do not ask for a retraction, because when the Deputy Minister accuses somebody of lying, then as sure as God made little apples, you know that person is telling the truth.

Mr. Speaker, to be called a liar by the Minister of Hydro is to be complimented on your credibility, your honesty and your integrity, because he, Mr. Speaker, he has sought in every way possible to ruin the reputations, the integrity, the dedication of honest and dedicated people, and he does so without a pang of conscience, and we know him now for what he is.

I was at the committee, all of those people up there were at the committee, they all heard what was said. Mr. Speaker, I have no difficulty in letting the public judge, despite the fact that I am not going to make an allegation, I'm going to deal with the motion, the public will judge who is the liar. I am quite willing to let the Minister make those unparliamentary remarks because coming from him, Mr. Speaker, coming from him, they are — (interjection)— What's that? What other did you want? The Minister does not wish to further compliment me, Mr. Speaker, from his chair.

Those are the two things that have been dealt with, Mr. Speaker, and they are particularly important in this case. They are particularly important in this case, Mr. Speaker, because he has sown the wind, Mr. Speaker, with his actions, and he will reap the whirlwind. He has, Mr. Speaker, gone to a dedicated civil servant of 40 years work for this province, and because there was a difference of opinion, as to whether a word recommendation meant recommendation, or meant the findings of a report, he asked for and received the resignation of that person, on the basis of what charge, Mr. Speaker? Of misleading a Legislative Committee; misleading a Legislative Committee.

Mr. Speaker, I charge that the Member for Riel, the Minister of Finance, has misled a Legislative Committee and that he should be judged, Mr. Speaker, by being sentenced in exactly the same way as he said that that sentence was deserved on a 40-year member civil servant of this province. Let him be judged in the way that he has judged, Mr. Speaker, because he has misled a Legislative Committee and worse than that, Mr. Speaker, the entire Legislative Committee is one of Alice in Wonderland misleading. Mr. Speaker, the Member for Riel has said that the New Democrats walked out on a Legislative Committee. I didn't happen to be at Committee this morning and perhaps, Mr. Speaker, I would not have walked out, but I understand their frustration, Mr. Speaker.

We have the Chairman of Manitoba Hydro and this is the root of the problem and I'll deal with it in a moment. Mr. Speaker, the Chairman of the Manitoba Hydro got up, not under questions, but in a prepared report, in a prepared report, which he gave strong consideration to, said that in 1966, the Federal-Provincial Agreement called for Kettle Rapids, a transmission line, the Churchill Diversion, Lake Winnipeg Regulation, in that order, Mr. Speaker, a very strong political statement in that order.

Now, Mr. Speaker, what subsequently happened? The Chairman of Manitoba Hydro, a person who got to his position by knifing his own boss, Mr. Speaker, indicated that those three little words, in that order, were incorrect and false. I ask the member, has he demanded the resignation of the existing Chairman of Manitoba Hydro? Well, Mr. Speaker, he misled a Legislative Committee. You know, now we're getting to how great, Mr. Speaker, a web we weave when once we start to deceive. Mr. Speaker, the member has said, the member has said that Mr. Kristjanson did not mislead the committee, that the words in that order are correct and therefore, Mr. Speaker, in order to make the lie live, one must start calling the lie the truth, and that's what the Conservatives have been doing ever since they have come into government.

They have spent \$3 million trying to make a lie the truth and when Mr. Justice Tritschler's report came out and didn't confirm their position, what did they do, Mr. Speaker? The Member for Riel spent several days, and I'm going to use the Premier's words, "issuing a release which disguised the real issue that was set forward by the Tritschler Commission."

Now, Mr. Speaker, that's the first thing that the Chairman did. The second thing is that we had that charade yesterday of there being a pretense that there was no report to the Minister in charge of

Manitoba Hydro with respect to Mr. Martin and, Mr. Speaker, I happen to think that this is not an issue, except the misleading, because the government had perfect power to change the Terms of Reference, and if the Minister was unhappy with what Mr. Steward Martin was telling him, he could have, Mr. Speaker, if he wasn't so inept, if he wasn't so inept, he could have said, we will increase the Terms of Reference, to include whatever Mr. Martin said, as being gone beyond. But, Mr. Speaker, instead of doing that, what he said is, "if you do that, I'll fire the whole Board."

Mr. Speaker, that is the remark that is being alleged that the Leader of — well, Mr. Speaker, the First Minister says by whom —(Interjection)— Mr. Speaker, it's very easy to answer that question — pass this motion. Mr. Speaker, it's very east to pass this question and the Leader of the Opposition is quite right. There is a statement by Mr. Scott, a former member of the Board who says, who says, Mr. Speaker, there is a statement by a Mr. Scott, a former member of the Board, who said — (Interjection)—

**A MEMBER:** Tell us about Tritschler, tell us about Tritschler, the whitewash he did for you over the years.

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

**MR. GREEN:** Mr. Speaker, there is a statement by a former member of the Hydro Board to the effect that, "we were told by the Chairman, that if we tried to do this, the whole Hydro Board would be fired." There is a statement reported in the press by Mr. Wedepohl, that he would have to beg off on that question. He would have to duck that question. It would seem, Mr. Speaker, that the Deputy Premier would want to have this motion passed, so that those statements could be brought before the Committee on Privileges and Elections and if the honourable members are anxious to know who said them, they will be able to call those people before the committee to find out whether this in fact happened.

But, Mr. Speaker, I say to you that the Minister could well have increased the term of reference if that was his problem and, Mr. Speaker, the fact that he didn't, merely indicates, Mr. Speaker, his incredible ineptitude and incompetence and really shows that the only skill that he has got, is to take a ripple in a teapot and turn it into a tornado on the high seas, because that, Mr. Speaker, is what he has done by saying that he is going to undo the Board and then misleading the Legislative Committee on that issue.

Those are the issues, not the question of whether the Tritschler Report was or was not going beyond its term of reference, but whether the Members of the Legislature have been properly dealt with by a Legislative Committee.

Now, Mr. Speaker, I have no difficulty with the Tritschler Report. I indicated, Mr. Speaker, last year that the people of the Province of Manitoba don't believe, don't believe the Conservative allegation that there was \$600 million lost on the Hydro project. Indeed, Mr. Justice Tritschler, with every attempt that he made to leave that impression, would not make such a statement, because it is nowhere documented

in the report. But, Mr. Speaker, my friend the Leader of the Opposition says, Mr. Speaker, — (Interjection)— well, Mr. Speaker, you know I will say, Mr. Speaker, my friend the Leader of the Opposition says that the error would be cleared up by the holding of this inquiry. He is overly optimistic, Mr. Speaker. There would be no clearing up of air by what would come out of this Commission. What would come out of this Commission, Mr. Speaker, is that the whole putrid stinking mess, that has been created within the Hydro organization would foul the entire air of the Province of Manitoba. And how has that happened, Mr. Speaker? Not by these demonstrations of ineptitude that we have seen by the Member for Riel, but by the most stupid thing of all, by the appointment of Kristjanson to be the Chairman of Manitoba Hydro, Mr. Speaker. That's the real problem, Mr. Speaker, because what the Minister of Finance has said is that anybody who wishes a reward by the Conservative administration or if you wish to be rewarded in your climb up the Hydro ladder, there is a very easy of doing it — knife your boss, Mr. Speaker, and I suggest to you that he has created within the Hydro organization that psychology right through the ranks. The way to get ahead in Hydro is to politically attack your boss and, Mr. Speaker, that's something which I don't know. I don't know the length of time that irremediable damage which the Minister has done will take to correct. I'm not sure that it will be corrected in a generation but that's something which will be the living, Mr. Speaker, testimony to the ineptitude, incompetence, and may I say it, duplicity, of the existing Minister to whom the Manitoba Hydro reports.

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

**MR. D. JAMES WALDING:** Mr. Speaker, as the seconder of the motion, I feel I ought to add a few remarks. The Member for Inkster has made some of the points that I was intending to make. I find it rather interesting to listen to the Minister of Mines in his reply to the charge and he seemed to want to deal with almost anything except the specifics of the charge.

The Leader of the Opposition in introducing this motion gave a very good recap of what has happened and went into considerable detail to show the evasions and the misleading statements that were given both to the committee and in the House.

Mr. Speaker, this matter began last Friday when a very simple question was put to the Chairman of Hydro, and he undertook to take the matter under advisement and to seek the reply. Mr. Speaker, the report that was given to the committee at its next meeting on Tuesday morning was simple and straightforward and direct to the effect that Hydro had searched its minutes and its files and had found that there was no written document, that no written report was given nor was it received.

Mr. Speaker, had we taken those words at their face value that would probably have been the end of it because they undoubtedly conveyed a most clear impression to the committee. Anyone receiving that sort of information would consider that the matter had been adequately dealt with, however, information that we had would indicate somewhat differently and

we persisted, Mr. Speaker, we asked further questions, and I believe that we had good reason to persist in exploring the situation. The Member for Inkster has given one example of a grossly misleading statement by the Chairman of Hydro to that committee.

There was another one, Mr. Speaker, the Minister had given the committee quite erroneous information as to the salary of the General Manager. The Minister had given completely erroneous information to the committee at that same meeting. So there we have at least three examples, Mr. Speaker, and the statement coming from the Chairman of Hydro made us suspicious that we were receiving yet another misleading answer, and that is the reason that we persisted.

The Minister knew very well that the intent of the answer to that question was not true but he sat silently. The Chairman of Hydro repeated the position on a couple of occasions and the Minister backed him up all the way. He said that certainly there is no evidence and that Hydro had given a complete and full answer to the Minister. Mr. Speaker, that was not true, and it was only after a considerable amount of questions and time had passed that the Member for Rhineland gave his personal recollection of that particular meeting. It would seem that he was the only one there connected with Hydro that had personal involvement and personal recollection of the occasion and he reported to us that there had been concern at a particular Board meeting. I am not sure whether it was a special meeting or not. I had the impression that it was. He also told the committee that Mr. Steward Martin was at the Board meeting, had reported to the committee, had expressed the concern, and I believe in his words were that he sought a recommendation from the Board of Hydro. Now that was rather stunning news to the committee, Mr. Speaker, and it may be just a Freudian slip, but the Minister this morning in referring to the Member for Rhineland referred to him as the former member of Hydro.

But, Mr. Speaker, at that meeting we asked Hydro if they could provide further information for us. In view of the time that had been taken on the committee hearings, we suggested that the matter could be cleared up quite promptly if Mr. Martin were asked to come before the committee and give us the full facts. The Chairman of Hydro declined to do that, but he did say that while he had phoned Mr. Smellie who was their legal counsel and had not come up with any information, but he thought that, well, it might be helpful for the committee if he phoned the former members and could report back the information that he had found by way of those questions. And, Mr. Speaker, the Chairman gave us what I recall to be a solemn undertaking that he would in fact do that very thing.

I recall that he was perhaps willing to phone Mr. Steward Martin on the matter but he certainly did not give that firm indication there that he did in the case of the former Board members, but the response from the Minister was most interesting, Mr. Speaker.

When it comes to the solicitor-client relationship, the Minister suggested, well, if Mr. Martin were to apply to the Board to be released from these conditions, then the Board would consider it. He did not go as far as to say that the Board would comply

and release Mr. Martin so that he could make his information available; he merely said that the Board would consider it and take it under advisement or information, or some such term as that. But that is as close or as vague as we could come to getting information.

Mr. Speaker, the questions that were directed to the Minister on the matter of his involvement were met with replies to the effect that, well, he had received no formal indication from Manitoba Hydro's solicitor. He repeated that several times, Mr. Speaker, along with the statement that all our questions had been fully answered and Hydro had been co-operative, and everything else had been done to satisfy the Opposition, but somehow they were not to be satisfied and wanted to continue to ask questions.

Mr. Speaker, the Minister evades the issue when he uses terms such as he did. The suggestion that we were making to the Minister in terms of a question was not whether Mr. Steward Martin had given his written legal opinion to the Minister, but whether the concerns raised at the Board meeting were communicated with the Minister. Mr. Speaker, we believe that following this Board meeting, where these concerns were raised, and the Board was warned by its solicitor, that the then Chairman of Hydro, Mr. Wedepohl, went to see the Minister and apprised the Minister of the situation. Whether Mr. Wedepohl had a copy of that written opinion, we don't know; the Minister won't tell us. But there is no doubt from statements made that the Minister was told of the situation by the Chairman of Hydro, that is corroborated by another member of the Board that is quoted in today's paper. The Minister didn't deal with that.

The other allegation, the other statement, Mr. Speaker, that the Minister was less than enthusiastic, or unenthusiastic, I believe was the word mentioned, is really not surprising under the circumstances, but there was the definite allegation made, and that is the text of our motion today, that the Minister threatened to fire the Board if they carried the matter any further. In other words, they were told to be quiet and to do nothing regardless of any extra expense that might have been involved on the part of Hydro in producing materials, in duplicating documents, or providing staff.

The Minister apparently was simply unconcerned about additional costs to Hydro, he wanted his \$2 million commission to go through at any cost, at any cost, Mr. Speaker, that is clearly the impression. He wanted to make sure that his exercise in vindictiveness, which was the Tritschler Commission, had to go through and must go through, and nothing would be allowed to interfere with that.

Mr. Speaker, the Minister was prepared at the beginning to spend \$150,000 on this exercise in vindictiveness. The cost went up and up and up, and the final cost, perhaps \$2 million. \$2 million in a political exercise to try to prove, by a Justice of the Court, what the Conservatives had not been able to prove in eight years in Opposition. Well, that has been dealt with.

So, Mr. Speaker, it is quite in character, and does not surprise me in the least, that the Minister should threaten the Chairman of Hydro, and through him the remaining members on the Board, that their days



were numbered if they should dare to heed the advice of their solicitor.

The Minister has not answered the point of Mr. Steward Martin's leaving the Hydro's employ. There have been suggestions that Mr. Martin was sick and that he was disturbed. I would be interested to know just what the actual circumstances were. This resolution gives us the opportunity to do so, Mr. Speaker.

Mr. Speaker, I mentioned a moment or two ago this action being completely in character for the Minister. I'll mention just two other very small items, which I believe will bear that matter out, Mr. Speaker.

A member of the Board said that the Minister had also vetoed a letter which the Board wanted to send to the former Hydro Chairman, Len Bateman, thanking him for his 22 years in service to the utility. Mr. Speaker, can you understand the sort of mentality that would prevent a Board, which wanted to send a letter of acknowledgement to an employee of 22 years long and faithful service to the utility, the Minister said, no, you may not do it. Not even that one little thing.

Mr. Speaker, there is a further example of similar petty-mindedness on the part of the Minister. The Annual Report for Manitoba Hydro for 1979-80 was expected to contain within it a testimonial from Hydro of the good work that had been done by Mr. Bateman. Mr. Speaker, I have been told that there was a draft copy of that report, in fact there were many copies made of that report, bearing that testimonial to Mr. Bateman. I am also told, and it would be completely in character, that the Minister vetoed those reports, that he ordered them destroyed and that the Minister ordered a new set of annual reports made and printed by Hydro, leaving a gap, a blank space on the back page but one, where that testimonial had been. Mr. Speaker, would you believe that I asked the Minister last year why there was nothing in the annual report bearing testimony to a former employee of 22 years, and do you know what the reply I got was, Mr. Speaker? The Minister told me that at the time the report was drawn up that the Tritschler Report was still sitting, and that it would seem an inappropriate time to have a testimonial in there to a former employee acknowledging 22 years of long service.

Well, Mr. Speaker, that is about the weakest excuse I have ever heard for anything in all my life.

If that were the case, that Mr. Bateman's testimonial had been left out of the report last year because the Commission was still sitting, where is the reason for not putting it in the last report? The Commission is not sitting, nor was it sitting as of the end of the financial year 1980.

We suspect, Mr. Speaker, that it was the same reason that it did not appear the year before, we suspect it's the same reason that the Minister vetoed a letter of appreciation to Mr. Bateman and it's the same mentality of the Minister in threatening to fire his complete Board.

Mr. Speaker, the motion is before the House. Gentlemen on that side may choose to support it so that some truth and light can be let in onto this matter. They can move that the matter be sent to the committee so that the committee can seek imput from those people who have personal knowledge on

this, and I would tell them that since last Tuesday, I have spoken to two people personally who tell me that they have seen that written legal opinion by Hydro's counsel and I would feel somewhat confident, Mr. Speaker, that that document will turn up.

These things tend to happen in that manner when there are allegations about the existence of a document or the truth of a document, or of who said what to whom. These things will come to pass or, Mr. Speaker, on the other hand, the government can flex its muscles, it can use its voting strength, it can vote to hide this matter, to cover it up, to attempt to sweep it under the carpet, it can attempt to preserve the tattered remnants of the Minister's credibility. Mr. Speaker, what we're dealing with here is not Hydrogate, what we need is "investigate".

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

**HON. STERLING R. LYON (Charleswood):** Mr. Speaker, I rise to engage briefly in this debate, not because there's any inherent merit or substance to the whole topic but because, Mr. Speaker, allegations are made about the Member for Riel, the Deputy Premier, which have no substance in fact, allegations based upon double and triple hearsay of members opposite who want to go on fishing expeditions to look into this alleged slight or that alleged slight, or whether or not a best tenuous opinion was given by counsel at one stage about the jurisdiction of the Tritschler Commission and so on.

Mr. Speaker, the Member for St. Vital just took his seat by talking about "Watergate and investigate," and I say to you, Sir, that all we've heard this afternoon is billingsgate, and before my honourable friends rush to the dictionaries to find out, let me tell them that it's just so much eyewash.

What is the issue that is before us? The issue is as alleged by the Leader of the Opposition putting on one of his little tantrums which is supposed to be a substitute for leadership, that he or his group were somehow mislead by the Minister in charge of Manitoba Hydro. The Minister in the committee, I admit freely, I was not at the committee hearings, and I admit that I've had conversations with the Minister, as we sit here today, because who in their right mind would have thought that this kind of a trivial issue would be allowed to take the time of the House when there are many other important things to be done.

But nonetheless, Mr. Speaker, I accept the word of the Minister, that he did not in any, way, willingly or unwillingly, wittingly or unwittingly, mislead the committee, with respect to this matter, because what is there to mislead on? Indeed the Honourable the Member for Inkster dealt with the point which I had already written down and really the main thing that anyone can say about the point, is that at best it is specious, because anyone with an ounce of legal training, and I might perhaps even include the Leader of the Opposition on that, although he didn't display it this afternoon, would understand that the Terms of Reference of any Commission of Inquiry, made pursuant to The Evidence Act, are passed by the Executive Council of the Government and indeed, those Terms of Reference are meant to be broad and wide and to encompass, as they did in this particular instance, a variety of topics that were to

be reviewed by the Commissioner, and it just happens, Mr. Speaker, that I have those Terms of Reference in front of me.

I can tell my honourable friend that because its a matter of public record, even if it escaped his attention, that the Terms of Reference of the Tritschler Inquiry were amended by Order-in-Council during the course of that inquiry to incorporate a second topic in the Terms of Reference, and rather than go on memory, I'll refer to page 9, I think it is, of the Tritschler Inquiry, Chapter 2, wherein one finds that, "By Order-in-Council 1327/77 amended by Order-in-Council 767/78, the Terms of Reference of the Commission are:" as stated and, Mr. Speaker, I just point out to you, Sir, for the sake of the record that a number of items were itemized in the Terms of Reference starting at 1.a), b), c), d), e), — I won't read them all into the record — "f), such further matters as the commissioner may consider ancillary and incidental to the above mentioned matters."

Then "2.a)," this was the amendment, Mr. Speaker, that was subsequently made by the Cabinet, "THAT the commissioner make findings and recommendations in respect of the rate setting powers or procedures of Manitoba Hydro and in respect of whether and/or in what manner such powers or procedures should be subject to control or review by any Board or agency." That was the amendment that was made to the Order-in-Council and I read that only to demonstrate the validity of what the Member for Inkster said, that the issue is a trumped up issue because for someone to suggest in a legal opinion that there was an excess of jurisdiction on the part of the commissioner, or that the commissioner was going beyond his Terms of Reference, that would not be a worthy topic, Mr. Speaker, to place before a court because the remedy, if in fact it were true, is too easily available. Then of course all the Cabinet would have to do is to amend the Terms of Reference.

So I find it difficult that an issue arises, as indeed I know the Member for Inkster does, that an issue arises around a point, that is as specious as that, and if hypothetically we're being lead to believe by the Member for Selkirk, the Leader of the Opposition, that this was the subject of a serious legal opinion that was given to Manitoba Hydro and placed somewhere on their records, I too would like to see it. I would like to see it as well because I can't imagine how such an opinion could be formulated by anyone, because the answer to it is so simple.

I can imagine, Mr. Speaker, that there might be conversation about such a point and I can imagine that a lawyer with, well, I can imagine that certain lawyers that I know might have cause to think about such a matter until they realized the wisdom of the very point that was made by the Member for Inkster and that I am repeating, that to attack a Royal Commission for want of jurisdiction and its Order-in-Council is nonsense, because the Order-in-Council can be corrected by one executive act of the Cabinet.

So what are we talking about, Mr. Speaker? Was such an opinion given by the Council at that time to Manitoba Hydro, and you know, once you've asked the question and considered the background of it, I think the answer most readily apparent to everyone is, who cares; who cares. I dare say that if the

counsel for Manitoba Hydro had felt that his professional integrity had been so blasphemed by the allegations that are made by the Minister or by Manitoba Hydro and so on, that he would have gone to the public right away, and said this is terrible, this is outrageous, I gave a valid legal opinion on this and it's being ignored, and so on and so forth. You know, if this were a serious point, would we not, Mr. Speaker, have heard of it right after the alleged incident took place? Why are we hearing about it two years later, the allegation, and that's all it is? It's a fishing expedition by my honourable friends opposite because they have found in three-and-one-half years, that if there aren't any real issues, then they have to conjure them up themselves and try to make what is black — white and try to make what is round — square, what is up — down, and night out of day. Well, they can't do it. They haven't been successful in doing it on any substantive issue in this House and that's why they come into the House with trivialities based on attacks on the integrity of members of the Treasury Bench. Well that doesn't wash either, Mr. Speaker.

So I suggest to you that there is no issue because if that was the serious subject of deliberation by counsel and he felt strongly about the opinion and had given the opinion to Manitoba Hydro, and this is all hypothetical, then I daresay that if he felt that strongly he would have pronounced those concerns to the world. Instead, what happened, and all I know is from my recollection is that the counsel, the then counsel for Hydro withdrew his own services from the case, he was succeeded as counsel for Hydro by a member of his own firm and that was that.

So what are we getting at here, Mr. Speaker? My honourable friends want to go on a fishing expedition about some piece of conversation that may or may not have taken place, and as the Member for St. Vital says, for a piece of paper that they may now have dredged up from one of their sources, well, God help us, Mr. Speaker, my honourable friends can dredge up pieces of paper all they want. If they want to produce this piece of a paper, I'd love to see it, because I'd like to see how any lawyer could make a case out of saying, that a Commission can't continue its hearings because it is working in excess of its Terms of Reference. Because that's easily cured, that could be cured 24 hours after the allegation was made.

Well, Mr. Speaker, the second point that arises by virtue of newspaper clippings and so on, and that's what we've got — opposition by newspaper clipping — is that a former member of the Hydro Board says, that a former Chairman of the Hydro Board said, that the Minister of Energy said, something or other. Now where I come from, Mr. Speaker, that's known as at least double or triple hearsay, and you know, the fact that it appears in the newspaper doesn't confer any particular integrity on it, nor does it —(Interjection)— well, my honourable friend says, let's find out. By saying, let's find out, he's saying, let's go on a little fishing expedition so that I can find out if the triple hearsay that I choose to believe is true. Mr. Speaker, I say to my honourable friend that insofar as that proposition is concerned and I say it very politely in Portage terms that he will understand, even a boy from Selkirk should understand, that he can politely go to hell, because the purpose of this Legislature,

Mr. Speaker, is not to engage in callings of committee meetings and the like of that, every time my honourable friend gets some whim, that he wants to look into the triple hearsay of somebody whom they appointed to the Hydro Board — whom they appointed to the Hydro Board. (Interjection)— Well, “they” meaning the New Democrats appointed one of their supporters from Brandon by the name of Dennis Scott to the Hydro Board, and that’s fair game, Mr. Speaker, and I imagine, I don’t know, but I imagine in due course that when his appointment expired he left the Board and now we’re hearing that one of their appointees says that the former Chairman said, that Mr. Craik said, something or other, and we’re supposed to call a committee to look into that kind of balderdash. Well, Mr. Speaker, not bloody likely, not bloody likely.

I found it particularly interesting though to hear the comments from the Member for Inkster talking about how in his opinion, the Minister of Energy had engaged upon some kind of campaign to destroy the reputations of people at Manitoba Hydro, and then he went on, Mr. Speaker, what short and selective memories we have. Then he went on and he talked about how the Chairman of Manitoba Hydro the other day apparently gave one figure with respect to the salary of the General Manager, which was, I don’t know, \$2,000, \$3,000 or \$5,000 less than it was and corrected himself subsequently. I don’t even know what the figure was and how, said the Member for Inkster, he should be fired for that and so on. (Interjection)— Well, he was lending support to the idea when he stood in his place here today.

I remember, Mr. Speaker, I remember a former Chairman of Hydro who was being paid out of two funds. I remember their appointee, that well-known socialist engineer, David Cass-Beggs. We all remember him, you know the Joe Btsflk (phonetic) of Canadian Hydro, wherever he went, the jurisdictions lost money. I remember when that gentleman came to Manitoba at the behest of the former Premier of this province and he was appointed at a certain salary and the committee were told the salary, but little did they know afterwards that he was getting a further allowance from the Department of Resources as I recall; yes, from the Department of Resources. When my honourable friend wants to talk about somebody making a mistake, which I can only presume is an uncalculated mistake about what a salary was, at least, Mr. Speaker, we know what the salary was and we know that there wasn’t any extra adornment coming into that salary out of the government directly to this wonderful person who did so much — you know from the same wonderful person who gave us Jenpeg.

Well, Mr. Speaker, what selective memories we have, and to call down upon the head of the Minister of Energy because of the triple hearsay and so on that is mentioned here today, to call down on his head a request for a special committee — I’m told that in the committee there was even talk of resignation. Who do they think they are, Mr. Speaker, and who do they think has such a short memory as to recall the kinds of deceit, distortion, manipulation, lying, that they permitted to go on before the Public Utilities Committee of this Legislature every year, presided over, if you please, by one of their own backbenchers, who was also a

member of the Manitoba Hydro Board? And do they want me to read at length from Tritschler Commission just about what a scurvy way that was to treat a Crown corporation and public affairs in this province? It’s all in the Tritschler Report, and I tell you, Mr. Speaker, I know in my heart of hearts why we are engaged in this little bit of charade here today, this great issue that’s been raised by the thumper from Selkirk. I know why, because this report still bothers them so much because it tells the truth about Manitoba Hydro. It tells the truth about Manitoba Hydro, that’s what really bothers them, and that’s what’s at the bottom of this issue.

Mr. Speaker, don’t we recall the reports of Manitoba Hydro that were edited? Oh no, we don’t hear about that today. No, we don’t hear a word about how they participated knowingly and wilfully in the editing of the reports. No, we don’t hear a word about that.

Don’t we know about the regular meetings that the former Chairman of Manitoba Hydro, Mr. Cass-Beggs, had every week or two weeks with the then Premier of the province, my predecessor, at which discussions took place about every aspect of Manitoba Hydro’s work, and the Board meetings that were going to take place the day after and what would be discussed and so on? Are we to forget all of that and it’s now being suggested against our administration that somehow or other this Minister did anything that would come near to matching that kind of treatment of a Crown corporation? Who do they think they are kidding? What kind of selective short memories do they think the people of this province have, Mr. Speaker?

The report of the Hydro Commission by Mr. Justice Tritschler — the report by Mr. Justice Tritschler, Mr. Speaker, is replete with, not false allegations based upon triple hearsay, it’s replete with hard core evidence as to the kind of maladministration that was conducted by my honourable friends opposite and that’s why they are raising this phoney-baloney issue about this Minister because they still haven’t been able to swallow the truth about how they manipulated, distorted, and maladministered the major utility of this province.

Well, my honourable friend from Selkirk laughs and, Mr. Speaker, he has much to laugh about, because all he has to do is take a look around him and realizes that what he is presenting to the people of Manitoba as a group of people capable of governing this province is the biggest laugh that this Legislature has seen in a long time.

So, Mr. Speaker, I merely say to you that what they want to avoid is any further reference to this document. It’s the Tritschler Commission. — (Interjection)— No, I don’t have to throw it down at all. My honourable friend has been trying to bury it for years, but I don’t throw it down, I say it’s there, it’s part of the record of their maladministration during the decade of the Seventies and they will never live it down. And the people of Manitoba, as I said before the report came out and with the evidence thereafter, the people of Manitoba are going to be paying for generations yet unborn for the maladministration that these people inflicted upon Manitoba Hydro. So when they stand up in this House and try to say to this Premier that this Minister did anything that even begins to approach

the depths of degradation to which they took Manitoba Hydro, then, Mr. Speaker, I know something about the facts, and they may get away with it with some unknowing people but they're not going to get away with it with me or with this government.

Mr. Speaker, my honourable friend from Brandon East pops up, maybe he would like to tell us about Mr. Scott, the former member, the one whose triple hearsay we are asked to call a Committee on, maybe he would like to tell us about, Mr. Scott. Perhaps while he is thinking up an answer to that question I could talk about some of the findings, if my honourable friends opposite would like to have it, on development sequences on the Regulation of Lake Winnipeg on the Hydro Task Force Studies. That's where my honourable friend worried about the report — the first report that didn't have the same words in it as the second, the Hydro Task Force Report, all of which pointed to the fact that when they appointed the Hydro Board, when they appointed the Counsel and so on for Hydro, this is what happened. That's what happened and it cost the taxpayers of this province hundreds of millions of dollars to erase that and to start to try to erase it.

So I merely say, Mr. Speaker, I re-echo the words of the Minister of Energy this afternoon. He had nothing to do with the appointment of the counsel in question, who is a person of repute in this community. He had nothing to do with that man withdrawing as counsel. Hydro chose their own counsel on this matter and presumably Hydro would react to their counsel's advice, and I can only say, Mr. Speaker, that if the advice that we're asked to believe was that the Commission was acting because of a want of jurisdiction, then that is specious point that could easily have been answered by an amendment to an Order-in-Council and would have done so.

My honourable friend has indicated, and I take it from the statements that were made in the House and elsewhere that Hydro have conducted a search of their records. They don't see any written opinion. There may have been one prepared but they don't have it in their records. When I say there may have been, that's the allegation of my honourable friends opposite. But if they want to go on their fishing expeditions, Mr. Speaker, let them go to their former appointees on the Board, let them go to their friends who were formerly in Manitoba Hydro, let them do their own fishing on their own time, at their own expense. In the meantime we'll get on with the business of Manitoba.

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

**MR. VIC SCHROEDER:** Thank you, Mr. Speaker. By the time the First Minister got to the middle of his speech, I had to scramble to get a copy of the resolution to determine whether he was speaking on a different resolution entirely.

The issue that is before the House is whether in fact the Minister made misleading statements to the Public Utilities Committee and to the House, and I would suggest that there was no question that there were misleading statements made, and I refer again to the galleys, "Mr. Pawley: Mr. Chairman, I want to

just then follow that up with the Minister. Is the Minister then indicating that he would release Mr. Martin from any solicitor-client confidence that he might be presently be restricted to? Mr. Craik has indicated that I must ask him, must know, a solicitor is restricted to a solicitor or client confidence unless the client releases the solicitor from that confidence.

"Mr. Craik: Mr. Chairman, I think we should be clear, if he at that time had concerns, certainly he was bound by his obligations to his client to have formalized those concerns. The committee has been told that there is no evidence of that."

Now clearly that is a misleading statement by the Minister of Energy. There was absolute evidence that there was a formalization of a statement by the solicitor that there was a problem involved. There is no question about that. That was a misleading statement.

He goes on: "I have no evidence nor have I ever seen any evidence of him formalizing any concern about the operations of the Commission so we are going on hearsay. So if somebody on hindsight feels that they should say something now, as I say, you are going to have people here legion in number, and I don't know, you know, particularly feeling that any preference should be given to a person appearing before this Committee whether he is legal counsel or whether he is a ratepayer for Manitoba Hydro. If we are going to open up the Committee to that sort of thing then so be it. But if that legal counsel had concerns at the time and did not formalize it and now the Leader of the Opposition is suggesting that we ought to, you know, rediscover all of this, then I think it's not serving the best interests of the Committee. He knows very well that he can go to the legal counsel and ask him for his opinion and perhaps get it."

Now I can understand a non-lawyer saying that, but for the First Minister afterwards to come along and say the same thing in his speech and to pretend that he is a lawyer who knows what he is doing, is to me absolutely incredible. He says he wants to see Mr. Martin's statement. He wants to see it. Well, I suggest to the First Minister all he has to do is turn to his seatmate and say, "Mr. Minister of Energy, will you tell Hydro to pass that report along?"

The issue is: Is there a report? I don't think there's any doubt that there's a report, and if there is a report the Minister of Energy is misleading the House.

We've heard some other interesting comments from the First Minister with respect to a double salary. Who else had a double salary in recent history? And he forgot about it, didn't he. When the First Minister was involved in a double-salaried situation and he was asked about it, he forgot about it. He forgot about an income of about \$30,000 a year. Was it \$36,000.00? \$36,000 he forgot about and all of a sudden he wanted to get back to a talk show host to tell him, after he heard that somebody else knew about it, well, maybe I should change my mind about this, maybe my memory should be jogged and maybe I had better say what really did happen. So rather than discussing the matter of the misleading statement by the Minister, he tells my Leader to go to hell. My goodness, what kind of Premier do we have here?

He talks about the right of the government to amend the powers of the Commission, and there's

no question that they have that power. There's no question the government has the power to amend the Terms of Reference, but he makes it appear that the Terms of Reference were amended possibly in response to some request by Mr. Martin — what utter nonsense, and if in fact it was so then he should so state, but not leave that impression.

I would point out that there is one other alternative explanation for the concern of Mr. Martin, and that is that it need not have been a matter of going beyond the jurisdiction of the Commission as ordinarily considered, but rather it may be that counsel's opinion was that the Commission was acting in a manner not consistent with natural justice. That is it may have been, and we don't know, we are wondering about that, it may have been that the solicitor involved said I believe that only expert witnesses for instance are being called who are biased in support of the present government's position on Hydro and against the position that Hydro took previously. I don't know, maybe that is part of it. Maybe Mr. Martin became aware of the fact that Charles Birt, the counsel to Tritschler, happened to have been an executive assistant to our current First Minister at one stage in his career and possibly was also biased in support of the present government as opposed to simply doing his function in a non-partisan fashion as the counsel for that Commission. That may have been another explanation for why Mr. Martin said that this Commission was going beyond its jurisdiction, that it was going against the rules of natural justice. We won't know that until the First Minister is prepared to allow us to see counsel's remarks.

It may in fact be that the lawyer involved saw, after a period of time and the type of questioning by Tritschler, that Tritschler himself was biased to such an extent that he could not fulfil the rules of natural justice and fairly determine the issues that were to be heard. I don't know, but what I do know is that they have the right to produce the documents and for them to say that we should go to Mr. Martin as they have done, is to me an incredible statement from a man, the First Minister, who purports to be a lawyer, who knows a little bit about solicitor-client relationships and the confidence that clients should be entitled to place with respect to the opinions made and given by lawyers.

Now, Mr. Craik, the Minister of Energy indicated, according to reports we've received, without seeing the document, he says, "We are not interested in it." I'm not interested in what happened, and in fact he, himself, is saying the same thing. He says, "I don't recall anything formal, there may have been something informal." He knew that Mr. Martin was concerned about what was going on. He did not inform himself about the precise nature of the concerns that this senior counsel had about the process, about the hearings, about the possible fairness of the hearings. Mr. Hoogstraten, one of the members of the Board, said that he didn't precisely recall what it was, but Mr. Martin did point out a procedure of the hearings he didn't agree with, he didn't think it was fair.

We're talking about fairness. We're not talking about jurisdiction, we're not talking about whether they should look at another power plant, or they should look at rates or anything like that, we're

talking about fairness, and that was something that the Minister of Energy never understood. He didn't care. He just knew that he wanted this document so that he could run up and down this province and say, "See what my Leader has been yapping about for the last two years, since 1975 to 1977, is true." He didn't want to hear about unfairness, and so he did not inform himself.

Rather than informing himself about what the position was that legal counsel was taking, he said, forget about it, I'm not interested in that, just go ahead; and they went ahead. What kind of a Minister would not stop and say, Mr. Steward Martin is a senior counsel in this province, if he is saying there is something wrong with this Commission, we have to stop and reconsider, if I don't agree with him then at least I should get another legal opinion to see whether possibly Mr. Martin is right, and if he is right, then surely it is incumbent upon a Minister of the Crown to stop the hearings. If the hearings are being conducted in an unfair fashion and he knows that we're spending millions of dollars on them, then it is surely incumbent on the Minister, immediately to stop the hearings and the waste of taxpayers' money. Because what will the result be of unfair hearings, and unfair report, a report that is meaningless, a report that has wasted the taxpayers' money? There's no other answer to what kind of a report you can get from an unfair hearing.

Now the Minister of Energy talked about the fact that we walked out of the Committee this morning. He said, you could have asked this question, you could have asked that question. The Minister is now going to tell us what questions we can ask. Isn't that nice of him? —(Interjection)— A number of sessions we sat through there trying to get specific answers, and we weren't getting them. He says, oh, well, I don't know. Oh well, maybe you can go and ask Mr. Martin. And he knows full well that it would be improper of Mr. Martin to talk to us about what opinions he has given.

Now he has the audacity, when we're talking about the fact that he misled that Committee, he has the audacity to come to the House and criticize us for no longer sitting in that Committee, and he referred to two or three specific items of Hydro development. What were his members doing? He had a whole bunch of people sitting in that committee, were they asking questions about Hydro? Surely they, as members of that committee, had just as much right as we had to ask about those important projects that Hydro is involved with. Why did they immediately pass the Hydro report and walk out after we walked out, if these were such burning issues that he wanted to discuss and have brought to the light of public day. What kind of nonsense is the man speaking about? Why doesn't he talk about the issue of his misleading the House? That was the issue, and that was what he should have been addressing in his speech this afternoon.

I would suggest that the best way of getting rid of this whole situation would be for the government to reconsider, to support this motion to have the matter referred to the Committee of Privileges and Elections, and to have the government contact Mr. Martin and ask him to please release all documents he has to us, with respect to the opinion that he may or may not have expressed, that the Commission

was exceeding its jurisdiction back in 1979, and that having been done, we will have cleared the air — the Member for Inkster indicated that the air would be fairly stinky, it might be for a little while, but once that smell is gone, we will have fresh air again and we will be back in a position where we know what is going on with Hydro.

**MR. SPEAKER:** The Honourable Member for Winnipeg Centre.

**MR. J. R. (Bud) BOYCE:** Mr. Speaker, this is probably one of the most important issues that we have discussed in this House since I have been here.

I'm speaking to a matter of privilege of this House, and I happen to have three of the volumes of the McRuer Inquiry into Civil Rights in the Province of Ontario. I have on occasion, in debates on several issues, discussed how important the processes in the Legislature are to the citizens that we represent. We have a debate going on at the Federal level on the Constitution of this country. This is a manifestation of how legislators protect the public interest, and one of the key points in the protection of the public issue are the privileges of this House.

Mr. Speaker, in going back, as a new member in 1969, a motion was presented to the House to expel one of the members of the government for not wearing a tie. It was introduced by the government against one of its own members, and he was expelled from the House. On another occasion, one of the Ministers used language which was unparliamentary; the House Leader at that time introduced a motion, because the member refused to withdraw the remark, expelling the member from the House. It was supported by all members of the government at that time, albeit against one of their own members.

My remarks, Mr. Speaker, are directed to the members of this House, as members of this House. The Conservative Party has adopted the position which happens to coincide with mine, that the best protection of the civil rights of the people of the country is this House, but Mr. Speaker, it takes each member of this House to protect that right.

Now there is great pressure on each one of the members of this House in their various capacities to bury this issue. I believe a *prima facie* case has been made that the Minister misled the House, and that the matter should be referred, because the only people who are competent to deal with these allegations is the House itself, not the government. The First Minister, in his remarks, to try and diffuse the issue, brought in all and sundry things; the Tritschler Commission and all of the Terms of Reference that were given to it are not given to it, that is not what is before this House.

If we want to drag into the debate, to try and persuade members that we should forget about it and go on to other things, that is legitimate debate. Someone could stand up in this House and make the case, your mistakes are worse than our mistakes. Take a look at the CFI report and how the Deputy Premier of the province stood up in the House and said, "It is a black day for the Province of Manitoba, the Gordie Howe of the industrialization process has left the Province of Manitoba." Read your CFI Inquiry reports. At least the former government put three people up to make a decision, not one. And just as

an aside in that particular case, I only attended one hearing with the Tritschler Commission report and the judge, Mr. Tritschler, said in an aside, in reference to the Hydro development in the north as Cass-Beggs' toy, and I sat there and thought, what a reflection of bias.

But that's got nothing to do with the debate. The debate is, shall the members of this House protect the privileges of this House when a Minister of the Crown, a Minister of the Crown, tells this House, we know it to be true.

**MR. ENNS:** Louder please.

**MR. BOYCE:** We know it to be true.

**MR. ENNS:** Louder please.

**MR. BOYCE:** We know it to be true. And you, the Member for Lakeside, I will not call you a liar as the Deputy Premier called somebody from this side of the House. If you want to be a horse's ass, sir, that's your privilege, but when your feet are in the loges . . .

**MR. SPEAKER:** Order please. May I suggest the honourable member choose his words with care.

**MR. BOYCE:** Mr. Speaker, I chose the word in anger, but I find it was a wise choice.

There are two issues mentioned in the Leader of the Opposition's motion. (1) That the Minister of the Crown misled a Committee of this House, and (2) that he threatened the Board of Directors of a Crown agency, which is responsible through the Minister to this House.

Mr. Speaker, if the constitutional debate which is taking up so much time of this country means anything, means a thing, Mr. Speaker, it is incumbent upon all members of this House to demonstrate to the public that you and I are willing to accept our responsibility and discharge that responsibility that when a word is called into question, such as it has been in this case — and I sat there yesterday during this particular Committee meeting and listened, and heard, a member of the Board say this transpired, and the Minister saying, no formal presentation was made. Before I left, I wanted a definition of the word "formal" but it has come out subsequently that the Minister was apprised of the situation, and it is not the case whether he did or did not want to accept the recommendation of counsel, that is not what is before the House. It is not before the House that the Executive Council has the authority to change the Terms of Reference, that is not before the House. Whether the Tritschler Commission was good, bad or indifferent, is not before the House. Who made bigger mistakes, you, or us, is not before the House, what is before each one of you?

Mr. Speaker, my mind's eye goes back to one other occasion, one of the former chairmen of a committee of this House was called a gutless dictator by a member of the House. The member was asked to withdraw on a motion by the House Leader of the Government of the Day and every Conservative in this House stood up and voted against that motion, voted against that motion. In other words, they are willing to protect the privileges of this House when it

is to their advantage, and to use some kind of **subterfuge** or some other method, the whips on their **members**, when it is to their disadvantage.

**MR. SPEAKER:** while there may be differences between the Leader of the Opposition and myself in some areas, I am proud, Sir, to have served with a government which protected the privileges of this House, because the former House Leader, the Member for Inkster, introduced on two occasions, motions to expel members for impinging upon the privileges of this House. **MR. SPEAKER,** I ask members on both sides of the House, in all parties, to protect the privilege of the House and have this matter referred to the Privileges and Elections Committee so it can be reviewed in a proper way and a report to this House.

**QUESTION put, MOTION defeated.**

**MR. PETER FOX (Kildonan):** Yeas and Nays, **MR. Speaker.**

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

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

### YEAS

Messrs. Adam, Bostrom, Boyce, Corrin, Desjardins, Evans, Fox, Green, Hanuschak, Jenkins, McBryde, Malinowski, Miller, Parasiuk, Pawley, Schroeder, Uruski, Uskiw, Walding, Ms. Westbury.

### NAYS

Messrs. Anderson, Banman, Brown, Cosens, Domino, Downey, Driedger, Einarson, Enns, Ferguson, Filmon, Galbraith, Gourlay, Johnston, Jorgenson, Kovnats, Lyon, McGill, McGregor, McKenzie, Mercier, Orchard, Mrs. Price, Messrs. Ransom, Sherman, Steen.

**MR. CLERK:** Yeas 20, Nays 26.

**MR. SPEAKER:** I declare the motion lost.  
Reading and Receiving Petitions . . .

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

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

**MR. WARREN STEEN:** **MR. SPEAKER,** I beg to present the Third Report of the Standing Committee on Public Utilities and Natural Resources.

**MR. CLERK:** Your committee met on Thursday, April 2, Friday, April 3, Tuesday, April 7, and Thursday, April 9, 1981, to consider the Annual Report of the Manitoba Hydro-Electric Board.

Your Committee received all information desired by any member of the Committee from **Mr. Kris Kristjanson,** Chairman of the Board, **Mr. L. D. Blachford,** President and Chief Executive Officer, and members of the staff with respect to all material pertaining to the Annual Report and the business of Manitoba Hydro. The fullest opportunity was accorded to all members of the Committee to seek information desired.

Your Committee examined the Annual Report of Manitoba Hydro for the fiscal year ending March 31, 1980, and adopted the same as presented.

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

**MR. WALDING:** On a point of order, **MR. SPEAKER,** I had difficulty in hearing what was read out, partly due to the background noise and partly due to the distance and the microphone. I particularly wanted to hear whether there was mention in there of all questions being answered satisfactorily to the members of the committee.

**MR. SPEAKER:** The answer was yes.  
The Honourable Member for Crescentwood.

**MR. STEEN:** **MR. SPEAKER,** I move, seconded by the Honourable Member for Rhineland, the report of the Committee be received.

**MOTION presented and carried.**

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

**MR. PAWLEY:** **MR. SPEAKER,** I want it to be clearly recorded without calling for yeas and nays that it was on division.

**MR. SPEAKER:** Recorded on division.

### MINISTERIAL STATEMENTS AND TABLING OF REPORTS

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

**HON. HARRY J. ENNS (Lakeside):** **MR. SPEAKER,** I would like to table with the House a review of the Red River Floodway, Portage Diversion, and Shellmouth Reservoir as undertaken by the Manitoba Water Commission. I should indicate, **MR. SPEAKER,** that should some additional copies be required, they're available from my office.

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

### BUSINESS OF THE HOUSE

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

**HON. BRIAN RANSOM (Souris-Killarney):** **MR. SPEAKER,** in response to questions raised by the honourable members opposite, I would like to advise the House that the Budget will be presented Tuesday night, April 14th.

**MS. JUNE WESTBURY (Fort Rouge):** We couldn't hear what was said, could that be repeated please?

**A MEMBER:** April 14th.

### ORAL QUESTIONS

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

**MR. PAWLEY:** Mr. Speaker, my question is to the First Minister in the absence of the Deputy Premier. The First Minister may have to accept this question as one of notice. Can the First Minister acknowledge that in addition to the request from the then Hydro Board, chaired by Dean Wedepohl, that the Minister examined legal opinion which requested an application to the court, that in addition to that there was a request as an alternative that the Tritschler Terms of Reference be amended or altered and that his Minister of Energy and Mines indeed rejected that as well, his application to the courts?

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

**MR. LYON:** Mr. Speaker, without accepting one word of the hearsay allegations just mouthed by the Leader of the Opposition, I can accept the question as notice.

**MR. PAWLEY:** Mr. Speaker, further, by way of supplementary to the First Minister, the First Minister indicated earlier that he was anxious to receive, anxious to see the legal report of one Steward Martin. In view of the First Minister's anxiety that is also shared by all members of this Chamber, is the First Minister prepared to indicate that indeed it would be the position of the Manitoba Government that Mr. Steward Martin be released from any solicitor-client confidentiality so that indeed all members of this House may have the opportunity to arrive at the truth of the matters with which we have been dealing with?

**MR. LYON:** Mr. Speaker, I'll be happy to take my honourable friend's question as notice. I'm not familiar with the details of the allegations that he makes.

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

**MR. BILLIE URUSKI:** Thank you, Mr. Speaker, I direct this question to the Minister of Agriculture, and I ask the Minister whether he was aware, as reported in the paper, that more than 1,600 hog producers left the industry in the first ten weeks of 1981, and if he wasn't, was he not listening to the hog producers and members on this side for the past two years, Mr. Speaker?

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

**HON. JAMES E. DOWNEY (Arthur):** Mr. Speaker, I'm quite aware of the fact that there were some numbers of hog producers left but I do believe that something like 10 percent of the hog produced in the province were produced by those producers that left. Further to that, Mr. Speaker, I could indicate that figures that we have from other provinces would indicate that a stabilization program may not have kept those producers from leaving the industry.

**MR. URUSKI:** Mr. Speaker, can the Minister indicate and provide some details on yesterday's announcements as to how his government arrived at the \$5 million figure as being sufficient to prevent the further deterioration of the hog industry in Manitoba,

or is this the case of a last minute, unplanned act of desperation by this government trying to salvage its political fortunes in rural Manitoba, Mr. Speaker?

**MR. DOWNEY:** Mr. Speaker, unlike the ill-conceived programs that were introduced by the members opposite when they were government, to the cattlemen of this province to try and implement a program that was nothing more than a nightmare for that industry, of which only some 15 contract holders are left out of some 6,000, and they left because it was not to their advantage, there's very little room to stand up and criticize or say anything about a government now who are prepared to work out with the hog producers of this province a program that will be meaningful and will in fact let them operate their own stabilization program.

**MR. SPEAKER:** The Honourable Member for St. George with a final supplementary.

**MR. URUSKI:** Yes, Mr. Speaker, I wish the Minister would answer the question that I posed to him to provide details of the announced program. I'll be more specific, Mr. Speaker. Is Cargill Grain going to be eligible directly or indirectly to receive funds under this program?

**MR. DOWNEY:** No, Mr. Speaker, I do not anticipate Cargill Grain to be recipients of the moneys that are allocated in this program. As I indicated, there is a five-member committee to be set up to establish the eligibility of the producers, of which three of them themselves will be hog producers. Further to that, Mr. Speaker, I'm not aware that Cargill are actually in the production of hogs. I am aware that they have a program that provides feed and breeding stock to the producers but all the hogs produced in Manitoba, Mr. Speaker, have to go through the Hog Producers Marketing Board organization which is in fact controlled by producer elected people and I'm sure will operate in the best interests of the producers.

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

**MS. WESTBURY:** I thank you, Mr. Speaker. My question is to the Honourable Minister of Health and refers to the proposed move of the detoxification centre from 55 Lydia Street. I wonder if the Minister will confirm that the new premises at 105 Duncan Street are deteriorated and whether he will comment on their suitability for a facility ostensibly geared towards rehabilitation?

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

**HON. L.R. (Bud) SHERMAN (Fort Garry):** Mr. Speaker, I know the Lydia Street Detox and the people who operate it have reached the point of termination or expiry of the lease on the property. The Alcoholism Foundation and my office have been working very hard to try to provide a proposed alternate premises, an alternate site. I can't comment on the specific site to which the honourable member refers. In any event, I would think that it would only be temporary. We're hopeful of being able to produce a permanent solution in the near future.



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

**MS. WESTBURY:** Well, Mr. Speaker, in his optimism that this is to be a temporary facility, would the Minister advise what kind of expenditures will be made in order to make it habitable? This is a very run-down slum dwelling in a manufacturing area of the city. Would the Minister also advise whether he or the Foundation would be approving expenditures for renovation of the building, please, Mr. Speaker?

**MR. SHERMAN:** Mr. Speaker, I can't provide details at this point on that. We fund the Lydia Street Detoxification operation to the extent of something in excess of \$400,000 a year now. Certainly the City of Winnipeg has some responsibility in that area and it's the subject of discussions between the AFM and the City of Winnipeg and my office. As I say, I believe there is a hopeful permanent solution on the near horizon, but it's going to take some commitment on the part of the province and probably some commitment on the part of another party and those discussions aren't concluded yet.

If renovations is required on the premises to which the Member for Fort Rouge refers, I'm sure it will be managed out of the current funding; as far as I can see it probably will have to be managed out of the current funding and we will go on from there. I repeat, I think there's a permanent solution in the offing, we just haven't achieved it yet. It may take a few more months.

**MS. WESTBURY:** Mr. Speaker, to the Minister. Apparently the staff at the Detoxification Centre have been told that if they speak on this issue publicly or even privately, they will be dismissed, and particularly they've been instructed not to speak to the media on the issue of the new building.

Mr. Speaker, I would ask if the Minister is aware of this threat against the staff or in fact if he will move to insure that the staff have the freedom to speak out if they feel that the facility is unsuitable for the work that they are hired to do?

**MR. SHERMAN:** Mr. Speaker, we don't exercise any authoritarianism with respect to the Lydia Street Detox Centre. I have no knowledge of that kind of exchange between the Detox Centre and any other body. Certainly my office has not intervened or proposed any such instructions. All we do is respond to the Detox Centre and the AFM's request for funding. We have provided, as I say, substantial funding over the years and will be continuing to do that. We've issued no instructions of the type referred to.

**MR. SPEAKER:** The Honourable Member for Winnipeg Centre.

**MR. BOYCE:** Mr. Speaker. A few minutes ago during a debate on another matter, I used a term which could conceivably be construed as being unparliamentary. I believe it to be untrue, and I would take this opportunity to apologize to the House generally and to the Member for Lakeside specifically.

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

**MR. ENNS:** We know what he's apologizing for, but I seldom get apologies in my direction and I gratefully accept it.

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

**MR. SCHROEDER:** Thank you, Mr. Speaker. I have a question for the Minister of Highways. I had asked him several weeks ago whether he had responded to the request from the Chamber of Commerce in Flin Flon in respect to a portion of the Lynn Lake Road and I'm just wondering how he's coming along with that?

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

**HON. DONALD ORCHARD (Pembina):** Could the member for Rossmere be a little more specific about the portion of the road to Lynn Lake. Is he referring to PR 392?

**MR. SCHROEDER:** I don't have the number before me. I will try to refresh the Minister's memory. It is the one where the Freshwater Fishing Corporation is saying they need a road so the people can have a job; the school board is saying the people need a road so their kids can get to school; the people say they need a road in order that they can get out to get groceries; the Pulp and Paper Company is saying they need a road in order that the people can work for a living. Does he remember now which road I'm talking about? The road to nowhere.

**MR. ORCHARD:** Well, in complete consistency the Member for Rossmere talks about the road to nowhere with no facts and it just justifies the position he's taken time and time again, that he is the member from nowhere with nothing to contribute.

**MR. SPEAKER:** Order, order, please. Order, please. May I point out that there is a degree of courtesy that should be extended from members in this Chamber from one side of the House to the other. I would ask the Honourable Minister if he would consider choosing his words a little more carefully.

The Honourable Minister of Highways.

**MR. ORCHARD:** Well, Mr. Speaker, when a honourable member in the Opposition asks a question and cannot identify the road that he is referring to, I must apologize for getting a little excited with his question. When he doesn't know what road he's referring to, how does he expect me to respond to him?

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

**MR. SCHROEDER:** Yes, Mr. Speaker. I had specifically referred the Minister to the road with respect to which he had had correspondence from the Chamber of Commerce in Flin Flon, and specifically referred the Minister to the road which I had asked questions of him about several weeks or a month ago, and if the Minister couldn't understand from that that the Sherridon Road, but I don't know the number of it. If he couldn't understand from that

which road I was talking about then I would find that sort of an average performance for the Minister of Highways, but if he now remembers which road I was talking about, I would like him to answer the question: What is he doing about that road?

**MR. ORCHARD:** Now I know what road the Member from Rossmere is referring to, Mr. Speaker, and he could have saved a lot of problem had he mentioned that magic word, Sherridon Road some few minutes ago.

The Department is not doing anything about the Sherridon Road, because as I explained in my Estimates and as I've explained to the Member from Rossmere, that is the road to nowhere which was given to the people of Sherridon, compliments of that wonderful Federal Government that we have, that allowed them to undertake a project and then prevented them from completing it, Mr. Speaker.

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

**MR. FOX:** Yes, Mr. Speaker, on a point of order. The hour being 4:30 p.m., I believe it's Private Members' Hour.

**MR. SPEAKER:** Orders of the Day. Order please. Order, please.

The Honourable Member for St. George.

**MR. URUSKI:** Mr. Speaker, does private members' business not take precedent over all other business according to our rules, Mr. Speaker?

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

**HON. GERALD W.J. MERCIER (Osborne):** Well, Mr. Speaker, on the point of order that's been raised, my reading of Rule 19 (2), which says the order of business after the daily routine shall be as follows, and the daily routine is defined as including Oral Questions, so that it would appear to me that we have to complete question period before we can get on to Private Members', or go through government business, of which we would not have any, and proceed to private members' business. It's up to the members opposite if they wish to forego the rest of the question period.

**MR. SPEAKER:** The Honourable Member for Inkster on a point of order. We've still dealing with the question period.

The Honourable Member for Inkster.

**MR. GREEN:** Yes, Mr. Speaker, I have a question to the Honourable the Minister of Natural Resources, who has tabled the Manitoba Water Commission Report. Indicated in the Commission Report, Mr. Speaker, is the fact that there appears to have been an error in the operation of the Red River Flood Gates, which could have resulted in some unnatural level of water in the years that it was operated between 1974 and 1977.

In view of the fact that I was the Minister involved at that time and in view of the fact that the departmental people assured me that there was no unnatural rise in water levels, does the Minister,

which I in turn insured the people concerned, does the Minister contemplate any action to see whether in fact anybody was damaged by this error and whether there will be possibility of compensation made available?

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

**MR. ENNS:** Mr. Speaker, in tabling that report, I was keeping the commitment made by the then Minister of Natural Resources, who I remind Honourable Members Opposite commissioned the report in the first instance as a responsive move, that many citizens in the province had requested a review over the operations of floodway. I've made that report available to members at the earliest opportunity and would have to accept questions of the nature put by the Member for Inkster as notice at this time. I would not wish to speculate on what action may or may not follow as a result of the information contained in that report.

**MR. GREEN:** Yes, Mr. Speaker, just so that there's no mistake about it. I take it that the Commission has not found that any operational error was pointed out by the department at the time in terms of the ministerial authority since that certainly never came to my attention.

**MR. ENNS:** Mr. Speaker, I would have to take that question as notice as well. I have not had the opportunity to acquaint myself fully with the report. My Estimates have been before the Legislature during this past week. I did wish to make the report available to the public at the earliest possible convenience. I understand that there's a meeting of the Red River Flood Committee later on tonight and for that reason, I've tabled that report.

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

**MR. URUSKI:** Thank you, Mr. Speaker, I ask the Minister of Agriculture whether he can provide us details as to the threshold figures with respect to assistance under the Hog Assurance Plan that he has announced?

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

**MR. DOWNEY:** Mr. Speaker, as I've indicated that will be the responsibility of the committee that will be established to administer the fund that will be set up for the hog producers.

**MR. URUSKI:** Mr. Speaker, I ask the Minister does he feel that the amount of funds, in terms of some assistance to the hog producers, is adequate under the terms that he has provided?

**MR. DOWNEY:** Well, Mr. Speaker, yes, I feel that they are because when we look at some of the statistics that are available from other provinces. For example, in the great socialist Province of Saskatchewan, where they've had a program for some years, the total government contribution to their hog industry from 1976 until, I believe, it was

September of last year, I'm not quite sure of that, but it was some \$2.3 million is what the provincial contribution was in that province, so I would think the amount of money, up to the \$5 million grant, to establish the fund and the further guarantee, would be sufficient to support the hog industry.

**MR. SPEAKER:** The Honourable Member for St. George, with a final supplementary.

**MR. URUSKI:** Yes, Mr. Speaker, to the Minister of Agriculture, is it anticipated that there will be an immediate check-off, with respect to producer contributions under this program?

**MR. DOWNEY:** Yes, Mr. Speaker, the program is to be a voluntary producer-contributory type program, and I think we should remember the member opposite and the rest of the people in this province that the place that farmers and people who are producing agriculture commodities and anyone else in the production of whatever they're producing, should expect the marketplace or the people who are purchasing it from the farmers, should be the area in which the funds are obtained or received for adequate compensation, that we should not get misdirected and expect that it's the government's responsibility to continue to pass funds out to either producers of agricultural commodities or other manufacturers of goods.

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

**MR. HARVEY BOSTROM:** Yes, Mr. Speaker, thank you. My question is to the Minister of Natural Resources. I would ask him if he has contacted the Federal Government Department of Defence with respect to their supplying troops and equipment for what may be a very dangerous and hazardous fire season, and particularly if he has contacted them to be available early in the new year?

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

**MR. ENNS:** That question is more appropriately directed to the Minister responsible for Emergency Measures Organization, but I can indicate to him, as a Minister concerned about the potential forest fire hazards that several weeks ago, the Deputy Minister of Government Services, has been in contact with the Armed Forces people here in the province, and I'm assuming that that contact has been maintained and arrangements are being made.

Perhaps it might be the Minister for Corporate or Government Services who may have more information at hand.

**MR. BOSTROM:** Well, Mr. Speaker, I wonder if I could direct that question then to the Minister responsible for Emergency Measures, and ask him if he has contacted the Department of Defence to ensure that there will be equipment and men available in the event that we are faced with a hazardous fire season, similar to the one we had last year?

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

**HON. WARNER H. JORGENSEN (Morris):** Yes, Mr. Speaker, discussions have been going on with the Armed Services to ensure that that eventuality will be taken care of.

**MR. BOSTROM:** Well, Mr. Speaker, I wonder if he has been informed that according to news reports, that the Department of National Defence has informed the Saskatchewan Government that helicopters and troops will be not available to that province from the Camp Shilo base in Manitoba during the period May 1st to July 31st, the reason being that the Canadian Forces from Western Canada will be involved in Rendezvous 81 Exercises in Gagetown, New Brunswick. I would wonder in light of that, Mr. Speaker, if he has made alternative arrangements in this regard, or protested this move on the part of the Department of National Defence, so that there would be sufficient man and equipment available to the Province of Manitoba?

**MR. JORGENSEN:** We're aware of the pending move to Gagetown, and that is the reason we're having discussions with the Department of National Defence to ensure that in the event of a forest fire situation in this province, that problem will be taken care of.

**MR. SPEAKER:** The Honourable Member for Winnipeg Centre.

**MR. BOYCE:** Mr. Speaker, the Minister, through whom the Public Utilities Board reports to the House, we have tabled in the House today, the Annual Report of the Public Utilities Board, for the year ended December 31st, 1980. There have been several questions directed to the question of the Greater Winnipeg Gas Company charging for services that they are not performing, and I would have to draw this rather important question, Mr. Speaker, I believe and there's really no other place it can be raised, and this being the first opportunity since the report was just tabled.

I would direct the Minister's attention to page 7, which deals with the Order 118/80 of May 29th, 1980, "The Board determined the Company's average rate base, adjusted to include "Known and Measurable" charges for wages, benefits and property taxes . . ." so simplistic in this Order, that the rates which were established at that time reflect the services performed and the wages charged against those services were built into the rates of the Winnipeg Gas Company.

I would ask in light of this report, what is the intention of the Minister in the public interest in this regard.

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

**HON. GARY FILMON (River Heights):** Thank you, Mr. Speaker, I just wanted to confirm for the member that the report was tabled in the House on March 10th and was the subject of some discussion. In fact all of these issues were the subject of quite some discussion during my Estimates debate. It was tabled in its original form but I said at that time that the printed copies would be available as soon as the Queen's Printer would have completed the task of printing copies for the House.

As I said previously, rates are based on known and measurable charges indeed, but that's a past, it does not anticipate a future projection, and I have said and the Public Utilities Board has, gone on record as saying, that they will evaluate this matter at the conclusion of the current industrial relations dispute, and I intend to see that that is done as it has been promised in the past.

**MR. BOYCE:** Well, Mr. Speaker, my question is not what the Public Utility Board will or will not do. It is quite obvious that the Greater Winnipeg Gas Company is charging money for past services which were included in the rate structure and they're not providing these services.

I ask the Minister, what is his intention as far as rectifying this situation? He has said that he cannot direct the Public Utilities Board to do anything. Is it the intention of the government to support the present Private Members' Bill which would spell it out in no uncertain terms, that they have to provide these services and only withdraw them with the permission of the Utilities Board?

**MR. FILMON:** Mr. Speaker, that will be a matter that will become evident to the member when the Bill comes up for debate.

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

**MR. BOSTROM:** Thank you, Mr. Speaker.

My question is to the Minister of the Environment related to the mining development in Ontario. On Monday, April 6th he indicated that there was an agreement between his officials and senior officials of the Ontario Ministry of the Environment in which there were seven points of agreement. Seeing that one of the points that he referred to seem to be missed out of the Hansard report, I wonder if he could prepare to table that agreement with the House so that we may see specifically what all of the points are that he's referring to.

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

**MR. FILMON:** Mr. Speaker, I'll review Hansard and would be pleased to give the member the information that he requires. At this point I don't anticipate I'll be tabling the documents since it is an in-house confirmation of agreements but I'll review those points in Hansard and see which one may have been missed.

### ORDERS OF THE DAY PRIVATE MEMBERS' HOUR

**MR. SPEAKER:** We're now under Private Members' Hour. The first item of business on Thursdays is Public Bills.

Bill No. 5, An Act to amend The Gasoline Tax Act, The Motive Fuel Tax Act, The Revenue Act, 1964, The Retail Sales Tax Act, and The Tobacco Tax Act, standing in the name of the Honourable Member for Minnedosa. (Stands)

Bill No. 14, An Act to amend The Medical Act, standing in the name of the Honourable Member for Rhineland. (Stands)

Bill No. 17, The Medical Act, standing in the name of the Honourable Member for Logan. (Stands)

### ADJOURNED DEBATES ON SECOND READING — PUBLIC BILLS

### BILL NO. 19 — AN ACT TO AMEND THE VETERINARY MEDICAL ACT

**MR. SPEAKER:** Bill No. 19.

The Honourable Member for Logan.

**MR. WILLIAM JENKINS:** Mr. Speaker, I adjourn this debate on behalf of the Honourable Member for St. George.

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

**MR. URUSKI:** Thank you, Mr. Speaker. In speaking to this Bill, Mr. Speaker, we will be allowing it go to committee. We have a number of questions and concerns that we wish to pose to the Member for Gladstone, who has sponsored this Bill in the hope that he will take it on to the people who he is sponsoring the Bill for so that their solicitor can bring the answers to committee.

Mr. Speaker, the amendments to The Veterinary Medical Act, in reviewing the old Act, and this one, Mr. Speaker, there are changes first of all in the repeal of gross negligence and incompetence, Mr. Speaker, and we would like to know how this change will affect them, the reasons for the change. This may be a change in the way that the Association deals with its members but we would like an explanation as to the removal of the word "gross", Mr. Speaker, from the meaning of negligence and incompetence.

Mr. Speaker, with respect to the elections process, we feel there is no great difficulty in changing it from an annual elections to a two-year alternating, Mr. Speaker.

The area dealing with the acceptability of a graduate into the Association it appears that the section is being broadened and we would like an explanation of that in committee, Mr. Speaker, as well.

Mr. Speaker, as well, the area of refusing to renew a member's certificate poses some questions. We would like to have clarification with respect to the intent of this section and this provision in terms of where the Board has reason to believe that the registered member is proficiently deficient. There should be explanations made in committee with respect to this section, Mr. Speaker.

As well, the temporary registration seems to be, and it seems to be similar, the same as in the present Act and we would like some clarification why the amendments are required.

Mr. Speaker, with respect to the whole notion of the investigations and the prosecution and inquiry provisions of the Act, Mr. Speaker, we have some questions to be raised and of prime importance is the area where the registered member in respect to whom an inquiry is being made, having been duly notified, does not attend inquiry, the Board may proceed to hold the inquiry in his absence.

Mr. Speaker, I would hope that the members of the profession may consider an amendment or some changes or additions to that section dealing with, in the event that a member who has — where there's a hearing being held — may have some just cause that he could not attend that hearing, he may have gotten sick and could produce evidence that for those

reasons he is unable to attend the enquiry in and about him that amendments dealing without adequate or justifiable reason, Mr. Speaker, because if the member for whom the enquiry is being held or about whom the enquiry is being held, has a reason then, Mr. Speaker, it may be advisable that the hearing be put over and we raise some concerns in that area.

Mr. Speaker, there is questions that we raise with respect to the Order of the Board and dealing with the expenses relating to the enquiry that the Board makes. In the Act, Mr. Speaker, where there is an enquiry respecting a registered member and the Board does not dismiss the complaint, our same concern, similar concern, that was raised by the Member for Inkster with respect to The Medical Act pertains, where can the member appeal the decision of the Board, Mr. Speaker, and if he appealed the decision, would the Board cover the costs of the appeal and pay for the costs of that hearing. As has been pointed out in the past, this may lead to the Association, because they may be stuck with the bill of an enquiry, with the cost of an enquiry, that the Association may be put in the position that in order to pass on the costs of that enquiry that they have no alternative but to fine against whom the enquiry is being held.

Mr. Speaker, that may put the Board in a very untenable position and put the member against who the enquiry is being held in a very awkward position, and we raise those concerns with respect to the expenses of the enquiry.

Mr. Speaker, with respect to the copies of the testimony under oath there is, that the enquiry shall be taken under oath and the parties to the enquiry may cross examine witnesses and call evidence in reply. Mr. Speaker, is this to be done in private? Mr. Speaker, if it is to be done in private, under The Registered Nurses Act, a provision was adopted under that Act, that if those hearings are held in private then certainly they should be held in the same manner for the veterinarians. If it is held in one case, I would hope that members on the government side review their legislation of the nature that they passed in the past with respect to professional associations and that the general pattern of the way the hearings are held and the general pattern of costs be the same for all professional associations, because if it is good for one association to have the hearings in private, certainly we should not discriminate against another association as might be the case under this Act, Mr. Speaker, so that the amendments made under The Registered Nurses Act, which would allow, if I'm not mistaken. Yes, Mr. Speaker, under The Registered Nurses Act that was passed, all the hearings are to be private. Section 36(6) of The Registered Nurses Act dealing with the complaint against the professional conduct of a nurse; those hearings under that legislation are to be in private and this Bill was just passed last year.

I would hope, Mr. Speaker, that members will be moving amendments, if not, we will be proposing amendments that the same treatment be given to veterinarians that was afforded to the nurses under The Registered Nurses Act.

Mr. Speaker, with respect to the appeal provisions, and there is a section dealing with the appeal where a Board has made an Order. In the section in the Act

it specifies, specifically under Section 12(14) in respect to the member, the member may appeal the order to a judge of the Court of Queen's Bench by an application to the judge. Mr. Speaker, what if there is a Board Order on some other matter that is not covered by this section, could there be ostensibly a Board Order for other matters, other than those that are mentioned in the two sections, Mr. Speaker? What rights are afforded to the member to appeal that decision to the Court of Queen's Bench? I think there has to be some clarification and explanation to this, because if there is another hearing outside the specific reference to the sections that are noted in these amendments, then I believe that there should still be an opportunity for the member to have an opportunity to appeal that decision, but this will certainly time the area of appeal that a member may be afforded because it is tied specifically to two specific sections of the Act. If there is an Order about some other issues that may not be tied to those sections, where is the right of appeal to that member, and I think there should be clarification dealing in that area as well.

Mr. Speaker, there is a major change and that deals with the specific section dealing with section 14 and that was dealing with the area of trial de novo. That specific section in the old Act — let me just look at that, Mr. Speaker, here. Under the present legislation the Act allows the member an appeal, shall be trial de novo, and the judge in his discretion may receive further evidence either by oral examination or affidavit. Mr. Speaker, this section is being repealed and we wonder why the major change that a trial should not be new and if in hearing the evidence there may be new evidence that the member may have, why should he not be allowed to present that evidence to the association, Mr. Speaker? I think there has to be answers to those kinds of questions. Why would that right be taken away from a member, that in the case of an appeal, that the trial shall be beginning, shall be begun again, or is it intended that the appeal be heard only on the transcripts or will members who are making the appeal be allowed to call witnesses again and have their trial as is in the present legislation? This is a major departure from the present Act and we certainly would like to hear comments with respect to that change, Mr. Speaker.

The procedure with respect to the appeal, Mr. Speaker, we have also some concerns dealing with this area because the amendments that are being proposed is that an appeal shall be commenced by originating notice of motion and shall be founded upon a copy of the proceedings before the Board, the evidence taken and the Order of the Board with respect to which the appeal is taken and certified by the registrar.

Mr. Speaker, I would hope that in the event of a judgment, and that's dealing with the costs as I mentioned before, to the appellant, that I am hoping that in the event that there is an appeal that a judge will have the right to vary the costs that have been awarded by the Board in the case of the appellant that not only can the judge hear the facts of the matter, that in the event that he finds a different ruling from the Board that the judge will have the right to vary the costs that would have been imposed

by the Board hearing that. I would hope that the member would be prepared to accept an amendment or move an amendment that these costs, in the case of a hearing, that if there is a change from the recommendations . . .

**MR. SPEAKER:** Order please. The honourable member has five minutes.

**MR. URUSKI:** Thank you, Mr. Speaker. In the event that there is a change from the original decision of the Board, the judge varies that, that he also has the opportunity to vary the costs that have been imposed at the hearing by the Board that has found in a particular way against a member. Because, Mr. Speaker, if the member should be found totally innocent by virtue of an appeal, he could still be broken in terms of his costs by the costs imposed by the Board in the original hearing.

Mr. Speaker, we had a case of this nature, I believe I wouldn't be far out in my facts and it was the case of the doctor in Transcona, whereby in terms of his practice there may have been some problems with the practice but its not the actual finding of the fault with his practice that would have hurt the doctor so much, but it would have been the heavy costs that were imposed on him in terms of the entire hearing process and the costs incurred in that hearing.

So, Mr. Speaker, I would hope that the member sponsoring that Bill, would consider, and if the members of that group do not consider, we will certainly bring forward an amendment that in the event of an appeal in court that a judge may vary not only the ruling but also vary the cost that had been imposed by the Board, to give that member equal treatment under the law, Mr. Speaker.

Mr. Speaker, the further amendment and I just raise that, takes out the words, "willfully", in dealing with claims and implies dealing with his qualifications. Mr. Speaker, I raise the point and I wonder what the reasons are for the decision of taking out the word "willfully" in providing information about one's credentials, Mr. Speaker, whether that has had an impact on the Association, whether they have had cases where members have misrepresented their qualifications and had they done it willfully. Was that a problem in terms of internal enforcement? I'd like some commentary on that from the Association.

Mr. Speaker, there is a further change in the legislation, changing the statute of limitation, from one year to a two-year limitation of action. Is that primarily to follow the standard limitations of actions, legislation that is presently within the province, and to conform with that, or is there any other reasons in this area?

Mr. Speaker, the area dealing with the employing of a technician in the present legislation, a registered veterinarian, a registered member, with the written approval of the Board, may employ a technician who has completed and passed a technical studies course, accredited by the Canadian Veterinary Medical Association and recognized by the Manitoba Veterinary Association, a Board, a registered member may employ such a person. There is a change in that, Mr. Speaker, that takes away the area of technical studies that a technician may acquire from specific schools within Canada, and

that being the Canadian Veterinary Medical Association and another course, I presume, recognized by the Manitoba Veterinary Medical Association. Those specific schools have been taken out of this amendment and I raise the point, could the Association in this case, bring forward more restrictive clauses to have greater control on the technicians that might be employed by veterinarians? Could they bring in further amendments to their regulations because it now takes out the area of who is recognized, Mr. Speaker?

**MR. SPEAKER:** Order please. The honourable member's time is up, unless he has unanimous consent.

**MR. URUSKI:** Yes, Mr. Speaker, I'm just about finished.

**MR. SPEAKER:** Has the honourable member consent?

**MR. URUSKI:** Yes, Mr. Speaker, I'm just nearing the area in concluding our remarks on this piece of legislation.

We've raised our concerns dealing with the specific sections. We know that bills dealing with professional associations have been amended and passed before. We hope that the government will look at some of the areas of specific concern that we have raised which seem to contradict previous legislation that we have passed, so that I hope that members would bring those amendments in the specific areas that we raised, dealing with costs and the like. I would hope that the members will bring in amendments, see their way clear, if not, we certainly will be looking forward to answers and if the answers are not to our satisfaction, we will be proposing amendments dealing with those particular sections, Mr. Speaker, we're prepared to let this Bill go to committee.

**MOTION presented and carried.**

**MR. SPEAKER:** Bill No. 23 — The Honourable Member for Logan.

**MR. JENKINS:** Would you stand 23 and 24, Mr. Speaker, please, and 30 and 37 and 40; I'm prepared to speak on Bills 44 and 45.

**MR. SPEAKER:** Bill No. 28, An Act to amend The Employment Services Act, standing in the name of the Honourable Member for Gladstone. (Stands)

### **BILL NO. 44 — AN ACT TO AMEND AN ACT RESPECTING THE BEAUTIFUL PLAINS COUNTY BUILDINGS**

**MR. SPEAKER:** Bill No. 44 — The Honourable Member for Logan.

**MR. JENKINS:** Yes, thank you, Mr. Speaker.

I'm going to be very brief on this Bill. We have examined the Bill and I've seen the member's explanation. There was only question that I have to the member, and if he can assure me when we get to committee stage, or when the Bill gets to committee stage, and that is concerning the rural municipality of Lansdowne that they have no objections to the

transfer of this property to the other municipalities in the Town of Neepawa is concerned. If he could have that assurance from the member, because the Bill will allow them to dispose of their interest and transfer to the remaining three municipalities. If the member can assure us that this meets with the approval of the rural municipality of Lansdowne, he can either assure this to me now or he can assure me later, that we won't have say, a squabble at the time that the Bill gets to private bills, that the municipality Lansdowne will be in saying, well this is not our opinion, that we want to still retain our share. If the member can assure us of that we have no hesitation on having the Bill proceed to committee stage.

**MR. SPEAKER:** The Honourable Member for Gladstone will be closing debate.

The Honourable Member for Gladstone.

**MR. FERGUSON:** Yes, thank you, Mr. Speaker. This of course is a very brief Bill and there is unanimous consent on all parties, so there will be no problem rising later on.

**QUESTION put, MOTION carried.**

**BILL NO. 45 — AN ACT TO AMEND AN  
ACT RESPECTING THE TOWN OF  
DAUPHIN (2)**

**MR. SPEAKER:** Bill No. 45 — The Honourable Member for Logan.

**MR. JENKINS:** Yes, thank you, Mr. Speaker, I'm prepared to recommend from our side of the House, that this Bill also proceed to the committee stage. I understand that the section 4 of the Bill that deals with the Town of Dauphin is one that will allow them to be able to come under the auspices or the aegis of The Municipal Act as far as the interest that is charged on unpaid taxation.

At the present time they are not covered because of their town charter and the bill that is presently on the Statute Books of Manitoba, they cannot and I can understand that this makes a difficult situation for the Town of Dauphin, because in some cases, it is cheaper for people not to pay their taxes, but wait until the third year, because they're getting a cheap form of an interest loan, especially in today's high cost of interest borrowing, and all this does is really brings the Town of Dauphin under the aegis of The Municipal Act, as I believe most of other places in the Province of Manitoba.

The section 5, I spoke to the member privately about. He's going to get me some more information on it and I look forward to receiving that information when the Bill proceeds to committee stage.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** Bill No. 43, An Act to amend The Public Utilities Board Act, standing in the name of Mr. Green. (Stands)

**PRIVATE BILL**

**MR. SPEAKER:** Bill No. 33, An Act to amend An Act to amend and consolidate An Act to incorporate

Manitoba Pool Elevators, standing in the name of Mr. Jenkins. (Stands)

We will then proceed to Resolutions. The Honourable Government House Leader.

**MR. MERCIER:** Mr. Speaker, I understand in consultation with the Opposition House Leader, there is disposition to call it 5:30.

**MR. SPEAKER:** Is that agreed? (Agreed)

The hour being 5:30, I'm leaving the Chair to return at 8:00 o'clock.