

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 4 May, 1981

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): The Honourable Leader of the Opposition.

MATTER OF PRIVILEGE

MR. HOWARD PAWLEY (Selkirk): Mr. Speaker, I rise on a matter of privileges of the House. Mr. Speaker, on the 1st of May, this past Friday, the Minister responsible for Hydro, pursuant to questioning in this Chamber, made a number of comments which I would now like, Mr. Speaker, to read into the record by way of answers to questions raised by myself as Leader of the Opposition and also pertaining to a 1979 Manitoba Hydro report, which Manitoba Hydro report was for the year ending March 31, 1979, Mr. Speaker, the statements involved, misleading the House on the part of the Minister responsible for Manitoba Hydro. I'm reading from a transcript only of the question and answer period, Mr. Speaker, though it may be that Friday morning's Hansard has already been distributed.

Mr. Speaker, on Friday morning, as you may recall, I asked the Minister responsible for Hydro, "Mr. Speaker, further to the Minister, in order to further assist the Minister's memory in this respect, can the Minister advise whether or not, upon receipt of a draft of the Manitoba Hydro Annual Report, terminating March 31, 1979, that he did cause some editing of the report due to the fact there was an acknowledgement within the report to Mr. Len Bateman?", to which the Minister responsible for Hydro responded, "Mr. Speaker, there was one report and perhaps it would have been the 1979 report prior to the Tritschler Commission winding up its hearings, and after Mr. Bateman had been relieved of his responsibilities from Manitoba Hydro, in that period, where there was an early draft of the report", and I underline the Minister's words, early draft of the report, "an indication to include remarks with regard to Mr. Bateman, attribute whatever the right terminology is, and it was discussed with me at the time. I advised the board that I thought it would be in the best discretion to not include it at that point until the Commission enquiry was finished its study."

The Minister further, in response to questions posed in regard to the tribute to Mr. Bateman that was included in what the Minister referred to as an early draft of the Annual Report, stated, "That was discussed with me and my recommendation to him was that it not be included until after the report was in one way or another — that any remarks with regard to the activities of the Commission and the people before it probably could not be included . . ."

MR. SPEAKER: Order please. Could the honourable member state what his point of privilege is?

MR. PAWLEY: Mr. Speaker, I have already indicated what my points of privilege are. The matters of

privilege relate to the statements that were made in the Chamber involving the Minister responsible for Hydro Friday morning, which were misleading.

MR. SPEAKER: Order please. Then I suggest the honourable member should have raised the issue on Friday, a point of privilege has to be raised immediately. I would have to rule the member's privilege out of order.

MR. PAWLEY: Mr. Speaker, because the First Minister was shouting from his seat that I was a bloody lawyer, I would ask you, Mr. Speaker, if you would repeat the remarks that you just made to this Chamber.

MR. SPEAKER: Order please. Order please. The honourable member, if he is referring to statements that were made on Friday in this Chamber, he should have raised the matter at that time. A matter of privilege has to be raised at the earliest possible opportunity. I would have to rule the honourable member's point of privilege out of order.

The Honourable Member for Kildonan.

MR. PETER FOX: On a point of order, Mr. Speaker, I would agree with you that a matter of privilege should be raised at the earliest time that is available, but one does not realize one has a matter of privilege until one gets evidence and what the Honourable Leader of the Opposition is indicating, that he received evidence after the Honourable Minister for Hydro had reported and made his statement in the House.

So therefore the matter of privilege could not have been raised on Friday when he made the statement because we weren't aware of whether the statement was true or not. And under Parliamentary procedures, we have to accept that the member who is making a statement in this House is necessarily making a true statement.

The other thing is, Mr. Speaker, the proofs for Hansard were not available when the Honourable Minister made his statement, so therefore we couldn't verify what had been said. So therefore I would respectfully suggest that today is the earliest time that we could make that matter of privilege.

MR. SPEAKER: The Honourable Government House Leader.

HON. GERALD W. J. MERCIER (Osborne): Mr. Speaker, on the same point of order, the Honourable Leader of the Opposition indicated that the basis of his claim of privilege were misleading statements by the Minister. He did not indicate in any way, Mr. Speaker, any new evidence. The point suggested by the Opposition House Leader, Mr. Speaker, that he had to wait for Hansard, I submit, is not correct. The Leader of the Opposition was here and heard the statements.

MR. SPEAKER: Order please. If the honourable member has any new material to bring forward as a point of privilege, I will entertain anything, but so far

what the honourable member has raised has not been a point of privilege. The Honourable Leader of the Opposition may continue.

MR. PAWLEY: Mr. Speaker, let me draw to your attention, it is my understanding that Hansard was not distributed until this morning. In fact I am told that it wasn't even distributed this morning. All we are able to depend upon is a transcript of Hansard from Friday morning, so, Mr. Speaker, there was no earlier opportunity possible except now after prayers to raise this Matter of Privilege because it was only this morning that we received verification of the Minister's statements that were uttered by the Minister this past Friday morning. And, Mr. Speaker, to the evidence, if the honourable members across the way would exercise some patience, I am proceeding to that evidence, Mr. Speaker, and that evidence is by way of documents that I wish to submit to this Chamber.

Mr. Speaker, the responses that are read into the record are necessary in order to better understand the material that I will be submitting to this Chamber; material, Mr. Speaker, that indicates that the members of this House have been misrepresented too by the Minister responsible for Hydro, as well, Mr. Speaker, as by officials of Manitoba Hydro in connection with the Manitoba Hydro Report terminating March 31, 1979.

Mr. Speaker, first in that regard, I would like to make reference to a letter which was addressed to my colleague, Mr. James Walding, on April 15th, 1981. Mr. Walding had requested information as to the number of copies of Manitoba Hydro reports printed for the years ending March 31st, 1978, March 31st, 1979, March 31st, 1980 — the number of copies and the cost of printing those copies. Mr. Speaker, a copy of the response received from Mr. Blatchford, the Manager of Manitoba Hydro, was forwarded to the Minister responsible for Manitoba Hydro, and I wish now to read that letter into the record, Mr. Speaker: To, Mr. J. Walding, MLA; the letter is dated April 15th, 1981. "The following is the information you requested from Mr. A. K. McKean yesterday by telephone. Number and cost of printing Manitoba Hydro Annual Reports, March 31, 1980, 4,978 copies, \$4,611.30; March 31, 1979, 4,020 copies, \$3,959.55; March 31, 1978, 4,045 copies, \$3,598.67. Yours truly, W. Blatchford."

Subsequent to the receipt of that letter my colleague, Mr. Walding, who is unable to be in attendance today because of illness, received a letter dated April 27th, 1981. The letter was dated April 27th, 1981, I don't know on what date, Mr. Walding received the letter. I read it to you, Mr. Speaker: "Mr. Jim Walding; Dear Mr. Walding: With further reference to my letter to you dated April 15th, 1981, concerning the number and cost of Manitoba Hydro Annual Report, would you kindly correct the figures for the annual report for the year ending March 31, 1979, to read, 4,040 copies, \$7,769.55."

Now, Mr. Speaker, I would like to point out some interesting comparisons insofar as the two letters are concerned. Mr. Speaker, we note that in the letter of April 15th, 1981, the reports ending March 31, 1979, indicate a total of 4,020 copies had indeed been prepared at a price of \$3,959.55, which, Mr. Speaker, on the surface appears to be quite reasonable in respect to inflation, the printing costs

of reports from 1978 to 1980. In the letter of April 27, 1981, I should also mention a copy of this letter as well was forwarded to the Minister responsible for Hydro; 4,040 copies, only 20 copies more referred to in the letter of April 27th, 1981; only 20 more, Mr. Speaker, but the cost now has risen to \$7,769.55. Mr. Speaker, it is rather interesting that for the report ending March 31, 1979, that 4,040 copies should cost \$7,769.55, but one year later with inflation, March 31, 1980, 4,978 copies would only cost \$4,611.30.

First, Mr. Speaker, it is very important that the First Minister, if he would just contain himself for a few moments, I know it is very difficult for the First Minister because he finds great difficulty in restraining himself, that the facts will be clearly outlined, that even the First Minister will be able to understand, Mr. Speaker.

One year later the reports, some 800 more reports than in 1979, will cost approximately \$3,500 less.

Now, Mr. Speaker, the reason for making the reference to the letter now should be quite obvious. It was not an early draft that the Minister responsible for Hydro had received of the Manitoba Hydro Report terminating March 31st, 1979. It was not an early draft, it was a printed Manitoba Hydro report that the Minister had received, Mr. Speaker, and the Minister responsible for Hydro, and the Minister responsible for Hydro, Mr. Speaker, who had just gone through a process of firing Mr. Len Bateman after some forty years of service by Mr. Len Bateman.

MR. SPEAKER: Order. Order please. Is the Honourable Member now raising another point of privilege or are you on the same point of privilege?

MR. PAWLEY: I'm on the very same point of privilege, Mr. Speaker, so we're dealing with not an early — not an early draft as the Minister of Hydro attempted to leave the impression in the Chamber on Friday. We are dealing with a printed copy. Mr. Speaker, I . . .

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

MR. MERCIER: Mr. Speaker, I rise on a point of order. For the Honourable Leader of the Opposition to suggest on the basis of the letters which he's read into the record that he can conclude that there is any shred of evidence of misleading statements is absolutely incomprehensible, Mr. Speaker, I suggest . . .

MR. SPEAKER: Order. Order, please. If the honourable member has any further evidence, I'll be prepared to . . .

MR. PAWLEY: Mr. Speaker, some 4,000 printed copies of the Manitoba Hydro report terminating March 31st, 1979, were destroyed, destroyed because the Minister responsible for Hydro throwing a tantrum demanded, Mr. Speaker, that the reference to Mr. Len Bateman be deleted. Mr. Speaker, those copies were not an early issue, were not an early draft, they were the final printed published copies of Manitoba Hydro. And, Mr. Speaker, I have the original, the one surviving

original, 1979 Manitoba Hydro Report. Mr. Speaker, I would like to read into the record, the words that were deleted by the Minister responsible for Hydro.

MR. SPEAKER: Order. Order please. I believe the Honourable Member is now raising another matter. Has the honourable member completed his point of privilege?

MR. PAWLEY: Mr. Speaker, I am presenting evidence to the Chamber. And, Mr. Speaker, if the Honourable First Minister and the Minister responsible for Hydro would contain themselves for a few moments and would have listened when I read to this Chamber the words by the Minister responsible for Hydro Friday morning, then they would full well understand the basis of the point of privilege at this point, Mr. Speaker; they would fully understand.

Mr. Speaker, the Hydro Report, prior to its destruction, March 31st, 1979, contained these words and I read these words to the Chamber . . .

MR. SPEAKER: Order please. Order please. I fail to see whether the reading of words constitutes part of the point of privilege the honourable member is raising and it is irrelevant to the subject matter of his point of privilege.

The Honourable Government House Leader on a point of order.

MR. MERCIER: On a point of order, Mr. Speaker, the Honourable Leader of the Opposition said he's referring to an original. I would ask him to table it.

MR. PAWLEY: Mr. Speaker, I will be presenting the original for any that wish to see the original. I will not be tabling that original in the Chamber. The original was given to me with the understanding that that original, that sole original be returned. Mr. Speaker, I will be presenting that original to any who wish to see that original, following the words that I am presenting in this Chamber, Mr. Speaker.

MR. SPEAKER: Order please. The Honourable Government House Leader on a point of order.

MR. MERCIER: Mr. Speaker, I think the rules clearly provide that where a member is asked to table a document, that he must table it; that he must show some authenticity of that document.

The Honourable Leader of the Opposition, Mr. Speaker, said he wants to refer to an original. What I see in his hand, I stand to be corrected, is a clearly photostatic copy of some sort of document, Mr. Speaker, and I demand, Mr. Speaker, that if he says he's referring to an original, that that original document be tabled immediately in the House.

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

MR. LAURENT L. DESJARDINS: Am I recognized?

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

MR. DESJARDINS: Mr. Speaker, the Attorney-General certainly doesn't want the evidence to come out; made a statement that the law clearly states that

the original must be tabled. That is not the case at all. I've often seen people coming here with photostatic copies, referring from the photostatic copies, the original is locked in a safe, it's not here, and the Leader of the Opposition had stated that he's ready to show it to anybody that wants to see it. I certainly think that he did read from a photostatic copy.

MR. SPEAKER: Order please. Order please.

The Honourable Leader of the Opposition on a point of order or on the matter of privilege.

MR. PAWLEY: On the matter of privilege, Mr. Speaker.

Mr. Speaker, the words that were deleted from the Annual Report which had been printed at the insistence of the Minister responsible for . . .

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

The Honourable Government House Leader on a point of order.

MR. MERCIER: Tabled on the point of order, Mr. Speaker, I believe the rules say that, when a member refers to a document, he must lay it on the table if requested to do so by another member. He has said that he's referring to the original and I asked that the original be tabled in the House.

MR. SPEAKER: The Honourable Opposition House Leader.

MR. PAWLEY: Mr. Speaker, I have been referring to the photostatic copy throughout of the original document.

MR. SPEAKER: Order please. Order please.

The Honourable Leader of the Opposition had stated that he had an original copy and he was reading from that copy. I would hope that when the Leader of the Opposition is completed, he will table the original copy that he's made reference to.

The Honourable Member for St. Johns on a point of order.

MR. SAUL CHERNIACK: Yes, Mr. Speaker, on the point of order, I am under the impression that a document such as a letter, both has to be signed and has to show on it what it is, on the face of it, and then it has to be tabled if it's not a public document.

The point made by the Honourable Leader of the Opposition is that there is one copy loaned to him, which he must return, which could be made available and, Mr. Speaker, I believe it's an official document. Just looking at it, one can see that it's a printed document prepared by Hydro for distribution as its Annual Report, which I think makes it a public document, therefore, no need to table it, but what the Leader of the Opposition has stated is that the original is available for review and I would think, Mr. Speaker, that the Honourable Leader of the Opposition should be prepared to let you personally see it, compare it with the copy that he has, but understand that it is an obligation to return the document, which the Leader of the Opposition wishes to honour, but not to conceal in any way. Unless the Minister reporting for Hydro is prepared

to state, yes it is a document and produce his copy, so then that could be tabled, or get another copy from Hydro if they have retained any copies at all, but I submit, Mr. Speaker, that they are original, that they are public documents and that I submit that 4,000 or so had been printed.

MR. SPEAKER: Order please. I have asked the Honourable Opposition House Leader if he is making reference to an original document and if he is reading from that original document or a copy thereof, that he table the original document that he has made reference to. If the Honourable Leader of the Opposition wishes not to, I suggest he not make reference to it.

The Honourable Leader of the Opposition may continue.

The Honourable Member for St. Johns on a point of order.

MR. CHERNIACK: Yes, Mr. Speaker, I could look for reference in Hansard, but I believe that there have been occasions, not many, but there have been occasions where a member agreed to produce a document and requested that it be released back to him, so that he may return it to the source and I would think, Mr. Speaker, there could be no problem if the Leader of the Opposition is permitted to table it, so it may be looked at, copied and certified and then returned to him, which would be a normal thing and a courteous thing on behalf of all members, who would understand that the Leader of the Opposition has an obligation to return the document.

So I would ask, Mr. Speaker, if you would agree and if . . .

MR. SPEAKER: Order please. Order please. The Chair has already made a ruling on that matter.

The Honourable Leader may continue with his point of order, or his point of privilege.

The Honourable Government House Leader, on a point of order.

MR. MERCIER: Mr. Speaker, the Member for St. Boniface has four or five times, indicated that the Chair is wrong from his seat — say it again. (Interjection)— Mr. Speaker, I would ask that the Member for St. Boniface be asked to withdraw those remarks which reflect on the Chair.

MR. SPEAKER: The Honourable Leader of the Opposition wish to continue with his point of privilege.

MR. PAWLEY: Well, Mr. Speaker, if the copy of the original document is not satisfactory, I can only refer to words that were deleted, deleted at the insistence of the Minister of Hydro from what already was a printed and published copy of the Manitoba Hydro Report, terminating March 31st, 1979.

Mr. Speaker, the original Manitoba Hydro Report terminating March 31st, paid tribute to the work of one Mr. Len Bateman, on behalf of Manitoba Hydro and that original report, Mr. Speaker, outlined the qualifications, the educational background, the number of professional organizations that Mr. Len Bateman belonged to.

Mr. Speaker, there was no reference, no reference in respect to the position that Mr. Len Bateman had

taken before the Tritschler Commission. There was no reference, Mr. Speaker, in that Annual Report, which was destroyed, some 4,020 or 4,040 copies of same, there was no reference within that report, Mr. Speaker, to any of the position that was being taken by Mr. Bateman.

All that was included within that original report that was destroyed by fire or by other means, Mr. Speaker, all that was contained therein was a simple tribute to a man that had served the Province of Manitoba well for some 40 years and the Minister responsible for Manitoba Hydro, in petty tantrum, Mr. Speaker, caused those copies some 4,000 and some, at a cost of some \$3,000 and some dollars to be destroyed. Contrary, Mr. Speaker, contrary to what was said this past Friday morning, when the Minister said that he had perused an early draft of that report, it was an original completed, printed and published report that the Minister had reviewed. It was that printed and published review that the Minister caused destruction of, Mr. Speaker.

Mr. Speaker, we are confronted throughout for the past three or four weeks with cuteness by way of answers that had been provided in this Chamber by the Minister responsible for hydro. We have been confronted with a situation which the Minister responsible for Hydro to be charitable has been less than complete, has been less than full, has been less than direct in the answers that he has provided members of this Chamber in respect to all matters pertaining to Hydrogate. Mr. Speaker, if the Minister finds that indeed he's running our of tether and respect to stonewalling in this Chamber, then indeed we note what happens outside this Chamber when the Chairman of Manitoba Hydro, this past Friday, indicated that he would not be pursuing the matter of obtaining answers to the questions which the Chairman had asked of Aikens and MacAuley; questions that had gone unanswered, over half of the questions had gone unanswered and yet the Chairman responsible for Manitoba Hydro . . .

MR. SPEAKER: The Honourable Government House Leader on a point of order.

MR. MERCIER: Mr. Speaker, I suggest that the Honourable Leader of the Opposition be directed to speak to his Matter of Privilege, which he has referred to as so-called misleading statements relating to an alleged report, Mr. Speaker, and I ask that he be asked to speak directly and relevantly to the matter he has raised and not to go on a fishing expedition.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, let me assure you this had been no fishing expedition. It has been the presentation of concrete documents in this Chamber that demonstrate beyond any doubt as to the true facts, Mr. Speaker, indicate beyond any doubt that the response that was given to myself Friday morning by the Minister responsible for Hydro were indeed misleading, and as a result, Mr. Speaker, I move, seconded by the Honourable Member for St. Johns that;

WHEREAS the performance of the duties of the Members of the Legislative Assembly has been

interfered with by the destruction of the 1979 Annual Report of Manitoba Hydro Board and its replacement of an altered annual report, and;

WHEREAS the Deputy Premier's wishes were the cause of this distraction and the Deputy Premier misled the House by stating that he expressed his wishes at "an early stage," and;

WHEREAS the General Manger of Manitoba Hydro misled the Member for St. Vital by informing him that only 4,040 1979 annual reports were printed, and;

WHEREAS the Chairman of Manitoba Hydro has interfered with the performance of members' duties by refusing to question W. Steward Martin regarding legal advice to Manitoba Hydro despite the expressed wishes of members and the written advice of Aikins, MacAulay and Thorvaldson that Mr. Martin be questioned;

THEREFORE BE IT RESOLVED that the Standing Committee on Public Utilities and Natural Resources be authorized to enquire into questions of:

- (a) political interference in Manitoba Hydro affairs,
- (b) legal advice to Manitoba Hydro regarding the Tritschler Commission, and
- (c) other allegations regarding actions and statements by the Deputy Premier and Manitoba Hydro regarding the Tritschler Commission operation.

MR. SPEAKER: The Honourable Government House Leader on a point of order.

MR. MERCIER: On a point of order, Mr. Speaker, and in speaking to the point of order I would appreciate a copy of . . .

MR. SPEAKER: If the honourable member is going to speak to the resolution, he cannot rise on a point of order.

The Honourable Government House Leader on a point of order.

MR. MERCIER: On a point of order, Mr. Speaker, I suggest there is not one shred of evidence submitted by the Honourable Leader of the Opposition to substantiate in any way his claim for privilege, Mr. Speaker. There is not one iota of evidence in the documents that he has referred to. In the one document that he supposedly referred to as an original but refuses to table in the House, Mr. Speaker, there is not one shred of evidence to justify any consideration of a claim of privilege by the Leader of the Opposition, and I suggest that we declare it out of order.

SPEAKER'S RULING

MR. SPEAKER: Order please. The role of the Speaker in any Assembly is not an easy one. First of all the Speaker must recognize that one of his responsibilities is to make sure that members have an opportunity to express themselves. One of the other roles of the Speaker is to make sure that the business of the House is conducted in an expeditious and orderly manner.

The matter of privilege that the Honourable Leader of the Opposition raises, had he read his rule book, and I would refer him to page 59 of the Rules, Orders and Forms of Proceedings of the Legislative

Assembly of Manitoba, dealing with the matter of privilege. "Members sometimes raise so-called questions of privilege on matters which should be dealt with as a personal explanation or correction, either in the debates or the proceedings of the House. A question of privilege ought rarely to come up in the Legislature. It should be dealt with by a motion giving the House power to impose a reparation or apply a remedy.

"There are privileges of the House as well as of members individually. Wilful disobedience of Orders and Rules of Parliament in the exercise of its constitutional functions; insults and obstructions during debate are breaches of the privileges of the House. Libels upon members and aspersions upon them in relation to Parliament and interference of any kind with their official duties are breaches of the privileges of the members. But a dispute arising between two members as to allegations of facts does not fulfil the conditions of parliamentary privilege."

The Honourable Leader of the Opposition made reference to letters of April 15th and April 27th. He did not raise the issue at the earliest possible time. He has not, in my opinion, presented any prima facie case for a matter of privilege and I would have to rule his matter of privilege out of order.

At the same time it is the Speaker's responsibility to make sure that the business of the House is conducted in an orderly and expeditious manner. I notice we have now used 35 minutes of debating time on a matter of privilege which was clearly out of order in the first place.

We'll now proceed with Presenting Petitions.

MATTER OF GRIEVANCE (Cont'd)

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

MR. PETER FOX: Yes, Mr. Speaker, I recognize that you are trying to expedite the work of this House. You must also realize that we as the Opposition have a duty to perform in this House, to indicate when the business of the House is being diverted from what it should be and I do believe that on this question of privilege the Honourable Leader of the Opposition did indicate that there was evidence in two letters; that there had been misinformation given to this House by the Honourable Deputy Premier.

I would also like to indicate that he did indicate that the Deputy Premier had made a statement on Friday morning which we only had a chance to get a hold of the proofs today, in respect to what he had said, and that those letters then indicated that the Deputy Premier had not given us the true facts. Now that is misleading the House and the members. The members cannot do their work properly if they are misled as to what the true facts of this parliamentary procedure that we are involved in are. So I suggest to you, Mr. Speaker, that there was a prima facie case and that the House should adjudicate whether we debate the motion of privilege or not to send this on to committee where it can be debated and thoroughly aired with evidence given by other people as well as the members of this House with what they have.

On that basis . . .

SPEAKER'S RULING

MR. SPEAKER: Order. Order please. The Honourable Member raised the point of order. I listened carefully to the point he has made, and I believe the honourable member did not have a point of order.

Proceed now.

MR. FOX: Mr. Speaker, in that case, I must respectfully challenge your ruling.

MR. SPEAKER: The ruling of the Chair has been challenged. Shall the ruling of the Chair be sustained? All those in favour of sustaining the Chair please say aye. Those opposed, please say nay. In my opinion the yeas have it.

MR. FOX: On division, Mr. Speaker.

MR. SPEAKER: Is that agreed? (agreed)
Presenting Petitions . . . The Honourable Member for Winnipeg Centre on a point of order.

MR. J. R. (Bud) BOYCE: I didn't want to become involved in the debate which was taking place, but I am a little bit confused. I thought that a matter of privilege had highest priority and no one can raise a point of order during a discussion of a matter of privilege. In watching Parliament we learned well from the Conservative Party how they can drag out a session when they figure it is to their advantage to use the rules, so that when we are discussing matters of privileges in this House, Mr. Speaker, I think it is incumbent upon us to obey our own rules; that no one can interrupt a person speaking on a matter of privilege; that you are required, Sir, to listen them out.

It was pointed out by the Speaker in the Federal House that she was required for a week to listen to people raise what they thought were matters of points of order, matters of privilege, and she had no other alternative but to sit there until the end of them.

I notice in this particular case the member who did raise a point of privilege was continually being interrupted on points of order, so that I would suggest that we adhere to our rules and that when somebody is speaking on a matter of privilege that they be heard, and we rely on the Chair to protect us from frivolous points of privilege.

MR. SPEAKER: I thank the Honourable Member for Winnipeg Centre, and I sincerely recommend excellent reading in our little blue book.

Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . .

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable First Minister.

HON. STERLING R. LYON (Charleswood): Mr. Speaker, I will lay on the table of the House copies of the communiques from the Western Premiers' Conference at Thompson, Manitoba, April 28th to 29th of last week. These are all originals, Mr. Speaker.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I wish to table the report of the Ministerial Advisory Committee on Liquor Control.

MR. SPEAKER: Notices of Motion . . .

INTRODUCTION OF BILLS

MR. MERCIER introduced Bill No. 60, The Statute Law Amendment Act (1981)(2).

INTRODUCTION OF GUESTS

MR. SPEAKER: At this particular time I would like to draw the honourable members' attention to the gallery where we have 23 students of Grade 9 standing from Princess Elizabeth High School at Shilo, under the direction of Mr. Balkswell. This school is located in the constituency of the Honourable Member for Brandon East.

We also have 45 students of Grade 11 standing from the W. C. Miller Collegiate and the Mennonite Collegiate Institute under the direction of Mr. Schmidt and Mr. Voth. This school is in the constituency of the Honourable Member for Rhineland.

On behalf of all the honourable members we welcome you here this afternoon.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, to the Minister responsible for Hydro. Does the Minister endorse the statement by Mr. Kristjanson, the Chairman of the Board of Manitoba Hydro, that he does not intend to release Mr. Steward Martin from solicitor confidential relationship?

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

HON. DONALD W. CRAIK (Riel): Mr. Speaker, I have not been advised by the Hydro Board of a decision one way or the other in that matter.

MR. PAWLEY: Mr. Speaker, if that be the case, then further to the Minister. Is the Minister prepared to obtain advice from Mr. Kristjanson as to whether or not he intends to release Mr. Steward Martin from solicitor confidential relationship and to report back to this Chamber?

MR. CRAIK: Mr. Speaker, I am certain that I will be advised as the Minister responsible when the action is taken by Manitoba Hydro, whichever it is.

MR. PAWLEY: Further to the Minister responsible for Manitoba Hydro, can the Minister responsible for Manitoba Hydro indicate how the questions that were posed to Aikins MacAulay, over half of which questions were not responded to, how indeed those answers can be obtained if neither the Minister nor Manitoba Hydro are prepared to obtain those answers from Mr. Steward Martin, particularly in view

of the fact that the firms of Aikins MacAulay invites Manitoba Hydro to obtain the answers directly from Mr. Steward Martin? Can the Minister indicate by what other means he or Manitoba Hydro intend to obtain the answers to those questions that were not answered in the letter from Manitoba Hydro to Aikins MacAulay?

MR. CRAIK: Mr. Speaker, as I have indicated to the Leader of the Opposition and to the members of the House, what Manitoba Hydro wishes to do in their correspondence or in their discussions with their solicitors are of course their responsibility. The correspondence is not a correspondence between the Minister and the legal firm involved, it's between the Hydro and the legal firm involved. They will apply their discretion I presume.

MR. PAWLEY: Mr. Speaker, then further to the Minister responsible for Hydro, can the Minister responsible for Hydro advise why the same criteria was not used when he caused Manitoba Hydro to destroy some 4,000 printed copies of the 1979 Manitoba Hydro Report rather than permitting Manitoba Hydro to distribute published reports paying tribute to Mr. Len Bateman?

MR. CRAIK: Mr. Speaker, the Leader of the Opposition now is trying to put more nonsense on the record about some instruction to destroy a certain numbers of reports.

Mr. Speaker, I want to have an opportunity to review the information that was available. I do know for a fact, Mr. Speaker, that the information that the member purported to table today was information that was available to him in advance of last Friday, because the dollars figures at least were referred to the Member for St. Vital when he wrote to Hydro and they were openly given to him. That was dated April 15th and April 27th, Mr. Speaker. They were available, I was . . . with it. They must have received it well in advance of the Friday date that he's referring to. All of that information, Mr. Speaker, was on one of the member's desks at the time the comment was made on Friday.

Mr. Speaker, there's no new information that can be added. I said at the time, on Friday, and it's contained I'm sure in Hansard, and as soon as I get the Hansard record, Mr. Speaker, I will refer to it. I said at the time that I would look to see whether there was any further information available. I gave the best recollection I had of the events of some two years ago. That is still, as far as I am concerned, the best information that is available.

MR. PAWLEY: Mr. Speaker, then further to the Minister responsible for Hydro, in view of the letter, which the Minister referred to dated Wednesday, April 27th, indicating that some 4,040 copies of the Manitoba Hydro Report ending March 31st, 1979, cost in the neighbourhood of \$3,000 and some dollars more than the Manitoba Hydro Report terminating March 31st, 1980, can the Minister advise why there was a cost differential of close to 3,500 between the reports that were published in 1979 and the reports published in 1980?

MR. CRAIK: Well certainly, Mr. Speaker, one cannot indicate all that kind of thing, and neither does the

member, who was a former Minister, is he deprived of the facts of life that a Minister seldom knows what goes on in that kind of detail in any one of the Crown Corporations reporting to him. So the member now is trying to take advantage of the fact, in getting up and asking a question that refers to memory of some more than two years ago, about facts that probably were not at that point in time documented.

So, Mr. Speaker, that is the nub of it all. I said to the member, when he got up in his place on Friday and started asking these questions, that I would revert and reverse the question to him and ask him, what did he have for breakfast last Tuesday or whatever day it was. This is the kind of basis the member is trying to build this hard rock case on.

MR. PAWLEY: Mr. Speaker, then further to the Minister responsible for Hydro, who acknowledges that he has received that information as of last week, that letter dated April 27th, 1981, can the Minister advise whether he has undertaken any steps to ascertain why less copies, published in 1979, cost \$3,000 and some dollars more than more copies, indeed, of the Manitoba Hydro Report published for the year 1980, has he undertaken any effort to obtain the reason for the differential as to the cost 1979, 1980?

MR. SPEAKER: Order please. (Interjection)— Order please. (Interjection)— Orders of the Day.

The Honourable Minister of Energy and Mines.

MR. CRAIK: Mr. Speaker, I said that I would review Hansard. I do recall on Friday taking some matters as notice in this matter, and I think it was perhaps placed by the Member for Inkster; although it wouldn't surprise me if the Leader of the Opposition, in the same manner that he's tried to say that there was new information contained in the April 23rd and April 27th letters were not available to him Friday, when in fact it was. I expect I'll also find in Hansard that part of what he wanted to mount privilege on was contained in the reply, or negated by the reply I gave to the Member for Inkster on Friday.

I will check it when Hansard becomes available.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. A. R. (Pete) ADAM: Thank you, Mr. Speaker, my question is to the Minister of Finance and I would ask the Minister if he is able to respond to my question some time ago on the average price of gasoline at the time the last gasoline tax at the retail level was imposed of some 800,000 additional dollars per month in the gasoline tax? Does the Minister have that information that he took as notice?

MR. SPEAKER: The Honourable Minister of Finance.

HON. BRIAN RANSOM (Souris-Killarney): Mr. Speaker, I'd have to review the honourable member's question again. As he rephrases it today it doesn't strike me that was the wording of his question previously, but I will take them both as further notice and get the answers for the member.

MR. SPEAKER: The Honourable Member for Ste. Rose with a supplementary.

MR. ADAM: Yes, Mr. Speaker, the Minister is again asking to take the question as notice. I wonder if he could also give an answer now or take as notice as to when the last gasoline tax at the retail level was imposed, and could he advise as well whether or not additional retail sales tax on gasoline will be imposed as a result of the recent increase of May 1st.

MR. RANSOM: The answer to the first question, Mr. Speaker, is a matter of public record. I believe it was approximately February 1st, which was the second of two adjustments that have been made since the form of the tax was altered last year and at the moment we are not contemplating another assessment to alter the tax again. That situation can change from week to week.

MR. SPEAKER: The Honourable Member for Ste. Rose with a final supplementary.

MR. ADAM: I wonder if the Minister could clarify just how often does the review take place, or is it once or twice a year or ad hoc or what is the policy? It seems to be kind of confusing the way this is done.

MR. RANSOM: Mr. Speaker, I admit that it has confused the honourable member. I have attempted to answer the question on a number of occasions; on two occasions since the tax measure was introduced last year, there has been an adjustment to the tax. At the moment we are not contemplating an immediate further adjustment, but as prices change for various reasons and it would appear that there have been significant changes over a period of time, then we could do our assessment of some 20 self-serve stations in the Winnipeg area and bring in a further change.

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

MR. DESJARDINS: Mr. Speaker, my question is to the Minister of Health. Due to the fact that a fair percentage of radiologists has opted out of Medicare and statements were made that they would not give service unless the service was prepaid, could the Minister guarantee that no Manitobans will have to suffer because of lack of proper service for no other reason than that they can't prepay the service? Could the Minister give this guarantee?

HON. L.R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, I think I certainly can give a guarantee that no one in Manitoba will suffer as a consequence of that action.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MS. JUNE WESTBURY: Thank you, Mr. Speaker. My question is also addressed to the Honourable Minister of Health. I wonder if the Minister can advise the House in what Winnipeg hospitals are bed shortages being experienced at the present time?

MR. SHERMAN: None that I know of, Mr. Speaker.

MS. WESTBURY: Mr. Speaker, I did give the Minister notice of this question; perhaps he didn't

receive the notice. A young adult male who is retarded . . .

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

MS. WESTBURY: I'm sorry, I understood a short explanatory sentence was permitted and I hadn't finished that short explanatory sentence, Mr. Speaker.

I wonder if the Minister could advise then how it would happen that a young adult male who happens to be retarded, suffering from pneumonia and possible heart problems following major surgery, was forced to wait for 20 hours in Emergency at St. Boniface Hospital, between Thursday dinner hour and Friday dinner hour?

MR. SHERMAN: No, I can't answer that, Mr. Speaker. I would agree that the honourable member gave me notice of her question. I thank her for giving me notice of the question but in the time provided by notice, I was able to check her question with both the hospital and with Manitoba Health Services Commission and neither confirms the alleged situation, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Fort Rouge with a final supplementary.

MS. WESTBURY: Well, Mr. Speaker, I thank the Minister for attempting to get an answer and perhaps he can now help us to understand this by taking information back to the hospital. Would he investigate the fact that it wasn't only this particular young man who was in Emergency but there were a number of other people held there for some hours as well? When the young man finally was placed in a semi-private room, the other bed was empty. So the family is concerned about the fact that they had been told no beds were available, when in fact it seems as though beds were not being used, Mr. Speaker.

MR. SHERMAN: Well, Mr. Speaker, I'll investigate the honourable member's question.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN: Mr. Speaker, I'd like to direct a question to the Minister of Mines concerning reports of a couple of weeks ago that there were potentially large chromite deposits found in the Bird River area some 200 kilometres northeast, and that if they become feasible due to a new technique that this could be a substantial development. I'd like to ask the Minister whether there have been any discussions between the government and Dynamic Mining or any other large mining corporation that might be interested in that particular mine?

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

MR. CRAIK: Mr. Speaker, I will take that question as notice.

MR. DOERN: Mr. Speaker, I'd also ask the Minister whether the government has been invited or approached to participate in such a venture?

MR. CRAIK: I will take that as notice as well, Mr. Speaker.

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

MR. DOERN: Mr. Speaker, then I would also ask the Minister if he could reiterate the government's policy as to whether or not they are prepared to invest in new mining ventures as a standard policy or whether they are willing to examine projects on an item-by-item basis?

MR. CRAIK: Mr. Speaker, my understanding is that Manitoba Mineral Resources are approaching these projects on a one-by-one basis as they are presented by the private sector and there have been a fairly large number of cases where there has been an interest shown in government participation. I wonder if I could also take the opportunity to reply to a question that was placed on April 23rd by the Member for St. Vital who asked for information pertaining to the operating budget for 1981-82 year of Manitoba Hydro. Although I think this has been sent directly to the Member for St. Vital contained in the same letter of April 27th last week, I will formally reply to his question with the same information. It shows the estimated financial projections for the years 1980 to 1983 for the year end March 31st. I would add to it that this was drawn, as is indicated here at an earlier date, and that there are now some revisions to these projections because of the drought conditions that are prevailing in the water system at the present time.

MR. SPEAKER: The Honourable Member for Churchill.

MR. JAY COWAN: Mr. Speaker, my question is to the Minister of Natural Resources. On Thursday, I believe it was, the Minister indicated that he would check with his department in order to determine the status of regulations for the Churchill Wildlife Management area. My question to the Minister is to ask him if he has had time to make that check and if so, can he inform us as to the results of his enquiries?

MR. SPEAKER: The Honourable Minister for Natural Resources.

HON. HARRY J. ENNS (Lakeside): Mr. Speaker, I indicated to the honourable member on that day that I was asking the department to provide that information for him and as soon as I have it available I'd be happy to pass it on to the member.

MR. COWAN: Well, Mr. Speaker, I'd like to use this question to impress upon the Minister the sense for urgency. Can the Minister commit himself to act in the most expedient way in pursuing this matter with his department as it is fast approaching the tourist season in the area and those regulations may in fact be necessary for this upcoming year, given the experiences of the previous year?

MR. ENNS: Mr. Speaker, I'll undertake to have that information for the honourable member tomorrow.

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

MR. COWAN: I thank the Minister for that undertaking and would ask him, further to the questions on Thursday, if he can indicate if he has had an opportunity to check with his department in respect to the staffing of the Natural Resources office in Churchill. You will recall at that time I indicated that the administrative secretary or position comparable to that position had been just made vacant and therefore there were no staff at all in that office. Has he had an opportunity to check on that as well and if not, will he make a similar commitment in respect to staffing of that office.

MR. SPEAKER: The Honourable Minister of Natural Resources.

MR. ENNS: Mr. Speaker, I will have that information for the honourable member tomorrow.

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

MR. CHERNIACK: Mr. Speaker, I'd like to address a question to the Minister of Agriculture, to ask him if he would give us a progress report on his efforts to respond to the Order for Return, which he acceded to on May 16th, 1979, almost two years ago.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Mr. Speaker, as I indicated the other day, that when ready I would be prepared to bring it forward.

MR. CHERNIACK: Since the answer given is the answer that I've been given for some time, I wonder if the Minister would care to answer the question which I did ask, whether he can tell us what progress he has made, having indicated he had some difficulty with one particular feature of it, dealing with appraised values?

MR. DOWNEY: Mr. Speaker, I've dealt with that.

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

MR. CHERNIACK: Mr. Speaker, I am just wondering if the Honourable the Minister of Agriculture could inform us whether he is able to respond to all the other questions that were asked in that Order for Return and give only whatever information he is able to obtain in regard to the appraised value.

MR. DOWNEY: Mr. Speaker, I indicated that I was dealing with that and that is where it's at.

MR. SPEAKER: The Honourable Member for St. Johns with another question.

MR. CHERNIACK: Yes, Mr. Speaker, to the Honourable the First Minister, to ask him if he would care to inform us as to progress that has been made in dealing with the Order for Return, which he accepted from the Member for Fort Rouge on April 11th, 1980, over a year ago?

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, I'll check with the staff on that again. I believe I did on one previous occasion.

MR. CHERNIACK: Mr. Speaker, confirming my impression, being the same as the First Minister's, that he said he would check it and advise us, then am I to assume that he's undertaking to inform us just what progress has been made. I didn't hear his response, because of noise emanating from another part of the room.

MR. LYON: Mr. Speaker, I will check into it.

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

MR. CHERNIACK: Mr. Speaker, may I ask the Minister whether he is deliberately stating that he would check into it and deliberately not stating that he will inform the House? Is that a deliberate admission on his part?

MR. SPEAKER: The Honourable Member for Roblin.

HON. J. WALLY MCKENZIE: Mr. Speaker, I wonder if the Honourable First Minister will check into the Order of Return that I've been still waiting for since the boys opposite were the Government of the Day.

MR. SPEAKER: The Honourable First Minister.

MR. LYON: Mr. Speaker, there were a number of Orders for Return that were never answered when that administration was in office. We'll take a look at those too, yes.

MR. SPEAKER: The Honourable Member for Wellington.

MR. BRIAN CORRIN: Thank you, Mr. Speaker.

My question will be for the First Minister. It's because the Minister of Health has now left the Chamber. I would ask the First Minister, Mr. Speaker, what steps the government is taking to assure that the public interest will not be injured as a result of opted-out radiologists pre-billing their patients and I know the Minister of Health has already said that he could assure this. What I want to know is how the government is moving to assure the public safety in this regard?

MR. LYON: Mr. Speaker, I believe the record will show that question was answered before my honourable friend arrived in the House today.

MR. CORRIN: Well, actually I did hear it on the monitor, Mr. Speaker, and the Minister of Health simply said that he could assure, but he didn't say how the government could provide that assurance. I want to know what steps the government is taking to provide that assurance? How are they protecting the public? What are they doing to assure that an indigent person or a person of modest income, who does not have the money, will not go without the medical service? What is being done in this regard, Mr. Speaker?

MR. LYON: Mr. Speaker, in the event that the Minister hasn't already covered the ground, which I'm sure he has, I'll take the question as notice.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. ADAM: Thank you, Mr. Speaker.

My question is addressed to the Attorney-General and would ask the Attorney-General if he could advise what is the total cost of the report on the Committee on Liquor Control? What is the cost in this report?

MR. MERCIER: Mr. Speaker, I can't advise today of the final cost of the report.

MR. ADAM: Yes, then if the Minister does not have that information before him, I wonder if he could take the question as notice and give me an answer or give the House an answer at a later date.

MR. SPEAKER: Orders of the Day. The Honourable Attorney-General.

MR. MERCIER: Yes, Mr. Speaker, I can take the question as notice.

MR. WILLIAM JENKINS (Logan): Before moving that motion, I wonder if I might have leave to make a Committee change.

BUSINESS OF THE HOUSE COMMITTEE CHANGE

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Well, Mr. Speaker, I thought the Minister was moving Committee . . .

Mr. Speaker, I would substitute the name of the Honourable Member for The Pas, in place of the Honourable Member for Rupertsland on the Committee on Economic Development.

MR. SPEAKER: Is that agreeable? (Agreed)

ORAL QUESTIONS Cont'd

MR. SPEAKER: The Honourable Member for Churchill.

MR. COWAN: Yes, Mr. Speaker, my question is to the Minister responsible for Highways. Can the Minister indicate what the current status is in respect to the continuation of the road from Split Lake to Gillam?

MR. SPEAKER: The Honourable Minister of Highways.

HON. DON ORCHARD (Pembina): Yes, Mr. Speaker, the Split Lake to Gillam Road is a road which we intend to proceed with construction possibly later on this year. We have yet to complete some engineering studies and hopefully with the completion of those studies, we can go to contracting on Split Lake to Gillam Road possibly in August of this year.

MR. COWAN: Would the Minister be more specific, Mr. Speaker, as to actual work which has been done on the road. Has there been any clearing or any other activity taking place along the anticipated route of that road?

MR. ORCHARD: Well, I suppose I could be specific to the extent that I'm advised an engineering or a survey site line has been put through and I suppose that would take some certain amount of clearing in order to facilitate the survey crews.

In terms of clearing, if the member is referring to clearing of a right-of-way; no, to the best of my knowledge, no such clearing has taken place.

MR. SPEAKER: The Honourable Member for Churchill, with a final supplementary.

MR. COWAN: Yes, Mr. Speaker, I don't expect the Minister to have the information available with him at this time, but if he would undertake to examine that work, which has been done in respect to clearing the survey site line as to who bid on the tenders; how the tenders were put out and to come back with that information in the near future, both I and several constituents in the area would be appreciative.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. ADAM: Yes, thank you, Mr. Speaker. To the same Minister, I wonder if the Minister could advise if there are any plans to upgrade the Highway PR No. 50 from No. 16 to Amaranth, I suppose, in view of the fact that there are a number of very heavy trucks hauling out aggregate for loading at the railway track at No. 16 and 50?

MR. SPEAKER: The Honourable Minister of Highways.

MR. ORCHARD: Mr. Speaker, it's my understanding that over the past two or three construction budgets, particularly the ones that my predecessor, the Minister of Natural Resources, approved, that a considerable amount of upgrading work was completed on in the PTH No. 50.

MR. ADAM: Mr. Speaker, I had the opportunity to travel over that part of the road on Friday last and there is some serious deteriorating of that road and I presume it's because of the heavy traffic. Will the increased weight loads be allowed on that particular section of No. 50, and does the Minister expect that these increased weights on our highways will have a detrimental effect on our present road system?

MR. ORCHARD: Mr. Speaker, is the member referring to the increased weights of that particular aggregate haul that's proceeding from McCreary down to Portage la Prairie?

MR. ADAM: I was asking the Minister if there were going to be increased weights allowed on No. 50. As well, I was asking the Minister if he anticipated that there would be any deterioration of the roads throughout the province because of the result of the increased weight loads?

MR. ORCHARD: I think the member is referring to an announcement I made with the Manitoba Trucking Association over the week-end. Mr. Speaker, that increase in gross vehicle weight, which was announced at the Manitoba Trucking Association, does not exceed the allowable axle loadings and axle

group loadings that are currently in force throughout the Province of Manitoba. What that announcement does, Mr. Speaker, is allow a train vehicle, in other words, a two-trailer combination vehicle which is now limited to 110,000-pound carrying capacity, yet falls below the axle loadings of 35,000, to load those trailers where possible, and it's not always possible, Mr. Speaker, but where possible, to the allowable axle loading limits.

Mr. Speaker, on all of our highways we have either 32,000-pound axle loadings or 35,000-pound axle loadings. Those axle loadings are the recommended maximum for the particular pavement structure. In the announcement that was made on Friday we are not exceeding those axle group loadings, hence it is the opinion of the department, and I concur, that the amount of additional maintenance required should indeed be minimal by allowing the artificially set limit of 110,000 pounds to be exceeded but not exceeding the axle loadings.

Now if that is what the member is referring to, I can indicate to him that we don't anticipate that announcement on Friday causing us additional maintenance on our highways. It was, Mr. Speaker, an announcement that has some considerable implications, not only on the trucking industry but also on the consuming public, because one must remember that each and every one of us is a consumer of transportation . . .

MR. SPEAKER: Order please. I suggest the Honourable Minister make his answers fairly short and to the point.

The Honourable Member for Ste. Rose with a final supplementary.

MR. ADAM: Mr. Speaker, I thank the Minister for his elaborate response and information. I would ask the Minister if he could advise when the spring restrictions on the highways will be lifted. Are there any plans to lift it shortly?

MR. ORCHARD: Mr. Speaker, if I might answer that question this way; the road restrictions are just an exemplification of the kind of concerns the Member for Ste. Rose had in the announcement that I made on Friday, and we are going to keep the road restrictions in place for as short a period of time as is feasibly practical, bearing in mind two important considerations: First, being the damage to the riding surface of our pavement structures, and secondly, the fact that restrictions, because they lower the amount of carrying capacity in our trucks, raises the cost of delivered goods to the consumers of those goods in the Province of Manitoba. So in a complementary move with the announcement on Friday of increasing our allowable gross vehicle weights to enable the carrier to carry greater loads at hopefully a lower cost to the consuming public, we likewise, in consideration of the road restrictions, Mr. Speaker, will be removing those as soon as the pavement structures will bear their normal summertime loadings.

MR. SPEAKER: Orders of the Day. The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, I move, seconded by the Honourable Minister of Natural Resources, that

Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider of the supply to be granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee of Supply with the Honourable Member for Virden in the Chair for the Department of Northern Affairs, and the Honourable Member for Radisson in the Chair for the Department of the Attorney-General.

CONCURRENT COMMITTEES OF SUPPLY

SUPPLY — NORTHERN AFFAIRS

MR. CHAIRMAN, Morris McGregor (Virden): I call the committee to order. We're on Northern Affairs, Page 108. 3.(b).

The Member for Rupertsland.

MR. HARVEY BOSTROM: Thank you, Mr. Chairman. One of the issues I raised with the Minister when we last met, Mr. Chairman, was related to the major project at Bissett and he indicated in his discussion that he was agreeable to having the department work closely with the local officials at Bissett, the local elected officials and their planning committee, and I believe he seemed to be in agreement that the government should be involving the people as much as possible in the planning of the infrastructure that will be introduced to the community.

Since we met last, Mr. Chairman, I had the opportunity to have discussions with people who are familiar with what is happening in Bissett and there definitely is a feeling that the Department of Northern Affairs is not consulting very closely with the community, that there appears to be a feeling at least, real or imagined, that the department is working very closely with the mining company, but not at the same time, consulting with the community.

So I would bring that to the Minister's attention, and I say it for what it's worth, I believe that the same recommendation on my part would apply, and that is that the Northern Affairs Department should be vigilant in their attempt to make sure that the community is involved at each stage in the process, and that the Community Planning Committee for sure should be plugged into the process so that anything that is being done in the community, they would certainly be made aware of it, number one. Secondly, and possibly even more importantly, that they have a say in how the development takes place, so that given that there's a certain amount of money to be spent for specific service, that that money be spent in such a way as to have the greatest possible long-term benefit for the community as a whole. So I would hope that the Minister would take these comments to heart and to ensure that his department is doing that.

I don't know if he's had the opportunity or his officials have had the opportunity to check with the officials of the planning section in the Department of Municipal Affairs that are responsible for Northern Planning, but I would hope that they have been informed officially by his department that they should be looking after the interests of Bissett and that they should be working closely with Bissett as well to assist them in the planning exercise that they're going through.

MR. CHAIRMAN: The Honourable Minister.

HON. DOUG GOURLAY (Swan River): Mr. Chairman, I can report that the Chairman and Council of the Community of Bissett have been fully involved with the discussions that have taken place with respect to various meetings involving other departments of government, other agencies such as Hydro, Frontier School Division, and just last week the committee chairman, or I guess the more appropriate term, mayor of Bissett was involved in the committee meetings held here in Winnipeg last week. Municipal Affairs were also involved, and this has been going on for some three months.

Now if the committee chairman and council members are not relating this information to the people at large, that is somewhat beyond us. But certainly we have involved the committee chairman and council members in different meetings that have been held involving other departments with respect to developments that are anticipated for the area.

MR. CHAIRMAN: The Member for The Pas.

MR. RONALD McBRYDE: I just want to double check with the Minister; is that a mayor or a community council chairperson?

MR. GOURLAY: It's really a chairperson.

MR. CHAIRMAN: 3.(b) — pass; 3.(c) — the Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, on 3.(b), I wonder if the Minister could indicate to us what list of operations are included in the amount of money which is budgeted here, \$1.8 million plus. If he would have those readily at hand, perhaps he could read into the record as to the amount of money for each intended project and the locations of the same.

MR. CHAIRMAN: I just wonder if I could be assisted by the committee. Was it read that I passed 3.(b)? — (Interjection)— Yes, because I see I should have been at 3.(b)(1). I just want it to be identified. All right. (Interjection)— I think it would be right to say we're on 3.(b)(1) or 3.(b)(2).

MR. BOSTROM: Mr. Chairman, as far as I'm concerned I'm prepared we go through 3.(b)(1) and (2). My question is related to 3.(b)(3).

MR. CHAIRMAN: All right, let's get the record straight. 3.(b)(1) — pass; 3.(b)(2) — pass; 3.(b)(3) — the Honourable Minister.

MR. GOURLAY: This 3.(c) includes the various operating and maintenance — 3.(b)(3)? — (Interjection)— Operation and maintenance of the various communities.

MR. BOSTROM: It's a significant figure, Mr. Chairman, and I would like to know more precisely where the budgeted money is intended to be spent.

MR. GOURLAY: The community clerks, it's an increase of \$38.8; police constables is up by \$56,000; fire program \$89,000; water supply on operation and maintenance, up by \$26.5; night soil is

up by \$7.2; general operation and maintenance is up by \$90.2. This is not capital expenditure, I might point out.

MR. McBRIDE: Mr. Chairperson, to get a little more detail on this, what exactly is included in this item in terms of clerks? Are we talking just about the salaries for clerks, are we talking about the training for clerks, or are we talking about other clerical community clerk costs? What exactly is this item?

MR. GOURLAY: This is basically the salaries for the clerks.

MR. McBRIDE: I wonder if the Minister could tell us what kind of turnover there is in council clerks, and what kind of training is being provided for council clerks at this time?

MR. GOURLAY: I don't have the information with respect to the actual number of turnovers; I can get that information for you. The training process is an ongoing training with the clerks and Northern Affairs personnel.

MR. CHAIRMAN: 3.(b) — the Member for The Pas.

MR. McBRIDE: Yes, Mr. Chairperson, I wonder if the Minister could tell me what he means by ongoing training. If a community hires a new council clerk tomorrow then what happens to that council clerk from the department's point of view?

MR. GOURLAY: In most cases the clerks that are chosen for the position, wherever possible they try and pick those clerks that have some expertise in handling money and accounting and so forth. The ongoing training is then followed up by regular visits by the co-ordinator to that community.

MR. McBRIDE: I wonder if the Minister could indicate what a council clerk would earn.

MR. GOURLAY: Perhaps I could entertain another question while we are getting those factors. Oh well, I have it right here. The minimum for a community clerk I is \$10,054 and it goes up to \$16,130.00.

MR. CHAIRMAN: 3 — the Member for The Pas.

MR. McBRIDE: Yes, still on clerks, Mr. Chairperson, and don't rush because I have a few other categories here as well I want to ask some more questions on. In regard to clerks, how many councils do not now have a clerk, and how many councils have a full-time clerk and how many councils have a part-time clerk, and how many have those positions but are vacant at this time? And since they probably want a few more of my questions so they can dig the information out at the same time, I want to know if they are having success — the Minister indicated that they want people with certain — hopefully they have some experience already and some ability to do budgets or to deal with financial statements. I am assuming that since the title is clerks that they also need some secretarial abilities as well. I wonder how much success they are having finding people with those qualifications or how many times they have to hire people that fall quite a bit

below the qualifications and then try and train them on the job or give them additional training programs?

MR. GOURLAY: Mr. Chairman, with respect to the turnover, I understand that the turnover of community clerks has not been great; it's been a fairly stable situation. We have 24 part-time clerks; there's 11 full-time clerks; but as far as the actual turnover we would have to go back to the communities to get that information, but it hasn't been a significant amount of turnover.

MR. McBRIDE: Yes, of the 24 part-time and 11 full-time council positions, how many of those are vacant at the present time?

MR. GOURLAY: We don't think there are any at the present time.

MR. McBRIDE: Could the Minister indicate whether that number has gone up or down? Are there any changes proposed for this year in the number of clerks full or part-time and what has been the pattern over the last number of years in terms of the number of clerks full and part-time?

MR. GOURLAY: With respect to the part-time clerks, there has been some upward adjustment on the amount of time that those clerks are employed. For instance, it may go from two days to three days, or two days to four days, depending on the community and the amount of work involved.

MR. McBRIDE: With the council clerk's position, have any of the part-time become full-time and are there any new part-time people for this year?

MR. GOURLAY: It will just take a moment and maybe we can get that information. I understand that there have been two changes from part-time to full-time in the communities of Norway House and Sherridon during the past year.

MR. McBRIDE: Yes, I just want to get that straight. The community of Sherridon has a full-time clerk now; is that what the Minister said?

MR. GOURLAY: Yes.

MR. McBRIDE: I wonder what the procedure is now in terms of hiring a clerk; if a community clerk resigns and there is a new one to be hired, what is the procedure that is gone through and who does what in that hiring process?

MR. GOURLAY: Where there's a vacancy for community clerk, the local community advertise to fill that position. Just to clarify my answer to the previous question with respect to changes in clerks in Norway House and Sherridon, these were turnovers and they were full-time previously. I indicated that they were moved up from part-time to full-time, but they were changes; they had been full-time previous.

MR. CHAIRMAN: The Member for The Pas.

MR. McBRIDE: I didn't think the Minister had quite finished answering the question in terms of hiring.

Does the community council advertise, does the department advertise, and what is the actual selection of process that's involved?

MR. GOURLAY: I think the local community advertises for the position of community clerk and the council review the applications for the position in conjunction with the Northern Affairs Coordinator.

MR. McBRYDE: Since the salary range is between \$10,054 and \$16,000 something, who determines what level of classification that clerk will be at?

MR. GOURLAY: That would be based on the amount of experience and training that the applicant would have for the position.

MR. McBRYDE: How is that decision made? Who makes that decision as to exactly what category that person will fall in?

MR. GOURLAY: This is in cooperation with the community council and the co-ordinator for that council.

MR. McBRYDE: Mr. Chairperson, let's say that we had a council clerk employed at \$12,000 and that person resigns and a new one comes on, so the council is budgeted I would understand then \$12,000 for the next year, and the council the next time round, somebody just moved back to the community who is highly qualified for the position and wants \$16,000 to do the job; what is the process it goes through and what happens in that case?

MR. GOURLAY: The budget would be increased in that case to accommodate that situation.

MR. McBRYDE: That would be an automatic increase that the department would make to that community council for their budget?

MR. GOURLAY: That's right.

MR. McBRYDE: What happens in a community where they cannot find a person who has the qualifications first of all, but is not willing to work for that salary and the council recommends that we pay that person a little bit more? What happens in that situation?

MR. GOURLAY: Well, this situation could happen no doubt, but it would have to be judged on its own merit at that particular time. It isn't a situation that has come up to date, but conceivably it's a situation that could happen and it would be dealt with at that particular time. I presume that if there was a problem in getting a satisfactory clerk and that there was a dispute with respect to the amount of money being paid, that would have to be a decision arrived at between the community council and the co-ordinator.

MR. McBRYDE: Mr. Chairperson, I'm not aware of it coming up for clerks. I think it might have come up in relation to other positions that the council has sort of a joint responsibility with the department for.

What happens in a community where you don't have anyone that meets the qualifications that are set out for council clerk?

MR. GOURLAY: For a community clerk? In that case I don't know whether it's happened; I presume it is has. They find a person that might be interested in that work and provide training to that person.

MR. McBRYDE: This relates pretty directly to the question I asked earlier in terms of training, because I know initially it was quite a job to provide the kind of input and fairly expensive to assist the clerks to be trained in the early stages of the Council Clerk Program and I would just wonder if the Minister could give me some more detail in terms of what is the department now doing to ensure that clerks are fully trained. But not only that, Mr. Chairperson, even if a person has that kind of background or experience, there's still a lot of specifics related to the community council and to the Department of Northern Affairs and to dealing with the province that a person has to learn even if they have the general qualification. I wonder if I could get some detail as to the ongoing training and also the ongoing monitoring of council clerks to see when they are running into trouble, so that they can be assisted before the trouble gets out of hand, because that is also a problem that's happened in northern communities before when there's been problems with budget and expenditures, etc., because there hasn't been a person there to help somebody out when they start getting behind and into trouble and things get worse and worse, until the person has to be let go or gets into some other kind of trouble with the handling of finances?

So that training aspect and the ongoing assistance to clerks is pretty important and I think that the Minister now has had somebody put in front of him some of the answers to my questions, so I'll stop and let him answer.

MR. GOURLAY: I understand, Mr. Chairman, that this hasn't been a major problem to date, however, where a person is hired for the position as a community clerk, the co-ordinator for that area would spend much more time with that clerk, endeavouring to improve his or her understanding of the work involved with the community and it may, from time to time, mean bringing the clerk out for additional training in certain line of duty and also, where a problem may be surfacing with respect to a community and the budget, again the co-ordinator usually plans on spending more time with that clerk. More visits on a more regular basis are made and the situation is monitored quite closely by the co-ordinator to endeavour to prevent any obvious problems from developing. This is not to say you know, problems don't from time to time exist in some of the communities with respect to the budgets and work of the council, but generally the co-ordinator will observe some problems perhaps, and more time is spent with that cleric and council.

MR. McBRYDE: Mr. Chairperson, beside the regular co-ordinator visits in which the co-ordinator would be dealing with council as well as the clerk and other programs that are going on in the community, I wonder if the Minister could indicate how much has been specifically budgeted for clerk training in cases where the clerk might have to be brought out for some additional training; where there would be specific training packages provided to community or council clerks?

MR. GOURLAY: We don't have specific training packages budgeted or listed but this would be included under Other Expenditures; under 3 (b)(2).

MR. McBRIDE: Well, Mr. Chairman, if the Other Expenditures include training packages, then how much is included in Other Expenditures for training?

MR. GOURLAY: As I indicated, we don't have any training packages listed or included as such. However, if it arises where something like this has to be put into place, that would be covered under Other Expenditures.

MR. McBRIDE: Mr. Chairman, with your indulgence, maybe the Minister could just pop back to Other Expenditures for a moment then, because I would imagine that \$134,100, if I read it correctly, that that item is probably already outlined in his Budget book, that is, each cent of that is assigned somewhere or other. I wonder then if he could tell me exactly where those dollars and cents are assigned at this time? What's the planned use of those funds right now?

MR. GOURLAY: I'll have to make a slight correction, Mr. Chairman. The Other Expenditures referred to in the case of training of community clerks would come under Other Expenditures shown under 3 (a)(l)(b). That is Other Expenditures in relation to the co-ordinator's role and that's where that program would be picked up, under that area.

MR. McBRIDE: Yes, I wonder if the Minister could indicate then, since that's where it is rather than where he said, has there been specific dollars within that item that are allocated for training and upgrading of council clerks?

MR. GOURLAY: No, Mr. Chairman, there hasn't been any specific amount of money budgeted for that but that's where it would be shown if in fact there was some need to have that kind of expenditure.

MR. McBRIDE: What I hear the Minister is saying then is that under Item 1.(a)(b) that there's some flexibility and a little bit of extra money in there so that if training is necessary in the up-coming year, that's where it'll come from. Is that correct?

MR. GOURLAY: It's not a problem that has surfaced in recent times, however, that's true. That's where the extra money would have to be found, in that section to cover that.

MR. McBRIDE: Could the Minister clarify that? Is he saying that within the last year, for example, last fiscal year, that there was no money necessary for training and upgrading council clerks?

MR. GOURLAY: What I'm saying is we did not feel it necessary to bring out the community clerks for training outside of the communities. In most cases, practically all of the cases I guess, the clerks are women in the community and they prefer to not have to go out of the community because in most cases they have families, and apparently this has not been a practice in recent times to take them out of the

community for further training, but it's a possibility that could exist.

MR. McBRIDE: Mr. Chairperson, am I to take it then that the co-ordinator would basically be the sole person giving instruction and assistance to the clerks?

MR. GOURLAY: That's correct. The co-ordinator would supply the training.

MR. McBRIDE: There is no other person within the department that would travel out specifically to assist community clerks in their preparation, their operation then?

MR. GOURLAY: I understand too, that it's a possibility that other people from the department could give some assistance to the clerks. This hasn't happened to any great extent, I'm advised, but what does happen, the clerks may be out of the area on other business from time to time, and are given some additional training perhaps in Thompson office or wherever, maybe in Dauphin, or Selkirk, depending on the community involved. This doesn't happen often but it has been a situation in the past where the clerk may be out on other matters as well. It depends on how isolated the community might be and so forth.

MR. McBRIDE: Under this item then, is there a specific budgeted amount for travel by clerks if they're coming out for other council business, if the council is meeting with somebody else or comes to the nearest urban centre? Are there funds for clerks to travel with?

MR. GOURLAY: Yes, the council funds would have leeway there to provide expenditure for that purpose.

MR. McBRIDE: Yes, how much is budgeted and where, for council and clerk and other staff travel?

MR. GOURLAY: This would vary from one community to another. It would be part of that individual community's budget. I couldn't very well tell you that here but it would be an item that would be included in the various communities budgets.

MR. McBRIDE: Where specifically in this book, since those moneys come from the government, would that be?

MR. GOURLAY: That would be shown under Community current funding under 3.(b)(3).

MR. McBRIDE: So since most of the communities are operating and I think that's the way it should be on various tight and strict budgets, and if the community wanted the clerk to receive further training or further instruction that were beyond the amount that the coordinator could provide on his or her regular visits to that community, then the community would have to find a way to find those funds within their community budget then. Is that correct?

MR. GOURLAY: If the money was not available through the community budgets then the department would make provision for that expenditure.

MR. McBRYDE: So a community then in this case could sort of make a special request to the department or to the coordinator saying that we need some additional training for our clerk, we don't have enough money in our budget and we want to put in a special request for that?

MR. GOURLAY: That's right. As I say, it's not an area that has come up to any extent in the past but certainly if the communities feel that their clerks require more training and the clerk is interested in doing some upgrading, funding would be made available in these cases.

MR. McBRYDE: That says to me that overall, Mr. Chairperson, — I just want to make sure my perception is correct here — that overall the community council is given a budget which is negotiated or talked about or the province decides how much money they have and assigns so much to that particular community and then there are still some other funds within the department that if special needs arise in a community or situations arise in the community, there is some flexibility within the department's budget to handle those kinds of situations. Would that be a correct understanding?

MR. GOURLAY: Yes, this is correct.

MR. McBRYDE: I can understand, Mr. Chairperson, the need for that kind of flexibility. I suppose it makes me a little bit leery in some ways. I suppose one of my overall perceptions of what is happening to the department is that it's become very bureaucracy oriented or very bureaucratized or whatever you want to call it, that is more centralized, with people trying to maintain authority and responsibility, civil servants as opposed to the councils. It's a general perception in my travels around the north that seems to be taking place.

The other aspect that worries me is that I have seen this Minister's and this government's attitude and approach for example when somebody raises a fuss, when somebody is unhappy with how this government is operating in terms of how it relates to a specific group of people. I guess that flexibility then also makes me be a little bit concerned because if the Minister is willing to cut off funding for example to the Manitoba Metis Federation because they involved themselves in a political demonstration, then I think that the tendency would be there within the whole department including the Minister to be a little bit more generous with these extra funds to communities that were co-operative and with communities that never complained about what was happening with the Department of Northern Affairs.

So a community like South Indian Lake that has experienced some control over their own affairs and demands that to take place in the future and is very unhappy with the way they are being administered to or administered over, that they probably wouldn't be able to get access to any sort of these additional services or additional dollars because they would probably have made somebody within the department quite unhappy by saying publicly, voicing their displeasure. So I guess that's one concern I would have with the flexibility in the hands of this government, this Minister, and the department as it is now being required to function.

The other questions and very specific question to the Minister in terms of the council clerks is that, is it clear who is the boss of the council clerks? If I am council clerk hired, who do I have to please in order to keep my job and who will fire me if I am not doing a good job?

MR. GOURLAY: This would be the responsibility of the council and to address some earlier questions with respect to the MMF core funding, I might point out that the money that had been budgeted for the MMF last year was used to supply gravel stockpiling for South Indian Lake and also Gods Lake.

MR. McBRYDE: That's very interesting, Mr. Chairman, it doesn't take anything away from what I said about my concern. Going on to the next part of this item, as I understand it from the Minister, was the police community constable program. I wonder if the Minister could give me some indication of how many community constables there are, how many are full-time, how many are part-time, what is the salary of a community constable, what kind of other expenditures are there related to a community constable, how much is in the total budget besides the salary of the community constable?

MR. GOURLAY: With respect to the number of constables, I understand that we have 17 communities that have full-time constables, none of the communities have part-time constables; they are all full-time positions. There is a total of 17 communities.

With respect to the wage rates and those other questions, I should have that information shortly.

MR. McBRYDE: While the department staff is looking up those answers, Mr. Chairperson, I wonder if the Minister could indicate, has 17 been a pretty constant number over the last number of years, or is there an increase or a reduction, and is there any proposed increase for this year under that item?

MR. GOURLAY: We went up one last year, and Norway House was included to bring it up to 17. The pay scale for constables — they start at \$11,520 and that goes up in 5 steps to \$17,049.00.

Could you just repeat the other questions you asked?

MR. McBRYDE: I'm trying to remember the other questions that I was waiting to be answered. I think one was the Other Expenditures, if there's a salary expenditure how much is there for Other costs that a constable would incur?

MR. GOURLAY: In the Constable Program?

MR. McBRYDE: Yes.

MR. GOURLAY: We have budgeted \$290,500 for Salaries and Other Expenditures. We don't have that broken down here. That breakdown appears in the community budgets I understand.

MR. McBRYDE: I wonder if you have the information there in terms of what council would normally budget beyond salaries. What other items would normally be covered by council in terms of the operation of the Community Constable Program?

MR. GOURLAY: Travel, uniforms, some specialized equipment that a constable would normally use.

MR. McBRYDE: Is there normally a mileage for private use of vehicle, is that what travel means in that case?

MR. GOURLAY: That's correct.

MR. McBRYDE: I wonder if the Minister could tell me what is the existing training program. I think we better start from the first. If the community has to get a new constable soon, what is the process for hiring a new constable, and what is the training program offered to that new constable at this time?

MR. GOURLAY: The hiring and advertising is done in conjunction with the Manitoba Police Commission.

MR. McBRYDE: The other part of the question was what training would a new constable receive, how and where, and how much has he got budgeted for training?

MR. GOURLAY: Mr. Chairman, this is also handled by the Manitoba Police Commission.

MR. McBRYDE: Mr. Chairman, while we're on the item of community constables, could the Minister outline what is done now in terms of training of community constables?

MR. GOURLAY: The Manitoba Police Commission have a training program held at Gimli for the training of community constables, and then when they're on the job there is an inservice training in conjunction with the RCMP.

MR. McBRYDE: I wonder if the Minister has any more details there, like, community X needs a constable and has a new constable starting next week. Does that constable come out for specific training before he starts, or does he or she have to wait until a certain month? Do they offer the training program once a year for a week or once a year for two days? How does the training of a new constable take place?

MR. GOURLAY: Well, it would depend on the individual. He may have completed the Police Commission Training Program at Gimli, comes out to the community, probably would not require any further training at that point in time, but I understand that the RCMP provide some inservice training to the community constables when they're in place. This is from time to time.

I might point out that approved expenses are paid in accordance with prevailing government rates, mileage and those types of expenses involved with the operation of the vehicle and meals and lodging and that sort of thing.

MR. McBRYDE: I'm still not quite clear how the Police Commission training — is the school once a year, and how long is that particular training course?

MR. GOURLAY: It's an ongoing type of program where they also train band constables for the reservations. Apparently the course is run for two to

three weeks and a number of those are held throughout the year.

MR. McBRYDE: I wonder if the Minister could just tell me what is happening at present. Are all the community constable positions filled, and more importantly, since there is a real problem in a number of communities in terms of delinquency, crime, vandalism, etc., how is it going right now? What's happening in the communities? Are there any communities that are having a real problem?

Another part of it is, are there any communities that are having trouble keeping a constable because it's such a difficult job nobody wants to take the job? If he could give me a general summary of where things are at at this time.

MR. GOURLAY: Right now there's one vacancy at Barrows for a community constable. We're not aware of any serious problems where the communities are having difficulty in keeping the constable's position filled. The situation at Barrows, I understand that is being addressed, the vacancy is being advertised and hopefully this will be filled shortly.

MR. McBRYDE: I wonder if the staff of the Minister are aware in terms of the 17 community constables now, how many would be people that were originally resident in that community, and how many of those they brought in from other communities, and whether there's been any experience, whether it's better to hire someone who's been a long time resident there or whether it's been better to bring in somebody from outside. What has been the experience?

MR. GOURLAY: Apparently we don't have a breakdown as to the various 17 full-time constable positions, whether most or them are from that community or whether they've been brought in from some other area. In most cases, I'm advised that the constables find it very difficult to work in their own communities, so I would expect that the majority of them are constables in another community, from which they have been raised or familiar with.

MR. McBRYDE: Since housing is a problem in remote communities, is there sort of a special arrangement made or is the Minister aware of what happens when the community has to bring in a constable and find him or her and his family a place to live?

MR. GOURLAY: Apparently the accommodation for the constable in the various communities has not been a problem. We don't provide accommodation, it's something that's worked out by the individual coming in to take that work on and apparently, I'm advised that it hasn't been a problem that's surfaced, to the department at least.

MR. McBRYDE: How is the evaluation done of a constable? Who sort of reviews how they're functioning and again, who is the actual boss and who's the one that would fire a constable if they're not satisfied?

MR. GOURLAY: I understand that the community council would be in charge of the hiring and firing situation, but they would keep in close liaison with

the Manitoba Police Commission, with respect to their local constables.

MR. CHAIRMAN: 3.(b)(3) — The Member for The Pas.

MR. McBRYDE: I was hesitant because it looked like the Minister was getting some more information that he was going to pass on, but apparently not.

MR. GOURLAY: Ehere the Council members may be involved as a result of breach or some act and were picked up by the local constable, the Police Commissioners are kept closely informed on these types of situations, where it could be a kind of a dicey situation where maybe the council member or mayor, you know, may wish to take drastic action and this would be handled very closely in conjunction with the Police Commission.

MR. McBRYDE: The Member for The Pas is now speaking and he's asking this question of the Minister: If in fact there was a suspicion of injustice or if a constable got fired and wrote a letter to the Minister and said, the reason I got fired is because I arrested the Mayor on such and such a date, for doing such and such and that's the only reason I can figure out why I got fired; then what would be the procedure, like who would review that case and that situation?

MR. GOURLAY: There could be a hearing set to review or adopt the procedures consistent with The Provincial Police Act.

MR. McBRYDE: That would be the same sort of review that would be available to any constable, type of police constable, in the Province of Manitoba. Is that correct?

MR. GOURLAY: The procedure would be the same, yes.

MR. McBRYDE: Administratively, is there a person in the department that oversees the Community Constable Program especially, or is it one other item that the co-ordinator deals with or both?

MR. GOURLAY: Yes, Mr. Hank Light oversees that program, being a former RCMP officer.

MR. McBRYDE: I think under this item, the next specific that the Minister mentioned was water supply was contained in here and I just wonder if he's talking about the maintenance of a water supply system or a staff person to look after the water supply. What specifically is included under water supply, under Item (b)(3)?

MR. GOURLAY: This would be the general operation of the water supply. The heat, the chlorine testing; those sorts of operations.

MR. McBRYDE: Then what is the specific dollar amount within this item for water supply?

MR. GOURLAY: \$193.2 thousand.

MR. McBRYDE: Is this an increase in water supply amount or decrease in water supply amount?

MR. GOURLAY: Sorry on that; I said \$193.2 thousand. It's \$223.3 and that is an increase of \$26.5 thousand over the previous year.

MR. McBRYDE: What is the current situation in terms of maintenance? Is there a person hired on a part-time basis in each community to keep an eye out for that and to make sure the chlorine is going in and to see if it's freezing and to make sure the heat's on and whatever else has to be done with the water supply?

MR. GOURLAY: Yes, that's exactly how it works.

MR. McBRYDE: Would the Minister be aware of how many person hours of work is involved in that and whether that item has gone up or down in the last number of years in terms of a maintenance person per se.

MR. GOURLAY: The program works out to two hours per day per system.

MR. McBRYDE: I wonder if the Minister — I don't know how far back he would have figures. I'm not sure if the same staff would have been involved in the past, whether that's sort of a level of maintenance that has been always in place or is it an increase or a decrease.

MR. GOURLAY: Just bear with me for a moment. Mr. Chairman, there has been increased hours in some of the systems and there have been some four or five new systems as well.

MR. McBRYDE: It makes sense, Mr. Chairperson, because if there's a new system, you need some more staff. I guess one of the reasons for asking that question, is that one of the items that the Minister dug up to use in his excuse for problems that he was having, were problems that were previously existing and I can recall back before this Minister was responsible, trying to find out why there were problems with the water supply system and one of the reasons I got from former staff and from other people up north, was that one of the reasons is because that the maintenance had been reduced and therefore there was bound to be more problems with the water system itself, because of the reduction in maintenance. In fact in a couple of communities, there was a real problem, because it didn't appear that there was any maintenance being done, so they were bound to run into problems with the system they had in place.

The other item that the Minister mentioned under this item was night soil and I think if my recollection is correct that it basically applies to the communities of Easterville and Grand Rapids and is related to the — it's called the Grand Rapids Forebay Agreement where those communities were given special additional assistance even before there was a Department of Northern Affairs to assist with night-soil removal because of Manitoba Hydro Project which caused relocation of their communities or movement of some of the houses within their communities.

It's also my recollection that that program applied equally because of the Forebay Agreement to the reserves and to the non-treaty communities or the

community councils; that is, there is amounts set aside for the band council to do their night-soil removal, amounts set aside for the community council to do theirs, as per an agreement of some years ago that was reached between the province, Hydro, and the communities concerned.

It is my understanding that this government has cut out the amount set aside for the reserves, that they no longer provide assistance to reserves in those two communities. So my question is, then, No. 1, does the night-soil program only apply to those two communities because it was an established program under the Forebay Agreement, has it been cut to the reserves in those two communities, and how much money was saved by cutting that program to the reserves and if the Minister could explain the increase that he said that there was for this item, or give us the exact dollar item and tell us what the increase is for this year?

MR. DEPUTY CHAIRMAN, Arnold Brown (Rhineland): The Honourable Minister.

MR. GOURLAY: Mr. Chairman, this service was discontinued a couple of years ago to, I believe, the Moose Lake, Grand Rapids and Easterville, and this was discontinued with the understanding that Indian Affairs was taking on that responsibility. I understand that the Department of Indian Affairs do provide the night-soil service to those band communities. The figure you wanted was the amount of cost involved in servicing those communities?

MR. McBRYDE: Both, Mr. Chairperson. How many dollars were cut off for reserves, and then secondly, what is the nature of the increase for this year for this; how many dollars are in it for this year and what is the nature of the increase?

MR. GOURLAY: Mr. Chairman, we'll get the figure with respect to the cost in servicing those communities. With respect to the increase this year it's up \$7,200 from last year.

MR. McBRYDE: Yes, Mr. Chairperson, that would be wages or cost of gas to run the tractor to do the pickup?

MR. GOURLAY: Basically this is for wages.

MR. McBRYDE: I think the next item the Minister mentioned under this specific item was General. Could he define General and how much money is General and what is General?

MR. GOURLAY: The total for Operation and Maintenance, \$711,200, up 90.2 from the previous year.

MR. McBRYDE: I thought there was another item before Operation and Maintenance but since the Minister went to Operation and Maintenance, what is the 700 — what exactly is the dollars, could he give me that figure again?

MR. GOURLAY: The actual amount?

MR. McBRYDE: Yes.

MR. GOURLAY: \$711,200.00. That's up 90.2. The year previous it was \$621,000.00.

MR. McBRYDE: What is it going to be used for?

MR. GOURLAY: That funding provides for the regular operation and maintenance expenses associated with Public Works and examples given are internal roads, garbage dumps, building maintenance, recreation facilities, equipment, etc.

MR. McBRYDE: How is this figure arrived at? How does the Minister get to this figure and how does each council get its amount of this? How is that decision made as to a community X will get so many dollars in its budget under this section?

MR. GOURLAY: Each community submits an operating budget and this is reviewed by departmental staff and specific figures are allocated to each community.

MR. McBRYDE: The increase in this section, does that mean because there is more to be operated and maintained now, or is there some additional level of maintenance going to be provided, or what's happening?

MR. GOURLAY: Yes, there would be more roads involved, more community facilities, and the normal inflationary increase as well.

MR. McBRYDE: What happens if the community garbage dump, the Clean Environment Commission comes along and says that community garbage dump is not being operated properly and that council is required to spend another \$17,000 to fix their facility up. What would happen in the case of that council?

MR. GOURLAY: The community, in co-operation with the co-ordinator or community works people, would have to look at the situation. If it's an emergency situation and something has to be done right away, then this is one area that would have to be addressed to look at that. Otherwise, if it's a problem that doesn't have an emergency aspect to it, then perhaps it can be looked at over the next year or two and provision made in the Budget to address that problem over a period of time.

MR. McBRYDE: What is the flexibility now within the council budget, let's say the council of Community A has so much for road maintenance, so much for garbage disposal, so much for whatever else, and then they find that they can save a little bit on garbage disposal and want to put it into roads, what is the process now and what kind of flexibility does the council have in terms of that budget?

MR. GOURLAY: The communities are allowed to shift their conditional budget items.

MR. McBRYDE: These ones would be called conditional budget items?

MR. GOURLAY: These would be unconditional.

MR. McBRYDE: Unconditional budget items. Okay. In terms of — are there persons, are there salaries under this item? Is there Public Works people in some of the communities that would be included under this item?

MR. GOURLAY: Yes, there would be in the case of a truck driver or the like.

MR. McBRYDE: My recollection of meeting with South Indian Lake was — or maybe it was in the paper, I'm trying to remember which source I got it from now, but anyway, a recollection that they have a town foreman there, and that one of the disputes that they had with the department was over the salary that they wanted to pay their Public Works person, who in my experience having been in the community a number of times, that particular individual had been there a long time, was able to do all kinds of things which saved the community and the department money, because as the Minister mentioned in his reply to one of my colleagues the other day that South Indian Lake has a fairly sophisticated water supply system and water treatment system and some other facilities that are quite sophisticated.

MR. DEPUTY CHAIRMAN: The hour being 4:30, Committee rise.

SUPPLY — ATTORNEY-GENERAL

MR. DEPUTY CHAIRMAN, J. Wally McKenzie (Roblin): Resolution No. 18, Boards and Commissions, 3.(a)(1) — pass.
The Honourable Member for Fort Rouge.

MS. WESTBURY: I have a question to the Minister, Mr. Chairperson. In October 1980 the Minister was quoted as saying that he intended to propose reforms in the Legislature in the wake of a Manitoba Law Reform Commission Report which says an aura of uncertainty surrounds current liability laws. I wonder if the Minister can tell us when we can expect to receive the reforms that he is proposing. I don't think anything has come to us yet. I don't think he remembers anything about it.

MR. DEPUTY CHAIRMAN: The Honourable Member for Elmwood. The Honourable Member for Wellington.

MR. CORRIN: I'm sorry, I thought you'd recognized the Member for Elmwood, I am sorry, Mr. Chairman. Mr. Chairman, I believe we are dealing with the Manitoba Law Reform Commission for those of my colleagues who are asking what are we on. At last day, just prior to our recess for the week-end, we were talking about the Law Society Reimbursement Fund and the obligation thereunder and I believe the Attorney-General had advised us that he thought the Supreme Court of Canada had the matter before them. I believe he can now inform us in that respect.

MR. MERCIER: I am advised that counsel for the aggrieved party have indicated that he will be making application for leave to appeal the judgement from the Manitoba Court of Appeal to the Supreme Court of Canada.

Mr. Chairman, the Member for Fort Rouge is not here; I was going to answer her question.

MR. DEPUTY CHAIRMAN: 3.(1)(a) — pass — the Honourable Member for Wellington.

MR. CORRIN: Yes, I was just wondering, I don't want the Attorney-General to comment on a case that even may be going to the Supreme Court of Canada although I know of no stricture against such comment, a restriction with respect to such comment.

Mr. Chairman, I would ask him to comment as to whether he believes that the Law Society should be required to provide . . . well, whether he believes that the government by virtue of the implementation of policy should require the Law Society to provide on a strict basis a reimbursement fund from which funds must be dispersed.

MR. MERCIER: Mr. Chairman, in view of the information I've received that this matter will be appealed to the Supreme Court of Canada, I would prefer not to make any further comment about this case at this time until it's heard and a judgment has been rendered.

MR. DEPUTY CHAIRMAN: (a)(1) — pass — the Honourable Member for Wellington.

MR. CORRIN: I am not asking the member to talk about this case at all. If he wishes he can expunge all the information his memory retains with respect to this matter; he can wipe his mental slate clean. The question simply is, does he believe that the Law Society should have any discretion vested in its officers with respect to payment out of moneys from such a fund? I am not asking him to comment on the existing legislation or the facts of this case. I am asking him if the world were ideal, if the government were in effect to have a policy in this regard, what would that policy be?

MR. MERCIER: Mr. Chairman, if the world were ideal we would not have to be here. I think it's impossible to comment on the member's question without infringing upon the issue to be heard by the Supreme Court of Canada.

While I am on my feet, Mr. Chairman, I would attempt to answer the question from the Member for Fort Rouge. If she was talking about the report on occupiers liability, which she indicates she was, Mr. Chairman, I would expect that the next Session of the Legislature will be dealing with a bill with respect to that matter. I had given some instructions to legislative counsel to prepare a preliminary draft and my understanding is that there is to be some further discussion at the Uniformity Law Conference this August with respect to this matter so I would expect a bill to be before the next Session of the Legislature.

MR. CORRIN: Yes, I suppose the member is not hearing what I am saying. I don't know whether that's deliberate evasion of the question or whether or not I haven't put it as aptly as I might in order to make it understood, Mr. Chairman. I don't wish to be repetitive but I'll try and rephrase it in such a way that the member might be able to respond to it.

The question is, Mr. Chairman, and I would assume that the Minister forgot about the legislation, forgot about any existing legislation, any existing case, start from a clean slate, go back a few years if he would when there was no such requirement on the Law Society and just deal with it from square

zero, from ground zero. I am saying that there is an interest amongst members of the consuming public, those who will from time to time make use of the services of members of the legal profession, to have some protection in order that lawyers who default or act in irresponsible and unethical ways whose . . . I said I was going to do it properly, I'm not. I think there is a demand within the public domain that assures members of the consuming public that there be some sort of fund that will indemnify claimants, members of the public, who suffer losses as a result of lawyers who breach trust, that is to say lawyers who defalcate with trust funds or deal with trust funds in such a way as to behave in a professionally unethical manner.

Now I am distinguishing, Mr. Chairman, from situations where lawyers are — if merely negligent — in other words we are not talking about professionally negligent lawyers, we are talking about lawyers who breach trust, a distinct category. I am asking the Minister to wipe his mental slate clean, and I am asking him whether the government, or whether he as a Minister of the government feels as a matter of public policy that there should be some sort of legislation to provide for the protection of persons dealing with such lawyers, these unethical lawyers who are more than just incompetent but rather unprofessional in that they have defaulted with clients trust funds. We'll go square by square, point by point. Does he believe that there should be legislation to deal with those types of lawyers and the interest of members of the consuming public?

MR. MERCIER: Mr. Chairman, you can't wipe the slate clean. There is legislation, there have been cases, there has been a decision of the Court of Appeal. It's been appealed to the Supreme Court of Canada, and I've indicated, and it will be my last answer in this area, Mr. Chairman, that I am not going to comment any further until the Supreme Court of Canada has heard this case and made a decision.

MR. CORRIN: Mr. Chairman, we are not talking — I have to reinforce — we are not talking about a matter of a particular case. I do not wish to talk about the legislation that currently exists in the Province of Manitoba with which I am dissatisfied anyway, so from my standpoint I would like to discuss purely the matter of public interest and public policy and that I believe is the whole reason that politicians gather here on an annual basis to discuss departmental estimates. I want to talk about how we as legislators can act to protect members of the consuming public who deal with lawyers.

Now I don't know why the Minister has so much difficulty with it. We are both lawyers. We are both, I think, more than idly and incidently familiar with matters that involve relations between the public and our profession and I am simply asking the Minister responsible for the affairs of this profession to participate and join in a debate dealing with a general policy area.

It is very important, Mr. Chairman, you know, every year, — I hope the Law Society doesn't wrap my knuckles, Mr. Chairman, but every year we have cases reported in the newspapers of lawyers who are sent off to jail, and I think the Member for Inkster made the point that in many of these cases these

lawyers are not even acting with respect to their breach of trust, they're not even acting as lawyers.

He made the point that he doesn't see why he as a lawyer should be asked to subsidize individual defaulting lawyers and indemnify members of the consuming public for professional activities that are not even related to law. He made the point, I think, that most of the cases he knew of involved breach of trust funds with respect to things like mortgage broking and we were discussing in particular, and here I have to be very careful or the Attorney-General will jump on me because I am going to refer to that case that he thinks may go to the Supreme Court. It involved a lawyer who was blending a client's trust funds with his own mortgage investments. As I understood it, he was in effect borrowing money from his client in order to place them against his own property.

So, Mr. Chairman, the problem seems to be that there are lawyers who like to become involved in business. They like to go well beyond the normal terms of reference of the profession; take advantage of their special, I suppose, experience and professional opportunities in order to have avenue and access to other means of income, supplementary presumably means of income, and this is causing a real problem for lawyers who do not wish to do this, who are required as things now are to voluntarily contribute to reimbursement fund and it's also providing special problems for members of the public because when one of these transactions goes sour, there is no mandatory liability insurance from which the member of the public can assure himself indemnity.

I said I was not going to talk about the present situation, but as things are presently, Mr. Chairman, it's up to the Law Society to decide on its own volition whether or not any particular member of the public will be indemnified. In this particular case they decided that the lady lender would not be. They said that it wasn't a proper case. What I want to know is whether the Attorney-General agrees with me that's it time that there be an independent body established by legislation in order to review these cases and in order to assure that certain minimum insurance protection be afforded members of the consuming public.

You see, I would like to know that a lady such as this, if she dealt with a lawyer, somebody who is held out by a self-governing profession, a profession that has the capacity by legislation to admit and disbar members, that this lady would be protected, because after all, isn't it really the responsibility of the Law Society and the members of the Law Society to assure that no such bad apples exist. So, then, when she goes to a lawyer who says, "I know a good investment. And, madam, why don't you invest your money with me?" And, the lawyer decides to play investment broker and consultant, and there are losses sustained, particularly when the case involves losses as a result of investment in his own holdings, that there be some sort of objective review of the situation, not by the members who contribute to the fund, the lawyers, but by perhaps members of the public appointed by government to protect the consuming public, in order to determine whether the individual customer or client should be the subject of indemnity.

Now, if there's some basic deficiency in my argument, I would like to be advised of it. I would enjoy the opportunity to participate in a discussion about that. But, I really think, given the fact that these matters are occurring; given the fact that they're being reported on a fairly regular basis, year to year, in the press; given the fact that both the Attorney-General and I both know the number, for instance, of these sorts of cases that have occurred even just this past year. I can say, now, that I have, I believe, four classmates from the Graduating Class of 1970, four classmates who have been disbarred for this sort of activity. That's incredible. My class graduated roughly 75 members. Now, in the space of one decade, four of the people in my graduating class have already been subject to disbarment. I believe that at least two of those people have found their way to Stony Mountain Penitentiary and two others have major cases before the civil courts and probably might become the subject of criminal prosecution.

So, we're not talking about a hypothetical sort of situation or a hypothetical problem in this respect. It's a very real one. I'm just thinking in my own mind that last month, I can think of two lawyers who were put on the list, suspended from practice for breach of trust funds, and I want to say that I laud the Law Society. In this regard, the Law Society is to be commended because the Law Society is scrupulous in this respect, and they're quite efficient. They have set up a proper mechanism to deal with this problem.

So, in this respect, there's no criticism. My problem is that I feel that the Law Society is doing what it has to in order to protect the public in the absence of proper legislative guidelines. So, the Law Society, as I understand it, has voluntarily set up the Reimbursement Fund and I believe it's virtually, it's an open-ended sort of situation that they are more or less been forthcoming in establishing the system that they have and they are presumably doing their best to patrol it. But, you know, my problem is that it just doesn't seem right that the people who are paying the premiums, as it were, the people who are contributing to the fund should also be the ones who are making decisions and determinations as to when the payments should go out.

It seems to me that the government is putting lawyers in a bit of a conflict of interest, because it's really requiring it to do something that is essentially contrary to its own personal interest, and if you have to be elected as a bencher every year, and I'll put it on a much more practical grounds. If you're a practitioner having to be elected annually from amongst the membership of the profession, and that's how the Law Society's governing body is elected each year, and one of the issues during the year is the large number of payments made out of the Reimbursement Fund, and this becomes a topical matter during the course of the "Election Campaign". And, let me tell you that there are . . . I've received phone calls from people saying, "Please, support me. Vote for me, because I believe in X, Y and Z and so and so that, you know, from my district or whatever, doesn't, and I think my philosophy and approaches are more like yours, so, vote for me."

You know, it seems to me that we're putting these people in a invidious position. It would be far easier

for them to not have to deal with those sorts of problems and to have to weigh their political as against their professional interest. But, you know, that's what we're doing, Mr. Chairman, by neglecting the need to provide some comprehensive legislative reform. So, I'm asking the Attorney-General to create a situation where there's not unfettered discretion vested in the governing profession. I'm asking him to create some sort of review body.

By the way, it just occurred to me, looking at the Member for St. Johns, that he chaired a working group a number of years ago that made some comprehensive recommendations on this whole subject of professional relations and I know that the government, because he's been asking questions, reported just before the last government went out of office. I know that the present Government is considering the legislation as it effects various professions including law. So it's really nothing novel; it's nothing that hasn't been with government for years, certainly since about 1976, in terms of the recommendations that were made in that report. I don't see why now after five years the Government can't come to some sort of policy position and say, "We think we should go this way with respect to public protection." So, I'm asking the Attorney-General if he can advise what his personal, what his Government's and his personal position is in this regard?

MR. MERCIER: Mr. Chairman, since this matter is to be appealed to the Supreme Court of Canada it may very well be that there could be a requirement upon the Law Society to reimburse a client in the position of the case that was just determined by the Court of Appeal. Again, until that matter is adjudicated and decided upon I think it would be premature to discuss it here.

MR. CHAIRMAN: The Honourable Member for St. Johns.

MR. CHERNIACK: Mr. Chairman, as a preliminary, and we've learned you have to raise a matter of privilege as soon as it occurs, I'm wondering if the Members of the front bench on the Government side also received upside down copies of the Liquor Control Commission Report?

MR. MERCIER: Mr. Chairman, and they, too, have raised a matter of privilege with me, privately, Mr. Chairman. I take it in the haste to have this printed and available to the Members of the Legislature that has occurred to a number of members on this side and I apologize to members on both sides.

MR. CHERNIACK: Mr. Chairman, in view of the obvious lack of discrimination, in terms of the front bench, I point out to him that he still discriminated between Members of the backbenches who did receive a proper report. —(Interjection)— I see. Well then, I would urge him not to repeat a Manitoba Hydro destruction of reports and replacement but just to limit them and if necessary not to go to the trouble of reporting it and I'll be glad to hang onto my upside down copy which may become a very valuable document as showing the Conservative approach to problems of government.

Dealing more specifically with Law Reform Commission, Mr. Chairman, I'd like to ask the

Minister what procedure he follows, if indeed he has a regular procedure, after receipt of a recommendation from the Law Reform Commission?

MR. MERCIER: Mr. Chairman, that procedure re Publication of Reports is set out on Pages 13 and 14 of the Law Commission Report where they indicate, "We've agreed not to release reports until 30 days after submission or when printed copies are available whichever is the later unless the report is earlier released by the Attorney-General".

MR. CHERNIACK: I'm sorry, Mr. Chairman, that wasn't clear. I wasn't asking as to what happens with the publication report; I'm asking what procedure is followed in Government upon receipt of report. I mean further on, reviewing it and acting upon it or otherwise, whether there's a formal approach by the Minister or other Ministers; whether decisions are made to proceed or not to proceed; if there's a follow-up after the report is distributed to the respective Ministers involved?

MR. MERCIER: Well, Mr. Chairman, the bulk of the reports generally involve me because it's a matter of general legislation. If the report is one that effects another department or another department has a first line involvement in the matter then I do send it to the other department for its consideration and recommendations in the normal legislative process.

MR. CHERNIACK: Specifically, Mr. Chairman, I want to refer to a report dated October 19th, 1979, dealing with the Manitoba Law Reform Commission's report on Enforcement of Revenue Statutes which concludes with a one sentence paragraph which I'll quote: "Mr. Mercier said he intends to consider carefully the Commission's recommendations and to consult with Finance Minister, Donald Craik, about the preparation of amendments to current legislation." I'd like to ask the Honourable Minister what actually he did as a result of the receipt of this report?

MR. MERCIER: Mr. Chairman, I sent that report to the Finance Minister and have not received any comments on it.

MR. CHERNIACK: Mr. Chairman, I want to criticize the Minister for doing only that. He said, he sent it to the Minister of Finance and he's not received any comments. But, I would point out to the Honourable Minister that the questions raised and the recommendations of the Law Reform Commission deal with what was considered by the Commission to be powers given in the Legislation to the Department of Finance which they think were excessive and they recommended substantial reductions. And I would think that it is the Attorney-General of this province who should be most concerned with the recommendations of the report and maybe the Minister of Finance in his department as being least concerned. I raise this because, Mr. Chairman, when I brought in the Legislation which has been reviewed and considered by the Law Reform Commission, it was Legislation that was prepared in the Department of Finance and Legislation prepared from the standpoint of enforcement that the Department of Finance wanted.

When the questions were raised as to the excessive powers given it was my decision to recommend to the then Attorney-General that it be reviewed for that very reason; that a Minister charged with administration might go beyond the need and beyond what is necessary to carry out his administration and I am critical of the Honourable the Attorney-General for not following through as being a matter within his purview, his responsibility, much more than that of the Finance Minister. I'm disappointed to hear that the Minister did no more than that because this report, this news bulletin, is dated October 19th, 1979. I waited for about a year to find out if something was being done and when I saw no action I felt it my responsibility, as an undertaking that I made many years ago, to get a report and to come back and report to the House and that's why I brought in Legislation which is sitting on the Order Paper and is not being acted on, is being held by the Government side and I don't know what their intention is.

But, I suggest to the Honourable, the Attorney-General that it is his responsibility, even more so, Mr. Chairman, because he is the great proponent of saying, "We do not want any entrenchment of rights in Legislation." He has others and, as I've said before, Mr. Chairman, I recognize intellectually the argument they pose and I don't agree with it but that doesn't mean they are wrong and I am right, it just means we have a difference of opinion. But I say to the Honourable Attorney-General who says we don't need any entrenchment of rights, that when it is basic rights that are being considered by the Law Reform Commission on a recommendation made by them to protect the rights — and I think the proponents who say that it is the legislatures and the elected people who are there to protect rights — I'm saying that they're sitting around on this aspect and have been sitting for quite a while doing nothing about it and that's why I'm critical of the Honourable Attorney-General, because apparently having received it about a year-and-one-half ago — maybe a month or two less than that — just sent it on to the Minister who might not be as interested in it as the Attorney-General ought to be in protecting people's rights. I'm asking him now whether we don't need some form of entrenched rights to protect people against government — and let me just in parenthesis say that this is not within the powers or the scope of the Ombudsman's work — whether or not he is not accountable for his failure to bring in legislation, to review legislation or to discuss with the Finance Department these very points that are made by his own Law Reform Commission, which do point out that there is and I quote from his news release, which quotes, "a commission talking about unbridled government power." I ask the Minister to give us an explanation as to how he is able to reconcile his belief that we don't need an entrenched Bill of Rights; that legislatures are here to protect the public in that respect; how he reconciles that with his own inaction in connection with these enforcement of taxation powers that I've been referring to.

MR. DEPUTY CHAIRMAN: The Honourable Attorney-General.

MR. MERCIER: Mr. Chairman, the member will appreciate that during the course of last year there

was a change in the Finance Minister's portfolio, about the very time the legislative package for this session was being considered. At the same time he has been perfectly free as a member of this Legislature, to bring forth a bill which he has brought forth for consideration by all members of the Chamber. In fact, Mr. Chairman, on a number of the reports from the Law Reform Commission, because by the very nature of their reports and their function generally to improve the legislation in this province, I think it's quite open to individual members of this Legislature to bring forward legislative bills based on the reports of the Law Reform Commission. So, Mr. Chairman, I don't think the Member for St. Johns can criticize the legislative process itself when he has been able to bring forward this bill for the consideration of the House.

MR. CHERNIACK: Mr. Chairman, I can well criticize the legislative process because our legislative process involves recognition of a government in its responsibilities and the opposition of its responsibilities and that of the individual member; and if there is a Law Reform Commission report on the wording in mortgages or on mechanics liens or on family law reform, I don't fault the government for not acting; but we're now dealing with the rights of individuals and with a Minister whose prime responsibility is to protect the rights of individuals I think that — I don't know whether he would deny that — of all the Ministers of the Crown the Attorney-General is most responsible for considering the adverse aspect of laws that are brought in, of laws that are dealt with and I say that it's the Honourable Ministers's responsibility dealing with this kind of a law. To carry through an investigation to a conclusion that means we do or we do not act on the Commission's report. What I'm critical of is that although he said he intends to consider carefully the Commission's recommendations — it said that in the news bulletin — the fact is he didn't. He did not consider carefully the Commission's recommendation and it's over a year since he had them; he sent them to the Minister of Finance.

Now I say further, Mr. Chairman, it may well be that the people who are in the Finance Department who are responsible for protecting the revenues of the province to make sure that people who are liable for payment do make payment, they may well have a good argument in response to some of the recommendations made and they haven't changed for years; they are there and have been there during the responsibilities assumed by various Ministers successively. I guarantee you, Mr. Chairman, knowing them as I do and knowing their competence as I do in respect, that there must be reports from them on these recommendations, criticizing the recommendations, perhaps acceding to them, but I know that department, they don't just sit around twiddling their thumbs, they work, they work hard and they work sincerely. I am sure that they have already reviewed these points and I would believe that they've also responded to the points up through the channels to the Minister; I believe that. Now whether they're recommending that some changes be made, or no changes be made, or all the recommendations be accepted, I don't know, I haven't the slightest clue but I think it's the Attorney-General's responsibility to follow through and not

that of a private member who has not the opportunity to investigate the points, to talk to the people involved.

Mr. Chairman, think of all the work that has had to go into the bill which I did present because the government didn't present it — I don't mean my work, I mean the work of Legislative Council redoing all this — that may have been made unnecessary had the Minister and his colleague the Minister of Finance gotten together; gotten their staffs to review these matters; dealt with it and then may have made a statement to the effect that they don't think it's worthwhile going ahead at all. You know that might have saved a lot of work, because it's not as if it's a party-policy issue of the New Democrats or Conservatives, I assume it isn't because Conservatives when they're on this side of the House greet it with some measure of approval, my decision to refer it to the Law Reform Commission. I don't see that it's a matter of philosophy or policy except to the extent that some members of the Conservative Party would like to get rid of regulation, get rid of investigation and they believe in greater freedom of the individual. In this case the tables are turned.

In this case it comes from a member of the Opposition, a private member of the Opposition bringing in a bill dealing with enforcement powers given to a government by a previous government but one which purports to change and reduce these extravagant powers which — unbridled is the word used by the Commission — in order to deal with them. Yes, I do criticize the Attorney-General and I do say that it is not an argument in favour of not entrenching rights of individuals. If the Attorney-General whose real and prime function is the protection of the rights of individuals, to slough off his responsibility by saying, oh yes, the democratic process is fine because there is nothing to bar a member of the Legislature from bringing in a bill.

Well, Mr. Chairman, you and I have been around here a long time, longer than has the Attorney-General, but it doesn't take long for the Attorney-General to learn, as no doubt he has, that he and probably he more than anyone else, has the power to see to it that there's no debate even on this very bill that I brought; that it is kept in the name of a member of the government caucus and can be kept there until this session ends.

Someone on this side could refuse to agree that the matter stand, in which case it'll stand anyway because of the power of the majority and indeed this very Attorney-General has already put on the Order Paper a motion which would take away from private members their rights to bring in resolutions at all, or to have them dealt with in any sense of priority. The practice as you and I know has been that once the Speed-up resolution is brought in, private members' resolutions and bills are left to the very end and sometimes not dealt with at all. It seems to me that a bill like this is so serious as to deal with the Law Reform Commission's criticism of government legislation which sits on the books, the fact it is of that importance, I think dictates that it should be dealt with in an orderly, democratic fashion and not the kind of fashion that is the practice and has been the practice I think of all parties of this House, that at a certain stage of the Legislative Session all

private members' bills and resolutions are left to the very end and dealt with or not dealt with at the discretion of the House Leader and presumably of his Cabinet or his caucus.

So therefore I suggest to the member that the actions in this particular case, his actions, the Finance Minister's actions and the government's actions are such as to point out the weaknesses of the democratic system, when it applies — of the legislative system I mean, not democratic — I mean the legislative system as it applies to legislation that was brought forth as a direct result of a report from a Commission of the government, a Commission appointed by and under the aegis of the Attorney-General and one where he has told us that he has done nothing but send it on to the Finance Minister and has not received a report.

I don't think it's the same thing as other recommendations from the Law Reform Commission. I don't think it's the kind of matter that should have been left for a private member to raise, for the reasons mentioned, I think it should have been something that the Minister reports. I waited until this occasion to see whether the Attorney-General can tell us that he has reviewed it; that he has made a decision; and that decision at this stage I suppose would have been not to proceed because the fact is, they didn't proceed. I believe now that he can't say the decision was not to proceed. I think the decision was in abeyance and I now believe, I think with good reason, that had I not put it on the Order Paper this session it would have been the second session after the report has been filed, where it would not have been dealt with.

Now of course I can't prove that because anybody can say, the Finance Minister was ready to go right away, but I don't think it was in the Throne Speech, it was not in the Budget Speech and therefore I think that a decision on the part of government would not a positive decision but was negative in the sense that they did nothing and were not going to do anything.

Now you know I may be wrong, that's a conclusion. But I ask the Minister now under this item, what is his reaction? It's a foolish question because the answer was given, he doesn't have a reaction to the report of the Law Reform Commission recommendation because to ask him what does he believe ought to be done, is as if I hadn't hear him say that all he did was send it on.

Nevertheless I want now to give him the opportunity to tell us what he believes should be done about this report of the Commission and also to tell us whether he is satisfied that reports of this kind, dealing as they do with this kind of matter, of government powers, whether it is just a matter for a private member to raise or whether indeed he does now recognize that it's a responsibility of government to deal with it.

MR. MERCIER: Mr. Chairman, for the record, I would indicate again that upon receipt of that report I asked the then Finance Minister to review the recommendations of the report and provide me with his comments because, as the Member for St. Johns indicated in his comments, it's necessary for someone considering that matter to review it with the people who work every day in these matters and review their experiences and their knowledge of what is required and what is not required and to receive some comments from them.

During the course of last year there was a change in the portfolio in that department and I did not receive any comments from that department prior to the time when the Legislative package for this session of the Legislature was being considered. The Member for St. Johns took the necessary steps to have a bill drafted and placed on the Order Paper and distributed to all members, Mr. Chairman, and I must commend him for taking that action.

Since the bill was distributed I have again asked the Minister of Finance to have the bill reviewed by his department in order that he can provide us with his recommendations as to the provisions of that bill. Again, Mr. Chairman, I have not yet received those recommendations; hopefully we will receive them before the end of this session so that the bill can be dealt with in a positive manner. When I say positive manner, by taking a position, either for or against part or all of the bill, Mr. Chairman, and I hope we'll be able to do that before the session is concluded.

MR. CHERNIACK: Mr. Chairman, I regret that the mere fact that the Minister commends me for bringing it forward does not detract from my criticism of his lack of action. I was a Minister for a longer period of time than the Attorney-General has been and I don't recall any case where I sent a memo to any other of my colleagues asking for a comment or a recommendation that I did not follow it up after a certain period of time to say, here's a reminder, how about that response because, Mr. Chairman, the Ministers are all members of the same group and responsible each for the other. And I took it upon myself when I was the Minister to remind a colleague of a delinquency and I believe this is delinquency. There is no excuse in the world, Mr. Chairman, to say that there was a change in Ministry and give that as an excuse because unless Conservative Ministers act differently than those that I've dealt with in the past, including Conservative Ministers in the past, I have to say, Mr. Chairman, that it's the staff that does the work, not the Minister.

If the Attorney-General is trying to tell us that when the Member for Riel was Minister and gave it up and it was taken over by the Member for — (Interjection)— I'm sorry, I let myself in for that, the current Minister of Finance, because I don't quite remember the name of his constituency, — (Interjection)— Souris-Killarney, the lime constituency — that's not fair, I really have to pause and say, to me it's still Earl McKellar's constituency and I honour his memory in that regard.

Coming back to it, the mere fact that there is a change in Ministries, that doesn't change the work that is being done by the staff. I think it's a lame excuse; I'd rather the Minister didn't make that excuse but, if he had to make any, I suppose it's as good as any other lame excuses he could have made. So I have to say to him, I appreciate his commending me for doing what I think was his job to do. He has not studied this; he has done nothing about this; he has sent it on to the Department of Finance, and he has been waiting for a response and I think that's wrong. I tell him now that maybe if he doesn't do it, maybe I should, in the next question period if I get an opportunity, ask the Minister of Finance what he is doing about it. But the opportunity isn't the same as when one is dealing with Estimates.

I do feel that maybe when we get back to this Minister's Salary that by then he will have a more up-to-date response as to what his government, under his leadership, is doing on a question of the rights of individuals in regard to this particular item of enforcement of revenue statutes.

MR. DEPUTY CHAIRMAN: The Honourable Member for Wellington.

MR. CORRIN: Mr. Chairman, I want to deal with a similar sort of grievance, if I can term it that, which I would also wish to explore today with the Attorney-General. Specifically, Mr. Chairman, it deals with a bill that I presented much earlier this session which has never been the subject of floor debate. This bill is cited as No. 28, an Act to amend The Employment Services Act. Having introduced it for second reading, Mr. Chairman, and addressed myself to its contents, and I might say that I regard it as an imminently important bill in the sense that it deals with what I regard as a very important subject matter, namely, the rights of people to equal opportunity . . .

MR. CHAIRMAN: The Honourable Attorney-General with a point of order.

MR. MERCIER: Mr. Chairman, if I could just raise a point of order. I don't know the connection this bill has with the Law Reform Commission, unless the member wishes me to refer it to the Law Reform Commission.

MR. DEPUTY CHAIRMAN: I thank the Honourable Attorney-General. I was wondering myself but we'll see what the Honourable Member for Wellington has to offer related to this subject, the Salaries on (a)(1).

MR. CORRIN: Yes. It actually is a question of policy with respect to what sort of bills should be sent on to the Law Reform Commission. I was using it, Mr. Chairman, through you to the Attorney-General, as being an example of a situation that I believe demands some attention. The Member for St. Johns has been discussing for the past quarter of an hour a bill which he felt deserved government attention which he had taken the initiative of introducing, and I would suggest respectfully, I appreciate that I cannot substitute my opinion for that of the entire Assembly, but I would generally like to know whether there is any policy with respect to private members' bills and reference to the Law Reform Commission.

The Member for St. Johns, I think, made the point that there are many bills that come before the House each year which are not the subject of any sort of substantive debate and which are not, therefore, accorded the respect of the House and discussed and decided upon. I can understand — well, I was going to say I can understand — I can't understand why the government seeks to traverse debate on these initiatives. I can see the government saying that they feel that a particular bill is nonsense. I can see them feeling that in their own hearts and minds a particular bill has no merit. I don't understand why, having come to that conclusion, a representative of the government can't simply rise and deal with those concerns and, if necessary, be as viciously critical as is warranted in the circumstances. What I do take

dispute with is the stonewalling of proposed initiatives by the government.

MR. DEPUTY CHAIRMAN: A point of order, the Honourable Attorney-General.

MR. MERCIER: Mr. Chairman, the member really has not indicated any connection with the Manitoba Law Reform Commission.

MR. DEPUTY CHAIRMAN: I thank the Honourable Attorney-General. I did hear the Honourable Member for Wellington refer to it once, that certain bills that he intended to refer but then he would get lost and I didn't hear it again.

The Honourable Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman, I was trying to make a point, and if I didn't, I'll make it again, that I think the government should have some policy in order to deal with the whole subject matter that the Member for St. Johns brought up, and that is the question of what to do with private bills that the government, for some reason or other, does not want to debate and I'm suggesting that the Law Reform Commission . . .

MR. DEPUTY CHAIRMAN: Order please. The Honourable Member for St. Johns laid his case very well before the committee and it dealt with the Law Reform Commission but I'm having a difficult time following the Honourable Member for Wellington.

Proceed, sir.

MR. CORRIN: Thank you, Mr. Chairman. Mr. Chairman, as I was about to say, I was just about to try and draw the connection or nexus. The Law Reform Commission can play a very useful part in this sort of review and can be of some very real assistance to the government if it's having difficulty in establishing whether a particular initiative or proposed reform has merit. I'm not suggesting, Mr. Chairman, that I would accede to the position or opinion that the Law Reform Commission's jurisdiction or sphere should be expanded to include matters of a political nature. I wouldn't, for instance, dealing with the Employment Services bill, feel that it would be appropriate for the Law Reform Commission to decide what level of human rights should be accorded Manitobans. But Mr. Chairman, I do believe that it would be useful and purposeful for the government, if it does not wish itself, to deal with certain pieces of legislation such as The Employment Services Act, the bill to amend The Employment Services Act, to refer this sort of legislation on to the Law Reform Commission for consideration and I'm wondering whether the Attorney-General either shares or differs with my opinion in this regard.

MR. DEPUTY CHAIRMAN: (a)(1) — pass — the Honourable Attorney-General.

MR. MERCIER: Mr. Chairman, I want to perhaps take this opportunity to commend the Law Reform Commission because I have found it very helpful to be able to refer to the Law Reform Commission a number of possible legislative initiatives, and I think all members of the House generally are pleased with the kinds of reports that we've been able to receive from the Law Reform Commission.

With respect to the bill, the Member for Wellington is referring to, I do have some concerns and I hope to be able to speak to them at some point in Private Members' Hour in the next short while. Having said that, Mr. Chairman, I certainly am in general prepared to refer a number of matters that come up through private members' bills to the Law Reform Commission for consideration and, in general, I think that procedure can be helpful to all members of the House.

MR. CORRIN: Yes, Mr. Chairman, fortunately the Attorney-General is going to have an opportunity to address the question, probably even during the next item, the Human Rights Commission, because of course The Employment Services Act flows from debate that has been ongoing with respect to Human Rights and the Commission's involvement in certain situations. So he will be given an opportunity to participate in that matter of interest very very shortly.

Mr. Chairman, I also wanted to mention, because I think that I failed to do so on Friday afternoon when we were discussing the Law Society Reimbursement Fund, I just wanted to put on the record a response to the Member for Inkster who was arguing in the last five to ten minutes, as I recollect, that — and I wish he were here, that's why I'm putting it on the record, Mr. Chairman, under this item — I just wanted to make the point that we are dealing, when we deal with Law Society Reimbursement Funds and the special status accorded lawyers in society, that we are not dealing with a situation which is wholly analogous with the one that he set up as sort of a straw man argument.

He suggested, Mr. Chairman, that lawyers were no different than certain tradespeople — and I think he was talking about sheet metal workers — and he was saying that he didn't see why lawyers should have to be put in a position of reimbursing clients for breaches of trust perpetrated by members of their profession, when certain tradespeople didn't have that same sort of responsibility. I would just like to make the point that those other professions, in my submission, are not parallel to that of the legal profession in that they are not self-governing; and also they are not accorded the opportunity to deal in trust funds and that, Mr. Chairman, . . .

MR. DEPUTY CHAIRMAN: Order please. Is the honourable member dealing with something that's been passed on Friday because we're still waiting for him to relate this subject to the Law Reform Commission and I'm having difficulty. If the honourable member will get back to (a)(1), I'd be most grateful.

MR. CORRIN: Well that's the problem, Mr. Chairman, dealing with your point of order with shifting chairs. When we have different chairmen sometimes of course they weren't in attendance the previous day and if in this case you had been in attendance you would know that it was the same item, we were dealing with Law Reform Commission and the reimbursement fund under that item. So we actually are still on the same item as we were on Friday. I just wanted to make the point that lawyers are accorded special responsibilities and special opportunities. There are very few people that have access to funds on a trust basis with the exception

of trust companies; so it's a very special privilege that is accorded these members of society and a special opportunity to earn income, Mr. Chairman.

So in matters such as land transactions you have to be able to hold funds in escrow or trust in order to complete . . .

MR. DEPUTY CHAIRMAN: Order. The Honourable Attorney-General.

MR. MERCIER: Mr. Chairman, we did discuss this at some length under this item but again its relevancy to the Manitoba Law Reform Commission seems to be in question. Is the member suggesting this matter be referred to the Law Reform Commission?

MR. DEPUTY CHAIRMAN: I thank the Honourable Attorney-General. I am still awaiting the Honourable Member for Wellington to refer this subject he's speaking about to the Law Reform Commission Salaries, which is a matter that's before the Committee. He did indicate that there was some relationship but I still fail to find it. Proceed, maybe we will get to it eventually.

MR. CORRIN: Those were my remarks. I might say that one of the problems is that the Minister is not being as forthcoming and responsive as he might be with respect to these various matters, so it's protracting debate as it always will. I believe the Member for Churchill wishes to proceed with the next item and I gladly cede my position to him so that he can participate.

MR. DEPUTY CHAIRMAN: (a)(1) — pass; (a)(2) — pass; (b)(1) Salaries, the Human Rights Commission — the Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Chairperson. I'd be brief in my remarks today. We've discussed this issue at some great length on other occasions and as other opportunities had presented themselves during the course of last session's Estimates, debates and of course this session's Estimates. I had promised the Attorney-General when he attended one evening of the Labour Estimates that I would be bringing this matter forward during his Estimates and certainly didn't want to let him down. Beyond that reason, Mr. Chairperson, I think it is important to review the most recent events in respect to mandatory retirement and that of course is the announcement of the appointment of Mr. Marshall Rothstein to conduct an inquiry — a wide study as a news release of March 20th, 1981 terms it — and I'm somewhat dismayed by the approach which the Attorney-General is taking in respect to the appointment of this inquiry.

It seems as if he has biased the inquiry right from the start in respect to what it will and what it will not investigate. In other words, he has said the inquiry will consider the advisability or inadvisability of revising The Human Rights Act — I would suggest to the Attorney-General that the problem is with The Civil Service Act — and that The Human Rights Act has been upheld by the courts; that the recommendations of The Human Rights Commission is that according to his news release at least, is that they are in agreement that The Human Rights Act does extend protection to those individuals who are

mandatorily retired because of age. They agree with that and they think that should be the way it should be in the future as well and this is an issue which the Minister and I have discussed among others in this House on numerous occasions.

I'd like him to provide some insight as to why they chose the tact of determining whether or not The Human Rights Act is appropriate, instead of determining whether or not The Civil Service Act should be reviewed so as to bring it in keeping with The Human Rights Act. Does this imply on the Minister's part, that The Human rights Act supersedes The Civil Service Act, or that The Civil Service Act supersedes The Human Rights Act? What is the implication of the way in which this study was formulated?

MR. DEPUTY CHAIRMAN: The Honourable Attorney-General.

MR. MERCIER: Mr. Chairman, there was no intention whatsoever in the terms of reference for this inquiry to be biased in any way. The terms of reference are completely open so the inquiry can begin from a very neutral position. Certainly if there is to be legislation overriding The Civil Service Act, Mr. Chairman, that can take the form either of an amendment to The Civil Service Act or an amendment to The Human Rights Act which makes it paramount over all other legislation.

MR. CORRIN: The question would have to be then, Mr. Chairperson, is why the Minister did not choose the action of sending this matter to the Law Reform Commission for them to investigate the ramifications of the recent decisions on mandatory retirement; that to me would seem to be a more open way to approach the problem and indeed there is a problem.

Some say the problem is with mandatory retirement, I say not. I say the problem is in the way in which we treat persons who are approaching or are past age 65 in respect to their options to work in the future, but be that as it may, We may be of a differing opinion on that. I would suggest that when one wanted to review the entire situation one would send it to the body which would be most open and most expert in making some sense out of the recent decisions and I think by the way in which this has been approached, that it does indeed bias the outcome — although I'm not suggesting that the Minister did it purposely — I think it was inadvertent on his part.

I think in fact it does provide more direction than one would hope would be provided and I think that could have been avoided by sending it to the Law Reform Commission. So I'd ask the Minister if he can indicate why it was decided to proceed in this manner and not otherwise.

MR. MERCIER: Well, Mr. Chairman, sending this matter to the Law Reform Commission was one possible alternative, as I think I indicated in the news release when the inquiry was established that the Human Rights Commission had taken a firm policy position and recommended that another body review this whole matter in detail.

Mr. Chairman, it is a complex question, I think the Member for Churchill will recognize it. There are

some areas of pension plans that are fairly complicated I think, in which Mr. Rothstein will no doubt require the assistance and advice of people expert in that field.

It was my view that this is an extremely important and urgent matter and is one that requires a report to be done on as early as possible, certainly by some time this fall, so that if there are to be any legislative changes they can be brought in at the next session of the Legislature.

It was my own feeling that a one-person inquiry will be better able to deal with this matter expeditiously with a direct mandate to deal with it, as the only matter that he has on his plate as opposed to the Law Reform Commission, which has a number of other important legislative matters under consideration. It was my view really in summary, Mr. Chairman, that a one-person inquiry could do the matter more expeditiously in order that the matter could be dealt with at the next session of the Legislature.

MR. CORRIN: As the Minister indicates that it is a matter of some urgency and that the report should be available as soon as possible, I would hope he'd be able to provide us with some answers to some outstanding questions.

Number one is, when does he expect the public hearings to take place, which are an essential part of the entire process?

Secondly, I'd ask the Minister if he can provide to us copies of the February 20th, 1981 meeting of The Human Rights Commission which as indicated was a special meeting and was a meeting that was called in order to investigate mandatory retirement — I think that's important as well — that we have those full minutes available to us.

Finally, I would ask the Minister if he can be more specific as to a possible date concerning the completion of Mr. Rothstein's report on mandatory retirement.

In closing I would just like to point out very very briefly, Mr. Chairperson, I feel that not only should The Human Rights Act had been looked at by the inquiry but also The Employment Standards Act; also The Civil Service Act, pieces of legislation which are also affected by the mandatory retirement decisions by the courts and those have not been made a part of the mandate according to the news release the Minister has while The Human Rights Act has — and that's why I suggest that there may be a bit of bias that is not intended — but built in inadvertently on the part of the inquiry.

MR. DEPUTY CHAIRMAN: I'm interrupting the Committee for Private Members' Hour.

IN SESSION

PRIVATE MEMBERS' HOUR

RESOLUTION NO. 7 — COST OF R.C.M.P. POLICE SERVICES

MR. SPEAKER: We're now under Private Members' Hour. The first item of business on Mondays is Resolutions. The first resolution today is Resolution No. 7 standing in the name of the Honourable Member for Logan.

The Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Speaker, it's some time since we last discussed this resolution, I believe it was March 24th, so one sort of loses the train of thought that was proceeding in the debate at that time so I had to look back at the minutes in Hansard of the 24th and also of the 3rd of March and further back than that.

The resolution, Mr. Speaker, that is before us, if you look at the whereases, it's very difficult for any member of the House not to agree. However, I think that the Member for Dauphin has not proved some of the statements that he made in the whereases, and I will be speaking to the amendment, Mr. Speaker, but these parts of the whereases are still within the resolution as it now stands before the House.

The first premise that the Member for Dauphin raised was, "WHEREAS the Federal Government is seeking an unprecedented and unwarranted massive shift from the Federal Treasury to the provinces and the municipalities for the cost of RCMP services." One would not argue with that premise but, in order to gain support in this House and especially since the Attorney-General is the one who will have to be doing the arguing on behalf of the citizens of Manitoba, including this Legislative Assembly and the municipalities, one would hope that he had come up with better arguments that were put before the Federal Minister of Justice, I guess Mr. Kaplan, is it, the Honourable Mr. Kaplan, than what his colleague has put forth in this House.

It is interesting, Mr. Speaker, that in Saturday's paper we have a letter by the Attorney-General addressed to the Free Press and one of the items that the Attorney-General states is that we have had great difficulty in obtaining even the most cursory figures relating to RCMP establishment in Ontario and Quebec from the little information that we have obtained from the Federal Government. Well, we also in this House have had very little information from the government, and from the Attorney-General who hasn't spoken in this debate yet, and I would hope that he would take part in this debate because, after all, there seems to be an argument between the Federal Government, on the one hand, the Minister representing the Federal Government; and the Attorney-General, on the other hand, in this province and I believe in seven other provinces as well.

The Federal Minister is maintaining that the services that are being provided by the RCMP here in Manitoba have shown a decrease from Federal responsibility to an increasing one in provincial and municipal enforcement. Now the Minister — I am not saying the Minister, no, because the Minister hasn't spoken yet — but the Member for Dauphin in his resolution stated very emphatically that the Feds were seeking unprecedented and unwarranted massive shift.

Now if you want support from this House, and I am not saying that in the long run you are not going to get it, but I think that you have to prove your case because, if you can't prove your case in this House, how are you going to be able to prove the case to the Federal Government?

A MEMBER: You have a point there, Bill.

MR. JENKINS: That's right, because if you're not going to prove the point here that that shift has not

taken place, that the Feds are saying that you are now using the services of the RCMP more than you were using it in the past, both for your own services and for the municipalities, then you have to prove that and we haven't had any hard documentation unfortunately from the Minister, except this thing that we see, a letter to the editor of the newspaper.

There is nothing hard in the way of statistics or anything else, it is a letter more or less in reply to a statement made by the Federal Minister and I know that they are both in a position arguing back and forth to see who is going to pay the costs.

I want to pay tribute to my colleague, the Member for Wellington. When he moved the amendment to this resolution he left those whereases in there and the resolves, but added something extra because, given the fact that we may in the long run not win, or we have to pay more than what we are paying at the present time. I think the fact that the Member for Wellington did include in his resolution that there is a primary responsibility on the behalf of the province to see that the municipalities are not unfairly treated because after all they are not in a position to do any negotiating on their behalf with the Federal Government; the negotiations on their behalf have to be carried out by the Attorney-General.

The third whereas that he brought into his amendment was that ratepayers of many towns and villages are incapable of absorbing higher costs for law enforcement services and then we further resolve that if all efforts on behalf of the province to get a better deal than what is now being offered to us by the Federal Minister, or even if it's a worse deal than what we have now, if we were given I guess our druthers, we would rather have it remain as it is. But there has to be some responsibility on behalf of the province for their responsibility to the municipalities that are involved and therefore when the Member for Wellington moved that the Manitoba Government consider the advisability of absorbing all such increased municipal costs as are occasioned by the new cost-sharing arrangements, either alternatively or concurrently extending broader access to the municipal level of government to other revenue sources.

That, I would say, is perhaps the situation as it boils down to today. You know it is a bit ironic, Mr. Speaker, we have on one hand the government here saying to the Federal Government — and I am not sticking up for the Federal Government, don't get me wrong — but on one hand saying to the Federal Government you have to cut your costs, you have to bring your deficit down; and when the Federal Government does do these things the first thing we hear is the provinces, and not just this province alone there are other provinces as well, howling and yelling and they say well now you are cutting the costs, you are not picking up your fair shot. You can't have it both ways; you can't have it on one hand, as the First Minister stated when the past Minister of Finance Crosbie introduced that famous budget of his, or infamous whichever way you may look at it, but the First Minister of this province said that budget isn't hard enough, it isn't cutting deep enough, he's not cutting enough. It would have been interesting, a very interesting situation if the Federal Government of Joe Clark had remained in office to this day, and they would have made those cuts that

were recommended by this First Minister of this province, just what kind of a tune they would have been singing today because I am sure that the Federal Minister of Justice, whether he had been a Conservative one, perhaps would have been trying to get as big a pickup of the costs of police enforcement here in the provinces that are not covered, that don't have provincial police forces of their own. He might have been asking even more and it would have been very interesting to see just what kind of a cry would have risen from the Attorney-General and the government.

I wish the Attorney-General, all the Attorneys-General who are going to be negotiating on behalf of the provinces, that they do get a better deal than what is being offered. But you know, Mr. Speaker, you have to cut your coat according to your cloth, and from what we have heard from Tory governments, especially this Tory government which has been a government of restraint, fiscal responsibility — (Interjection) — well this is what they tell people, even though they have had that terrible problem every year come budget time to find out if they can match their coat to fit their cloth, and they are not doing too good a job.

But you know, Mr. Speaker, they say that there has been no proof by the Federal Government that the costs have shifted from what they were, say ten, five years ago, or even at the time of the expiry of this last agreement. Well, I say, Mr. Speaker, that may be true that the Feds haven't proved their case, but also neither has this Provincial Government or this Attorney-General, and he has to do a better job of convincing this House than what his colleagues have been doing. Maybe he has documented it; I haven't seen anything, I don't think any members on this side of the House have seen anything that has documented to the credit side of the province's case, that the contention, that the now costs of police enforcement in the Province of Manitoba have increased from 56 percent which was roughly split between the provincial and municipal governments here in Manitoba, the Feds now contend that it is 75 percent.

I would hope that the Minister, the Attorney-General, since he is asking, and because it's a resolution put forward by one of his backbenchers, and I imagine his caucus operates the same way as most caucuses, that prior to a resolution being introduced into this House that there is some discussion of that resolution; that there is some understanding that the member is going to get a certain amount of backing on that resolution when it's presented to the House, and I would hope that the Honourable Attorney-General would be able to shed a bit more light on the matter than has been shed, up to this point, by the Member for Dauphin, by the Member for Minnedosa. All the Member for Minnedosa was saying was well what's going to happen to these buildings that are now in the hands of the RCMP if we, all of a sudden, wind up with the withdrawal of services to a certain extent of the RCMP policing in the Province of Manitoba? And what contingency plans does the Attorney-General and this government have; are they now saying that if they can't sign an agreement with . . . ?

MR. SPEAKER: Order please. The Honourable Member has 5 minutes.

MR. JENKINS: Thank you, Mr. Speaker. If they are not able to sign an agreement with the Federal Government are they going to take the route that has been maintained over the many years by the provinces of Ontario and Quebec of maintaining their own police force. There has to be some contingency plans, some modus operandi. How long do they feel that this negotiation is going on?

Mr. Speaker, I believe it was just the other day that the First Minister in Ottawa said that we now have the Constitution sort of off in limbo somewhere, that the First Minister in Ottawa is now offering an olive branch. I would suggest to the Attorney-General that he grab that olive branch quick before he changes his mind. He says I think we should get back to some sane negotiating so I would say to the Attorney-General that perhaps we should get on the telex or on the phone and call Mr. Pierre Trudeau up and say, well, look, we're prepared to sit down and do some hard negotiating on police services.

But I would say to the Minister — and he hasn't been here and I'll say it again because I'd like to hear what he has to say in this resolution — it's not that we're not prepared to support this resolution because it's almost like voting against motherhood but there has to be some alternatives. If you fail, there has to be some alternatives. There has to be some better proof submitted that what the Feds are saying and you are at odds with, has not taken place. Because the Feds are complaining that the costs of RCMP and the workload that is now on the cost of the province is only 25 percent federal and 75 percent provincial and municipal — I think I'm fairly close in those figures — I see the Attorney-General is nodding his head.

Now I would like the Attorney-General, since he stated in his letter of Saturday's Free Press, that it was very hard to get any hard facts out of the Federal Minister, the Honourable Bob Kaplan I believe it is.

Well, we're having the same problem here. We would like some real hard facts from the Minister that what he is saying — and after all we're going to support the Minister — because we think we want to see the province get the best deal possible but we want him to be on solid ground. We want to, if all things fail, what is your alternative? Are you going to go to provincial policing, or what? That is what we would like from the Attorney-General when he does take part in this debate sometime or other before it is completed in this House.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Thank you, Mr. Speaker. Mr. Speaker, in entering the debate on the resolution on the cost-sharing of the RCMP with the provinces, I noticed the Member for Elmwood covering his ears. He really doesn't have to because most times he has his head in the sand and it really isn't an essential thing that he put his earmuffs on.

Mr. Speaker, I first of all want to compliment the Member for Dauphin on his foresight and his desire to support the rural municipalities in this province, to take the lead as a member of the Legislative Assembly and to do what, Mr. Speaker, to support our Attorney-General who has spent countless days,

countless days negotiating and trying to work out with the Federal Department of Justice a cost-sharing agreement that would do what, Mr. Speaker? A cost-sharing agreement that would take the load of the tax burden of policing this country off the backs of the people in the small towns and villages and throughout rural Manitoba.

But take a look, Mr. Speaker, at the proposed amendment from the Member for — where's the member from? —(Interjection)— from Transcona? No I think it was from one of the other areas, the proposed amendment to the resolution.

Mr. Speaker, the Member for Wellington introducing it has done nothing more than to weaken the position of the province. To proceed on the grounds of saying that we should shoulder the costs of the responsibility where in fact we shouldn't, Mr. Speaker, does really nothing for the Provincial Government in trying to protect the people at the municipal level. Mr. Speaker, I believe that the member who would introduce such a resolution has no care or consideration for the small towns or villages or the farm community throughout Manitoba who rely on the protection of the RCMP.

Mr. Speaker, I think it even runs deeper than that and in talking about the resolution that the member introduced on the cost-sharing agreement, I believe that the recognition of the RCMP police force in Canada is something that we truly should look at and how it's being dealt with by the Federal Government because there are several things being stated recently that I am greatly concerned about; one of those being of course representing the farm community, I do have some serious concerns.

Mr. Speaker, we have seen in the past few months many areas of intrusion or of desire by the Federal Government to replace the Provincial Government but not to replace the Provincial Government when it comes to cost-sharing or to doing those things that governments should best do at a national level like funding a national police force. Let's talk about the national police force, the RCMP, Mr. Speaker, which I would say have been one of those organizations that have helped build the west; not only build the west but have truly been a signification or a sign of Canadian unity and pride, something that the members opposite have very little knowledge of. I'm pleased that the Member for Fort Rouge is here because I think probably an individual such as that would be very pleased to support such a national organization.

In a country such as we have here, Mr. Speaker, is it not the responsibility of the national government to provide the people with police protection? Is it not their responsibility, Mr. Speaker? I would think with the record of the Royal Canadian Mounted Police in Canada, with the work that they have done, with the pride that we have had in that police force, I would think that any national government who believed in order and law and the respect for the people of this country should be more than prepared not to reduce the cost-sharing for the protection of the people but should be increasing it. They should stand up and say we the Federal Government of Canada believe that is our responsibility, that we are truly proud of the police force.

But what has happened, Mr. Speaker, what has happened? There has been a direct attempt, or

would appear to be a direct attempt, to do what? To erode the protection that has been afforded the people of this country by the national police force, to erode that police force which we could depend on. Today it would appear they would be just as happy if that police force were to go away, that they would disappear. Why would they want to do that, Mr. Speaker? I would have to say they must be trying to do something that is not within the best interests of Canada and they don't need a police system or a watchdog over those people who are trying to protect the best interests of Canadians. Very much a concern, Mr. Speaker, when we in fact see a government that desires of getting rid of a system and how is the best way to do that? The best way to do it is to cut the fundings off; to cut the fundings off and it will disappear. Mr. Speaker, it would disappear and that would make the members opposite very happy.

Let us look at a few examples, Mr. Speaker, and here again we have a police force that I have to say and I'm proud to say that I've been a very strong believer in the whole set-up of the organization. But the credibility of that organization has been continually challenged by who? By the people of the — I would call them the left wing movement — the people who do not believe in law and order, or if they do they believe in the weak-wristed approach to making society do the things that have to be done in their best interests.

Mr. Speaker, let us look at a recent press clipping that came out of the Free Press on May 2nd and these are allegations I have to say. It is an article, but as the Minister of Agriculture I'm very much concerned because there are several things that tie in and they are a result of some of the indications that we have seen the direction of the New Democratic Party going and also the Liberal Party in Ottawa that they're proceeding down the paths. Who are some of their direct supporters, Mr. Speaker, who are some of their direct supporters when it comes to the RCMP of this country? Well, this news article I have to say, the allegations in it are very shocking indeed.

The allegations, Mr. Speaker — and again I say this as the Minister of Agriculture because it is a farm organization and it's alleged that they are connected directly, or a front for the Communist Party of Canada — the Communist Party of Canada, Mr. Speaker, and that is the National Farmers Union. It says in the Free Press in the clipping that I have here and I'll quote one sentence out of it. There's supposed to have been two letters that have gone to the Farmers Union organization where there was a direction or a letter from a William Tuomi who is the secretary of the Alberta branch of the Communist Party of Canada, and what were some of the contents of those letters?

Now Mr. Tuomi, and I'll be fair to him, said that it was forged, that it was a dirty trick to play by the RCMP and all this, but that seems to have been again trying to cover up something — and I think we should look a little deeper — what were some of the alleged things that were in that? I'll quote: "It didn't talk about subversion but it implied the President, Roy Atkinson and the Vice-President, Walter Miller, were sympathetic to the Communist cause, Thiesson said in an interview of the Winnipeg letter. Of course

that was nonsense." They brushed it off as nonsense. But Mr. Speaker, the funding of the RCMP as put forward by the Member for Dauphin, the fact that there is a responsibility to protect the farm community, to protect the people who are producing the food against the movement of communists through the National Farmers Union is something that I have to be very concerned about.

MR. SPEAKER: Order please. The Honourable Member for St. Boniface on a point of order.

MR. DESJARDINS: Yes. Could I ask the Minister to table the original of this all-revealing letter, please — it's very important — the original please?

MR. DOWNEY: Mr. Speaker, I clearly stated that it was a newspaper clipping that I was referring to, it was in the Free Press May 2nd, it's titled NFU Alleges Mounties Tried to Colour it Red. Mr. Speaker, it's a newspaper clipping and . . .

MR. SPEAKER: Order please. The Honourable Member for Logan on a point of order.

MR. JENKINS: Yes, Mr. Speaker. I would like to have someone explain to me just exactly what part of the resolution or amendment thereto that the Minister is now referring to, because there is nothing within the motion here dealing with subversion of Farmers Union? When I spoke to this motion, Mr. Speaker, I spoke to the motion and the amendment thereto. But I would like to know on what part the Minister of Agriculture is speaking about because we must be talking about two different resolutions.

MR. SPEAKER: Order please. Order please. I appreciate the point raised by the Honourable Member for Logan and I would suggest the Honourable Minister confine his remarks to the subject matter of the resolution.

MR. DOWNEY: Mr. Speaker, I thank you for your direction. I do think if the member had been listening that I did just say that the resolution introduced by the Member for Dauphin and his requesting or continuing support for the Provincial Government in their efforts to get funds from the Federal Government, that it was the Federal Government's responsibility to protect the farm community against the Communist movement and that was what I had indicated.

Further to that, Mr. Speaker, as I have indicated, I think when we now look at the individual who was the President of that particular organization accused of — and I say accused in an alleged document that there were connections with the Communist movement — that particular individual today finds himself, imagine, finds himself or we find him, anyway he's in the position now of being the Chairman of the Advisory Board to the Canadian Wheat Board, the person in Roy Atkinson. So I believe we have to be very concerned when we start to read these kinds of articles.

We need to have an RCMP system in this country, supported by the Federal Government as proposed in the resolution by the Member for Dauphin; and again we have to support our Attorney-General in his efforts to get the best deal possible and not support

the resolution of the Member for Wellington who would suggest that we pick up that responsibility. It is our responsibility to make sure that those things that are the responsibility of the Federal Government, that they carry them out and the national police force, the RCMP, something that I'm very proud of, should be one of those major responsibilities.

Mr. Speaker, I want to further suggest in the article that there was completely a brushing off or the individuals who were accredited with this connection said that there was no way that they were involved in that kind of a direction.

But Mr. Speaker, there has been many other occasions when we could find the connection of the National Farmers' Union and the New Democratic party and the Ottawa Liberals to that same kind of philosophy, Mr. Speaker; to that same kind of philosophy.

Let us examine some of those kinds of things that we've seen take place recently and, Mr. Speaker, again, it directly relates to the cost-sharing of the RCMP, the support they should be giving the country; but again we have an national government, Mr. Speaker, who are doing what? They are nationalizing our oil industry, Mr. Speaker. State control, and they're forcing us to pay for it through the payment of taxes on our gasoline that we purchase. Who is that helping, Mr. Speaker? Who wants to buy Petrofina? The Federal Government, Mr. Speaker.

MR. SPEAKER: Order, please. Order, please. The Honourable Member for Logan on a point of order.

MR. JENKINS: On a point of order. I don't know where Petrofina and PetroCanada fit into this Resolution. Perhaps the member who is speaking has a convoluted idea that he's speaking to the Resolution, but I maintain to you, sir, that if he's speaking to the Resolution then I don't know what he's speaking to.

MR. SPEAKER: Order, please. Order, please. I have similar difficulty to the Member for Logan. If the Honourable Member would proceed and relate whatever it is he's relating to the Resolution he has five minutes left in order to do so.

MR. DOWNEY: Mr. Speaker, I will, in fact, let the member know who has had difficulty in figuring out the connection between the cost-sharing of RCMP and the operation of Petrofina and PetroCan. I would bet anyone in this House, Mr. Speaker, that there's a directive from the Federal Government to the RCMP to fill up at a Petrofina or a PetroCan station, Mr. Speaker. I would bet you that they are forced to that and that, Mr. Speaker, is where the cost-sharing comes in from the Federal Government. Mr. Speaker, there is a direct connection. Mr. Speaker, let us go further to see what has happened with the lack of support, not only the lack of support for funding from the Members Opposite but the support for the left wing movement and the communist action in this country. When the President of the United States came to Canada, Mr. Speaker, where were our RCMP? They weren't displayed, Mr. Speaker, on their horses and protecting the President and Prime Minister of this country. No, Mr. Speaker, no, they

were nowhere to be seen. They should have been fully on guard, Mr. Speaker, protecting those people; but no, Mr. Speaker, there was no visibility. I'm not against the freedom of assembly and the work people can do in showing their dislike for certain people; but when the President of the United States stands on Parliament Hill and they burn the American flag, Mr. Speaker, the RCMP should have been there to protect the interests of our friends. Mr. Speaker, I have to say that I wasn't a very proud Canadian when I saw that happen; I have to say I wasn't a proud Canadian. —(Interjection)— No, Mr. Speaker, if we'd had the RCMP in place, on horseback, to protect the Prime Minister of Canada and the President of the United States then we'd have been proud of our nation.

Mr. Speaker, I have to say that is the responsibility of the Federal Government to cost-share that kind of protection for the elected people of this country.

Mr. Speaker, we have too often seen the members opposite, who support what? The left-wing movement, the communist movement in El Salvador, in fact, I believe their National Leader, Mr. Speaker, is making a speech down there on how well the socialist movement is taking over in Canada without even firing a bullet; without even firing a bullet. All you have to do is select a person who is leaning to the left or further to the left than you are., in the person of our Prime Minister today, . . .

MR. SPEAKER: Order, please. Would the honourable member please get back to the subject matter of the Resolution.

MR. DOWNEY: The priority of the Prime Minister to help cost-share with the RCMP and to protect the people of the nation from that kind of left-wing movement.

Mr. Speaker, in suggesting that we have had Members of the New Democratic party who were sitting in the House Commons wore some kind of black arm bands protesting the right-wing movement; or the people who have common sense and believe in the protection of the people of Canada. Mr. Speaker, they are directly associated with it and I think it's time it was brought to the public's attention. And, that, Mr. Speaker, is why I believe it is the responsibility of the Federal Government to support the Provincial Government and the people of the community, the people of the communities that are asking for the police protection, to in fact give them that protection.

So, I want to compliment and commend him for the Resolution but I can't support, Mr. Speaker, a Resolution from the Member for Wellington who would suggest that we just take on those responsibilities because after we see that if we can't afford to pay for them, then in fact the RCMP will disappear and they will be able to run rampant with their left-wing socialist ideas without being in check. Mr. Speaker, I'm pleased that I've been able to participate in this Debate, again, I want to suggest that the Royal Canadian Mounted Police, Mr. Speaker, are as Canadian as the Red River Valley and as solid as the Rockies of Canada. Thank you.

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

MR. ORCHARD: Yes, Mr. Speaker, I realize that it's difficult to keep track of time but I believe that my

honourable colleague was interrupted on several occasions by members opposite and I trust that did not become part of his 20 minutes in that very invigorating speech.

MR. SPEAKER: Order, please. The honourable member did not have a point of order.

The Honourable Member for Churchill.

MR. COWAN: It's certainly going to be difficult to get back on a serious vein after the Minister of Agriculture's remarks. Well the Minister of Agriculture now across the Chamber assures us that he was serious and I only have to take his word for it, although, I will tell him quite frankly that he did, in fact, give a speech that amused a number of people, whether or not he had intended to, some even on his own side, but I don't want to take away from the Minister's remarks.

In listening to the debate on this item during the several occasions during which it has been brought forward during Private Members' Hours I thought that I had been able to categorize the approach of the different parties to this particular Resolution.

We'd heard, right from the onset, the Conservatives indulge in a bit of Fed bashing, that which they have always done; today they elevated it to the level of Red bating, that which they've done historically. But the fact is that they approach this whole Resolution from the point of dumping on the Federal Government. That seems to have been their purpose; that seems to have been the basis for their arguments. I don't want to ignore the Liberal in the House, I think the Liberal in the House took a bit of an opportunity, the Member for Fort Rouge, to bash the Provincial Government a bit back and maybe it was deserved. I'm not so certain but she certainly used her time in the Debate for that activity and, as well, have used debate on this issue and discussions on this issue to apologize a bit and to make excuses on behalf of her counterparts in Ottawa.

My colleagues, on the other hand, have tried to talk about the problems; have tried to address the issue at hand and that is the apprehensions which this impasse has created in many communities across the province and, in specific, in many of the communities in Northern Manitoba. So, by the amendment which was brought forward by the Member for Wellington, I believe we have attempted to alleviate some of those fears. At the same time, I believe we have attempted to encourage the Provincial Government to assure the municipalities that they will not leave them out in the cold during the process of negotiations and if, in fact, the negotiations do fail.

I've risen to enter the debate and I don't intend to take a great deal of time on this Resolution because I feel that the issue has been addressed quite adequately by my colleagues but, I think, it's important to put on the record some of the concerns of a number of communities in my own riding; communities which will be affected by the outcome of the current negotiations in one way or another.

I've been approached by elected officials at the municipal level in respect to their concerns about the possible effects of the anticipated increases in the cost-sharing formula on their own budgets and, in many instances, these additional costs are staggering, especially for a small community with a

limited tax base, such as are many of the communities in my own constituency.

For example, according to my information the community of Gillam spent approximately \$90,000 in the fiscal year 1980-1981 under the present cost-shared agreements for the provision of RCMP services. If the proposed agreements as proposed by the Federal Government were to go through that sum would escalate in this year to over \$175,000.00. That is a very significant 94.4 percent increase in one year alone and that is why the community of Gillam and the elected officials of Gillam and the taxpayers in Gillam are concerned about the current status in negotiations. Leaf Rapids, another community in the constituency of Churchill, would suffer similarly, the cost for RCMP services in the last fiscal year being approximately \$78,000 for that community. Those would increase to \$144,000 or an 84.2 percent increase, if the proposed cost-sharing formula were to be implemented as it has been put forward by the Federal Government. Finally, Lynn Lake has been paying approximately \$73,000 in the last fiscal year and their increase would be 87 percent which would increase that bill to \$138,000.00.

The entire North is so effected, it's not just communities in my constituency; it's not just rural communities but almost every small community in the province is so effected. Thompson, for example, would see an increase from \$751,000 for the last fiscal year to \$1,091,600 for the next fiscal year which is a 45.4 percent increase. So, as you can see, it is significant for almost every small community in the province and that includes communities in the rural areas as well as communities in Northern Manitoba.

The Attorney-General, I hope, will recall that when I first brought this matter to his attention in the Chambers, earlier during the Session, I did so at the request of one of those communities. They were concerned then, they had approached me with that concern and they are still concerned about the state of negotiations; perhaps, even more concerned now than they were before. It has to be noted that it is difficult for those communities to be able to set their Budgets now with this item remaining outstanding, notwithstanding the assurances of the Minister and the directions of the Attorney-General in respect to setting those particular budgets. So, they want to see this issue resolved.

That brings us to the matter of negotiations, or lack of negotiations, and why they are still being undertaken at this time without having come to a successful conclusion in the past. It's difficult to address the issue in respect to the motion which was brought forward by the Member for Dauphin without appearing to be either Fed bashing or kicking the province. I think both are at fault for the situation that confronts us. The Federal Government originally set the scene for what appears to be — and I'm certain the Attorney-General will agree with me — an exorbitantly expensive change in the cost-sharing formula. It's ludicrous to expect that sort of change to come in in one year. Now, perhaps that was a negotiating stance on the part of the Federal Government; perhaps, it was not, I do not know. But the fact is that even if it were a negotiating ploy on the part of the Federal Government it is a poor one at that because it poisons the atmosphere for good-

faith bargaining; so the Feds have to be blamed. They have to take some of the blame for the fact that these negotiations have not been able to be brought to a successful culmination. Let the record be clear on that. Any attempt to alter the existing amendment or arrangement so dramatically and so drastically in such a short period of time, such as we have witnessed by the Federal Government, must be viewed with at the least a great deal of skepticism and I would suggest it is even more appropriate to be amazed that they would even consider bringing that sort of a negotiating stance forward. It is totally unacceptable to expect the province and the municipalities to absorb increased costs in such a short period of time.

Again let the record be clear, that is not to say that any individual is wedded to the existing formula, I think the Attorney-General will agree with that. From time to time that formula should be reviewed and reassessed. It may go up, it may go down. The provincial share of the cost may go up, it may go down. The fact is that cost must remain flexible so it can be altered in respect to the current situation. So there may be room for change and without my being party to the actual negotiations or without having access to the supporting and financial . . .

MR. SPEAKER: Order please. Order please. There are an awful lot of private conversations being carried on and I find it somewhat difficult to listen to the Honourable Member for Churchill.

The Honourable Member for Churchill.

MR. COWAN: I told you, Mr. Speaker, right from the onset that it was going to be hard to follow the speech of the Minister of Agriculture who kept everybody so enthralled in his performance today that the let-down when we started to talk about actual facts and figures must appear overwhelming.

The fact is I hesitate to make categorical judgments as to what the cost-sharing formula should be without having access to the financial documentation, without being a party to the negotiations. I am not here to comment on the Attorney-General's negotiations; the way in which he has handled the negotiations; or the way in which he will handle the negotiations. Neither am I here to comment on exactly what the formula should be. However we must take note that there is precedent for changes in funding arrangements; that precedent is well established; those sorts of negotiations having been successfully accomplished by other governments under previous contract renewals so we have to leave room for the negotiations, and I don't want to put pressure on the government, on either government, one way or the other except to pressure them to bargain in good faith; and I am not certain who isn't bargaining in good faith right now but the fact is that there are difficulties with the negotiations and they are failing today.

So one has to question why the negotiations are failing. Why now and not five years ago? Why now and not in all the negotiations past? Well one has to analyze first the actions on the part of the Federal Government, not to justify what appears to be an unjustifiable position because I think that their first proposal, if that in fact is their first proposal, is unjustified; no doubt in my mind that's an exorbitant increase. But one has to analyze their actions in

order to understand what has brought them to that sort of a negotiating stance; it doesn't make sense, it's not reasonable. Why should they pursue the negotiations in that way? Why I think the Provincial Government has to take a fair amount of responsibility for that? Everyone knows that their First Minister, especially, and others have resorted on every occasion and every opportunity possible to them to fed-bashing, to dumping all over their federal counterparts; their hated diatribes are well known across the country. Every chance they get they will bash the feds.

As a matter of fact we had an article the other day in response from the First Minister's Conference in Thompson, where they seemed to revel in the fact that they're fed-bashing — great thing — it's accomplishing great things. Well I am suggesting that it isn't. It's poisoning the atmosphere between the Provincial and the Federal Government and that's why we have this sort of problem with us today. Their venomous tongue on the part of the First Minister and others in respect to the actions of the Federal Government, coupled with their rigid ideological stance has brought us to the situation that exists today. As well, the constant calls by their government and other provincial governments to curtail the Federal Government spending appears to be having some effect. The Federal Government is saying we are going to curtail our expenditures. We're going to cut back on our contributions to the RCMP costing program; we are going to change the formula so we don't have to spend as much money so they appear to be taking some of the advice at heart.

Now I think they have overreacted, quite frankly. I think the Federal Government has overreacted to the criticism, some of which is legitimate, which has been heaped upon them by the Provincial Government but if the Provincial Government insists on pursuing their relationship with the Federal Government in that way, we are going to be victim to more of these types of breakdowns in negotiations.

I don't know what's happening with the Nortlands Agreement. We've asked the question several times in the House but I wouldn't be surprised if that in fact is victim to that same sort of poisoned atmosphere. Or the core funding, what's happening there? We see a lot of cost-shared programs between the Federal and Provincial Government which are going nowhere and we have to legitimately ask why is that? I think the government has to ask, why is that?

So the equation seems to be taking shape of a Federal Government anxious to get even, a Provincial Government lethally fed-bashing at every opportunity equals a poisoned atmosphere for negotiations and it is the communities which are the victims. They are the ultimate victims of what the Member for Dauphin referred to in his opening remarks as a bickering tool when he talked about these negotiations; a bickering tool between the Federal and Provincial Governments. Well fine, let them bicker all they want but let them assure the communities that they are not going to be the victims of that bickering and this is why the amendment to the resolution was brought forward by the Member for Wellington; that is why I'm speaking in favour of it; that is why I think it in fact does address the issue.

The communities being innocent bystanders in this high drama that is being played out at the negotiating tables do not deserve to be subjected to any more anxiety and apprehension because in fact the Provincial government and the Federal government are unable to get along. That process has turned what should be simple negotiations into acute protracted agony, if I can make a pun on the words of the First Minister, with respect to the feelings in the communities.

So we have brought forward this amendment which calls upon the Provincial government — and let us be very clear upon what that amendment calls for — it calls upon the Provincial government to, "consider the advisability of absorbing all such increased municipal costs as are occasioned by the new cost-sharing arrangements, or either alternatively or concurrently extending broader access to the municipal level of government to other revenue sources."

In other words, let's have some consideration for the difficulties which this bickering tool is having on the communities in Northern and rural Manitoba, and as well, the city, I would suppose, would somewhat affected by the ultimate negotiations. That will alleviate the anxiety and the apprehension that is being felt at that level; anxiety and apprehension which is being felt because of the inability of the Provincial and the Federal governments to come to terms.

Now I said earlier, I don't want to comment on the negotiations; I haven't been privy to them; I don't know what has been said; I don't know what hasn't been said but it is obvious that there is an impasse. It is obvious that the impasse is longstanding and I would suggest, given what I consider to be inappropriate remarks on the part of the Federal government again in respect to withdrawal of service, that impasse is going to continue for sometime unless we see level-headed people put aside their ideologies, put aside their hatred, put aside their inability to talk to each other on a one-to-one basis and get down to some sincere honest negotiations. If that's what the Member for Dauphin's resolution was intended to provoke, then so be it. In the meanwhile I think it is important to provide the municipalities with some assurance as to the effect that the negotiations or lack of negotiations is going to have on them.

As well the amendment will place a responsibility for the failure to negotiate on the Provincial government rather than on the municipal governments. I don't think the municipal governments in fact should have to pay for the sabre rattling of the Provincial government and the Federal government; they're both at fault; they won't talk; they won't get this issue resolved so let's give the municipalities some assurance that they are not going to be the third party bystanders who are victims of this entire sad state of affairs.

I think finally, in the few moments that are left to me, Mr. Speaker, it must be said that this whole issue highlights the dilemma which the Conservative government is finding itself facing at this time. As I mentioned, there are other Federal-Provincial negotiations that are ongoing and seem to be going nowhere and I think that's as a result of the poisoned environment which has been created by the

constant fed-bashing and the provincial-bashing on the part of an arrogant Prime Minister. I think that he has to assume some of the responsibility as well, and his counterparts at the Ministerial level, the Solicitor-General.

I don't and I did not intend to stand up here and bash the province and bash the feds on this, I don't think that's appropriate action at this time. I had to put on the record some of my concerns and some of the concerns of the municipalities but I hope that the Attorney-General would be able to stand and say we've finally come to our senses. We are finally moving forward, making progress in respect to the negotiations, so that we can see this issue resolved and that there is no need for the amendment on the part of the Member for Wellington. But it is going to take movement on both party's sides.

It's going to take movement on the part of the Provincial government; it's going to take movement on the part of the Federal government and let us just hope that they are person enough to — (Interjection)— The Member for Elmwood says, it's man enough. Well if it is man enough, it should be person enough. Let us just suggest that they are person enough to cast aside the derogatory remarks they have made towards each other in the past and sit down and being to negotiate in good faith and come to a successful agreement which does not impose hardship on the part of the municipal communities.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, I would like to speak to this matter but I just wonder if there is agreement to call it 5:30.

MR. SPEAKER: The hour is 5:30. The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, I move, seconded by the Honourable Minister of Finance that this House do now adjourn and resume in Committee of Supply at 8:00 o'clock.

MOTION presented and carried and the House adjourned and stands adjourned until 2:00 p.m. tomorrow. (Tuesday)