



**First Session — Thirty-Fourth Legislature**  
of the  
**Legislative Assembly of Manitoba**

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**DEBATES**  
and  
**PROCEEDINGS**  
**(HANSARD)**

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37 Elizabeth II

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**MANITOBA LEGISLATIVE ASSEMBLY  
Thirty-Fourth Legislature**

**Members, Constituencies and Political Affiliation**

NAME	CONSTITUENCY	PARTY
<b>ALCOCK, Reg</b>	Osborne	LIBERAL
<b>ANGUS, John</b>	St. Norbert	LIBERAL
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BURRELL, Parker</b>	Swan River	PC
<b>CARR, James</b>	Fort Rouge	LIBERAL
<b>CARSTAIRS, Sharon</b>	River Heights	LIBERAL
<b>CHARLES, Gwen</b>	Selkirk	LIBERAL
<b>CHEEMA, Gulzar</b>	Kildonan	LIBERAL
<b>CHORNOPYSKI, William</b>	Burrows	LIBERAL
<b>CONNERY, Edward Hon.</b>	Portage la Prairie	PC
<b>COWAN, Jay</b>	Churchill	NDP
<b>CUMMINGS, Glen, Hon.</b>	Ste. Rose du Lac	PC
<b>DERKACH, Leonard, Hon.</b>	Roblin-Russell	PC
<b>DOER, Gary</b>	Concordia	NDP
<b>DOWNEY, James Hon.</b>	Arthur	PC
<b>DRIEDGER, Albert, Hon.</b>	Emerson	PC
<b>DRIEDGER, Herald, L.</b>	Niakwa	LIBERAL
<b>DUCHARME, Gerald, Hon.</b>	Riel	PC
<b>EDWARDS, Paul</b>	St. James	LIBERAL
<b>ENNS, Harry</b>	Lakeside	PC
<b>ERNST, Jim, Hon.</b>	Charleswood	PC
<b>EVANS, Laurie</b>	Fort Garry	LIBERAL
<b>EVANS, Leonard</b>	Brandon East	NDP
<b>FILMON, Gary, Hon.</b>	Tuxedo	PC
<b>FINDLAY, Glen Hon.</b>	Virten	PC
<b>GAUDRY, Neil</b>	St. Boniface	LIBERAL
<b>GILLESHAMMER, Harold</b>	Minnedosa	PC
<b>GRAY, Avis</b>	Ellice	LIBERAL
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HELWER, Edward R.</b>	Gimli	PC
<b>HEMPHILL, Maureen</b>	Logan	NDP
<b>KOZAK, Richard, J.</b>	Transcona	LIBERAL
<b>LAMOUREUX, Kevin, M.</b>	Inkster	LIBERAL
<b>MALOWAY, Jim</b>	Elmwood	NDP
<b>MANDRAKE, Ed</b>	Assiniboia	LIBERAL
<b>MANNES, Clayton, Hon.</b>	Morris	PC
<b>McCRAE, James Hon.</b>	Brandon West	PC
<b>MINENKO, Mark</b>	Seven Oaks	LIBERAL
<b>MITCHELSON, Bonnie, Hon.</b>	River East	PC
<b>NEUFELD, Harold, Hon.</b>	Rossmere	PC
<b>OLESON, Charlotte Hon.</b>	Gladstone	PC
<b>ORCHARD, Donald Hon.</b>	Pembina	PC
<b>PANKRATZ, Helmut</b>	La Verendrye	PC
<b>PATTERSON, Allan</b>	Radisson	LIBERAL
<b>PENNER, Jack, Hon.</b>	Rhineland	PC
<b>PLOHMAN, John</b>	Dauphin	NDP
<b>PRAZNIK, Darren</b>	Lac du Bonnet	PC
<b>ROCAN, Denis, Hon.</b>	Turtle Mountain	PC
<b>ROCH, Gilles</b>	Springfield	LIBERAL
<b>ROSE, Bob</b>	St. Vital	LIBERAL
<b>STORIE, Jerry</b>	Flin Flon	NDP
<b>TAYLOR, Harold</b>	Woiseley	LIBERAL
<b>URUSKI, Bill</b>	Interlake	NDP
<b>WASYLYCIA-LEIS, Judy</b>	St. Johns	NDP
<b>YEO, Iva</b>	Sturgeon Creek	LIBERAL

## LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, September 23, 1988.

The House met at 10 a.m.

### PRAYERS ROUTINE PROCEEDINGS MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**Hon. Edward Connery (Minister of Labour):** Mr. Speaker, it is my pleasure to table the Annual Report of the Pay Equity Bureau for 1987-88, and the Annual Report of the Civil Service Commission for 1987-88.

### INTRODUCTION OF BILLS

#### BILL NO. 28—THE AGRICULTURAL PRODUCERS' ORGANIZATION FUNDING ACT

**Hon. Glen Findlay (Minister of Agriculture)** introduced, by leave, Bill No. 28, The Agricultural Producers' Organization Funding Act. (Recommended by His Honour the Lieutenant-Governor)

#### BILL NO. 29—THE CATTLE PRODUCERS ASSOCIATION AMENDMENT ACT

**Hon. Glen Findlay (Minister of Agriculture)** introduced, by leave, Bill No. 29, The Cattle Producers Association Amendment Act.

\* (1005)

### ORAL QUESTION PERIOD

#### Rafferty-Alameda Project Technical Committee

**Mrs. Sharon Carstairs (Leader of the Opposition):** My question is to the First Minister (Mr. Filmon). This Government's refusal to act on the Rafferty-Alameda Project has prompted a Liberal Senator, and former Liberal Leader in this province, to take the lead in ensuring that Manitoba's interests are protected. This Government has repeatedly assured us that Manitoba had nothing to worry about; a Technical Committee was studying the project's environmental implications. In today's paper, however, the Premier is reported as applauding the Liberal Senator's intervention and has been quoted as saying that the Senate Committee will give us an opportunity of having expert opinion and analysis.

My question to the First Minister (Mr. Filmon) is: Is he now telling us that the Technical Committee is not capable of conducting a comprehensive study of the environmental implications of the Rafferty-Alameda project?

**Hon. Gary Filmon (Premier):** No, Mr. Speaker, not at all. What I have said is that we are happy to have any

valid information with respect to the Rafferty-Alameda Dam put out publicly. We believe that the dam projects, as they have sometimes been expressed and presented in this House by Members of the Opposition, have been done without fact, without information, and in fact put forward in a way that misrepresents the whole intent of the project and the potential effects of it on Manitoba.

I think the move by Senator Molgat just demonstrates that the Senate continues to be a very political base, that the Liberal appointees there do what the Liberal Party in Manitoba or in Canada wants to have done, and they want to have a forum for further discussion on Rafferty and Alameda in public.

We are happy to have that forum take place, We are happy to have expert opinion come forward that will demonstrate that Manitoba is doing everything necessary to protect the interests of Manitobans.

**Mrs. Carstairs:** I, for one, am very grateful that at least Liberal Senators are concerned about the environmental impact on Manitoba.

### Senate Public Hearings

**Mrs. Sharon Carstairs (Leader of the Opposition):** My supplementary question to the First Minister (Mr. Filmon) is: Will the First Minister immediately contact the Senate and urge the Senate to hold some of their public hearings in the Province of Manitoba so that Manitobans can address their concerns with regard to the Rafferty-Alameda Project?

**Hon. Gary Filmon (Premier):** The fact of the matter is that contrary to demonstrating Liberal concern over Manitoba's environment, the Senator's move demonstrates that the Senator is prepared to do whatever his Liberal masters want him to do. Those who appointed him, he is still beholden to, and he is prepared to engage in the local politics of the Liberal Party whether they be in Manitoba or anywhere else in this country. That is all that that move shows.

Mr. Speaker, I would be shocked if the Senate chose to hold hearings on Rafferty and Alameda and hold them only in Ottawa. I think that would demonstrate precisely the kind of concern they have for Manitoba if they did that. The fact of the matter is that wherever those meetings are held, I will ensure that Manitoba is represented, that our Minister responsible will be making a presentation and ensuring that Manitoba's interests are put on the table and that the facts are known publicly.

### Hearing Participation

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, with a final question on this issue to the Premier (Mr. Filmon). Will the First Minister, as our First Minister, appear before the Senate Committee in order

to adequately represent the needs of the people of this province?

**Hon. Gary Filmon (Premier):** I am quite prepared to speak on Manitoba's behalf anytime, anywhere, on any issue, but we do have a Government in which we share the responsibilities. It is a democratic Government, contrary to what the Leader of the Opposition (Mrs. Carstairs) may prefer to have in Government. It is a democratic Government; it is one in which responsibilities are shared, in which people are appointed to take the responsibility for certain areas of Government. Therefore, it is appropriate that the Minister of Natural Resources (Mr. Penner), who has been the lead Minister, who has met with federal officials and federal politicians, who has written to the Honourable Joe Clark, the Honourable Tom McMillan, who has met with Saskatchewan officials and politicians on this issue, continues to be the lead Minister and puts forward strongly, as he has in the past, Manitoba's views and Manitoba's interest before that committee.

\* (1010)

### **Magnetic Resonance Imager Installation**

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, with a new question to the Minister of Health (Mr. Orchard). A diagnostic and research tool required for early diagnosis of such illnesses as cancer and multiple sclerosis is not presently available in the Province of Manitoba. Patients from Manitoba must go elsewhere to obtain the services of an MR scanner. Can the Minister tell this House when an MR scanner will be up and operating in the Province of Manitoba?

**Hon. Donald Orchard (Minister of Health):** The issue of the MR scanner is one that currently is, as the Leader of the Opposition (Mrs. Carstairs) may wish to know, being pursued on primarily a research basis at the St. Boniface Research Foundation. I cannot indicate to you, at this time, what their projected time frame for installation may well be and if indeed they are successful in raising the capital to put that into their Research Foundation or in conjunction with the Research Foundation.

I just want to indicate to you that as with CAT scanners, which technology has made some quite significant changes, so is the circumstance with magnetic resonance imaging. What we have right now is a generation of MRI units which require, by the size of their magnet and their magnetic field, independent installation outside of most health care facilities. That presents some difficulties in terms of patient flow.

There are some very positive new developments in MRI imaging which are indicating that -(Interjection)- Mr. Speaker, I think the Honourable Member would want this—

**Mr. Speaker:** Order, please.

**An Honourable Member:** Oh, oh, oh, oh, oh!

**Mr. Orchard:** Suit yourself.

### **Operating Costs**

**Mrs. Sharon Carstairs (Leader of the Opposition):** The St. Boniface Research Foundation has indeed been raising funds through lotteries and through direct solicitation for some time. Can the Minister tell the House today if the Manitoba Health Services Commission is prepared to pay for the operating costs of this scanner once the capital costs have been put in place?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, it is exactly the issue of the capital cost that I would like to inform my honourable friend, the Leader of the Opposition (Mrs. Carstairs), on.

New technological developments in MRI are indicating that they can develop the next generation of machine with one-third of the magnetic field strength. That has implications in terms of the initial capital cost, making it significantly lower. Secondly -(Interjection)- Do I hear John Boy howling in the background?

Mr. Speaker, it also has significant potential implications on the location of that scanner in that the lower magnetic field may not require separate housing.

We are looking at probably at least one year before St. Boniface makes their decisions. Within that period of time, or short of six months, we may well have the opportunity for investment in as equivalent a functioning machine but at significantly less initial capital cost, particularly on the installation side.

Mr. Speaker, in terms of the operating costs, which was the last question, we are discussing with St. Boniface Research Foundation their proposal to us in terms of the operating costs. No agreement has been reached but we have had some discussion.

### **Capital Funding**

**Mrs. Sharon Carstairs (Leader of the Opposition):** With a final supplementary to the Minister of Health (Mr. Orchard). Can the Minister tell this House why no provincial and no federal capital funding has been afforded to the purchase of an MR scanner for the St. Boniface Research Foundation?

**Hon. Donald Orchard (Minister of Health):** Because the Research Foundation set this as a target for fund raising so they could raise the capital for that MR scanner.

I just explained to my honourable friend, the Leader of the Opposition (Mrs. Carstairs), that the change in technology is a very beneficial one in terms of the cost. I realize that the Liberal computer has no bottom line. You spend, spend, spend!

In terms of magnetic resonance imaging, the technology is advancing rapidly, which will make those scanners very affordable in the very near future. I would suggest it very prudent to not rush into a magnetic strength triple the size of current technology and have a machine which will not do any more than the new generation, but at substantially higher cost.

Does she want us to spend incredibly higher amounts of money?—(Interjection)—No, we do not know where the Liberal Party comes from in issues of expenditures except more, more, more!

**Mr. Speaker:** May I remind Honourable Ministers that answers to questions should be as brief as possible.

\* (1015)

### **Rafferty-Alameda Project Federal Environmental Study**

**Mr. Gary Doer (Leader of the Second Opposition):** My question is to the First Minister (Mr. Filmon). This morning, in Regina, briefing notes were released from the Minister's files indicating that a deal or trade off, indeed, was to be made between the application for the environmental licence with the federal Minister, Mr. McMillan, in terms of the Rafferty-Alameda Dam and the Grasslands Park Project which is being announced this morning by the same Minister in Saskatchewan.

In light of these revelations, and that is again consistent with five or six other contradictions in terms of the quality and quantity of water to Manitoba, would the First Minister (Mr. Filmon) now agree that there is only one sensible course of action, for him to write immediately to the Prime Minister, and fax that letter to overrule his federal Minister of Environment so that Manitoba can get what we are entitled to, and that is an environmental impact study on the inter-basin transfer of water?

**Hon. Gary Filmon (Premier):** Mr. Speaker, I believe that the Member for Concordia (Mr. Doer) spoke about an inter-basin transfer of water. The Rafferty and Alameda Project, as it is put forward, does not involve an inter-basin transfer of water. He continues to try and put on the record false information, misleading information, that is designed to try and stir up fears and frighten people into things that really do not apply to this particular project.

This project involves storing of water in times of tremendous run-off so that it can be fed down the river in times of need by the downstream users. That is something that can be of tremendous benefit to us. We need to have assurances of quality and quantity of flow so that in low-flow times our downstream users have the benefit of those storage facilities that have been built, both in North Dakota and now proposed for Saskatchewan. We are continuing to work to ensure that Manitoba's interests are protected, that we have assurances of downstream quality and quantity of flows.

**Mr. Doer:** Given the fact that the water is between two provinces and a United State, North Dakota; and given the fact that the purview and the responsibility for those flows of water falls—and a mega project of this nature, of the Alameda-Rafferty Dam, flows consistently—in the federal Environment Act; and given the fact that we have been denied a federal environmental impact study by that federal Minister; and there is evidence both in terms of a former official, a water quality expert, Mr. Halliday, a hydrologist, who has produced evidence

in terms of water flow, the American Environmental Protection Agency in terms of the quality of water; given all those facts, and now the further smoking gun evidence that there was a political deal made, would the First Minister (Mr. Filmon) demand that the Prime Minister give us our rights and have a federal environmental impact study?

\* (1020)

**Mr. Filmon:** Again, contrary to what the Member for Concordia (Mr. Doer) said, the water does not flow from Saskatchewan into Manitoba. It flows through North Dakota into Manitoba. Our protection in law is under the Boundary Waters Treaty Act of 1909.

We are putting our responsibility and our pressure on the federal Government to ensure that, under that Act, the agreement between the United States and Canada upholds our concerns and our interests; and that, Mr. Speaker, is where it lies. That is where our pressure is being put. We have said that the Technical Committee that is sitting to ensure that our interests as a downstream user of water are protected, that Technical Committee is still putting together all of its information for its final report.

If we do not believe that that final report protects our interests, then we still have the option of going forward with an environmental impact study, and that is what we will do.

**Mr. Doer:** I have asked the First Minister (Mr. Filmon) why, in light of all the evidence that has been produced, and in light of the fact that Mr. McMillan has broken his word that he gave in the House of Commons on April 19, in terms of the federal environmental impact study, will the First Minister immediately go over Grant Devine and Tom McMillan's head, where the deal has been cut—and the evidence is clear that the deal is cut—and immediately phone the Prime Minister to get Manitoba's rights protected? He knows full well that a Technical Committee is part of an environmental impact study, not the whole.

**Mr. Speaker:** Order, please. The Honourable Member's question is repeating in substance a question which was previously asked, is repeating in substance—

Order, please. Order. The Honourable Member's question is repeating in substance a question which was previously asked, and therefore out of order. Would the Honourable Member kindly rephrase his question?

### **Government's Position**

**Mr. Gary Doer (Leader of the Second Opposition):** Mr. Speaker, my question is to the First Minister (Mr. Filmon). In light of the fact that the First Minister has indicated that his relationship is so positive with the federal Government and that cooperation could take place in such a cooperative way that he would merely have to pick up the phone and talk to the Prime Minister in terms of Manitoba's interests, would the First Minister start showing some leadership and start standing up for Manitoba in terms of our rights and phone the Prime Minister today on this issue?

**Hon. Gary Filmon (Premier):** The Leader of the New Democratic Party (Mr. Doer) is not standing up for Manitoba's interests whatsoever. He is continually trying to deprive southwestern Manitoba of getting a guaranteed flow from the Souris River of a quality and a quantity of water that is beneficial to them. If it were not for the water control structures that have been previously built on the Souris River, there would be no water in the Souris River today. That is the fact of the matter.

We have to look at what is Manitoba's interest. Manitoba's interest is ensuring that the Souris River continues to flow downstream of North Dakota with water to us that is of a quality and a quantity that is acceptable to us, that we are guaranteed under the 1959 apportionment and assurances in law under the 1909 Boundary Water Treaties Act. That is what we are doing. That is why the Technical Committee is working on it. That is what our Minister has said is our bottom line.

**Mr. Speaker:** The Honourable Member for Concordia, with a final supplementary question.

**Mr. Doer:** In light of the fact that the six contradictory statements that contradict the Government's position have come to light in the last eight days, and in light of the fact that documents have been produced showing the political deal in Saskatchewan, my question to the First Minister (Mr. Filmon) is: Will he table his Government's position in terms of the positions they have taken with the federal Government, in writing, since the licence was issued under these cloudy circumstances? Will he table in this House, since July 21, since this licence was issued, all correspondence they have had with the federal Minister of Environment, the federal Minister responsible for International Affairs and the Prime Minister?

**Mr. Filmon:** What a short memory the Member for Concordia (Mr. Doer) has. When they were in Government they would table no correspondence with the federal Government—no letters that they wrote, no legal opinions, no polling data, nothing. They would poll nothing. They were the most secretive Government; they were the most defensive Government.

We have tabled the letters with Mr. McMillan, we have tabled the letters with Mr. Clark, we have said publicly what our position is, we have identified who the Technical Committee is, and it is not good enough.

\* (1025)

### Psychogeriatric Care Report Recommendations

**Mr. Gulzar Cheema (Kildonan):** I have a question for the Minister of Health (Mr. Orchard).- (Interjection)- I have my job. You should care about your job, I think.

**Some Honourable Members:** Oh, oh!

**Mr. Cheema:** I have tried to get specific information from this Minister of Health (Mr. Orchard) since July

22, without any success. It seems that the Minister of Health is unwilling or unable to show the citizens of Manitoba that he knows or even cares about the senior citizens of Manitoba. This is quite evident from the question I asked two days ago on the report of psychogeriatrics which has been sitting on this Minister's desk as of May 9 of this year. My question is will the Minister release today his finding on this recommendation of a very important report?

**Hon. Donald Orchard (Minister of Health):** I want to clarify for my honourable friend some of the misinformation he has just put on the record.

That report has not been sitting on my desk since the 9th of May as alleged incorrectly by my colleague. Let me tell you the exact status of that report. That report came to the Deputy Minister, Mr. Edwards. Mr. Edwards circulated that report to a number of individuals in the department and into different groups. There is a process that Government takes and I simply would like to explain this to my honourable friends. The report is also circulated to a number of individuals in the community, not connected with the department, for their recommendation and for their analysis of the report and its recommendations. Following that process of public consultation, which this Government is committed to, their opinions were to come in to be analyzed by the Deputy Minister and staff, and then presented to me with some course of direction to be taken or recommended.

That public consultation is ongoing. Those report-backs have not come into the Deputy Minister's office completely to this stage, because I presume the groups in the community are still determining how valid, how appropriate and how workable the recommendations are. When those recommendations come in to the Deputy Minister, they will be discussed with myself as Minister. That process has not happened to date.

**Mr. Cheema:** It is amazing the Minister has not read the report. If the report is for the Minister, that is why the discussion was done last year. I think he should read it today.

My question to the Minister is: As there are major gaps in the psychogeriatric and geriatrics program in Manitoba, what plan does the Minister have to identify and correct them?

**Mr. Orchard:** My honourable friends in Opposition have identified some very real problems. Those problems did not occur as of April 26; those problems were there when my honourable friend, the Health critic, was delivering health care delivery in the Province of Manitoba as a practitioner in delivery of health care. Those problems are still there, and one of the difficulties in the very specific problem of psychogeriatric care to our elderly citizens of this province is an acute lack, not only in this province but nationally and internationally, of people trained in that specific discipline.

Now how do we hire someone who is not available for hiring because they do not have the training? We are working on a number of initiatives and plans to

resolve the very obvious gaps in the mental health service delivery that have grown over the years.

\* (1030)

### Research Funding

**Mr. Gulzar Cheema (Kildonan):** My final question to the same Minister. Clearly, this Minister is showing a lack of understanding of a very important issue. Will the Minister announce to conduct—

**An Honourable Member:** Which Party were you supporting when these problems developed?

**Mr. Cheema:** I was supporting the Liberal Party.

Will the Minister direct the research dollars to the field of psychogeriatric and geriatric care for the citizens of Manitoba? -(Interjection)- You always miss the right things, Mr. Minister. My question is will the Minister direct research dollars to the field of geriatric and psychogeriatric care for the citizens of Manitoba?

**Hon. Donald Orchard (Minister of Health):** Not two minutes ago, my honourable friend was saying I was not doing anything to help people with psychogeriatric care. Now, he wants us to study the issue. Where is this man coming from? Does he want us to study it, or does he want us to deliver programs? My option, my direction, this Government's direction, is to deliver programs, not study the issue that we know is a serious problem.

### Management Strategy

**Mrs. Sharon Carstairs (Leader of the Opposition):** With a supplementary question, another question, to the Minister of Health (Mr. Orchard). This is a Minister who has had a report, and if he has not had the report then he darn well should have had the report, because this Member has been asking for him to read that report for three months. Mr. Speaker, this is a Minister who on July 29, 1986—

**Mr. Speaker:** Order, please. Will the Honourable Member kindly put her question?

**Mrs. Carstairs:** Yes, Mr. Speaker. I would like to ask the Minister why his opinion of the health care centre and the system in Manitoba, which he said had been studied for three-and-a-half years, can now not have some action in the Province of Manitoba?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I want to remind my honourable friend, the Leader of the Opposition (Mrs. Carstairs), her solution to health care was, as my Leader has just indicated, a Royal Commission to study. Just two minutes ago, her critic of Health—and I wish they would talk and get together—suggested, on the one hand, action; and, on the other hand, research into it. Where do they want to come from? The problems in mental health have been there in the system and have been growing enormously over the last number of years.

Mr. Speaker, I simply want to tell you that I believe today there is more willingness to cooperate, to deliver quality mental health care to Manitobans not because of any other initiative but because of consultation with the players in the system that I have undertaken in the last three months.

You do not instantly change the delivery of mental health in Manitoba after years and years of NDP neglect. I simply point out to my honourable friend, we are not going to study the system any more. We are going to deliver services in a coordinated fashion, in consultation and not in isolation—

**Mr. Speaker:** Order, please.

### Report Recommendations

**Mr. Speaker:** The Honourable Leader of the Opposition, with a supplementary question.

**Mrs. Sharon Carstairs (Leader of the Opposition):** With a very simple question. The first recommendation of this report is would the Minister prepare an inventory of the needs of the psychogeriatric patients in the Province of Manitoba. Will he commit today to prepare that inventory?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, within one directorate of the department alone, namely the Personal Care Home line, the issue of psychogeriatric care has been known for a number of years. As I indicated last Wednesday, when questioned on this report, there are a growing number of senior Manitobans in our personal care homes who are disoriented. There are a growing number of senior Manitobans who have been afflicted with Alzheimer's disease. That problem is a growing problem. It is recognized in the personal care home system. It is recognized in the community and regional system of delivery.

Mr. Speaker, what my honourable friend, the Leader (Mrs. Carstairs), fails to recognize is that there has been no focus of delivery from a community and institutional base. That is going to take place. But as I say to my honourable friend, maybe in her computer she can come up with instant solutions, but the real world means you move in cooperation and consultation, which is happening today.

**Mr. Speaker:** Order, please. The Honourable Leader of the Opposition, with a final supplementary question.

**Mrs. Carstairs:** The Minister has clearly defined the problem. It requires focus. Will this Minister undertake today a second recommendation of this report, which has been available since March, and coordinate the activities of the hospital and community sectors in dealing with the mentally ill of seniors in the Province of Manitoba because we have seen no action, just talk.

**Mr. Orchard:** Mr. Speaker, I appreciate the Leader of the Liberal Party's (Mrs. Carstairs) overwhelming endorsement of the exact process I have been involved in for the last three months, because that is exactly

what we have been doing, attempting to bring the institutional side, the community-based side of mental health delivery together in a coordinated, objective and focused fashion, and I thank her for the endorsement of that effort on behalf of myself as Minister and my departmental staff over the last three months.

### Port of Churchill Grain Shipments

**Mr. Edward Helwer (Gimli):** Mr. Speaker, I would like to direct my question to the Minister of Highways and Transportation (Mr. Driedger). Some time ago the Minister announced that some grain was going to be shipped through the Port of Churchill. Can the Minister tell this House whether there will be any other ships coming into the Port of Churchill this year and whether the Canadian Wheat Board has made any grain sales that will be shipped through the port, and what is the status of the Port of Churchill now?

**Hon. Albert Driedger (Minister of Highways and Transportation):** Mr. Speaker, I want to thank the Member for that question. I would have hoped he could have maybe asked that question yesterday, but it does not always happen that way.

I take great pleasure in announcing to the Members of this House here that another sale has been made and the grain—

**An Honourable Member:** We heard three days ago.

**Mr. Driedger:** That is fine, maybe you have different connections.

Another 20,000 tonnes of wheat have been sold and this time to the Soviet Union. We have another ship coming there, and I am very pleased with that.

A few months ago, it looked like there would be no grain moving through the Port of Churchill. I want to compliment the Wheat Board for the ongoing commitment to try and move grain through the Port of Churchill. It is still far short of what we would like to see happening there, but we are moving in the right direction.

\* (1040)

### St. Charles Academy Sexual Harassment Charges

**Mr. Jerry Storie (Flin Flon):** Mr. Speaker, some six months ago, the police became involved in a sexual harassment, sexual assault charge, at the St. Charles Academy in Winnipeg. Parents of young girls involved in that incident became concerned because of the delay in the administration responding to the concerns expressed by the young people and, as well, concerns about the delay in justice being served in this instance. Subsequent to the parents' expression of concern and subsequent to a letter to the Minister of Education, charges have been laid against a young male who was attending the school.

My question is to the Attorney-General (Mr. McCrae). Will charges be laid as are required by Section 18.1

of The Child and Family Services Act against school personnel who, in the opinion of the parents, were late, perhaps negligent, in reporting the incident?

**Hon. Leonard Derkach (Minister of Education):** Mr. Speaker, I would like to respond to that question because, first of all, my department has been very involved in that whole situation since we became aware of it shortly after we took office. I have to say that this is a very sensitive and a very serious issue and, unfortunately, in the last administration the former Minister had not acted on it to the time the Government fell.

I would like to indicate that we have investigated this matter very carefully. The department has now communicated with both the St. Charles Academy Board and the Superintendent. We have also communicated with the parents. We have been on top of the situation since we took office, and I can indicate to the House today that we have appointed a committee to investigate the entire matter so that all parties are satisfied that in fact there is going to be justice in this whole affair.

**Mr. Storie:** Mr. Speaker, I simply ignore the cheap shot about the notification to the Department of Education prior to the election. It was after the election call. The letter to the Department of Education was July 11.

### School Board Accountability

**Mr. Jerry Storie (Flin Flon):** This is a serious matter and we are also concerned that justice be done, that parents who have students in private schools have access to due process in every other private school, both publicly funded and not publicly funded private schools in this province.

The Minister has indicated that there is a committee established for this issue. Will the Minister now commit to establishing a committee, a task force composed of teachers, trustees, independent school officials, to examine the whole question of accountability in the private school system in light of the fact that the Minister has given a 40 percent increase in funding, and in light of the questions that these parents are raising about the accountability of private school boards and private school officials in cases such as this? Will the Minister commit to do that complete review and require accountability where taxpayers' dollars are being spent to the tune of now \$11 million?

**Hon. Leonard Derkach (Minister of Education):** Mr. Speaker, unfortunately, the Member for Flin Flon (Mr. Storie) is trying to twist certain facts into a situation which is very serious. A sex abuse case, whether it is in a private school or whether it is in a public school, is a very serious matter. The Department of Education does not look at it differently whether it occurs in the public school system or in the private school system.

Mr. Speaker, I have to tell you that we will make sure that there is accountability in such matters regardless of where the situation occurs, and we will put together investigation committees that will ensure that the parties



are treated properly and that there is no injury done to young people in the school system.

So let the Member for Flin Flon (Mr. Storie) not try to intimidate that it is the funding that is causing the problem to independent schools, because we will treat sex abuse cases or child abuse cases the same whether they occur in an independent school system or whether they occur in a private school system.

### Private Schools Accountability Task Force

**Mr. Speaker:** The Honourable Member for Flin Flon, with a final supplementary question.

**Mr. Jerry Storie (Flin Flon):** Mr. Speaker, I am treating this very seriously and let the Minister not lead anyone to believe, if this case is any example, that issues like sexual harassment were treated in this instance, at least, the way they would be treated in a public school.

There are at least two avenues for parents to receive due process both at the public school board level, at the school level, and thirdly at the ministerial level. What we are asking for is to ensure that this Minister establishes a task force to provide guidelines for accountability across the board, not only on this issue.

**Hon. Leonard Derkach (Minister of Education):** Mr. Speaker, our task is to ensure that there is fair treatment to all individuals who attend either public or private schools. I do not know what this Member is getting at when he is asking for a task force on accountability. It is certainly not related to this kind of a harassment issue at all because the department has the authority to investigate matters of sexual harassment whether they occur, as I said before, in a private school system or in a public school system. He should know that.

**Mr. Storie:** The Minister of Education (Mr. Derkach) has said that the Minister treats these issues in the same way. My question to the Minister is can he indicate how a private school board has the same responsibility as a public school board? Can he indicate whether he has considered or will consider increasing the responsibility of private school boards, whether they are publicly funded or non-publicly funded, to be more accountable in the area of both policy and financial accountability?

**Mr. Derkach:** I have to tell you that, by and large, the accredited independent schools in this province are very accountable for the way that they conduct policy, the way they implement programs, the way that they have certified teachers in their schools, and the way that they respond to the learning problems of children. I do not think that any Member should stand in this House and indicate that there might be or there are some problems with an independent school system in the way that they are held accountable. That, Mr. Speaker, is not an issue right now.

I have to indicate to you that we are going to be entering into discussions with independent schools. One of the topics that we will be talking about is how they

can be more communicative with the department, how they can be more accountable for things such as the way that monies are spent, so that we, in the department, have a better understanding of exactly what is going on. In terms of programs, they are accountable.

**Mr. Speaker:** The time for oral questions has expired.

### NON-POLITICAL STATEMENTS

**Mrs. Sharon Carstairs (Leader of the Opposition):** Mr. Speaker, could I have leave to make a non-political statement?

**Mr. Speaker:** Does the Honourable Leader of the Opposition have leave? (Agreed)

**Mrs. Carstairs:** Yesterday, a terrible wrong in Canada was admitted, compensation paid, and a new era in human rights begun. The Japanese Canadians interned for no other reason than their ancestry received justice. To Art Miki, a Winnipegger, must go the grateful thanks of a nation because it was through his efforts, and those of his family and fellow Japanese Canadians, that we have accepted our collective error in treating our fellow Canadians in such an inhuman way.

We must all learn from past mistakes. I believe that all Canadians are united in their resolve that the human rights of our fellow Canadians will never again be violated in this way.

**Mr. Jerry Storie (Flin Flon):** I ask leave to make a non-political statement.

**Mr. Speaker:** Does the Honourable Member for Flin Flon have leave? (Agreed)

**Mr. Storie:** I would like to associate myself and Members of the New Democratic Party caucus with the sentiments expressed by the Liberal Opposition Leader (Mrs. Carstairs).

Anyone who has listened to the testimony of Japanese Canadians who experienced the trauma of being ripped from their homes, from their communities, during the period 1942 to 1949, has to be gladdened by the announcement of the Canadian Government yesterday. Everyone, I think, appreciates that a debt that was owed by the Canadian people in terms of the apology and the compensation was necessary, and it is an important symbol, I think, of the importance of our Canadian community.

War is tragic at any time, but it was certainly, in this case, compounded by the insensitivity, perhaps the arrogance, of Canadian parliamentarians of that day. I believe that the actions of this Government have redressed that legitimate grievance that Japanese Canadians have felt.

\* (1050)

Mr. Speaker, I would like to pay tribute to the many people in the Japanese Canadian society and the groups

who supported their efforts over the last few years for their tremendous work, for their persistence in requesting, requiring, that justice be served on behalf of their many members and members of their society.

Mr. Art Miki, who is incidentally a public school principal in Manitoba, I think did an honourable job in maintaining throughout the negotiations a level of dignity in what was a very serious, complex and sensitive matter. To all of those who were involved in the negotiations, in the discussions, our gratitude for bringing this matter to a conclusion which I think will receive the applause of Canadians from coast to coast.

Mr. Speaker, I would like to add that justice in this instance has been served, I think, according to members of the Japanese Canadian society, and I think by all Canadians' views. There are, of course, issues of justice in other instances where people were interned. I refer to the First World War incidents where Canadians of Ukrainian ancestry were also interned, who were ripped from their communities. This is one example of justice served. I know that there are many of those in the Ukrainian community who are also looking for the appropriate apologies from the Canadian society for that error in judgment which occurred in a difficult time.

I conclude by saluting and congratulating the members of the negotiating committee, those who dealt with this issue, and by giving our New Democratic Party caucus's best wishes to Canadians everywhere, and on this day to Japanese Canadians in particular.

**Hon. Gary Filmon (Premier):** If I may ask for leave in the same non-political vein?

**Mr. Speaker:** Does the Honourable First Minister have leave? (Agreed)

**Mr. Filmon:** I know that this is a matter that is not one of partisan politics. In recognizing the initiative and the decision of the federal Government, I do so in a non-partisan, non-political manner, as a commitment that had been given to the Japanese people by the federal administration. I am very pleased that the years of discussion and negotiation have resulted in a settlement that was acceptable to the Japanese Canadian organizations across this country and indeed by the federal Government on behalf of all Canadians.

I believe that the Prime Minister and his colleagues ought to be congratulated for pursuing this endeavour and ensuring that it did reach a satisfactory solution. The apology, as well as the compensation, though never enough to recognize and make up for the wrong that was done in interning Japanese Canadians, was done in a fashion, ultimately, that satisfied all those who were concerned.

I, too, join in congratulating Art Miki who is both a constituent and a friend. I have known Art for many, many years since we served together on the Board of the William Osler Home and School Association, our children having attended school together. So I congratulate him. I congratulate the organizations of Japanese Canadians who participated in this endeavour. I congratulate all those in the Japanese Canadian

community for having worked so diligently to ensure that this settlement, including both the apology and the compensation, were arrived at in a manner that is acceptable and, indeed, that can be applauded and supported by all Canadians.

I join with my colleagues opposite in congratulating all those responsible for this determination and this settlement.

## ORDERS OF THE DAY

**Hon. James McCrae (Attorney-General):** Would you be so kind as to call the Bills as listed on the Order Paper, down to and including Bill No. 15 on page 3 of today's Order Paper?

## DEBATE ON SECOND READINGS

### BILL NO. 4—THE RE-ENACTED STATUTES OF MANITOBA, 1988, ACT

**Mr. Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 4, The Re-enacted Statutes of Manitoba, 1988, Act; Loi sur les Lois réadoptées du Manitoba de 1988, standing in the name of the Honourable Member for Flin Flon (Mr. Storie).

**Mr. Jerry Storie (Flin Flon):** The legislation that we are discussing today is, I understand, a companion piece to Bill No. 5, which I spoke to at some length some few days ago.

The Re-enacted Statutes of Manitoba, 1988, Act is one of those many Acts that this Legislature has seen introduced over the past four years. I indicated in my earlier remarks, the Attorney-General (Mr. McCrae) intends to introduce further statute law amendment Acts, re-enactment Acts in 1989 and 1990 to finally complete the obligations which fell upon us as a result of the Supreme Court decision in 1985.

The Act, as I said, is very similar to Bill No. 5 that we are debating in this Legislature. It deals with different statutes but the principles are the same. In my last remarks, I had directed several questions to the Attorney-General with respect to the implications of passing these Acts at this time. I had specifically asked the Attorney-General whether his staff had considered the implications of these Acts on people who had been affected by these Acts in the past. Particularly, I was asking the Minister whether some kind of compensation would be required, could be asked for, sought through this process. The Attorney-General (Mr. McCrae) undertook at that time to answer that and a series of other questions I had about the implications of the Bill. I had asked specifically whether it would be possible to have some kind of comment on those questions before we proceeded to pass this Act or the amendments either in Bill No. 4 or Bill No. 5.

The history of this Act and the principle that we are addressing in this particular Act is not new to any of us. The principle is that we are required by Section 23 of The Manitoba Act to re-enact statutes in both official languages. When I use the words "official languages,"

I think it is important to recognize, as was recognized by certainly the Government of the Day when this debate assumed such a profile in Manitoba and certainly in the Legislature, that official languages meant for the official recordings in this Legislature, use in our courts as an official language, and use in this Legislature in a manner which we see, I think, more consistently applied today.

The companion piece at that time was to provide, through legislation, some certainty of the provision of official language services or French language services in parts of the country where there were significant proportions of French speaking Francophone Manitobans. Unfortunately, as we all know, that eventuality did not come about and we, in effect, left the decision of how we were going to both provide services and what re-enactment of statutes would be required to the Supreme Court. The Supreme Court ruled that we would begin the process of re-enacting these statutes and we have begun.

It is unfortunate, and again I ask the Attorney-General (Mr. McCrae) whether he could provide me with some accounting of the cost of the translation of these many statutes over the ensuing years and so until final completion in 1991. I think it is going to be a significant cost and I do not think it will be in the final analysis as satisfactory, as a more responsible, negotiated approach which we had requested back in 1982, '83, '84.

The fundamental questions that have to be asked about the principle of this Bill I think relate very much to its implications, the potential for some questions about the force in effect of laws that are repealed, specific regulations that apply to individual Acts being repealed. There may in fact be some question of the appropriateness of those amendments. I am reminded by the incident that we see before us today, I am reminded by another incident in which legislators, parliamentarians inflicted substantial injustice on people by virtue of Acts that they have introduced.

\* (1100)

When I raised this question with the Attorney-General (Mr. McCrae), it was not intended to be treated lightly. We are aware of examples, legislative examples, where legislation, when reviewed sometime down that historical road, 10, 20, 30, 40, 50, 100 years later, is viewed to be in violation of common law, in violation of constitutional law, and we have seen examples of redress being given, of examples of situations where redress has been given because of the unconstitutionality of a particular Act.

So when I ask for a review by the Attorney-General, all the implications of repealing these Acts, all the implications of minor drafting amendments as they make these so-called housekeeping changes, we have to be careful of the implications.

Two examples, I think, come to mind when we talk about the retroactive review by present day legislators of Acts that took place many years ago. One of course is the 1890 Public Schools Act which has come into question on a number of occasions from an historical perspective.

The second one, of course, is the Parliament Acts which were used to inter the Japanese Canadian. We have just seen today the historical righting of a historical wrong on the part of the Canadian Government, and I remind legislators in this Chamber that that act, that announcement by the federal Government was necessary because of an act of Parliament, which I think from any view today is unconstitutional against the Charter of Rights and against any sense of justice that Canadians now understand justice to mean. That is one example.

The second example deals with the injustice that faced the Metis people as a result of Acts of this Legislature and Acts of the federal Parliament which, in effect, denied them the right to lands to which they were entitled. I know that Justice Berger, who is acting now on behalf of the Manitoba Metis Federation, is of the opinion that those Acts were in fact unconstitutional, perhaps not so much unconstitutional but against common law and really offend the sensibilities of today's legislators.

It is not simply a matter of semantics when I ask for a review, a more comprehensive review of the implications of the repealing of Acts that we are undertaking, and the administrative changes that are being made to Acts as we translate them. It sounds like a simple request. I am hoping that the Attorney-General (Mr. McCrae) will be able to accommodate us in those requests before we finally pass this Bill on to committee for committee review and before we get to third reading.

Mr. Speaker, the Attorney-General (Mr. McCrae) has not given—my colleague from Thompson asked the question: do I have any idea when that will be? Clearly I do not. Unfortunately, the Attorney-General has not provided us with any assurances that the information that was requested will be forthcoming, but it is important. One could do a historical review of the many instances where legislation implemented by one jurisdiction, one Parliament in one particular historical period, being viewed as *ultra vires*, being viewed as poor legislation to say the least at some point in the future.

The two examples that I quoted, the one with respect to the internment of Japanese Canadians is just one example. The legislation with respect to the—and I suggest I think, as many historians have suggested, that there was duplicity on the part of the federal Government when it came to provincial and federal legislation which, in effect, denied through acts of omission more than commission Metis people their due right when it came to scripted land that they had received.

Those two examples are among many which are examples which should serve the Attorney-General (Mr. McCrae) well in his review of the question of whether these Acts will be viewed as constitutional, as correct at some point in the future.

The re-introduction of these Acts we know is time consuming. It is also apparent—reading the Attorney-General's remarks on these Bills—that not only are we talking about the re-enactment of certain Acts and the

repeal of others but the regulations which go along with those Acts.

Another question that I developed as I considered this matter earlier was the question of whether the gazetting of the repeal—is that something that is going to happen, on what kind of a basis? How are those in the legal profession to be informed of all of the changes and is that a requirement of the Supreme Court ruling? I am not familiar enough with the specifics of that ruling to know that question at this time, but it strikes me that many of the, if not all, implementation of a particular statute falls in the regulations and that regulations, subject to change by O/C from time to time—are all of those things being repealed at the same time and, if they are being repealed, how is this information being transmitted to legal bodies across this country and to individual lawyers?

Perhaps that is simply a question of information. The Attorney-General (Mr. McCrae) did not deal with it in his remarks, but I think many people on this side would like to understand the process a little better. It is again one of many questions that one would ask about the impact of not only the re-enacted legislation but the implicit repealing of other pieces of legislation.

Mr. Speaker, when I last spoke on Bill 5, the questions that I raised with the Attorney-General included as well a request for specific information about whether the Private Bills which were being repealed or not translated had been reviewed with the specific groups that they affected. I assume that not all of those private groups are still in existence. There may be in fact pieces of legislation on the books as part of the consolidated statutes which really affect no one any longer. But to the extent that there are pieces of legislation being changed, amended, translated through this Act that affect other groups, private organizations, private non-profit groups, etc., has there been consultation with those groups? Do they understand what is being undertaken on behalf of the Government of Manitoba? Do they understand why so that we do not have a series of perhaps Private, Public Bills, Private Members' Bills coming before the House to reincorporate corporations who were disenfranchised if you will by an Act repealing specific pieces of legislation?

\* (1110)

Certainly, that would be in itself very time consuming for the Legislature and unnecessary. It is simply one of those questions that perhaps has been neglected by the Attorney-General's staff as they reviewed this matter. It is a difficult matter and it may have been overlooked—a simple yes or no. If the answer is yes, that groups have been consulted about the repeal of specific private Acts, what is going to be done or needs to be done, if there is some objection? Given the need to do this and the cost and the expense of doing it, what kind of an accommodation can be made at that time with those groups? I do not think that the Supreme Court judgment reflects at all on that question. I am sure the Attorney-General, however, could come to some mutually agreed upon solution to that problem if in fact that problem exists. We can only speculate at this time whether or not it would be a problem.

Mr. Speaker, when I last raised this issue as well, I had asked the Attorney-General whether he could table in the Legislature the report that was being prepared on the re-enactment. He indicated that his department was preparing a report, an update if you will, on the specific pieces of legislation that have been translated, what remained to be done. We still await that piece of material as well. I had indicated that it would be easier to pass this piece of legislation through to committee if we knew what pieces were coming forward in the future.

Have we done the most significant public pieces of legislation to date? Are we at a point where the major pieces of legislation have already been translated? Are we looking at the less significant pieces of legislation in the future or are we gearing up to face in the 1988-89 year, 1990-91 year more significant pieces of legislation? To the extent that we can do our homework so to speak in advance of those particular Bills, I think it serves the interests of the Legislature and will speed the process up immensely.

The second point that I reiterate for the Attorney-General (Mr. McCrae), and perhaps broaden it to the Premier (Mr. Filmon) as well, is the fact that the Attorney-General's remarks noted that there were problems being faced by the Attorney-General's Department in the translation, in the decision, about which pieces of legislation were to be re-enacted and which not. And whenever Members on this side see the word "problem" being introduced by a Cabinet Minister or the Attorney-General, obviously we want to know what those problems are. What problems is the Attorney-General currently addressing in the department, which we as legislators should be aware of?

(Mr. Deputy Speaker, Mark Minenko, in the Chair.)

We have an obligation as representatives to be as fully informed about the problems that exist in this translation process as we possibly can be. So the Attorney-General (Mr. McCrae) has yet to provide us with that kind of information as well. We will not be able to judge how important that is, how important that information is until we get it. And I would certainly ask the Attorney-General for a prompt response to that question and a prompt response to the request for that information.

I do know that the Attorney-General (Mr. McCrae) is anxious to have these two Bills passed on to committee and I would speculate that it goes through the Law Amendments Committee of this Legislature, but before we perhaps—not pass this on to committee—but before we conclude the debate, a third reading on this particular piece of legislation, I for one will be asking most strongly to have all of those questions answered, the information that the Attorney-General has undertaken to provide made available to myself and to members on this side. So I leave that on the record as notice for the Attorney-General because I view this as a very important question and one which we need to address.

This particular Bill, also because of the nature of the process we're about, requires I believe input from some particular groups more directly than others. I had asked

the Attorney-General whether the Society of Franco-Manitobans, who have a very deep and vested interest in this legislation, had been consulted about the content of the legislation. There may in fact be other groups who represent the Franco-Manitobans in Manitoba who will want to be more aware of this legislation than others, and again we have not heard from the Attorney-General (Mr. McCrae). Given the importance of this piece of legislation—

The Member for Portage la Prairie (Mr. Connery), perhaps jokingly from his seat, says, if the Attorney-General (Mr. McCrae) thought this was important, he would be here. Mr. Deputy Speaker, the fact—

**Mr. Deputy Speaker:** The Honourable Minister of Labour and Environment.

**Hon. Edward Connery (Minister of Labour):** I did not say that this Bill was not an important Bill; just the irrelevant drippings from, or words that the Member for Flin Flon (Mr. Storie) is uttering are not worthwhile.

**Mr. Steve Ashton (Thompson):** I do not think it is appropriate for Members to make comments like that about Members of this House who are participating in debate. If the Minister of Labour (Mr. Connery) had listened to the comments of the Member for Flin Flon (Mr. Storie), he would have found that they were in keeping with the Bill, they were relevant. The Member was making them in all seriousness, and I think that one of our basic rules, it is part of the whole spirit of Beauchesne, our rules, the whole spirit of parliamentary tradition, is that we treat all Members as Honourable Members and give them the respect they are due when they debate.

I would urge you, Mr. Deputy Speaker, to review the comments of the Minister of Labour (Mr. Connery), because I think that he did violate our rules by not giving the due to the Member for Flin Flon (Mr. Storie), not giving him his due as an Honourable Member of this House who was speaking on a very important Bill.

**Mr. Storie:** Mr. Deputy Speaker, on the same point of order, I am offended by the remarks of the Member for Portage la Prairie (Mr. Connery). Clearly, he has not been listening either on my remarks to Bill 4 or Bill 5. There were serious questions, and I would indicate the Attorney-General (Mr. McCrae) has not responded to them, and to have those, my remarks, belittled by the Member, I do not think is appropriate and I would ask for the Member to withdraw those remarks.

**Hon. Clayton Manness (Minister of Finance):** Mr. Deputy Speaker, it is my understanding of the rules that issues of fact, or indeed commentary, as to the substance or the lack thereof, are not issues for dispute. Therefore, there is no point of order.

**Mr. Jay Cowan (Second Opposition House Leader):** I appreciate the fact, Mr. Deputy Speaker, that the Minister of Finance (Mr. Manness) did precede his remarks by referencing his own understanding of the rules which are somewhat deficient in this particular regard. And I would only direct the attention of the

Minister of Finance (Mr. Manness), and, of course, your attention, Mr. Deputy Speaker, to citation 325 of Beauchesne, which very clearly states: "When the Speaker takes notice of any expression as personal and disorderly, and tending to introduce heat and confusion . . . "I would suggest that the Member for Flin Flon (Mr. Storie) has indicated that he takes a suggestion that his remarks were "drippings," which I believe is the exact word used by the Minister of Labour (Mr. Connery), as personal. And they are in fact personal remarks and they are disorderly remarks. They have called at least for one, two, three, four, five Members of this House to participate in a debate on a point of order, and one participates in a debate on a point of order when one believes that disorder has occurred. So at least five Members in the House have suggested that the remarks are disorderly. The Member who was offended by them has taken them as personal, and I would suggest that you have a responsibility under Beauchesne to ask the Minister of Labour to immediately withdraw those remarks and apologize for the personal nature of them.

**Mr. Deputy Speaker:** I would like to thank all Honourable Members for their advice. I would bring to the attention of the House that there have been two points of order.

With respect to the point of order raised by the Honourable Minister of Labour and Environment (Mr. Connery), the Honourable Minister does not have a point of order, as a dispute over the facts is not a point of order.

With respect to the second point of order raised, I will take this matter under advisement, review Hansard and consider the advice offered to myself from various Members, and will provide the House with a ruling in due course.

I thank all Members for their advice.

**Mr. Cowan:** Mr. Deputy Speaker, I think your ruling is well-considered. However, there may be one step which would precede your taking the ruling under advisement, which might in fact accommodate and expedite the business of the House, and that would be to ask the Minister of Labour (Mr. Connery), without putting a requirement on him, but to ask him if he would voluntarily withdraw those remarks which a Member of this House found to offend him personally. So I would suggest that that might be the first step before taking the matter under advisement. And that would give the Minister of Labour an opportunity to clear the record and to save a lot of your time, a lot of time of the staff of the House who have to research this, and a lot of time of the Members of the House, so this matter need not be brought back.

So I believe the Minister of Labour (Mr. Connery) to be an Honourable Member, I believe the Minister of Labour to be—oh, I do not believe that the Minister of Finance (Mr. Manness) should give hand signals such as this to the Deputy Speaker. And I will just reflect back upon the time when the . . . and I do not believe the Minister of Finance should, from his seat, suggest that I am violating Beauchesne. If he believes that

Beauchesne is being violated, let him stand in his place and have the courage to put those remarks on the record, because he has already been proven wrong in one instance today and we dearly love to prove him wrong in every instance when he tends to play Acting House Leader in this House.

\* (1120)

**Mr. Manness:** Mr. Deputy Speaker, you have made a ruling.

**Mr. Deputy Speaker:** I would like to advise all Honourable Members again that I thank them for their advice and I have advised the House that I will take this matter under advisement and will report to the House in due course.

The Honourable Member for Transcona, with a new point of order?

**Mr. Richard Kozak (Transcona):** I would like to emphasize, Mr. Deputy Speaker, that the Speaker having made a ruling on this matter to take the situation under advisement, I suggest that debate on this particular point of order stop entirely at the present.

**Mr. Storie:** I appreciate your ruling and I have every faith that you, in your review, Mr. Deputy Speaker, will come to the correct conclusion with respect to that. It is unfortunate the Member for Portage (Mr. Connery) did not choose to withdraw the remarks which I found offensive, and I would certainly offer him a chance to stand and withdraw those at any time during the remaining parts of my speech if he is so entitled to be a gentleman and a true parliamentarian.

The fact of the matter is that the comments that I have been making to the Attorney-General (Mr. McCrae) I think are legitimate, and there are questions that I have raised—and I have raised a handful of questions—that are important. They need to be addressed.

**Mr. Connery:** Mr. Deputy Speaker, a point of order. It is Friday, and to make the Member for Flin Flon (Mr. Storie) a lot happier, I will withdraw any remarks that he feels uncomfortable with. I mean it is not worth the waste or the valuable time of this House to listen to this sort of debate.

**Mr. Deputy Speaker:** Order, please; order, please. I would like to thank the Honourable Minister of Labour and Environment (Mr. Connery) and I believe I will not need to come back to the House with a ruling on that point. That concludes this matter.

**Mr. Storie:** I would like just some clarification from yourself, Mr. Deputy Speaker, as to whether the interruptions, the points of order, would be subtracted from the time I have as a Member to speak to Bill 4.

My understanding is that points of order of this kind, which are not relevant really to the points that I have been making, would not cost me time, in effect, to the remarks I have to make. The Member for Portage (Mr. Connery) indicated that he did not want to use the time of the House—

**Mr. Deputy Speaker:** I am prepared to advise the Honourable Member that an additional seven minutes will be added to the time allocated to him, with respect to the time taken up by the discussion and debate on the point of order raised.

**Mr. Storie:** Thank you, Mr. Deputy Speaker. It is eminently fair and I appreciate the consideration. The Member for Portage (Mr. Connery) had indicated that he did not wish to waste the time of the House and has kindly consented to withdraw his remark. It is certainly apparent to those in the Chamber that had he not interfered, interceded in the first place, none of this would have happened.

The other point I would like to make is that there are depressingly few pieces of Government legislation on the Order Paper. The Government is not a particularly activist Government. They do not appear to have any consistent plan or agenda when it comes to the legislative package before the Legislature, and it is unfortunate that the Attorney-General (Mr. McCrae) will have to read my remarks.

I believe that in the main in the past, certainly the last Government, when legislation was before us that was relevant to a particular Minister, that Minister endeavoured to be as attentive as possible. I know it is against the rules of the House to refer to a Member's absence. Therefore, I will not refer to the absence of the Attorney-General as I make my remarks with respect to Bill No. 4, Mr. Deputy Speaker. That would be unparliamentary, and I will not do it.

However, the Attorney-General (Mr. McCrae) has been left with a list of questions that I believe are serious and that need to be addressed. It would be unfortunate for the Attorney-General if this Bill were to pass on to committee, which I am prepared to recommend if there are no other speakers after I conclude my remarks today. But it would be unfortunate if the Attorney-General did not hear my remarks and my request that the information that I have requested on now two occasions, both with Bill No. 4 and Bill No. 5, was not forthcoming.

The Attorney-General, being an Honourable Member, has undertaken to provide me with that information, and I want to serve notice to the Attorney-General that I will be requiring that information prior to my concurrence with this Bill passing third reading. I believe that will give the Attorney-General sufficient time to collect the information.

I recognize that the Attorney-General's staff is busy, that they have many duties both with respect to the re-enactment of statutes and the legislative package, small as it is, that this Government has tabled. The information, I think, is too important for us to proceed to pass this legislation without having a chance to review it. I refer to all of the questions and most specifically to the issue of the report of problems that the Attorney-General has identified for us. The fact of the matter is that some of the problems which the Attorney-General (Mr. McCrae) may be referring to can be anticipated, have been anticipated by the previous Attorney-General and Members on this side. But we will want to know more fully what the specifics of that matter are.

Friday, September 23, 1988

Mr. Deputy Speaker, how much time do I have remaining?

**Mr. Deputy Speaker:** The Honourable Member has 14 minutes.

**Mr. Storie:** Thank you, Mr. Deputy Speaker. The Bill before us has been before us now for some month or more, and I am sure that Members who wanted to speak to it have had an opportunity. The questions that I have raised need to be addressed. I obviously do not have the wherewithal to follow the Attorney-General (Mr. McCrae) in every instance and assure myself that the suggestions I have made with respect to the consultation that I believe should be occurring, based on the legislation before us, consultation with outside groups, I cannot do that. I certainly intend to follow up on the issues that the Attorney-General holds sway over, and to make sure that information we have asked for comes before us.

With those remarks, if there are no speakers wishing to comment on Bill No. 4, I am prepared to see Bill No. 4 move to committee.

\* (1130)

**Mr. Ashton:** I move, seconded by the Member for Elmwood (Mr. Maloway), that debate be adjourned.

**Mr. Deputy Speaker:** Order, please; order, please.

**Mr. Manness:** I thought I had heard the Member for Flin Flon (Mr. Storie) indicate it could proceed to committee, but now they are taking the adjournment?

**MOTION presented and carried.**

### **BILL NO. 5—THE STATUTE RE-ENACTMENT ACT, 1988**

**Mr. Deputy Speaker:** On the proposed motion of the Honourable Attorney-General, Bill No. 5, The Statute Re-enactment Act, 1988.

**Mr. Steve Ashton (Thompson):** I want to begin my remarks by expressing my concern about the way in which the Government is handling its legislative agenda in this House. I think it has been common practice for Ministers who have Bills for debate to be sitting in for those debates. I think that has been a practice that has been well established in this House.

I, by the rules, am unable to reference the absence of a particular Member or Minister, but let me put it this way. If the Members of this Government wonder, in terms of some of these Bills, if they want some of these Bills passed and whatnot, I find it strange that they do not even bother to have their Ministers present for debate. It is also common practice for Ministers to close debate.

**Mr. Deputy Speaker:** On a point of order, the Honourable Minister of Finance.

**Hon. Clayton Manness (Minister of Finance):** In principle, I agree with the Member. In this case, it is

inevitable that the Attorney-General (Mr. McCrae) cannot be here.

**Mr. Deputy Speaker:** The Honourable Minister does not have a point of order.

**Mr. Ashton:** I am referencing not just today but what has been happening in terms of the management of House Business by this Government. They have had difficulty in keeping enough Members in here to keep a quorum. They have difficulty in arranging their business so that Ministers are sitting here for debate. It should not be that difficult because debate on Bills is only held at certain times during the week. What I am suggesting to the Government is that they start taking their legislative agenda seriously and have their Ministers . . . .

**Mr. Deputy Speaker:** Order, please; order, please.

**Hon. James Downey (Minister of Northern Affairs):** On a point of order, it is a tradition in this House, of which the Member for Thompson (Mr. Ashton) should know, when he is speaking on second reading of a Bill that he should stick to the principle of the Bill and nothing more. Thank you.

**Mr. Deputy Speaker:** I would like to remind all Honourable Members that we are debating Bill No. 5 in second reading.

**Mr. Ashton:** Mr. Deputy Speaker, I take by your comments the Minister of Northern Affairs (Mr. Downey) did not have a point of order. I am keeping to what is normal practice in debate on Bills in this House. It is very difficult for us as Members to speak in debate, to be raising questions, as did the Member for Flin Flon (Mr. Storie) earlier, and find that Ministers are not sitting in for debates. As I said, I am not referencing a specific Minister. The rules prohibit me from doing so but I can, in talking about the Bills and the way we are dealing with Bills, it would well be within the rules, Mr. Deputy Speaker, to reference the fact that Ministers are not here to take note of the comments and the questions of Members of this Legislature. I remember being in Government when a major effort was made to assure that. I remember the Opposition being very upset on occasions where there were not Ministers present during debate on their Bills in the House, and I think that is the case. There were many occasions.

In this particular case, Mr. Deputy Speaker, Ministers have been here very, very infrequently for debate on the particular legislation that has been before them. In this case, we have been through debate on two Bills from the Attorney-General (Mr. McCrae) today in which those comments will apply. I think that if the Minister of Northern Affairs (Mr. Downey) was concerned about the principles of various Bills, he as a Minister should go and get his fellow Ministers to be sitting here for debate on their various Bills.

I realize he does not have any Bills before us at the present time. I know that the Government agenda is pretty light in terms of legislation, and I think that is a comment on the other side and the fact that they

do not have an agenda for Manitobans. What little agenda they do have, they cannot arrange the House business to ensure that their Ministers are present. I hope that the Attorney-General (Mr. McCrae) will note my comments. Let us put it this way, note them through Hansard, because unfortunately he cannot note them in any other way. That is exactly where I hope he will read them, and I hope the Attorney-General will be sitting in his place during debate in the future so that he can respond to questions from Members of Legislature.

**Mr. Deputy Speaker:** The Honourable Member for Transcona, on a point of order.

**Mr. Richard Kozak (Transcona):** We in the Official Opposition recognize, as should members of the Second Opposition Party, that Ministers are occasionally called away to represent our Government on matters of state. I would invite the Honourable Member to consider making his remarks, if he finds it unacceptable under present circumstances, at another time.

**Mr. Deputy Speaker:** The Honourable Member for Churchill, to the point of order.

**Mr. Jay Cowan (Second Opposition House Leader):** On the point of order relating directly to the comments by, I guess, the Acting House Leader of the Liberal Opposition (Mr. Kozak). He should note that it is the Attorney-General (Mr. McCrae) as House Leader who calls the order of business in this House and, if the Attorney-General (Mr. McCrae) knows that for some reason—and I am not referencing his presence today or any day—he cannot be in the House at a particular time, then he need not call his own Bills for debate. He can call other Bills for debate, and that has been a generally accepted practice in this House for decades, if not generations.

That is, if the House Leader on the Government side knows that a Minister is not going to be able to be here to sit and listen to the comments on his Bill, then he makes every effort to accommodate the calling of other business so that Ministers who can be here, have the courtesy to be here, have the courtesy to listen to what is being said. I hope that when that Member has something to say on a particular Bill, he will want his words to be heard directly by the Minister responsible because the words that we provide in this House, the comments and the suggestions we provide in this House are done to help the Government make better legislation. If they are not here to listen, if they do not care enough to be here to listen, and they call Bills for which Ministers cannot be present, then we do not believe they are doing their job very well and we would hope they would believe that they were not doing their job very well. Stop being an apologist.

\* (1140)

**Mr. Deputy Speaker:** The Honourable Minister of Finance, to the point of order.

**Mr. Manness:** Mr. Deputy Speaker, if it is a major problem with the NDP Party, I am willing to remove

the calling of Bill No. 5 from the Order Paper and move to Bill No. 6, and have in place the Member and the Cabinet Minister who is responsible for that Bill if that will help at all.

I also remind the Member for Thompson (Mr. Ashton) that the Acting Attorney-General (Mr. Manness) is in his place and is listening intently to every word he says.

**Mr. Deputy Speaker:** Order, please. I would like to thank all Honourable Members for their advice in this matter. I would like to once again advise all Honourable Members that during debate on second reading one should be discussing the principle of the Bill. I would also further draw attention to all Honourable Members, as I am sure indeed all Honourable Members do in fact know, that all Honourable Members should not refer to the presence or absence of any specific Members. I would ask the Honourable Member for Thompson to continue.

**Mr. Ashton:** Mr. Deputy Speaker, just to follow for the Minister of Finance (Mr. Manness) who offered to debate this Bill at another time, if he would care to check the Order Paper, he would find that there is not any Minister present who —(Interjection)—

**An Honourable Member:** Generically speaking.

**Mr. Ashton:** . . . generically speaking, not referencing any specific individual, who has an item of legislation on the Order Paper. If the Member is suggesting we adjourn right now and then we come back when Ministers are present, I would be quite willing to do so. I think it was not fair of the Minister of Finance (Mr. Manness) to suggest that somehow this was just the only Bill where we have had this situation arise. Every single Bill on the Order Paper, we run into the same problem.

If we get up and debate it, without referencing any specific Minister, as I realize that is against our rules, there is not a single Minister present to listen to the comments in debate, and if debate were to complete, it is often—in fact, it is standard practice in this House for Ministers to make closing comments on second reading and to answer the questions and concerns that have been raised by Members during debate.

We cannot do that once again. If we are to continue with the business of the House, I would suggest to the Minister of Finance (Mr. Manness) that we try and do it a little bit differently next week so that we do not end up with this sort of situation.

For those Members who have been asking the question, what is Bill No. 5, I am surprised that there seems to be a lack of recognition, on the part of some Members of the Government at least, of just how important items of legislation we are dealing with, Bill No. 4 and Bill No. 5.

I took the time to research this particular area. I read the comments of the Attorney-General (Mr. McCrae) and I think if one looks at the comments, I think probably the most interesting aspect about Bill No. 4 and Bill No. 5—because they are really companion items of



legislation—is the whole constitutional background to them.

In fact, the Minister, the Attorney-General, when he introduced the Bills, both Bill No. 4 and Bill No. 5, outlined the reason why we are dealing with them today, and I thought the comments of the Member for Flin Flon (Mr. Storie) a bit earlier were quite appropriate because what the Member for Flin Flon pointed out was that today, on a day when we had a series of non-political statements in this House referencing the fact that a historical wrong had been at least to some extent corrected in the case of Japanese Canadians, essentially what we are dealing with in the case of these re-enactments is correcting another historical wrong, the historical wrong that dates back to 1890 when the Province of Manitoba passed a Bill making English the only official language to be used in the Legislature and in the courts.

Now, as we have all known, because in recent years we have had, I suppose, the situation develop where there have been court challenges—there was a successful court challenge in 1979 based on the fact that the Bill that was passed in 1890 was illegal. We also saw further, with what I would call the Bilodeau case which led to one of, I think, the most unfortunate chapters in recent Manitoba history in which there was an attempt to—and I want to use the words actually of the Attorney-General (Mr. McCrae) because I found them interesting in terms of historical perspective.

He referenced the attempt to deal with the Bilodeau case, deal with the Franco-Manitobans fairly in this way, and I quote, and this was in debate on second reading:

"I will not discuss the efforts made to reach a compromise solution and a constitutional amendment."

I note that word because I do not recall Conservative Members a few years ago talking about what was being proposed as being a "compromise solution."

Now, in retrospect, in 1988, a few short years later, the Attorney-General (Mr. McCrae)—and I realize he was not a Member of the House at the time when this debate was continuing—but now he is referencing what the previous New Democratic Party Government was attempting to do as a "compromise solution."

That is not what we heard at the public hearings that were held throughout the province. That is not what we heard in the Legislature. That is not the word that was being used in this Chamber when we had the bells rung for days on end when the legislative process was hijacked. There was no reference to a "compromise solution." Yet in 1988, now that we are looking at the ramifications of not proceeding with that, and I quote, to use the Attorney-General's words, "compromise solution," now we are seeing that there is a different perspective.

Why is there a different perspective? Why are we debating Bill No. 4 and Bill No. 5? Essentially, Bill No. 4 and Bill No. 5 flow out of the 1985 Supreme Court decision which was brought down because the compromise solution, as the Attorney-General called it, was not proceeded with in Manitoba because the

Conservative Party blocked it in the Legislature by the use of every tactic it had available to them.

In 1985, the Supreme Court essentially invalidated all statutes that were passed after 1890 in the Province of Manitoba. We are in the position now of having to re-enact statute after statute after statute because the ruling of the Supreme Court was essentially that the province—they realized there was the possibility of legal chaos if there was immediate rulings that statutes currently in place are not in effect. We would have been in a situation of legal chaos. But what the Supreme Court did say was that the minimum possible time period should take place between the Supreme Court's invalidation of English-only statutes and the re-enactment of those statutes in a bilingual form. That is why we are dealing with Bill 4 and Bill 5 today.

For the Members of the Government who may not have taken the time to—because I suspect from some of the comments earlier, they have not taken the time to look at exactly what these Bills are and the background of these Bills. I would suggest they do look at it because while there has been some sort of suggestion that these are somehow routine matters, essentially what we are dealing with is the ramification for the Minister of Housing (Mr. Ducharme) of their decision in 1984 to block the compromise solution which basically would have ended up with a far less difficult situation. I would say it would have ended up with a far fairer situation for Manitobans generally.

It is unfortunate that only a few years ago we went through what we did in the Province of Manitoba because, in retrospect, if we could have been reading the comments of the Attorney-General (Mr. McCrae) in 1988 and following from his own direction, if we could have seen the day when the Member for Springfield (Mr. Roch) would be sitting as a Liberal, presumably now supporting the Liberal Party's long-standing commitment to bilingualism in Canada, I think that if we could have looked at the heat of the moment at that time, we might have said that if that could happen, if the Member for Springfield could be a Liberal in 1988, and the Attorney-General could talk about a compromise solution, that maybe we could have handled things just a little bit differently a few years ago and saved us all the difficulty that we went through.

\* (1150)

I am not going to suggest that we went through it strictly for political reasons. I know that was suggested at the time, but I suppose it is even ironic that the issue was raised in the period 1983-1984. While there has been a change of Government, it was not because of the French language issue, the constitutional issue, the fact that the New Democratic Party Government was re-elected in 1986, despite the controversy over that issue. It was other issues that came into play in 1988 which had nothing to do with the debate of 1983, and 1984, that ended up in the situation we find ourselves in in the Legislature.

So I say it is ironic, and it is not too often that we have the opportunity as legislators to see in a such a short period of time how much history, how much

political development has gone under the bridge, if I may use analogies, in such a short period of time. I am sure if I had gotten up in the Legislature in 1983 and in 1984 and said that a Conservative Attorney-General (Mr. McCrae) will call this proposal a compromise solution, the Member for Springfield (Mr. Roch) will be sitting as a Liberal—I mean, could you imagine the looks I would have got from people? I think I would have been probably quietly referred to the Selkirk Mental Institution for suggesting that that would be taking place in such a short period of time.

To quote -(Interjection)- we are hearing from the Member from Springfield (Mr. Roch). I am pleased to see that he has finally awakened. I am looking forward to his contribution on matters of debate. In fact, I would like to see if the Member for Springfield would like to participate in debate on this Bill. Perhaps, after I speak and outline how he and the Leader of the Liberal Party (Mrs. Carstairs) have reconciled some rather different views of bilingualism, I think other Members of the House may be very interested in doing so, but I look forward to that in the future.

**Mr. Deputy Speaker:** Order, please. The Honourable Member for Transcona, on a point of order.

**Mr. Kozak:** I believe this debate is departing quite significantly from the rules . . . in this House.

**Mr. Deputy Speaker:** The Honourable Member does not have a point of order.

**Mr. Ashton:** Mr. Deputy Speaker, I believe I was suggesting that I would look forward to the contributions from the Member for Springfield (Mr. Roch). I am afraid I did not catch the . . . .

**An Honourable Member:** We all do.

**Mr. Ashton:** We all do, particularly on this particular issue.

**An Honourable Member:** We know why his seat mate is nervous about this.

**Mr. Ashton:** Yes, that is right. The Member for Churchill (Mr. Cowan) suggests that he can see why the Member for Springfield's seat mate, the Member for Transcona (Mr. Kozak), is nervous about the contribution of the Member for Springfield (Mr. Roch), but I think a lot of people will be very interested to see his contribution in this debate, particularly the people in Springfield who in 1986, 1988, elected him first as a Conservative, which he no longer apparently is, but also very much because of his stand on this issue.

Someone mentioned before, "Talk to Andy Anstett." Well, yes, I have talked to Andy Anstett and, let me say, if I have an amazement about what has happened historically these last four years, the former Member for Springfield, Andy Anstett, has a particular amazement that he now finds himself in as having lost the election in 1986 based on this issue.

## POINT OF ORDER

**Mr. Deputy Speaker:** The Honourable Member for Inkster, on a point of order.

**Mr. Kevin Lamoureux (Inkster):** Mr. Deputy Speaker, I am looking in the rules and procedures. On page 20, they do have a clause in there regarding relevancy. Not only is this Member not being relevant to this particular Bill, he is also suggesting that this Honourable Member over here be irrelevant to when he stands up. If the Member would kindly keep his remarks relevant to the Bill in question.

**Mr. Deputy Speaker:** I would like to thank the Honourable Member for his advice. That was in fact a valid point of order, and I believe certainly that the Honourable Member for Thompson was relevant with respect to the particular matters relating to this particular Bill.

**Mr. Ashton:** I want to assure the Member for Inkster that I was merely referencing my hope that the Member for Springfield (Mr. Roch) will participate in debate; in fact, I specifically referenced that, which is, I think, entirely relevant. It is probably more relevant to his constituents than it is to myself, but I do appreciate the comments from the Member for Inkster and I do realize there is some sensitivity among Members of the Liberal caucus on this particular issue. And, believe you me, if they had read some of the comments made by the Member for Springfield on issues related to enactment of statutes, bilingualism, etc., they would be sensitive too.

As I said, Bill No. 4 and Bill No. 5 follow directly from what took place in Manitoba in 1890, followed directly from the 1979 court decision, and followed directly from the 1985 decision. Essentially, Bill No. 4 and Bill No. 5 reference two different aspects of it. In fact, Bill No. 5, as the Attorney-General (Mr. McCrae) himself pointed out, references a schedule of Acts which deals with a number of specific items, The Greater Winnipeg Gas Distribution Act and The Succession Duty Act.

As we are going through the re-enactment process, there are a couple of things that we have to be dealing with. One is in terms of making sure there are accurate translations available. I think that is important because a lot of times in the great legislative process, we forget the power of words. We have seen in court decisions that have been handed down over the years in regards to statutes that the intent of an Act is not what counts, but it is the exact wording that is the case.

I was at a debate yesterday with the Member for Lac du Bonnet (Mr. Praznik) and the Member for Fort Rouge (Mr. Carr) on Meech Lake, and that was very much a part of the discussion. We were talking about the broader issues, and the bottom line of it was concerns that were expressed on various different sides about the meaning of particular words. What was essentially I think clear to all three of us that were debating the issue and discussing the issue with the people who were there was the fact that when you are dealing with constitutions, in particular, you have to be careful in

terms of the specific wording. There are legal precedents constitutionally that have said that essentially the intent is not what matters. It is the specific wording. There are specific questions related to Meech Lake that are being discussed in terms of specific wording and impact they may have, the meaning of the distinct society clause, for example, or national standards for the implementation of programs. We discussed that in some detail last night.

While this is not a constitution, this is going to be a legal act of the Legislature of Manitoba and the same principle applies. That is why I thought the Member for Flin Flon (Mr. Storie) had an excellent question, one which I hope the Attorney-General will take the time to review and answer it. This question was whether there had been consultation with Francophone groups in Manitoba in terms of both the process that is being used in terms of translations, and also the exact translations themselves; because it is very difficult to get exact translations. As anybody that has any passing knowledge of any language will tell you, often it is impossible to come up with a direct translation for his idioms, for his phrases, did not have an exact equivalent in another language.

\* (1200)

In fact, I know that some Members of the Legislature—and the Member for Churchill (Mr. Cowan) probably knows of some Members of the Legislature in particular who found this out in terms of translations of political leaflets, because one has to be very careful of what is translated and Members may wish to ask the Member for Churchill about a specific incident he is very aware of when what was thought to be an exact translation turned out to be a very rough translation and a very misleading translation.

I do have that concern when we are re-enacting en masse. I realize that we have very capable legal drafts people that are working on this, but I think it is important to broaden it beyond the technical people to ensure that Francophones in Manitoba do have input on the exact translations that take place, and that we as legislators are aware of any problems that might develop in that area. That, incidentally, as I said, was a question actually—it was put in the form of a question by the Member for Flin Flon (Mr. Storie) when he spoke on Bill No. 4 and was reiterated, actually in his comments on Bill No. 5. He basically is asking the Attorney-General (Mr. McCrae) for some clear answers in terms of what protections we do have.

Now, that is one issue. The other issue is that I think by 1970 we had 6,000 pages in terms of Acts that were passed. In fact, by 1985, that was the essential volume we were dealing with in terms of the continuing consolidations of the statutes of Manitoba. Very few of them, actually, by 1985, were in both languages. In fact, the smallest percentage were.

And what we have to be concerned about, as pointed by the Member for Interlake (Mr. Uruski), is that this includes a variety of Bills, it includes Bills both of public and of private nature, some of which may no longer need to be enforced that can be repealed, but some

of which are essentially Bills that affect private companies, for example, in terms of incorporation. I know that the Member for Interlake has expressed a concern from a public policy standpoint, given the fact that it cost a considerable amount of money to translate every one of those 6,000 pages, and whether we should be paying for the cost of translation for Bills that could be dealt with through the legal system that would no longer require an Act of the Legislature, because there have been many Bills to incorporate private operations which could be incorporated through the legal system. I think that is a good point because if we are dealing with scarce resources, which we are in this particular case in terms of translation, and if we are dealing with the cost, that is quite substantial.

I think it is an excellent point that the Member for the Interlake has made. Perhaps we should not be re-enacting every Bill. Perhaps Bills that could be put into force in another way should be treated separately, and perhaps there should not be a translation so that the cost does not go towards the taxpayers of Manitoba.

I know this is something that I have expressed on a number of occasions, in our caucus. It has been expressed by others. That is, we often forget that when we do bring in legislation affecting private organizations there is a cost; the cost in terms of preparing the Bills, the cost of translation, and the cost of the legislative procedure itself.

While I realize it has been common practice in recent years to do that with certain types of organizations, I would suggest there are legislators who may wish to take a second look at that because in many cases I would suggest to you that in the past there have been Bills that have been passed that could have been brought in some other way.

I realize that perhaps in recent years there has been less abuse in that sense, but I think if one looks at it, there are many statutes—many of those 6,000 pages that do not necessarily have to be translated, and if we do not translate them, as I said, there is a very significant savings potential for the Province of Manitoba.

There have been a series of points that have been raised also by the Attorney-General about the fact that what we are dealing with in terms of Bill No. 4 and Bill No. 5 are, these are not the final statutes for re-enactment. They are not the first, they are not the final ones. The Attorney-General outlined in his comments the 13 steps involved in preparing an Act for re-enactment. There are still many Acts that are going through that process.

(Mr. Speaker in the Chair.)

A lot of people -(Interjection)- The Member for Elmwood (Mr. Maloway) suggests I outline the 13 steps. I would suggest perhaps the Attorney-General (Mr. McCrae) may wish to do that because I do not want to use up my time on this Bill in doing it, but I think it is important for Members to realize what we are dealing with, with the 13 steps. In 1988 we started with the first 344 Acts which were passed through re-enactment.

So we are getting through the process but we are still a long way from being completed. I would suggest that it would be appropriate for the Attorney-General to outline to those Members who have concerns about the process, the exact process that is being followed. I think that was the tone of the questions that were made by the Member for Flin Flon (Mr. Storie). In fact, one of the reasons I made my first comments about Ministers listening, noting, personally observing debate in this House and responding, because it is traditional in this House for the Minister who moves a Bill to make some closing comments on second reading, and, in those closing comments, address questions and concerns that were expressed by Members of the Legislature. I realize there are new Members in the House, but that has been a long-standing tradition, and that is one of the reasons why I expressed my concern earlier about whether Ministers are present or not present for debate on Bills. As I said, I did so in a general sense because it does violate the rules to reference the absence of a specific Member.

But there could have been the possibility today, for example, of some of these Bills being ready to go to committee, but I do not think it would be appropriate actually to send these Bills to committee when Members have asked questions, based on the principle of the Bill, and have not received responses to them.

I realize that the Liberal Members, for example, are not debating this particular Bill, but there will come a time when they will debate some of the Bills, raise questions on the specific Bills, perhaps when the Government brings in some more substantive items of legislation, and ask questions in the debate, for the Member for Transcona (Mr. Kozak), which they will expect answers from. Because I think a lot of the debate, 90 percent of debates proceed with an exchange of ideas back and forth.

But this is essentially a Bill which I do not see as being a partisan Bill so the debate takes a different character. Bills that have less of a partisan difference in the House often revolve around specific questions and some of the technical details. I think that is when some of the newer Members of the House will perhaps share some of my frustration about the way in which the Government has been handling debate on Bills such as this.

As I said, there can be some very serious consequences if we, as Members, allow Bills to pass without particular reference in the debate to some of the ramifications that could take place. I think that is one thing I would hope they would recognize too, that we all have our opportunity to speak on these Bills, perhaps we all do not do so. I am sure, on most Bills, most people do not participate in the debate.

But I have seen from my experience—and I have been here six-and-a-half, seven years. I am certainly far from being the most senior Member of the House, and I am sure more senior Members will reinforce my experience. But my experience has been that significant errors can be made when we, as Members of the Legislature, assume that we do not have to review the principles or the details of legislation, that we do not have to debate matters on second or third reading,

that somehow legislative counsel has made the right drafting.

\* (1210)

I have seen cases—and I can go back in my records and point to specific cases. I remember when we were in Government that we had to pass amendments to Bills only a year later when it became apparent that we had not passed the proper wording in the first draft of the legislation. We went through second reading, we went through committee stage, we went through third reading. We went through considerable debate throughout those stages in the consideration of the Bill, and we did not identify the errors that were in there, the legal problems that had been created.

I realize the Member for Rossmere (Mr. Neufeld) was not a Member of the Legislature at that time but, if he would care to review, he would find many Acts where that has been the case. I would suggest that we have to be very careful when we are dealing with a massive re-enactment that we do not do the same. Some very minor difference, in terms of translation, could have a very substantive impact on specific Bills.

Even in terms of Bill No. 5, as I said, when we are talking about Acts such as The Greater Winnipeg Distribution Act and The Succession Duty Act, they may not affect people province-wide but there are people very directly impacted by, for example, The Succession Duty Act, which has been suspended since 1977. But there are provisions that do affect people even to this day because there is still some money that is being collected on estates of persons who died prior to 1977. So I would hate to see us, in our haste to pass through Bill No. 5, make an error that would impact on someone, perhaps a widow who is relying very seriously on this money in terms of her own specific situation. I think that would be something that we would all, as Members of the Legislature, not want to see happen.

As I said, there are other Acts too: The Centennial Projects Tax Status Act, which is part of this; The Convention Centre Incorporation Act and The Health Sciences Centre Act that must be re-enacted in order to remain valid. I am sure the Health critic for the Liberal Party would not want to see us make errors in the translation related to The Health Sciences Act which would impact on the establishment at the Health Sciences Centre.

I am sure that other Members would not want to see us have difficulties, as I said, with The Convention Centre Incorporation Act that could affect its legal status because these are very serious Bills. They may not have provincial-wide application, as I suggested before, but they have a very significant impact for a number of people in this province.

As a matter of fact, Bill No. 5, while it is perhaps the more minor item in terms of the re-enactment because it deals with those specific Bills that I referenced, does not deal with the same breadth of re-enactment that is taking place in the first Bill, I think basically it is still quite significant. That is something that we have to recognize.

Let us be careful before we perhaps, in the heat of the moment, reject the importance of debate on this issue, and let us recognize the basic principles of this Bill. The basic principle behind this Bill is the fact that since 1890 we have been passing Acts in this Legislature that have been constitutionally invalid. There was a grievance done, not just to French-speaking Manitobans but I think to our constitutional fabric as a whole because of the 1890 Bill that allowed the passage of Bills, allowed the courts in Manitoba to consider business only in English. Let us not forget that is why we are here today. Let us also not forget in terms of the principle of what we are dealing with that, if the compromise solution that was proposed by the previous New Democratic Party Government had been enacted, had been supported by the Province of Manitoba, we would not need to be here today enacting Bill No. 5.

**Mr. Speaker:** The Honourable Member for Transcona, on a point of order.

**Mr. Kozak:** A point of order, Mr. Speaker. The Honourable Member for Thompson (Mr. Ashton) has indicated that the Liberal Party has not participated in debate on this Bill, and also has made repeated comments about the failure of Members to be in this House. I would like him to be aware, through the Chair—(Interjection)—I think he should be aware through the Chair that the Liberal Party, specifically the Member for St. James (Mr. Edwards), was in fact the first Opposition Member to speak on both Bills No. 4 and 5.

**Mr. Speaker:** I would like thank the Honourable Member for Transcona. It is a point very well taken.

**Some Honourable Members:** Oh, oh!

**Mr. Speaker:** Order, please. The Honourable Member for Thompson (Mr. Ashton) is quite aware of the fact that we do not make reference to Members either being present or away.

**Mr. Ashton:** I want to correct the record that I did not say that the Liberal Party had not spoken on this Bill. If the Member would have listened more carefully, he would have found that my reference was to the fact that there will be Bills—and I mentioned that there had not been a great deal of debate from the Liberal Party in which they had been asking questions during the debate. In this particular case, they spoke for, I believe, about two or three minutes indicating they would support the passage of it.

So if there was any misunderstanding on the part of the Member for Transcona (Mr. Kozak), I want to assure him that I have not suggested there had not been comments made by the Liberal Members in debate on this particular Bill. In fact, I quite specifically made reference to the situation involving questions because there were no questions put forward by the Liberal critic on this issue. He spoke for, I believe, about two minutes and indicated that he would support the Bill. I am quite aware of that because, as I said, in preparing for my remarks today, I did research quite thoroughly what the situation was.

**Mr. Speaker:** The Honourable Member for Transcona, on a point of order.

**Mr. Kozak:** Unless my own recollection as someone who was in the House when the Honourable Member for St. James (Mr. Edwards) spoke to both Bills, I believe he spoke at great length on both Bills and got into a very significant amount of detail.

**Mr. Speaker:** The Honourable Member does not have a point of order. A dispute over the facts is not a point of order.

**Mr. Ashton:** Mr. Speaker, if the Member would care to reference Hansard, August 26 which was a Friday, on Bill No. 5, the comments of the Member for St. James were a total of 12 lines. Some were significant comments on Bill No. 4, but I would hardly consider 12 lines which probably accounts for about two minutes, as I said, as being significant contribution in debate.

If the Members from the Liberal Party would allow me to continue with my remarks, I believe I was getting to the point of summing up. I was referring to basic principles—

**Some Honourable Members:** Oh, oh!

**An Honourable Member:** He is winding down.

**Mr. Ashton:** —but the Liberal Members seem to be rather sensitive on this Bill. I do not understand why. Maybe if we want to proceed with the debate in this House I will have to learn not to reference the Member for Springfield (Mr. Roch) because I notice that before it was fairly quiet. After that the Liberals had been popping up quite significantly. Even the Member for Springfield has been participating in debate from his seat, so I guess I hit a sore nerve.

Having talked to a number of Liberals the last number of weeks, I can see why, because they are sure getting enough heat not only from the constituency of Springfield for what has happened but from Members of the Liberal Party who are quite amazed.

Anyway, I do not want to digress again. I think that has been about the fifth or sixth interruption during my speech. In fact, I would have completed my remarks by now if it were not for the interruptions. I thought Members especially in the Liberal Party wanted to proceed with the business of the House. I would have finished my 40 minutes at this particular point had it not been for the interruptions.

**An Honourable Member:** That is right.

**Mr. Ashton:** I was referencing the basic principles in this Bill which are that we need to re-enact the statutes of Manitoba because of the injustice in 1890 and because of the lost opportunity we had in 1984 to reach that compromise solution. It would have allowed us to avoid the extensive cost that we are faced with at the present time, and at the same time provide justice in much the same way that we have seen justice finally provided to Japanese Canadians only yesterday by the federal Government.

We can not turn back the clock. You can not rewrite history, but in many situations you can correct the impacts, at least part of the impacts, of that injustice. This is one way of doing it incidentally. Bill No. 5 and the re-enactment process is essentially doing just that. We can not turn back the clock to 1890 but what we are doing is, we are saying the Supreme Court has ruled that it was wrong, what happened in 1890, and now we are finally bringing in translations. We are bringing in versions of Acts in both English and French, both the official languages in our Legislature and in our court system. That is the basic principle we are dealing with.

What I am suggesting to Members of the Legislature today and specifically to the Attorney-General (Mr. McCrae) is that we do have some questions about what is happening in terms of the process of translation. I will just summarize them as I do complete my remarks in terms of whether there is consultation with Francophone groups in Manitoba as to both the process and the specific translations as well.

\* (1220)

We have raised specific questions about whether all Acts need to be re-enacted or whether there are in fact Acts that can be netted out of the process so that there is not the cost to Manitobans of translating those extensive number of pages. We have indicated that we want to be very careful as a bottom line in the exact versions of the translation that are passed. We do not want legal problems.

As I said, when we deal with Bill 5 with the Health Sciences Centre or the Convention Centre or The Succession Duty Act, that is why we are participating in the debate today and I would say that fairly soon it should be able to go to committee. I believe the Member for The Pas (Mr. Harapiak) may be adjourning debate to make some final comments next week. I would hope that Members would deal with our comments in all seriousness. It is a serious issue.

**Mr. Speaker:** The Honourable Member for Transcona, on a point of order.

**Mr. Kozak:** The Honourable Member for Thompson (Mr. Ashton) alleged that the Member for St. James (Mr. Edwards) spoke for about a total of 12 lines on Bills 4 and 5. I would just like to point out that the remarks add up to a total of approximately a page-and-a-half in Hansard. Perhaps the Honourable Member for Thompson and I count differently.

**Mr. Speaker:** The Honourable Member for Transcona does not have a point of order.

The Honourable Member for Thompson has one minute remaining.

**Mr. Ashton:** Could I suggest that perhaps that we improve the sound system on that side of the Chamber? If the Member had listened, I was referencing Bill 5 and I said that the Liberal critic spoke at greater length on Bill 4. He can read that in Hansard. There seems to be something of a problem with the audio system over there.

As I said, I would have completed my remarks probably about 20 minutes ago if it were not for the various interruptions. I have been trying to summarize my comments, I think, for the last half hour. Everytime I get to the point of summarizing, then essentially we get these rather volent points of order. I would hope that you, Mr. Speaker, would perhaps inform Members that a point of order should not be for purposes of interruption. It should be for the fact of observing the rules of the House.

As I said, in conclusion, I do expect that very soon this Bill will go to committee. I believe a Member of our side may wish to adjourn it. I know the Member for Elmwood (Mr. Maloway) may wish to do it, or perhaps the Member for Springfield (Mr. Roch) will adjourn it and give us his comments on this Bill. But certainly we do anticipate it going to committee fairly soon.

**Mr. Jim Maloway (Elmwood):** I move, seconded by the Member for Thompson (Mr. Ashton), that debate be adjourned.

**MOTION presented and carried.**

#### **BILL NO. 6—THE FIRES PREVENTION AMENDMENT ACT**

**Mr. Speaker:** On the proposed motion of the Honourable Minister of Environment (Mr. Connery), Bill No. 6, The Fires Prevention Amendment Act; Loi modifiant la Loi sur la prévention des incendies, standing in the name of the Honourable Member for La Verendrye (Mr. Pankratz).

**Hon. Clayton Manness (Minister of Finance):** I ask that it remain standing in the name of the Member for La Verendrye (Mr. Pankratz), but if there are other Members of the House who may wish to speak on this Bill, we would be glad to hear their contribution. (Stand)

#### **BILL NO. 8—THE COURT OF QUEEN'S BENCH SMALL CLAIMS PRACTICES AMENDMENT ACT**

**Mr. Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 8, The Court of Queen's Bench Small Claims Practices Amendment Act; Loi modifiant la Loi sur le recouvrement des petites créances à la Cour du Banc de la Reine, standing in the name of the Honourable Member for The Pas (Mr. Harapiak).

**Mr. Harry Harapiak (The Pas):** I am pleased to stand and speak on the Act to amend The Court of Queen's Bench Act. As previous Members have mentioned, this was a piece of legislation that we as a New Democratic Government had been working with in bringing forward.

I note with interest that both the Attorney-General (Mr. McCrae) and the Minister of Northern Affairs (Mr. Downey) have used an opportunity to speak on this and say that they bring it forward because it was a commitment of theirs during the election. They wanted to point out that they are really the Government who

speaks up for little people. That is why they were bringing this forward. The Attorney-General was concerned that the Member for St. James (Mr. Edwards), the Member for Seven Oaks (Mr. Minenko), and the Member for Lac du Bonnet (Mr. Praznik) would probably be speaking against the Bill because he made reference to the fact that there would be less lawyers required if more people went to the Small Claims Act. I would putting him out of work.

I would like to point out to the Attorney-General that the previous two Attorneys-General that were in place under the NDP administration were lawyers. They have supported this wholeheartedly and brought forward the amendments and were supporting them when they were discussing this. So they were not concerned about the lawyers having less work to do because they realize that there is a lot of work for lawyers and there is no possibility of them being out of work because of the Small Claims Act.

Just speaking on the Small Claims Act, I guess it really is an administration of justice that we are talking about here. One administration of justice that I am pleased we were part of a Government when it was brought forward was the aboriginal justice study. I am pleased that Judge Murray Sinclair is a part of that system and I really think it is going to be giving the whole process a lot more credibility with the Native people.

The Native people feel very comfortable in coming forward and speaking to one of their own. There have been examples of it in the hearings that have been held up to this point, where the aboriginal people who would hesitate to come forward to a judicial hearing have come forward and made presentation. They have made some worthwhile contributions to the discussions that have been taking place on how the justice system can be improved to be sure that the aboriginal people are getting a much fairer hearing in some of the cases that are coming before the justice system.

I had an opportunity to go forward with the former Member for Fort Rouge, Roland Penner, when he was the Attorney-General. We met with several Native organizations and in their discussions with us at that time, they made suggestions on how we could be making improvements to the judicial system so that Native people have more participation.

One of the suggestions that was made is that elders in the community should be having an opportunity to take part when sentencing was being done so that they can give out sentences which are appropriate for their people. They feel that in many cases the youth of their communities go out and they really laugh at the—they have a lack of respect for the system that is in place right now, so when justice is handed out by the judicial system at this time, they are not very serious about living up to the sentences that are being put forward.

If there was some participation of the elders in the communities, I think there would be a little more respect paid to the judicial system, and also there would be more part being played by the local people so that they can be understanding of what is happening.

I look forward to the report that is going to be coming from the hearings. I spoke to Judge Murray Sinclair and he said there would be hearings in The Pas. There is a great deal of interest in this hearing because one of the cases that will be spoken on is the Betty Helen Osborne case that happened in The Pas. I happened to be living in The Pas when that happened. As a matter of fact, a cousin of Betty Osborne was living with us at that time in The Pas so we were very familiar with the case. I think there was an injustice that was carried out, and because of the treatment that was received by that young woman and her family is one of the reasons there is a lack of respect for the system as it exists right now.

I am sure that when the people of The Pas are making presentations to Justice Murray Sinclair that there will be some positive recommendations coming on how we can make the system more open to the Native people. I think one of the areas that we should be looking at as well is how a Small Claims Court can be brought into the Native communities. There is no provision for it at this time, and there are some real remote communities that have incidents where there can be a Small Claims Court held in those communities so it would not be necessary for the Crown to go a large expenditure of funds to bring those people into the larger centre. Even if they are in northern Manitoba, they still have to travel to The Pas and Thompson in order for them to have their cases heard. So I am pleased that these amendments are being brought forward at this time, and I certainly am in support of it.

One of the amendments that we talked about is the whole process of bumping up a case to the Court of Queen's Bench.—(Interjection)— Yes, it really is, as the Member for Thompson (Mr. Ashton) has said in his words when he spoke on this Bill. I have seen evidence of it in my own constituency where there are people who come to—they have a legitimate claim, but they bring it up to Small Claims, and somebody bumps it up to the Court of Queen's Bench because of the fact that they know that the other person does not have the funds.

\* (1230)

**Mr. Speaker:** I am interrupting the Honourable Member. When this matter is again before the House, the Honourable Member will have 32 minutes remaining.

The hour being 12:30, this House is now adjourned and stands adjourned until 1:30 p.m., Monday.