



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

DEBATES
and
PROCEEDINGS

31-32 Elizabeth II

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



MG-8048

VOL. XXXI No. 72 - 10:00 a.m., FRIDAY, 20 MAY, 1983.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, 20 May, 1983.

Time — 10:00 a.m.

OPENING PRAYER by Mr. Speaker.

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

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for River East.

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

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: I have a Ministerial Statement, Mr. Speaker. I've given copies to the Clerk.

Mr. Speaker, in 1979 in the Forest case, the Supreme Court of Canada held that The Manitoba Act, which established this province, was a constitutional instrument, and that an Act of the Legislature of Manitoba or the Parliament of Canada which purported to change its terms was invalid.

Section 23 of The Manitoba Act made Manitoba bilingual in certain respects. Section 23 reads as follows. It's very brief but I'll read it.

Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both those languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person, or in any pleading or process, in or issuing from any court of Canada established under The British North America Act, 1867, or in or from all or any of the courts of the province. The Acts of the Legislature shall be printed and published in both those languages.

However, Mr. Speaker, the requirement that our statutes be "printed and published," which technically means enacted in French as well as in English, had been ignored from the very beginning.

In another case decided at the same time as the Forest case - that's the Blaikie case - the Supreme Court also held that the requirement to enact in French as well as English extended to regulations.

The net effect of all of this was a requirement that some 14,000 pages of our laws and regulations would have to be translated. The enormity, Mr. Speaker, and cost of this task may be seen from the fact that on

average a skilled translator, and that's a skilled legal translator, can only do from three to five pages a day, and that despite the best efforts of the previous government and this government, we have only been able to recruit and retain three of these highly specialized translators to date. It's virtually all they can do to keep up with the current production of statutes. I should point out, even though two new recruits are joining the legal translation unit shortly, the three experienced ones who we presently have are writing exams for federal positions.

However, the Forest case did not decide the precise legal effect of our failure to meet this constitutional obligation to enact our statutes in both languages. The appellant in the Bilodeau case, which is presently before the Supreme Court, has asked that court to find that the failure to meet this obligation, this constitutional obligation, renders all of our laws invalid. If this were to happen, it would amount to a legal disaster for Manitoba.

It is the view of the government, acting on legal advice, that while it was unlikely the Supreme Court would have gone so far as to invalidate our laws and regulations, it was likely that the court would fashion some remedy requiring us to meet this obligation within a specified period of time and, perhaps, an unrealistic period of time. It was a situation which we thought cried out for a negotiated rather than an imposed solution.

After a year of intense and often difficult negotiations with the Federal Government and discussions with the Societe Franco-Manitobaine representing the main body of Franco-Manitobans in this province, an agreement in principle has been reached which effectively gives us ten years to complete the translation of the backlog, and gives us until January 1, 1986, to sufficiently expand and develop our own legal translation unit, so that in addition to keeping up with the current production of new Acts, which we are now doing, we can keep up with new regulations and still have a little left over to bite into the backlog of statutes and regulations.

The draft agreement between Canada and Manitoba consists of a proposed constitutional amendment to Section 23 of The Manitoba Act, which I am tabling at this time - it's attached to the statement - three subsidiary cost-sharing arrangements between the Governments of Canada and Manitoba, and an agreement that the Bilodeau case will first be adjourned in the Supreme Court and subsequently dropped entirely when the constitutional amendment is adopted, as indeed I hope it will be.

Indeed, I am happy to announce, Mr. Speaker, that yesterday morning on the application of all parties to the Bilodeau case, that case was in fact adjourned indefinitely.

The agreement, the exact terms of part of which have yet to be finalized, effectively - I am talking about the overall agreement - eliminates in my view the possibility of a similar case recurring. It seeks to correct anomalies created by breaches of the Constitution for over 90

years in Manitoba. It seeks to address the long-term question of the status of the French language in Manitoba in a reasonable and practical manner that does not affect the situation of any Manitoban who does not want to be affected in the sense of being required to use the language.

It seeks to assist the Francophone community to maintain itself as a viable entity in this province without imposing any obligations whatever on the vast majority of Manitobans who do not speak French.

The proposed amendment is worded, Mr. Speaker, in such a way that in addition to giving us the time we need to keep current and to translate the backlog of statutes and regulations, we are, by the terms of the agreement, exempt from any requirement to translate a considerable number of unrepealed and unconsolidated Acts, municipal Acts, and private Acts.

The second part of the amendment deals with the right to receive government services in either official language from government head offices, the head offices of other provincial government agencies, such, for example, as Legal Aid and the Human Rights Commission, from the head offices of courts, and from other government offices where numbers or the nature of the office warrant.

This section, the French language services section, will not come into force until January 1, 1987, giving us a full three-and-one-half years to make the necessary arrangements. I should point out, Mr. Speaker, that because of steps already taken, some of which were initiated by the previous government and others introduced by this government, much of this facility to deliver French language services is already being done, is already in place.

It's important to point out again and to emphasize that this obligation, the one contained in the proposed amendment to The Manitoba Act, is one undertaken by the government and does not affect any individual, any corporation, or any non-governmental institution; nor does it apply to any municipality or school board.

I should now like to give some of the details of the subsidiary cost-sharing agreements with the Government of Canada, which we believe will assist the province in meeting its constitutional obligations.

First, Mr. Speaker, the Secretary of State agrees to provide up to \$1.75 million over eight years to help finance the general revision of the statutes of Manitoba in both languages. This, Mr. Speaker, represents a very significant saving to the taxpayers of Manitoba especially when it is realized that in the ordinary course we would require a general revision of our statutes somewhere in the next five to 10 years and would have had to bear the cost ourselves.

Secondly, the Secretary of State agrees to provide up to \$400,000 in technical assistance or money or any combination before December 31, 1987 to help the province in the difficult task of acquiring the capability to enact the new legislation and regulations in both official languages. If I may interject, Mr. Speaker, we are doing it with respect to Acts; we haven't been able to do it as yet with respect to regulations. As I have pointed out, Mr. Speaker, we have most of that capability in place right now. We do not have it all.

While, Mr. Speaker, as I have pointed out, the province is not prepared to impose any constitutional obligation or any statutory obligation on municipalities and school

boards. It is prepared, with federal assistance, to help those municipalities with significant numbers of Franco-Manitobans who voluntarily wish to provide French language services. The Federal Government will pay up to \$200,000 before January 1, 1987 for this purpose. This service is to be targeted to approximately 30 out of the 200 municipalities in this province where Manitoba Francophones are concentrated.

In concluding, Mr. Speaker, let me reiterate that since 1979 Manitoba has been obliged by the provisions of our Manitoba constitution, that is The Manitoba Act, to have all of its statutes and regulations in both official languages, a difficult and a costly task. With the agreement I am announcing today, Manitoba not only receives considerable assistance from the Federal Government, but is also permanently relieved of an important part of the retroactive translation burden. These savings should more than offset the provincial cost of municipal assistance and of entrenching the right to certain French language services. It is a rational policy rather than an imposition by the Supreme Court in Ottawa.

As the Premier stated in 1982, and I quote, "It is significant that the subject of French-English relations in Manitoba is no longer a matter for political partisanship; that the principle of providing of French languages services is now accepted on both sides of the House." Translation of new and existing statutes was also begun by the previous administration.

This agreement then builds upon the foundations which were established and it recognizes that it takes time to build on those foundations. Franco-Manitobans are an essential and a vital part of our province and its diverse cosmopolitan culture. This agreement recognizes the unique place that Franco-Manitobans have in Manitoba as well as the province's constitutional obligations. I believe that it is an achievement of which all Manitobans can be proud.

MR. SPEAKER: The Honourable First Minister. Pardon me, the Leader of the Opposition.

HON. S. LYON: A pardonable slip, Mr. Speaker.

Mr. Speaker, I welcome the opportunity to comment upon the statement just made by the Attorney-General and wish to acknowledge at the outset, Sir, the courtesy of the Attorney-General in providing to my colleague, the Member for St. Norbert, by letter of last December 17, 1982, the first draft of the agreement upon which he was then negotiating with the Federal Government; and then his further courtesy in making available yesterday, to the Member for St. Norbert and myself, a copy of the agreement which he has tabled in the House this morning. It makes the task of response much easier and we thank him for that courtesy.

The matter before us, Mr. Speaker, as the Attorney-General has indicated, is not one that is capable of being responded to in brief. It will take longer than usual, and like the Attorney-General, I do this because the majority of our citizens are perhaps understandably not as intimate with the history and the background of this vexed problem and we must, as he has done, sketch in briefly some of the history and background, in order to put today's announcement in context.

I thank him for the historical references that he has made in the statement that he has just given to the

House, and in general, we subscribe to those as being an accurate, factual chronological buildup of how we came to be in the situation that we are today. I would refer as well, Sir, to a statement that I made in the House on April 7, 1980, to be found at Page 2002 of Hansard, wherein the former government introduced then Bill No. 2, An Act Respecting the Operation of Section 23 of The Manitoba Act, in regard to statutes, which appears in the revised statutes as Act S207.

Mr. Speaker, Section 23 has been read to the House and I think that it's proper that it should, in order that the people of Manitoba will know what was in Section 23, which this Legislature purported to repeal in 1890 when it passed The Official Languages Act declaring English to be the official language of Manitoba. And that situation, as the Attorney-General observed, obtained until 1979 when the Forest Case came before the Supreme Court and they said that the Act of 1890 was invalid, and that The Manitoba Act, Section 23, was back in force.

From that time forward the Government of the Day, as I recall, supported by the then opposition, now the NDP Government of Manitoba, moved ahead to start certain actions with respect to the judgment of the Supreme Court, because, as I said, at the time not only out of fairness, but because we respect the rule of law in this province, we had to act upon the judgment of the Supreme Court of Canada at that time.

It was pursuant to that judgment that a French Languages Services Secretariat was established in the Department of Cultural Affairs. The then Attorney-General, the Member for St. Norbert, started in on the document translation business in the courts of Manitoba.

Simultaneous translation was made available, or started to be made available in the courts in Manitoba. There was the establishment of a French Language Court in St. Boniface. Translation of statutes started, albeit slowly because of the reasons that have been advanced by the Attorney-General, and ironically enough, as you will recall, Mr. Speaker, help first came in that translation process from the present government of the Province of Quebec, providing those rare translation expertise that we need in this province if we are to accomplish the translation job. Publication of informational pamphlets such as that produced on the Family Law and so on, were all started and that work has all been added to by the present government.

Some, I fear mostly zealots, would say that the work that was undertaken by the former government, and the present government, was not moving fast enough. But I think, Sir, that any sane objective observer would say that we were moving in a reasonable way to accomplish the spirit and the letter of the judgment of 1979.

Now, Mr. Speaker, the Bilodeau case was then started subsequently. It was heard before a provincial court in Manitoba, then went to the Manitoba Court of Appeal, where interestingly enough, Mr. Speaker, two of the three judges found against the appellant or petitioner, Mr. Bilodeau, and even the third judge, the now Chief Justice of Manitoba, in his dissent, said that in no way could he sanction the kind of chaos that would result from the approval of the proposition advanced by Mr. Bilodeau to the effect that all laws in Manitoba passed since 1870 were invalid because they had not been

printed in English and in French. That case, I think, deserves careful reading by members of this House and by members of the Press and those who would wish to inform themselves about this vexed topic.

I take but a moment, Mr. Speaker, of the House's time to read one or two comments from the then Chief Justice's judgment in which he affirmed the position of the Province of Manitoba which was opposed by Mr. Bilodeau and the Government of Canada.

This is from Page 401 of the judgment of Chief Justice Freedman found in the Western Weekly Reports, 1981, Volume 5:

"One of the tests for determining whether a statute is mandatory or directory is the degree of hardship, difficulty or public inconvenience that will result from treating it as mandatory. The rationale for this approach is that the Legislature could not have intended widespread chaos to be the consequence of non-compliance with a particular statute. Hence to avoid this consequence of chaos, an intention will be imputed to the Legislature that the statute was directory in its effect and not mandatory.

"In the case before us, the chaos that would result from declaring Section 23 as mandatory or imperative would be monumental. Nearly a whole century of legislative enactments would have to be declared invalid and who is to make such a declaration? Is it the judges of the Court of Appeal for Manitoba? By what authority would they act? Would it be by the authority of The Court of Appeal Act, CCSM Chapter 240? That Act was first passed in 1906, but it was enacted in the English language only. A French version of that Act does not yet exist. If we cannot make the necessary declaration of invalidity, no one else in this province can."

And on and on the judgments go, showing the practical absurdity of the position being advanced by Mr. Bilodeau and his council to say that all laws passed since 1870 would be invalid.

Mr. Speaker, the law does not permit an absurdity, and it is in that context that we raise the question first and foremost, why was the Government of Manitoba so concerned about the outcome of the Bilodeau Case in the Supreme Court that it would choose to take this alternative course of negotiation rather than, as the Attorney-General said, to have imposed upon the people of Manitoba something that would be more onerous than is contained in this agreement?

I suggest with the greatest of respect, Sir, that no court in this land can order the impossible to be done, and that the burden of support for the provincial position on the Bilodeau case was such that this government and its counsel should have had no fear of going before the Supreme Court, because if the proposition advanced by Mr. Bilodeau was to have been given effect by the Supreme Court, of course, chaos would have resulted and no court would have permitted chaos to result.

Mr. Speaker, I wish then in conclusion to make a few observations. I think first of all, the statement made by the Attorney-General this morning is helpful for us insofar as it deals with the translation that is worked out in the negotiation. Mr. Speaker, I would have wished that the Attorney-General had dwelt a bit more on what he calls the second phase of the agreement because with respect, Sir, it is the second phase of the agreement out of which, I think, most of the trouble will come.

The second phase of the agreement, Sir, refers not to translation which is a subject that I think is capable in a practical way of being handled by this Legislature and by the Government of Manitoba without the intervention of the courts. But it is the extension of Section 23 contained in the agreement that I think the people of Manitoba will be more concerned with than the translation.

I will take a few minutes, Mr. Speaker, to read into the record what this draft agreement says, and I'm quoting now from Section 23.8, Subsection 1, "Any member of the public in Manitoba has the right to communicate in English or French with and to receive available services in English or French from (a) the head or central office of any department of the Government of Manitoba; (b) the head or central office of any court, any quasi-judicial or administrative body of the Government of Manitoba," - in parentheses, I presume that indicates the Municipal Board, the Public Utilities Board, the Securities Commission, the Licence Suspension Appeal Board, all of the regulatory boards and agencies of Manitoba that are encompassed by legislation passed by this House.

Continuing the quote, "any Crown corporation, or any agency of the Government of Manitoba established by or pursuant to an act of the Legislature of Manitoba, the Office of the Chief Electoral Office, the Offices of the Ombudsman for the Province of Manitoba."

Then it goes on in Subsection 2, "Any member of the public in Manitoba has the right to communicate in English or French with and to receive available services in English or French from any office not referred to in Subsection 1 of an institution described in paragraph 1(a) or (b) where (a) there is a significant demand for communications with and services from that office in that language; or (b) due to the nature of the office it is reasonable that the communications with and services from that office will be available in both English and French.

Then Subsection 3 goes on to say, "Nothing in this section abrogates or derogates from any of the rights contained in Section 23."

Then further, Sir, you get into the enforcement section which was mentioned, if at all, only in passing by the Attorney-General, but mentioned in questions yesterday. I quote from it, 23.9(1) "Anyone whose rights under Section 23.8 have been infringed or denied may apply to the court for a declaration to that effect and, where that court finds that those rights have been infringed or denied, it may make a declaration to that effect."

Subsection (2) "Where the court makes a declaration under subsection (1), it may order the institution concerned to submit to the court a plan for changing its administration to ensure that the rights under Section 23.8 are respected by the institution, and the institution shall forthwith submit a plan for the approval of the court.

Subsection (3) "Where a plan is submitted to the court pursuant to this section, the court may approve the plan as submitted or may order the institution concerned to submit to the court a new or varied plan for approval of the court."

And (4) "When the plan submitted to the court pursuant to this section is approved by the court, the institution concerned shall forthwith make such changes

in the administration of the office concerned as the plan requires."

Mr. Speaker, I think that those sections that I have just read, that the Attorney-General referred to as the second branch of the agreement, goes well beyond what was ever intended to be the effect of Section 23 of The Manitoba Act. Mr. Speaker, if, as the Attorney-General said in his letter to the Member for St. Norbert which I will table, if, as he said the "negotiations have been taking place between the Government of Manitoba and representatives of the Franco-Manitoban community in order to avoid the potentially drastic effects of an adverse decision in the case of *Bilodeau v. the Attorney-General of Manitoba*," then, Sir, I think we have gone well beyond anything that the court could have imposed as a result of that judgment which is now stillborn, well beyond that in this agreement that has been tabled by the Attorney-General this morning. I tabled his letter which he had the courtesy to give to us, because he states at the beginning that is the purpose of the negotiations.

Mr. Speaker, I repeat again the imposed solution that the Attorney-General apparently is attempting to avoid, the imposed solution by the Supreme Court with respect to translation could hardly be broader or more onerous than this agreement, the second part of which I have just read to the House, is going to be. I repeat again, the courts cannot impose the impossible, any more than King Canute can hold back the tides.

Mr. Speaker, the amendment that is proposed in this agreement to Section 23, as I have said, goes far beyond the spirit and intent of Section 23. It will have the effect of bilingualizing Manitoba in a way that was never contemplated by Section 23. Mr. Speaker, all we need do is look at the headline in this morning's paper for confirmation of that fact by the Justice Minister of Canada, the Honourable Mark MacGuigan, saying that he hopes Ontario will follow Manitoba's lead and make itself a bilingual province.

I suggest, with respect, Mr. Speaker, that Section 23 did not make Manitoba a bilingual province. It provided for bilingual services to be provided in certain stated institutions in Manitoba, period, paragraph. And the effect of the Forest Case was to cause the governments subsequent to that case, to move as our government did, as the present government is doing, to give a force and effect to Section 23, but not to the widespread effect that this agreement will give to bilingualism in the Province of Manitoba.

I suggest, Sir, that the provision that I have read about the court being available to persons who feel aggrieved under the agreement, that is a very dangerous provision. Deciding how this will be implemented should be a decision made by the Legislature, not by the courts, and I foresee grave problems, such as arise in the United States, where court-ordered busing and so on has caused grave social disorder in that country. This kind of court-ordered bilingualism, Sir, is in violation of our whole tradition of parliamentary supremacy in this country, and I can regrettably foresee the kind of social divisiveness arising out of this section, if it were ever to be implemented. Inviting people to go to court to litigate this very agreement, which is intended to bring about, or should be intended to bring about, unity in our country and in our province.

A further observation, Mr. Speaker, the costs of implementation with respect to translation are a

relatively, I think, peripheral matter. The amounts that are being offered by the Federal Government may or may not be satisfactory, but for \$1.7 million, I don't think this province should be capitulating in the way that it is with respect to the draft agreement as we see it now. That is not the nub of the problem. The nub of the problem is in the second portion of the agreement, providing for services to be given to the people of Manitoba in both languages.

Mr. Speaker, as we work, as we have - both governments have attempted to - with reason and fairness toward re-establishing the linguistic rights for 6 percent of our citizens in this province, we must be ever vigilant that we do not create a tyranny by that very minority, because that, Sir, in some ways, is what has happened with respect to the implementation of The Official Languages Act in other parts of this country. Legislation that could lead to the kinds of administrative excesses seen elsewhere must be studiously avoided in Manitoba. I suggest, Sir, that the social fabric of the province cannot and should not be made hostage to what Chief Justice Freedman referred to in his judgment in the Forest Case as, "Intransigent assertion of abstract rights" by language zealots.

A further point, Sir, I foresee dangers in the approach that is taken, with respect to this negotiation, because it does not appear to be a negotiation in which the Government of Manitoba, on behalf of the people, ended up with something that will be seen to be fair in the interests of the totality of the public interest in Manitoba. And without, in any way, trying, because this is not an occasion to try to score partisan points against any government in Manitoba, because the issue is too crucial to the future of our province, I must say, as fairly as I can, that I would hope that the government would go back to Square One on this negotiation - and I'll be making a suggestion as to how this can be done - in order to ensure that it is not going far beyond what reason and fairness require to be done in this instance. We do not want to see important, and we cannot afford to see, important constitutional changes of this nature going far beyond the import of Section 23 of The Manitoba Act, being made out of weakness or an inability to represent that totality of public interest and public opinion of all sections of our Manitoba community.

Mr. Speaker, I have a suggestion to make to the government with respect to how this agreement should be dealt with from this point forward. I believe, as in the matter of the previous Constitution Act that this government, our government, worked on for a number of years, the public has the right to see and to understand and to comment upon any agreement of this kind of substantive nature before the agreement is put into effect, and it is all the more important, after we see this agreement today, all the more important than what I mentioned the other day in questions to the First Minister.

Mr. Speaker, we cannot have any Legislature in Manitoba inflicting on our province some form of locked-in constitutional change which the people may well reject, and therefore, Sir, it is imperative that we have, I would suggest, a suspension of all further action on this agreement at the present time, until the agreement can be placed before a Legislative Committee, authorized to sit between Sessions - that

is, between the end of the 1983 Session and the beginning of the 1984-85 Session - between Sessions and to report at the next Session of the Legislature on the advisability as to whether or not the Legislature should confirm this agreement by resolution, under Section 43 of The Constitution Act.

The instrumentality that I'm suggesting, Sir, would be this: That the government would introduce a resolution attaching this agreement as Schedule "A," the import of the resolution would be not to approve or disapprove of the agreement, but rather to refer the agreement to a Standing Committee of the House, that would then proceed intersessionally to sit and to hear representations about the agreement and then, and only then, would the committee make a recommendation, which would come back to this House, as to the advisability or otherwise of this agreement in its present form or in an amended form being proceeded with. The matter is so crucial, so important, and so capable of social divisiveness in this province, that I think any other course would be a dangerous course for the people of Manitoba to follow.

Mr. Speaker, there is no rush for this agreement. The province can continue and the government can continue its steady and reasonable progress toward implementing Section 23, started by the previous government and carried on ably by the present government.

Mr. Speaker, as I said in 1980, an injustice was done in 1890 when the Legislature of Manitoba purported to repeal Section 23 of The Manitoba Act. That injustice demands correction, fair play in the rule of law demand nothing else. But agreements which go beyond the spirit and the intent of Section 23, which could divide our province and its social fabric are not in the public interest.

Mr. Speaker, I realize that the observations that I have made this morning, on behalf of my colleagues, on behalf of the opposition, will more than probably result in the kinds of branding and name calling and anti-French brands that are put on people who oppose or at least call into question matters of this sort, or take positions which question the advisability of moving so wholeheartedly, as this agreement would purport to take us, into uncharted waters.

Mr. Speaker, I am prepared, and our party is prepared, to take that kind of abuse if, indeed, it is forthcoming. I would hope that it wouldn't be. I would hope that all positions with respect to this agreement can be carefully considered against the background and the history of the events which have been set forth by the Attorney-General and his remarks, and in what I have had to say this morning.

I believe in the end, Mr. Speaker, that reason and fairness will dictate the proper solution to this question, and we look forward to working with all other members of the Legislature toward that solution.

INTRODUCTION OF BILLS

MR. A. KOVNATS on behalf of the Honourable Member for Emerson, introduced Bill No. 81, An Act to amend An Act to incorporate Winnipeg Bible College and Theological Seminary.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we reach Oral Questions, may I direct the attention of honourable members to the gallery where we have 40 students of Grade 11 standing from the Tuxedo-Shaftesbury High School under the direction of Mr. Semotok and Mr. Collins. This school is in the constituency of the Honourable Member for Tuxedo.

There are 23 students of Grade 6 standing from the Montrose School under the direction of Mrs. Hanna. This school is also in the constituency of the Honourable Member for Tuxedo.

There are also 32 students of Grade 5 standing from the Parc La Salle School under the direction of Mrs. Cyr, and the school is in the constituency of the Honourable Member for St. Norbert.

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

ORAL QUESTIONS

Jobs Fund - Advisory Board

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

MR. G. MERCIER: Mr. Speaker, my question is to the First Minister in his capacity as Chairman of the Jobs Fund.

Mr. Speaker, on April 27th, I asked the First Minister a question about the appointment of an employer-employee advisory committee with respect to the spending of the Jobs Fund. He indicated that it was in process, Mr. Speaker.

In view of the fact that it is now some three months since the government indicated they would appoint an employer-employee committee to make recommendations with respect to the use of these funds, I would ask the First Minister if he still intends to appoint such a committee and how much of the Jobs Fund is unallocated?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, yes, we do intend to appoint. We've already had a meeting with representatives of the business and of the labour community, and I would anticipate in the next few days to be able to make an announcement pertaining to the appointment of the committee with the approval of the members that were present.

Jobs Fund - allocation of funds

Insofar as the monies that have been announced to date - is that the question the honourable member would like to receive? The announcement pertaining to the Red River Community College: Auto-diesel shops, some \$6 million; rural sewer and water, 1.5 million; Careerstart, 9.1 million; the extension of the Homes in Manitoba Program, 23 million; Cranberry-Portage School addition, 1.3 million; Brandon Fire College, 1.9 million; a commitment that has been made to North of Portage Development of some 20 million;

The Pas-Moose Lake Forestry projects, \$272,000; Crane River School project, 544,000; an announcement made yesterday of 450,000 pertaining to the Western Civil Aviation Museum.

So, Mr. Speaker, insofar as the total to date, it would be approximately \$41 million, which would leave the balance of the \$200 million not yet announced.

Core area agreement

MR. G. MERCIER: Mr. Speaker, I have a supplementary question for the Minister of Labour.

In view of the fact that the City of Winnipeg and the Federal Government, I believe, have asked for an exemption for the Core Area Building Renovation Training Program from the Employment Standards and Provincial Construction Wages Board because of the fact that the minimum wages are some \$9 an hour, and under this program, people would be paid less than the minimum allowed by the Construction Wages Board, and in view of the fact that it has apparently been a very successful program and people involved in the program would like to see it continued but an exemption is required, could the Minister indicate whether an exemption will be required so that program can be continued and the Federal Government will be able to continue providing financing?

MR. SPEAKER: The Honourable Minister of Labour.

HON. M.B. DOLIN: Thank you, Mr. Speaker. We believe we have a better way of doing this than simply granting an exemption to pay barely over minimum wage for this type of work. The issue has been referred to the Construction Wages Board, which is a board that advises the government on what construction wages should be, and what is a fair wage to be paid to people throughout the construction industry. Of course, I'm sure the Member for St. Norbert knows that membership on this advisory board comes from all sectors, both management and labour.

The board is meeting weekly at this point to deal with this situation. It is only, I think, because of the particular times that we've been in over the past few years that this issue would arise. The board intends to advise the government within the next couple of weeks on a solution for this problem. They have been working very closely with people from the community colleges, from the Employment Training Services within my department, and are working towards a category, if you will, that might be of assistance to this program and put these people back to work so that when they complete this short-term job creation program - and I should think we should not forget the fact that this is a short-term job creation program by the City of Winnipeg - that when they complete that, they will, in fact, be trained and have some credentials to either move into the construction trade as an apprentice or whatever, or to go out and get another job. That's very important, and an essential component of job creation, that people become able to get a job after the short-term project is completed.

MR. G. MERCIER: Mr. Speaker, a final question to the Minister of Urban Affairs.

In view of the report that the Core Area Initiative office plans to spend some \$65,000 on a survey to find

out if people think it is doing a good job, Mr. Speaker, in spite of spending some \$45,000 on a winter park that is not being used, and a rather large expenditure on it this summer - projects which are very transitory and have no lasting value - could the Minister justify the expenditure of this \$65,000 to members of this House?

MR. SPEAKER: The Honourable Minister of Cultural Affairs.

HON. E. KOSTYRA: Thank you, Mr. Speaker. I can't confirm that there is a survey taking place under Program Eleven, the evaluation part of the Core Area Initiative. As I understand, the survey in the evaluation process, it was one that is part of the initial Core Area Agreement that was signed by the member who just raised the question, and my understanding is that was contemplated as part of the ongoing evaluation of the Core Area Initiative to ensure that the Core Area Initiative Program is working.

The purpose behind the survey is to get the views of residents on the various programs of the core. Obviously, I look forward to that kind of survey so that we can look at any possible modifications to the Core Area Initiative Agreement, but I can assure members that was part of the original Core Area Initiative Agreement that provided for an evaluation process.

Rental Increases - statistics

MR. SPEAKER: The Honourable Member of Tuxedo.

MR. G. FILMON: Thank you, Mr. Speaker. My question is for the Honourable Minister of Housing.

Can the Minister confirm that in the recently released statistics of the Rent Regulation Bureau, it is indicated that rent increases in Manitoba, as approved by the bureau, are currently running at almost 1.5 percentage points greater than the average rental increase in the last year of the Conservative Government?

MR. SPEAKER: The Honourable Minister of Housing.

HON. J. STORIE: Mr. Speaker, I can confirm that the average rent recommended by the Rent Regulation Bureau for 1982 was 9.6 percent. I can also indicate that that's very close to the guideline figure that we announced.

As I mentioned last night in committee, that figure was arrived at very carefully by consideration of all of the operating costs that went into managing a rental property. I think that the final figure is a pretty good indication that the guideline figure was fairly accurate with respect to the cost that might be incurred from a landlord's perspective.

MR. G. FILMON: Well, Mr. Speaker, in view of the fact that more than 20 percent of the market is not under control, and in that 20 percent of the market, as I understand it, increases are running in the range of 16 percent, does the Minister not acknowledge that the average increase on rents is going to be substantially higher than that? It's been published, and that's been indicated by him just this morning.

HON. J. STORIE: No, Mr. Speaker, I can't confirm that at all. The 20 percent of the rental premises that are exempt under the regulations are non-profit housing, public housing, and so forth, as well as buildings that are five years or less of age. So those buildings, there may be increases more beyond the guideline. Clearly, the intention was, when the regulations were developed, to allow and to provide for that five-year exemption period so that we would continue to attract the private rental construction activity into the province. I have indicated as well that that's happening.

The other important statistic is that despite the fact we had a number of applications for increases beyond the guideline, there are a significant number that have not applied. So to suggest that the overall figure is anywhere above 9.6 percent, I think is misleading. I would suggest the opposite, that in all likelihood if we had a full picture, which we will be able to hopefully acquire as we develop the central registry in the department, we will find that the actual figure is much lower than that.

What we do have information on is the 17,000 units that applied for an increase. Of those, the average recommendation was 9.6 percent, which is very close to the guideline, and I think, given the cost that landlords face in the year 1982, is pretty well reflective of those costs.

MR. G. FILMON: In view of the fact that even the 9.6 percent increase average that the Minister is referring to is greater than the average increase in the last year of the Conservative administration, can the Minister confirm that the rent regulation process, which incidentally takes months and months of bureaucratic red tape to arrive at a decision at a cost of millions of dollars to the taxpayer, has resulted in no greater control over rents in the market than that which existed before his governments wanted rent control?

HON. J. STORIE: Mr. Speaker, first, with regard to a couple of the side issues that were presented by the honourable member; the issue of months and months to resolve a rental increase dispute, clearly, there was a significant backlog. I've indicated that on a number of occasions. That problem has by and large resolved itself. The 1982 applications for rent increase were before the bureau en masse in August, September, when they began their work; that has been completed. Henceforth, we expect that the process will be a much more streamlined process and that it will not take the time that the member refers to. I've indicated that to him previously.

The suggestion that it's costing millions and millions of dollars, I think, is also a red herring. The costs of the bureau are less than \$1 million. I don't have the exact figure. They were projected to be .9; I believe they're even less than that.

The other question about the rent increases that were reflected under the previous form of rent controls, non-rent controls, was again a figure that considered all of the apartments, all of the units in the province that were receiving increases. I've indicated that only 17,000 units have applied for increases beyond the guideline. That leaves a significant number, 70,000 - 80,000, who have not applied for increases beyond the guideline.

So to suggest that the figure is 9.6 percent, and that's the total universe percentage, is simplistic and untrue.

Highways construction

MR. SPEAKER: The Honourable Minister of Highways.

HON. S. USKIW: Mr. Speaker, yesterday in my absence, the Member for Rhineland raised a number of questions with respect to highway construction tenders and just where we're at at this time of the year with highways construction.

I would like to advise him that to date about 14 tenders have been let, which include 11 which were in the preadvertised program over the last number of months. So we have a total of 14 that are under way.

I am concerned, however, Mr. Speaker, with a comment that he made that has to do with his allegation that someone on my staff has indicated to him that it was our opinion that the opposition was holding up the process. I think I should state for the record, Mr. Speaker, that the opposition is incapable of holding up the process because the government indeed is responsible and has complete control. In all the years that I have been here, Mr. Speaker, the opposition has never been able to control the events, so I reject that statement, but will undertake to check where that statement came from.

Closing of obstetrical units

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Mr. Speaker, my question is to the Honourable Minister of Health and I would ask him whether in view of the unanimous opposition expressed by the medical staff at Concordia Hospital, he will revise or review, or is considering revising or reviewing, his decision to phase out and close down the obstetrical unit there?

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, I might say that there is support from the Obstetric and Gynecology Department at the university, the St. Boniface and Health Sciences Centre, both the administrations are ready to co-operate giving admitting privileges to the doctors at Seven Oaks and Concordia.

As my honourable friend knows, from the College of Physicians and Surgeons, I might say - if we're going to deal with Concordia, - that there is approximately 30 percent occupancy of the 14 beds for obstetrics; that it is costing approximately over \$500 more per delivery and taking into consideration that St. Boniface and Health Sciences Centre in the cost are paying for the high-risk deliveries also, and have the backup and the specialists that they have; therefore the standards would be improved. But I think there's 19 doctors at Concordia that are delivering between three and four, less than four a year, approximately another 12, or 15, or 16, that are delivering between 10 and 20, only four that are going over the 25.

Also because of the funds, as we stated, the standards would be improved, the cost we would save

with modification at both St. Boniface and Health Sciences Centre to help, because there is overcrowding there also, we would be saving \$800,000 that will not be used to reduce the deficit, or because of restraint, it will be used for maternal and child care, and as I say also, that Seven Oaks and Concordia, who are dealing with the north of Winnipeg are only performing approximately 60 percent of their abortions - that's a slip - of the deliveries from the north end.

I was expecting that there would be some criticism. It was a tough - it's not a popular decision, but I certainly see no reason to change my mind. If we do that, we will lose Medicare and hospitalization because the costs will be prohibitive. No, I can't see anything, so far. I will meet with Concordia. I had a meeting set for today. They've had to postpone. They weren't quite ready. I will listen to them, but as of now, I certainly don't intend to change the policy.

MR. L. SHERMAN: Mr. Speaker, I'd then ask the Minister whether the phasing out of obstetrical units at Concordia and Seven Oaks is proceeding at the present time? Is there actual, active phasing out, scaling down of those units taking place at the present time?

HON. L. DESJARDINS: No, Mr. Speaker, it isn't. It won't be started until I've had a chance to meet, if they want to meet, I'm talking about the complete board at Concordia and Seven Oaks. I want to organize meetings. Some meetings have taken place between the university, if need be, but especially between the Health Sciences Centre and St. Boniface and the two hospitals, where we can make sure that the doctors at these two institutions will receive admitting privileges. We'll talk about all the facilities, including parking, and everything else, and the staff also.

Then we would plan to do it in an orderly way and there has to be some minor changes at the Health Sciences Centre, and some a little more important at the St. Boniface, who even if nothing was done, are overcrowded now, because more and more people want to go to these hospitals. It might be that we're talking about normal deliveries are certainly safe in these hospitals, but a delivery that starts as a normal delivery - in 20 to 40 percent of the cases, could end up in a difficult delivery, or change the status during the labour.

MR. L. SHERMAN: Mr. Speaker, I'd ask the Minister what the target date is for the consolidation - for the closure at Seven Oaks and Concordia and consolidation at the Health Sciences Centre and St. Boniface?

HON. L. DESJARDINS: There is no target date, as such. I might say it might be around six months. The important thing is do it in an orderly way, with the co-operation of the two hospitals. If not, well then the best that we can, but I can't see this happening for a few months. As I say, there has to be some change, especially at the St. Boniface Hospital. There will be two birthing rooms. There will be additional beds. There will be some changes there to accommodate what they have and just the one or two extra deliveries a day that they would have to compensate for the closure of those beds.

MR. L. SHERMAN: One final supplementary, Mr. Speaker. Notwithstanding all the medical reasons that

the Minister has offered and the support for the position he has taken that has come from professional and technical bodies; the fact remains that the medical staff at Concordia Hospital, and the communities served by both those hospitals, have serious concerns and are opposed in the main, to any move to close down and phase out those obstetrical units. Can the Minister assure the medical staff at Concordia and at Seven Oaks and the communities served by the Concordia and Seven Oaks Hospitals, that the door is not shut, not closed on this decision; notwithstanding his professional advice, that he's prepared to continue to discuss, examine and explore options and the possibility of continuing to operate those two units?

HON. L. DESJARDINS: I've already stated that I'm ready to meet with the board. I certainly have no reason to say at this time that there will be a change, but we will meet and I'll keep an open mind, until I've had a chance to meet with these people and they can present their case. But any presentations that were made, or any of the concerns, do not seem to be justified. I must be honest and answer that I don't see any changes in the concerns that were expressed to me, or what I've seen in the newspaper report.

Jobs Fund - Allocation of funds

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I'd like to just correct some information that I gave, which wasn't correct, a few moments ago to the Honourable Member for St. Norbert. I'd indicated that the amount that had been allocated re the Jobs Fund allocations had been a total of some \$41 million. That is correct - \$41 million, excluding that which has been allotted by way of the extension of Homes in Manitoba Program, which is \$23 million. Also, there should have been included \$34.8 million, which was committed - committed funds into the Jobs Fund, in respect to the Homes in Manitoba Program. So it's \$41 million, plus the \$23 million from the extension of Homes in Manitoba Program, plus the \$34.8 million.

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

MR. G. MERCIER: Mr. Speaker, in view of that answer and in view of the fact it would appear that well over one-half of the Jobs Fund has been allocated, decisions made by the government without any advice from the employer-employee group they had indicated some three months ago they wanted to appoint to advise the government on the usage of these funds, does the First Minister still see any value in the appointment of such a committee?

HON. H. PAWLEY: I wouldn't want the member to be misled to think that we have not had discussions with many different groups over the last number of months. We've had discussions - and excellent discussions - with representatives of both the business community and the labour community in connection with the Jobs Fund Program. As to the formal establishment of the

committee, that is in process of being done, but there has been a great deal of discussion with members of the business and the labour community.

Communications Officers - hiring of

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I have a question for the First Minister. There have been ads appearing in newspapers such as the Globe and Mail for a Director of Communications and Information Services for the Department of Economic Development and Tourism at a salary range of \$37,000 to \$47,000.00.

Mr. Speaker, there has been a proliferation of information and communications people in the office of the First Minister and in the offices of various Ministers of the government. Since the rate of expenditures of this government are going to be up over twice as much as any other province in Canada, when will the First Minister be moving to put an end to this proliferation of highly paid communications officers?

HON. H. PAWLEY: Mr. Speaker, first I would like to refer the member to a statement that was made some weeks ago that insofar as communications were concerned and government, there would be the providing of communicators to departments, and by the way this is a distinct difference from the old communicators program in which the communicators were communicators to the Ministers. As I understand the approach of the previous administration, it was communicators to Ministers. Mr. Speaker, we are appointing directors of communication to the various departments themselves.

In addition, Mr. Speaker, we are doing that within the existing communications staff and within the existing dollar sum. There is no increase of dollars, constant dollars, or indeed staff members pertaining to communications in government as a whole. We have failed, not only this government, but the previous government and the government previous to that, in properly communicating information pertaining to government and government programs to Manitobans.

It has been a principle, Mr. Speaker, of this government — (Interjection) — well, Mr. Speaker, I'm not going to holler above the noise across the way.

Mr. Speaker, we are doing this, we're attempting to undertake our responsibility to communicate within constant dollar, within constant SMY, and I believe that we can do that much more effectively than has been the case for years and years, and under previous regimes, both Liberal, New Democrat, and Conservative.

Homes in Manitoba Program

MR. B. RANSOM: Another question to the First Minister, Mr. Speaker, last August the First Minister announced a \$50 million new Homes in Manitoba Program. The First Minister proceeded to announce that six more times and I ask the First Minister, was it his intention to expend the full \$50 million on that program?

HON. H. PAWLEY: Mr. Speaker, I don't know where the honourable member arrives at six. Certainly, I had mentioned the Homes in Manitoba Program on numerous occasions, every opportunity that I have, every meeting that I speak to, Mr. Speaker, I have spoken about the Homes in Manitoba Program, because I'm proud of the Homes in Manitoba Program. I would think rather than my mentioning it six times, I must have mentioned it 50 times to various groups and meetings in the Province of Manitoba, Mr. Speaker, including the Manitoba Housebuilders, who have described the Homes in Manitoba Program as being the best such program they have seen introduced by any government in the history of the Province of Manitoba. I believe that was the statement by Mr. De Fehr.

Mr. Speaker, it is because of that program that Manitoba leads - it's due to that program plus the funds provided by the Federal Government - and I give the Federal Government credit here, the \$3,000 Home Program, is due to the combination of the federal and provincial programs together, working co-operatively, that Manitoba is leading the country by way of new housing starts this year. On a percentage basis, Mr. Speaker, Manitoba is No. 1. No. 1 in Canada. Honourable members may wish to deny that till their faces turn blue, the statistics are there, all they need do is turn a page in their preparation books and they will find that Manitoba leads every province in Canada by way of percentage increase in housing starts so far this year compared to this time last year.

Mr. Speaker, insofar as the program itself, the \$50 million program, many of those funds will be expended during this year. The funds were being committed because of a demand upon that successful program during the last fiscal year. Most of those funds will be expended during this year; most of those funds will be expended in order to create jobs and to build homes during this fiscal year in Manitoba.

MR. B. RANSOM: Mr. Speaker, somewhere in there was almost the seeds of an answer to my question.

The First Minister announced seven times, through his Information Services, that there was a \$50 million Affordable Homes Program. My simple and direct question to the First Minister was: Was it his intention to commit and spend the entire \$50 million on that program?

HON. H. PAWLEY: Mr. Speaker, if the honourable member would refer to the original statement, it certainly was our intention to spend the \$50 million subject to the applications that were received; subject to the interest that was expressed by Manitobans pertaining to not only Homes in Manitoba Program, but other areas of housing endeavour in the Province of Manitoba.

Mr. Speaker, I don't quite understand why the Honourable Member for Turtle Mountain is yelling sour grapes. I would think that he would be delighted by the fact that the Homes in Manitoba Program has been successful and there has been a positive response by Manitobans toward this program, that many homes have been built in Manitoba and many jobs. And this is the purpose of the Jobs Fund Program, many jobs

have been created in Manitoba due to this very positive development by way of additional housing starts in the Province of Manitoba.

Consumer Price Index

MR. SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Thank you, Mr. Speaker.

In view of the fact that the Premier is anxious to talk about statistics today in percentage terms, I wonder if he could answer this question: In view of the fact that the recently announced increases in the consumer price index for the past 12 months on a Canada-wide basis showed that it has been 6.6 percent, whereas in Winnipeg, it has been for the past 12-month period, the same period, it has been 8.2 percent, which is the highest of any major city in the entire country, will the Premier admit now that the policies of his government are not only costly but detrimental to the interest of all Manitobans?

HON. H. PAWLEY: The honourable member provides me with an opportunity to discuss the CPI, and I thank the honourable member for asking me this question.

First, I should mention, for the honourable member's edification, that Manitoba's CPI increase was the lowest of any province in the country, '82 over '81, and I'm sure that all honourable members would be pleased in respect to that information - the lowest in the country by way of percentage increase. It was the lowest in 1981 as well, I grant, but our CPI increase is the lowest in Canada '82 over '81.

Mr. Speaker, insofar as the CPI stats are concerned, we have a situation, which is rather difficult to explain, by which every major Western Canada city has witnessed a significant increase in the consumer price index in the month of April. Honourable members would be interested in knowing that Manitoba is tied with Saskatoon for the second lowest CPI increase in the month of April of all the Western Canadian cities, the lowest was Vancouver in the month of April, but cities such as Regina, Calgary and Edmonton exceeded the CPI increase in Western Canada, a higher percentage increase.

Mr. Speaker, where we indeed witness lower CPI increases, in fact, some decline in the CPI is the major cities of Eastern Canada. In fact, in some Eastern Canadian cities such as Toronto, there was a decline in the CPI in the month of April.

Mr. Speaker, I've been trying to analyze and I'm sure other members would be trying to analyze the reason for that, and I can only think of two major reasons for that: One is that cigarette and liquor taxes were increased as a result of our Budget on February 24th, so we felt the full impact in Manitoba of the large increases in respect to tobacco and alcohol taxes. Theirs will be coming because their Budgets were announced in Eastern Canada, in most of the provinces, in the month of April, so that will be reflected as we proceed down the road.

Secondly, Mr. Speaker, the honourable member would be interested in knowing, in view of the welcome information, which I gave a few moments ago in respect to the boom in the housing industry, that it has had

an upward impact in respect to housing costs in Winnipeg. I think that probably is not to be unexpected; where there has been depressed housing market, continues to be depressed housing market, we have observed less increase by way of housing increase.

SOME HONOURABLE MEMBERS: Oh, oh!

HON. H. PAWLEY: Mr. Speaker, I'm providing information that the honourable member asks. I wish honourable members would get their act together. When you don't provide answers, they say that you're trying to duck questions from honourable members from across the way. When you make an attempt, Mr. Speaker, to answer a question comprehensively and in detail, then they whine that I should discontinue my answers.

Mr. Speaker, I have the information here. I want to share that information with honourable members across the way, not to try to duck the question, not to fail to provide honourable members with information, but attempt to provide honourable members with this very important information that I have here this morning. In fact, I congratulated the honourable member for giving me the question.

MR. G. FILMON: Mr. Speaker, I understand why the government needs to hire communicators now, but getting to the point that I was attempting to make, in view of the fact that on a Canadawide basis we have dropped the CPI increase to a low of many many years, 6.6 percent, whereas in Winnipeg for two months in a row, we have led the country with the highest increase in consumer price index, and in view of the fact that Statistics Canada, last month, reported that it was largely due to government initiatives, such as the increase in sales tax, the increase in the payroll tax and the increase in the gasoline tax, besides the one that the Premier noticed . . .

MR. SPEAKER: Does the honourable member have a question?

MR. G. FILMON: . . . will the Premier now admit to the province that his policies are wrong, that we need a new budgetary initiative and we have to get rid of all the things they've been doing because they're killing our province?

HON. H. PAWLEY: Mr. Speaker, I don't know whether that is a question. I would be tempted to provide a 15 or 20 minute response. If honourable members ask general questions such as that, they'll receive general answers. But, Mr. Speaker, I will resist the temptation by simply responding, no, because I believe that the Honourable Member for Tuxedo is attempting to make his leadership speech in this Chamber.

MR. G. FILMON: Mr. Speaker, I think it's time that the Premier made a leadership speech in this Legislature. He hasn't made one for a long time.

Mr. Speaker, in view of the fact that all of these government initiatives have resulted in a higher consumer price index, and we find out during the past day that in addition to that we're having larger increases

in rental accommodation this year than we had in previous years, will the Minister now get his act together, the Premier get his act together, and get his government working on positive things that save money for the taxpayers of Manitoba, that reduce their cost of living in Manitoba, that get us on the right track, will he do that finally?

HON. H. PAWLEY: Mr. Speaker, first it is ironic, day-by-day we are being urged by honourable members to spend more money on this or on that, and in fact, Mr. Speaker, at some point I'm going to tally all the demands that have been made upon the government during this Session for increased spending, and I'm prepared to wager a bet that we are into the hundreds of millions of dollars by way of additional demands by the Conservative opposition in this House upon this government for additional spending in the Province of Manitoba. I'm going to do some calculating, Mr. Speaker, I know what the results will be.

Mr. Speaker, the honourable member refers to government initiatives being responsible for the increase in the CPI. Mr. Speaker, if the honourable member is referring to the increased tobacco and liquor tax, then that may very well be the case. I dislike repeating myself, but the honourable member is repeating his questions. I point out again to the honourable member that the Budgets of other governments were not introduced in the main until the month of April. Our Budget was introduced in February, bringing about such an increase.

Mr. Speaker, what will be the case in New Brunswick when the user fees re out-patient visits are reflected in the CPI? What will be the impact in Alberta when per diem charges upon the users of hospital services are reflected in the CPI in the Province of Alberta? Mr. Speaker, what will indeed be the reflection when we witness Conservative policies being implemented as a result of their Budget announcements in other provinces in Canada?

Mr. Speaker, if the honourable member wants to accuse us of increasing housing costs by the fact that there is a housing boom in the Province of Manitoba as a result of federal and provincial initiatives, then I suppose we do have to plead responsibility for that. But, Mr. Speaker, better that we be leading the country by way of percentage increase in housing starts than that we be first or second or third from the bottom as was the case during most of the years prior to the last few months.

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

ORDERS OF THE DAY COMMITTEE CHANGES

MR. SPEAKER: The Honourable Member for Riel.

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

Public Utilities and Natural Resources: The Member for Transcona will be replacing the Member for Gimli; and the Member for Dauphin will be substituting for the Member for St. James.

MR. SPEAKER: The Honourable Acting Government House Leader.

HON. L. DESJARDINS: Mr. Speaker, will you kindly call Bill No. 12, please.

ADJOURNED DEBATE ON SECOND READING

BILL NO. 12 - THE WATER RIGHTS ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Natural Resources, Bill No. 12, standing in the name of the Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I'm well aware that it's not in keeping with the rules to comment on a member's absence from the Chamber, and I do so only as a matter of some help to this government. It would help if this government would try to have their Ministers in the Chamber when their bills are being discussed. There are some cases where we are prepared to move the bills further down the line, but would like to make those remarks directly to the Minister involved. I can cite particularly some of the more important legislation like the farm lands legislation. There have been occasions where we would have liked to have spoken on the bill, but would like to address the Minister.

Now, Mr. Speaker, I say that in exactly that context. I appreciate the fact that the Ministers have a busy schedule and the Ministers cannot always be here, but it is a question of organizing their work. If their House Leader knows that bills are going to be called, then it's a simple request to try to have the Minister present. I am closing debate on an important bill with respect to water and water rights in the Province of Manitoba — (Interjection) — Well, we're prepared to see the debate move into committee, and I'm sure that would facilitate the government's wishes.

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

HON. L. DESJARDINS: A point of order, Mr. Speaker. I have received information that this was a request. If I am wrong, I would like to be corrected. This was a request by the opposition. They wanted to deal with this bill first. Now, because the Minister isn't here doesn't mean that he will not see the remarks. They will be read; that's why we have Hansard, and I can assure you that he will take remarks seriously, especially if the member is the last speaker for the department. It will adjourn; we won't pass it today.

MR. H. ENNS: Mr. Speaker, I concur with the Honourable Member for St. Boniface's remarks, but that just underlines what I just said. When we already do the government the courtesy of indicating in advance that a bill is going to be dealt with, then one could expect the Minister particularly concerned with the bill to be there. I might remind you, I'm well aware that the comments are, of course, recorded and they will be read; except that on another bill as important as the introduction of the government getting into the oil

business, on ManOil, on which a number of members on this side had some very particular remarks to make, the government chose not to even respond in any closing fashion to that bill when it moved on to committee stage in this House.

Mr. Speaker, I am simply saying that the legislation as it's moved through this House - I'm a veteran member of this House; I'm well aware of the fact that not all members can be in this House at all times - but it is important that at least the critic and the Minister or those persons particularly involved in the bill pay attention to the passage of legislation as it moves from one stage to another stage.

Having said that, Mr. Speaker, allow me to make my comments with respect to Bill 12 with the knowledge that the Minister will be reading Hansard and be appraised of them.

MR. SPEAKER: The Honourable Minister of Energy and Mines on a point of order.

HON. W. PARASIUK: Point of order, Mr. Speaker. The honourable member indicated that in discussing the bill relating to the Manitoba Oil and Gas Corporation that there was not a response from the government on that. I was in Ottawa at the time on government business. We could have held the bill. I can make the appropriate comments when it goes to Law Amendments Committee, but I should point out to members of the House that on virtually every occasion that the bill was called, I was present in the House for the debate.

There were a couple of instances where I did have to leave because there were prior appointments, and you don't know exactly when in the morning that bill will be called and how long people will speak on a particular bill. In those instances, I did send a note over to the member speaking, indicating that I did have a prior appointment, that I did have to leave, and that I apologized and that I would pick those comments up in Hansard, but in virtually every instance, I tried to be there for that.

It may be, and I don't know the case with respect to the Minister for Natural Resources, that sometimes one gets delegations coming in from out of town that are very difficult to reschedule. That may, in fact, be the case — (Interjection) — He mentioned Manitoba Oil and Gas Corporation.

MR. SPEAKER: Order please. I thank the Honourable Minister for that clarification. I don't think it was a point of order.

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: I wish to speak to that point of order raised by the Minister, Mr. Speaker, simply to acknowledge that this Minister was here, had clearly made efforts to be here and listen to what we regard as valid concerns raised. The problem is that the House Leader on the government side didn't, in the words of the First Minister in accusing us this morning, have his act together and didn't adjourn the bill on the part of the Minister so that we could have heard it. Unfortunately, we would not have that opportunity then to have our concerns answered.

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

Bill No. 12 - the Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, as I said at the outset, I say this only - and certainly there are exceptions. The Minister of Energy and Mines is an exception. He has been in his place to listen to the concerns with respect to legislation that he has brought before the House. I hope that puts me inside the rules - I do not make that as a specific comment and I want to make it very clear on the record.

But I say, generally, the remarks are really being directed to the Government House Leader to let him indicate that particularly in the coming days and weeks as we are moving legislation through this Chamber - and the Government House Leader has indicated that there are some 35 bills yet to come - I'm serving notice if you like, Mr. Speaker, that he can facilitate that movement of bills by doing his job as House Leader in encouraging the proposers of the bills to be present.

Now, Mr. Speaker, on Bill 12, a number of my colleagues have indicated their concerns about this very important subject matter; namely, water rights, the use and how we husband and manage the resources of underground water in the Province of Manitoba.

Let me say at the outset, Mr. Speaker, that it is an important area, one that was early recognized by the government that I was part of. My predecessor, the then Minister of Natural Resources, referred this whole matter to the Manitoba Water Commission, a group that is particularly charged with the responsibility to research, study, hold public hearings and to make suitable suggestions, recommendations as to what could happen in the area of water rights in the Province of Manitoba. That was done by our administration in the latter '70s and the early '80s. That commission has reported and brought in its findings and regrettably, what I consider to be among the many excellent recommendations made by the Water Commission, the principal one is not embodied in the bill before us.

However, Mr. Speaker, as I said in my Estimates I do commend the government for bringing forward this bill and this matter at this particular time, recognizing that for different reasons the pressure has eased somewhat with respect to the demand for access and the use of this resource.

There have been, you know, a number of reasons for that, principally perhaps being the high cost of doing farming business, the high cost of money that is required in this capital intensive form of agriculture to be used for agricultural purposes, coupled with the disappointing decrease in commodity prices generally that have brought about a lessening demand, currently, for access to this resource.

But, Mr. Speaker, I'm certainly aware of, as a former Minister, I know my colleague the Member for Turtle Mountain is aware of, and more importantly the farm constituency that has to deal with the Water Branch is aware of, that this has been a real problem for the department. The department does require firm statutory guidance in how this resource will be treated by governments, and how we can make sure that it's managed by our professional managers in the departments in the best possible way.

Mr. Speaker, as I said before, the time is now to kind of set our house in order, and to establish the kind of regulations and law that will govern the future access and use of this very important resource.

Mr. Speaker, the immediate concern that I know is in front of the department has been the number of applications pending or sitting on their desk for farm use of the water. There are, of course, the other users that have to be clearly spelled out, their priority has to be determined, and I refer to the municipal user, the domestic user, the industrial user, and the recreational user of this resource.

But, Mr. Speaker, much of that work, much of that variable research was done by the Manitoba Water Commission. It is that particular group that is particularly charged with this responsibility. As I already said, Mr. Speaker, it didn't take us very long in 1977 when we came into office to realize that we had a serious problem in that area. It was far from satisfactory in terms of how people could find access to this resource. It was far from satisfactory how it was being dealt with. That is admitted by senior staff people and certainly by those who were trying to get at this water.

Thereupon, my illustrious colleague the Member for Turtle Mountain, in his wisdom, directed the Manitoba Water Commission to study and research the matter and charge them with this specific responsibility of bringing in recommendations.

Well, Mr. Speaker, I'm a former Minister and I think those of us that have had the privilege, and it is a privilege to have served in that capacity, I suppose have some built in bias to allowing, in legislation, maximum amount of elbow room for ministerial responsibility. It's easier if you have maximum ministerial elbow room in a statute that can then afford you maximum ways of applying your judgment as to how a particular statute will be enacted. There are, of course, pitfalls in that same approach.

The more that is on the Minister's back and more that is dependent on the Minister's judgement, the closer to home the criticism comes if his judgment is wrong. Ministers are not infallible; Ministers of all descriptions do make mistakes from time to time.

But, Mr. Speaker, as a reasonably seasoned politician there is one rule that we try to apply when we draft legislation, and that is that the legislation, the law, should embody the basic principles of the law making that we're trying to introduce. The basic principles ought to be spelled out in the bill before us.

Mr. Speaker, that's my concern about Bill 12 as it is currently written. I do not see that basic principle spelled out in Bill 12. That basic principle was one that was one of the major recommendations by the Manitoba Water Commissioners, and that recognized the need for water rights to be tied to property rights. Those same rights should travel with that land, that if that land should be sold, then the water rights are sold with that land transfer.

Mr. Speaker, that principle is not embodied in Bill 12 as it stands before us. It is left, and the Minister has indicated to us during the discussion on his Estimates that those are the kind of matters that he will deal with in his regulations and with his ministerial prerogatives. Well, Mr. Deputy Speaker, it seems to me that in taking that approach the Minister and this government have failed to understand why that principal recommendation was being made.

Mr. Deputy Speaker, in order for us, in order for our farmers to maximize the opportunities afforded by accessing to underground water supplies in a form of more intensive agriculture, the kind of capital outlays that are required are such that they can only be made, or should only be made, if there is the best possible guarantee that those water rights cannot be tampered with, cannot be tinkered with, cannot be arbitrarily withdrawn at the whim of a regulatory body or at the whim of a Minister.

Mr. Deputy Speaker, we are speaking about, you know, the very substantial investments that need to be made if in the future and in the present some of these greater opportunities are to be realized in the field of agriculture, particularly, where very substantial progress could be made in the development of our agricultural practices in Manitoba.

As I said a little while ago, Mr. Deputy Speaker, just because of the current situation, the current downturn in commodity prices, the current high cost of money, although that has changed somewhat, because that has lessened the pressure for development of various forms of agricultural practices which require the augmentation of groundwater supplies, which has lessened somewhat in the current period, we should not be lulled by that.

Manitoba has some particularly attractive opportunities to keep abreast with some of the more intensive, you know, farming practices in some of our particularly well-suited soils. I think of the Portage la Prairie area, of course, I think of parts and portions of the southwest, and of course that great Pembina triangle - Winkler, Morden, Altona - where we can do so much in the way of specialty crops and where in the future we can do so much more if we set out the proper legislative framework, the proper legislative guidelines, that assures the user confidence into making the kind of capital investments required to maximize these opportunities.

Well, Mr. Deputy Speaker, I indicated to the Minister during consideration of his Estimates that these in fact were some of our concerns. Other members, particularly the Member for Emerson, indicated concerns that some of our municipal officials have about some of the aspects of this bill. I would hope that at committee stage, even though we might well be there when many of our farm people are on the land and busy . . .

MR. C. MANNES: Harvesting.

MR. H. ENNS: Well, I would hope it's not when they're harvesting as the Honourable Member for Morris says. I would hope that we get that into committee and through committee before that. It's an important bill, Mr. Deputy Speaker, and I want the government and the Deputy Speaker to be aware of it. It's a bill that can considerably enhance the future of agriculture in Manitoba. At the same time, it can safeguard and properly allocate the demands on this resource by the recreational user, by the municipal user and by the industrial user. We need those priorities to be clearly spelled out; we need to establish confidence in those who require access to this resource so that they can

make the kind of long-term commitments that will enable steady progress to be made in this area.

Mr. Deputy Speaker, it would be my hope that the Minister will consider amendments to this bill, but I would like to think that he would not allow ideological reasons to prevail from recognizing the importance of tying the two together, land to water, if you're going to legislate this area at all, and I think we have to legislate in this area. We certainly would be legislating in this area if we were government right now, and we're of course not suggesting that the management of that resource should be such that it isn't in the interest of the total community.

Water allocations for any particular user - certainly a user such as agriculture or industry have to be down in the list of priorities from the first priority, which is domestic; even down from the second priority which, I understand, is municipal, that the individuals and community have first access to this resource.

Then, in a measured way, in a responsible way, if the resource can support a certain amount of withdrawal of the water for agricultural or industrial uses, then that is spelled out. Mr. Speaker, I can understand that those kind of details have to be spelled out in regulations, in the regulatory powers that the Minister wishes to keep for himself as spelled out in the bill.

But the principle, Mr. Deputy Speaker, that the water rights travel with the land rights is a different matter because you are not going to get an industrial user or a farmer, or it's going to be more difficult to get him to invest that .5 million, \$200,000, \$3.25 million of equipment to optimize, to maximize his opportunities by the use of that resource unless there is absolutely no question as to his future rights to that resource. The only way you can do that, as spelled out by the Manitoba Water Commission in their recommendations, is to tie the water rights given the management that will continue to prevail, given the powers the Department of Water Resources over various other regulatory aspects as to how much can be drawn and the licensing power and capacity that would be enshrined and enacted under this Act, but the principle, Sir, of allowing the water rights to be tied to the land are of extreme importance and they regrettably are missing in this bill.

We will be making our recommendation, an amendment to the Act. I would hope to think that the representation that the Minister and the government will hear at committee stage on this Act would preclude the necessity for that recommendation that they in their own wisdom will amend the Act to accommodate that principal recommendation of the Manitoba Water Commission.

Mr. Deputy Speaker, with these few comments we're prepared to move the bill forward to committee stage, so that representations can be heard on the bill from the the existing and potential users of this resource.

QUESTION put, MOTION carried.

MR. DEPUTY SPEAKER, P. EYLER: The Honourable Acting House Leader.

HON. L. DESJARDINS: Would you call No. 18 now, Mr. Speaker?

**BILL NO. 18 - THE LEGISLATIVE
ASSEMBLY AND
EXECUTIVE COUNCIL CONFLICT OF
INTEREST ACT**

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

MR. G. MERCIER: Thank you, Mr. Speaker. I would like the opportunity to speak to this bill and speak to it as an individual member of the Legislature and not speak to it as a partisan bill, because I think every member of the Legislature should thoughtfully and seriously consider the implications of this bill and whether or not they really feel that it is appropriate to this Legislature.

Mr. Speaker, firstly, because of the position I'm going to take, I want to indicate that I certainly could comply with the bill very easily. I'm sure, like most members of the Legislature, I would be considered an average Manitoban with a home jointly owned with my wife and a cottage, and really subject to the usual mortgages and loans, etc., Mr. Speaker, so the bill doesn't cause me any particular problem in complying with it, but I want to speak to the principle of the bill.

I would ask that members consider and ask the Attorney-General and the government, Mr. Speaker: What is the real need or justification for this bill in this Legislature? Has the conduct of members of this Legislature in the past been so corrupt and so crooked, Mr. Speaker, that this type of legislation is required in Manitoba? I don't believe so, Mr. Speaker. From what I can recall of the history of members of the Legislature in Manitoba, I recall very few if any situations in which a member got into any difficulty, which is the intention of this legislation to attempt to resolve. Most members of this House on both sides, Mr. Speaker, that I am aware of, have in fact probably suffered financially as a result of successfully holding public office in Manitoba and have not increased in any way their financial assets as a result of being a member of the Legislature.

Mr. Speaker, the Attorney-General in introducing this bill stated that the bill aims to promote public confidence in the integrity of the process of government. Mr. Speaker, firstly, I don't think that the experience to date in the Province of Manitoba indicates any real need or justification for this type of legislation. Mr. Speaker, I don't think this bill will in any way improve public confidence in the integrity of the process of government, to use the Attorney-General's words.

Mr. Speaker, I think that the public is more interested in having politicians and governments and parties in Manitoba who deal with issues honestly, who deal with them with integrity, and who do not mislead them. They are more interested in having politicians make realistic promises and take realistic positions, and politicians and governments who live up to those promises and positions.

Mr. Speaker, will this bill, for example, improve public confidence in the integrity of the process of the administration of the Workers Compensation Board? Mr. Speaker, we have seen in that particular instance a Minister and a new board appointed by the Minister, firing long-term civil servants, incurring substantial

increases in expenditures and perks of offices, members of that board. Mr. Speaker, this bill is not going to improve the public confidence in the operation of that board.

Mr. Speaker, this bill, if passed, will do nothing of the sort that the Attorney-General has indicated that it will do. The public will only be encouraged to improve its confidence in elected people when we have responsible politicians, Mr. Speaker. We have gone through, for example, the campaign promises of the Manitoba New Democratic Party from time to time in this House, Mr. Speaker, and that I use as an example. We have discussed in this House the promises that the now Premier made in the campaign election of 1981 and, no doubt, Mr. Speaker, there are a great many Manitobans who listened to those promises, who believed those promises, and now have seen those promises unfulfilled.

Mr. Speaker, those people who, for example, believed that the NDP could build a great future in Manitoba are, no doubt, disappointed. Those people who believed the promises that an NDP Government would take action to get Manitoba's troubled economy moving again are, no doubt, disappointed. Those people who believed that an NDP Government would proceed with immediate development of our hydro-electric resources, Mr. Speaker, are, no doubt, very disappointed. Those people, Mr. Speaker, who believed that with the resources of ManOil being developed and the financial benefits that were going to flow to Manitobans from ManOil are, no doubt, disappointed when they have seen this government increase taxes in Manitoba so significantly by way of payroll taxes, by way of sales taxes, by way of gasoline taxes and on and on, Mr. Speaker.

Those people who believed the criticism of the NDP with respect to their position on the per diem increases and the fact that they believed that the NDP would not do that are, no doubt, disappointed. Those Manitobans, Mr. Speaker, who believed that the NDP would shift the burden of education costs from property taxes are, no doubt, disappointed. Those people who believed, Mr. Speaker, that the NDP would provide security from layoffs and would provide job security, particularly those 30,000 more unemployed people in Manitoba since this government has taken office, are, no doubt, disappointed. Those people who believed that the New Democratic Party were going to restore the health care system, particularly those people who would live in the Seven Oaks area and the Concordia Hospital area and wanted to use the facilities at those hospitals, would be disappointed in the action of the Health Minister.

Mr. Speaker, does the Attorney-General and the government believe that with all of this background, with all of those promises that were made, they were no doubt believed by a number of voters in Manitoba when they cast their ballots in the fall of 1981. Do you think, Mr. Speaker, that this bill, which the Attorney-General says, "aims to promote public confidence in the integrity of the process of government" is going to persuade those people of that principle in the light of the broken promises that we have witnessed over the past 16, 17, 18 months by the New Democratic Party? Mr. Speaker, I don't think it will. I don't think it will contribute in any way to promoting that principle.

The fact of the matter is, Mr. Speaker, we have a bill essentially dealing with the disclosure of assets.

Probably any lawyer will tell you, Mr. Speaker, if someone wants to get around this legislation, a way will be found to get around it. If anyone wants to violate the terms of this Act, a way will be found.

Mr. Speaker, I say for the record, I had some discussions with the Attorney-General with respect to some amendments to this Act that he will be proposing at Law Amendments Committee. I have circulated those amendments to members of our caucus and we will deal with those amendments in committee.

Mr. Speaker, I want to deal with what I think is a fundamental principle of this legislation, and it is this, it is a position that frankly I have held for some time both as a member of City Council and as a member of this Legislature. What this Act does is presume that once a person is elected he is automatically guilty of something until he proves his innocence, Mr. Speaker. Upon being elected, by virtue of this legislation, a person will have to comply with this Act, disclose what is required under this Act, because the principle is, as I suggest, if you're elected, you're automatically guilty of something and you have to comply with this type of legislation.

Mr. Speaker, I believe that is not appropriate. I believe it is insulting to members of both sides of this House and to other elected officials at the municipal level that people who decide to serve in the public interest should be treated in that manner. Mr. Speaker, that is, frankly - and we all realize from public opinion polls how low the level of opinion is of elected representatives - that will only improve, as I said earlier, with integrity and with honesty in the manner in which the real issues of the day and of the time are dealt with by individual politicians in their respective parties. This type of legislation, which appears to start from and agree with the principle that anybody who is elected is automatically guilty of some offence, is wrong and one, Mr. Speaker, that I indicated in the past that I disagree with in principle and I cannot support as an individual member.

Other members have talked about the fact that this kind of legislation may very well discourage people from running for office and I would agree with that, Mr. Speaker. I think there certainly are a considerable number of people in this province, who perhaps have considered or are considering running for public office, who would not be prepared to do so under these circumstances on a matter of principle, Mr. Speaker, that they do not believe that they should be compelled to make public this type of information because it's simply based, as I said, on the wrong principle. It's based on the presumption that you're guilty and you have to prove your innocence.

Mr. Speaker, a member has referred to the declarations that will be required of a spouses's assets, and that too could very well be a problem in discouraging qualified people from running for office, whether they be male or female. I can see situations where women want to run for public office and their spouse will say, you're not going to run under these conditions, because I don't want to have to provide that kind of information to the public, it's wrong. And so, this kind of legislation may very well not only prevent qualified people from running for office, it may very well prevent a lot of women from running for office, because their husbands simply will not want to provide this kind of information.

Mr. Speaker, if there is any need in a Legislature for this type of legislation, I would suggest to him that in most other provinces the only area that it would be required is in the area of the Cabinet. In our form of government it is the Cabinet and the Executive who make the significant decisions for which this type of information might be required, and I only say "might." But, Mr. Speaker, I certainly do not see the requirement for this kind of information for all members of the Legislature and for the backbenchers.

Mr. Speaker, there is also in existence, and I ask the Attorney-General perhaps to have Legislative Counsel deal with it - a small point I raise that I discovered - there is an Act in the Province of Manitoba called The Privacy Act, Mr. Speaker, enacted in 1970 by the Schreyer Government. Section 2.(1) of that Act says that a person who substantially and reasonably and without claim of right violates the privacy of another person commits a tort against that other person. That Act, Mr. Speaker, is applicable, notwithstanding any other Act of the Legislature, to any violation of the privacy of any person. I raised the question, Mr. Speaker, it may be academic, but I would suggest that the Attorney-General have Legislative Counsel look at The Privacy Act and this Act and determine whether in fact there is any conflict between the two pieces of legislation.

Mr. Speaker, as I look at this piece of legislation, and there are a number of points that we will want to raise in committee, particularly with some of the definition sections and other points I've raised in private conversation with the Attorney-General. I look at this Act. I, as an individual, have taken a position for a number of years that I do not support the principle of this legislation, that principle being that an elected person is guilty and has to prove his innocence. I don't believe, if we are really to restore public confidence in the process of government, that this type of legislation is going to do anything to improve that. That will be done when the public sees and respects individual politicians and parties who deal with issues honestly and with integrity, who do not make unrealistic promises, who take positions that can be fulfilled and are fulfilled when they attain office and become government. That will do more, Mr. Speaker, to promote the integrity of our electoral system more than anything else.

This bill is, I suggest, wrong in principle. There is no demonstrated need or justification for this type of legislation in this province, I say, by virtue of the conduct of members of this House over a long period of time.

Mr. Speaker, I, as an individual, would urge all members of the House to look at this bill carefully, and to determine whether or not they feel they can support this bill as individual members of the Legislature, and whether they really feel that this type of legislation is appropriate.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. A. BROWN: Mr. Speaker, I move, seconded by the Member for Roblin-Russell that the debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

HON. L. DESJARDINS: Would you please call No. 3 now, Mr. Speaker.

BILL NO. 3 - THE FARM LANDS OWNERSHIP ACT

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

MR. G. MERCIER: Mr. Speaker, I would ask that the matter stand in my name but I believe another member wishes to speak.

MR. SPEAKER: The Honourable Member for Gladstone.

MRS. C. OLESON: I'm pleased to speak on this bill today, Mr. Speaker, not particularly because the bill is before us but because I'm pleased to take my turn in speaking on it. I'm really disappointed that this bill is before us. I'm disappointed that the government sees fit to bring in major legislation to restrict the ownership of farm land at a time when farmers are more concerned with the everyday problems of just staying in the business of farming.

It seems to me that this government is bringing in this legislation to fulfill an election promise. A couple of years ago and earlier, many people were concerned with the high price of farm land. In their displeasure over it they turned to think of what could cause this, and in their unhappiness over the situation, they blamed this on speculators and mainly on foreign investors. These investors were not necessarily responsible for the high price of the farm land at the time but that was the opinion held. But if the foreign investors were the major problem then, amend the current legislation, deal with that problem so that only foreign buyers that wish to come and settle in this country should be allowed to buy farm land. Don't bring us this type of legislation which not only restricts foreign ownership but penalizes all Canadians in order to get at a few investors who this government feels are a problem.

Many farmers for one reason and another incorporate their operation to run it more efficiently. Some have a very diversified operation which could include seed-cleaning operations, farm supply outlets, machinery or other businesses, owned and operated by the same people who are running the farm.

This legislation will cause these small companies all sorts of problems in the organization of their company and involve many hours of paper work, many hours of dealing either directly or through their lawyers with the all-powerful Manitoba Farm Lands Ownership Board which this government intends to create. You'll notice that they call it Farm Lands Ownership. The words "protection of farm land" would appeal to me more. It seems to be the preoccupation of this government to set up boards and boards and boards. Before long, half the population will belong to the boards or supervising in the other half, the half that create the wealth in this province. In saying that I'm probably being

generous. One-third are probably creating the wealth and the rest are regulating them.

It also appears to penalize those people who work outside of the province in order to pay for their current farm operation, or work at other jobs. I can remember some years ago from personal experience when my brother was going into the business of farming. In order to be able to afford to farm he worked at Thompson in the mines, for most of the winter so that he could afford to get together the cash to put in a crop. In that case, I read anyway in this legislation, he would in deriving more money off the farm operation, he wouldn't be allowed to operate the farm. I hope that I'm wrong in that assumption. I stand to be corrected, but that is the way I read it now.

Another problem is that some people in obtaining jobs are transferred from one province to another, not through their own choice. I'm thinking particularly of armed services, and RCMP. Now they don't really have too much say in where they are sent to work; they're sent from one province to another wherever there is the need. This would preclude them from, if they saw, say, a piece of land adjacent to their home farm where their parents lived, they might want to buy this as investment for the future when they might come back to Manitoba and retire from the police force or the armed services. This would not let them do this, this investment for the future; they could buy this piece of property when it became available - might not when they're going to retire - and they could rent it out to a neighbor who wanted some extra land for a few years but didn't want to have the investment of purchasing it.

Now, it makes sense for many people to invest in farm land for their future use. In that case then, why should it be a crime in Manitoba? Has this government no respect for those who feel that the private ownership of land is a vital part of the economy of this province? If those who are actually farming are the only people allowed to own the farm land, there's a great narrowing of the market for those who wish to sell.

Many of my colleagues have mentioned the fact that a farmer's land is his or her pension plan. This is what he or she will live on after they've sold out and retired to spend their declining years.

If the market is so narrow as to bring the prices lower and lower, then what sort of return can the retiring farmer look forward to? Will the farmer Will the farmer be able to retire comfortably on the proceeds of the sale of his or her land?

Farmers are proud people. Most of them feel they should work hard and provide for a comfortable retirement, a nice home in a nearby town or city or even in some cases on the farm, perhaps some trips in their retirement, places they wanted to see all these years but haven't had time to see them, perhaps a nice car. It's not an unreasonable wish for someone who has worked hard all their life, paid their bills and helped contribute to the nation's food supply.

This Act discriminates against farmers. Those who invest in hotels, restaurants, apartment blocks or what have you, can sell them to anyone they wish. Apparently farmers are second-class citizens who will not be allowed this freedom. They will be obliged to go to the government-appointed board and get permission to sell their land to a prospective buyer even if the buyer is

paying cash and will not be any financial risk to the province. In turn, the real estate people will have a more difficult time to find prospective clients, so their businesses will decline; perhaps they will have to lay off staff. This government is so preoccupied with job creation, they seem to be creating things that will cause less job creation.

Now from a personal nature, I want to give you just a simple example of what I think this legislation does. Supposing I and two of my sisters who live in Alberta or British Columbia, or a brother who lives in Alberta wanted to buy our home farm. Just supposing that my brother decided he was fed up with the business of farming and he wanted to sell the farm. He's running the farm at the present, and I don't think he has any intention of selling it. He probably would be worried if he heard me standing here saying I might like to buy it.

But that farm was farmed by my grandfather who came to this country, because in this country you could own land. Where he came from, because he was not the eldest son, he had no hope of inheriting any land and therefore he could not find a way of getting some. So he bought a three-quarter section of farm land from a person who had acquired it earlier, but had never worked it. I suppose you might call that person a speculator, he had bought up a bunch of land. Anyway, my grandfather was glad that the speculator had bought it, because when he came along to purchase it, it was available.

He broke the land and he built the buildings with his own hands, helped no doubt by his neighbours. He raised a family and contributed a great deal to the life of the community. Then my father farmed with my grandfather until the latter's death at the age of 80 and I well recall that my grandfather was helping with the fall ploughing not too many days before he died. When my father retired, he sold the land to my brother who still runs it and who has bought more land in the community, land east of the home property that was part of the land owned by my grandmother's family years ago.

So you see, we have a great attachment to the land, and this piece of land in particular. I would like to think that I, as his granddaughter, would have a right to purchase that even if I didn't intend to actually go out there and farm it; that we would have a right as Canadians, all of us, to purchase it if we wished, and perhaps rent it out to one of the neighbours who needs a bit more land to run his operation — (Interjection) — or a cousin, yes.

The Minister of Agriculture when speaking on Bill No. 3 on December 16th made much of the right of Manitoba residents to own unlimited amounts of farm land. They made much of that statement, but my understanding of this bill is that a Manitoban may own an unrestricted amount of farm land, but only if he actually farms, or maybe if he inherits it. There is a great difference, Mr. Speaker. It is like telling the owner of a pizza parlour that he can own as many pizza parlours as he likes as long as he, himself, bakes the pizzas.

The Minister also makes much of the fact that various organizations asked for this legislation, but he does not make it clear that they wanted it in this present form and I don't believe they did. I very much doubt

that they wanted it in this form. They maybe wanted legislation, but they didn't want this type of legislation.

The government should cease with their preoccupation with who owns the land and the price of it, and join with all the Municipal Councils and Municipal Governments in their concern for the use and protection of the land. Planning districts in Manitoba are including in their development plans, positive statements concerning the protection of agricultural land. These people recognize the fact that there is no land being made. We have all we're going to get, and we must use it wisely.

We'll refer, for instance, to the development plans of many planning districts. I know the Cypress Planning District have clauses in their development plan concerning the grazing on Crown lands, the clearing of Crown lands, statements that reflect in a positive way their feelings of how the land should be maintained. They have statements on rural, non-farm residential developments so that this does not take up a great deal of the farm land. They have policies on rerouting of roads so they don't take up a part of this valuable farm land. Also in this regard, I noticed in a release from the Department of Agriculture dated April 22, 1983, and it mentioned the policy adopted by the United Church which, and I quote, "stated that they would not build church buildings on farm land."

This all proves that there is a great deal of concern by the people at the grass roots level on the use and protection of agricultural land. This to me, is far more useful than quibbling about who owns the land and what they pay for it.

It has been brought to my attention in the last while that the government is getting more and more involved in all aspects of purchase of farm land. During questioning in the House on Wednesday, May 11, 1983, the Minister of Agriculture stated that the policies of the Farm Land Protection Board were the same as before, but that new guidelines were being prepared. Even though he stated that the government does not get involved in how much money has been paid for the farm land, it has been mentioned to me that some people have had problems. Some people from offshore have had problems in some cases. They have been told that they could not buy particular land because the price was too high for that particular parcel of land.

Now, are we to be treated to a new set of guidelines under this bill and its powerful board which will set the price of farm land, acre by acre, section by section, and tell the farmers of Manitoba that they can only receive such and such an amount for such and such a farm? Perhaps this government would prefer to parcel the land out equally among the people, and they would hold the title. Perhaps that's what they want. We feel in the long run the free market system works best, better than any government-tinkering ever designed by man.

Are they so dedicated to their philosophy that there will be no such thing as the free market so far as farm land is concerned? Is this government telling me that I and others who live in towns and villages in Manitoba can sell our houses and businesses to the highest bidder, while our neighbours who own farm land must adhere to the government-issued list of prices that are acceptable to them? How are these prices to be decided? Is it going to be the classification of soil that

decides the price? Is it going to be the location of the land that decides the price? Is it going to be political affiliation that decides the price? Is it going to be the length of time the farmer has been farming the land that determines how much you can get for it, is that going to enter into it?

Another example of the effect of this bill could be the following: for instance, we could have a farm corporation consisting of three brothers or sisters, and one of the three perhaps was injured in the farming operation or some other way and couldn't continue farming, or perhaps they developed an allergy to grain dust or such and such, so that one of these partners for instance wouldn't be able to actually do the work of the farm, now does this partner now have to sell their share because they can't be part of the day-to-day operation? This would result in a hardship possibly for the remaining partners who could very well in difficult times be unable to buy out the share of the ineligible partner. Would this all powerful Farm Lands Ownership Board decide a question like this?

A MEMBER: In Saskatchewan, they would have to sell.

MRS. C. OLESON: Previously, in my remarks, I referred to farm corporations involved with farmer-related businesses. In my constituency there are several of these operations and I have a letter from one of these people who outlines just how this bill would affect his operation, and I would like to quote it to you. The Minister of Agriculture actually received this letter, but I'm sure that he won't be quoting it in the House. So just in case that it doesn't ever see the light of day, I will quote it here: "I'm writing this letter in regard to the proposed Bill No. 3 and urge your government to reconsider some of its undesirable features. The implications indicated in Bill 3 regarding land purchase in Manitoba are not acceptable as proposed. It seems, historically speaking, that when governments get involved with aid programs, or worse, become involved in business or go into business, they invariably hurt the very people they started out to help.

"The additional forces of business practice, laws of supply and demand, profit and loss, are always the best controls for economic growth, or in a good economic climate where competition is the growth factor and the incentive to improve. As such, all aspects of the economy find their level and survive. Those who should survive will, and those who shouldn't won't. When artificial forces, such as subsidies and stockpiling are used, they upset this natural balance and, as earlier stated, will ultimately hurt the person it was supposed to help.

"The same can be said of many controls placed on society by governments for whatever reason, but most critically for political idiom reasons, then usually both people and governments are in trouble. The Land Purchase Bill is a good example.

"I cannot accept the concept that a Canadian may be barred from purchasing any land anywhere in Canada if it is for sale and he or she has the capital. I see no reason for government's owning land, except for their immediate needs to store property.

"We have only to visit the Communist countries to realize how vast the problems are when people lose

the incentive to produce on agricultural lands because someone else owns and controls it. I know this because I have been there.

"Maximum efficiency can only be achieved on farm land when the operator has a vested interest and is free to make the necessary decisions to operate it efficiently and successfully.

"I feel that land ownership in Canada should be limited to Canadian citizens, but only that extent. This is supposed to be, or regarded to be, the most democratic society in the world where people are free to make choices, be critical if desirable, even of governments, if and when necessary, and it should be our major endeavour to keep it that way. Those freedoms become eroded when governments become dictatorial for the sake of government and people's freedoms immediately are eroded. The whole area of terminology as it affects family farm corporations as to whether the principals involved are classified as farmers or wage earners is uncertain and leads to definite confusions as the proposed Act suggests it will apply.

"I would suggest that before such sweeping changes that are indicated in Bill 3 are considered that a referendum be held in the farming community and let them decide."

That is the opinion of one of the seed operators in my constituency. His son also wrote a letter, which I don't have time to quote at this time, but he listed other operations that he knows of that would be affected this way. I think, since this government is so dedicated to listening to people, that perhaps that is one in particular to listen to.

A MEMBER: You have to be bilingual to be a farmer.

MRS. C. OLESON: Right. In summation, Mr. Speaker, I'd like to suggest to the Minister of Agriculture to give the people of Manitoba a break; withdraw this unneeded piece of legislation and bury it where it belongs - in the garbage.

Since many people feel that there is a foreign ownership problem, deal with it. Deal with the foreign ownership problem. Amend the present legislation to eliminate the problem if it is needed, but forget about this Bill 3 and concentrate on the real problems which are concerning the farmers of Manitoba today. The ownership of the land is not the major problem. Farmers are not asking for this legislation, so forget it. Forget this preoccupation with ownership and put your energies into helping to see that the business of agriculture is maintained and encouraged for the good of the future of all Manitobans.

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

COMMITTEE CHANGES

MR. SPEAKER: The Honourable Member for Riel.

MRS. D. DODICK: Mr. Speaker, I have another committee change on Public Utilities and Natural Resources. The Member for Springfield will be substituting for the Member for Radisson.

MR. SPEAKER: The Honourable Member for Springfield.

MR. A. ANSTETT: Mr. Speaker, I'd like to announce a committee meeting, the Standing Committee on Agriculture will meet next Thursday, May 26th at 10:00 a.m.

MR. SPEAKER: The Honourable Government House Leader.

HON. L. DESJARDINS: Mr. Speaker, there is no intention of calling Private Members' Hour. There has

been an agreement between the opposition and the government to call it 12:30.

MR. SPEAKER: Would the honourable Minister then care to move the adjournment of the House?
The Honourable Minister of Health.

HON. L. DESJARDINS: I move, seconded by the Minister of Highways, that the House do now adjourn.

MOTION presented and carried and the House adjourned and stands adjourned until Tuesday afternoon at 2 o'clock.