



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

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**DEBATES**  
and  
**PROCEEDINGS**

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**31-32 Elizabeth II**

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Speaker*



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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, 17 August, 1983.

Time — 2:00 p.m.

**OPENING PRAYER by Mr. Speaker.**

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

## PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

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

**MS. M. PHILLIPS:** Mr. Speaker, I beg to present the Third Report of the Standing Committee on Statutory Regulations and Orders.

**MR. CLERK, W. Remnant:** Your Committee met on Tuesday, August 16 at 8:00 p.m. and elected Ms. Phillips as Chairman.

Your Committee heard representations with respect to Bill No. 107, An Act to amend The Child Welfare Act (2) as follows:

Mr. Abe Arnold - Manitoba Association for Rights and Liberties,  
Mr. Larry Allen, Native Family Services and Winnipeg Coalition on Native Child Welfare,  
Mr. Paul Walsh, Children's Aid Society of Winnipeg,  
Mr. Cyril Lillie, Social Workers' Union, Children's Aid Society of Winnipeg,  
Ms. Linda Milburn, Social Worker, Children's Aid Society of Winnipeg.

Your Committee has considered:

Bill No. 107, An Act to amend The Child Welfare Act (2),

And has agreed to report the same without amendment, on division.

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

**MS. M. PHILLIPS:** Mr. Speaker, I move, seconded by the Honourable Member for Rupertsland, that the report of the Committee be received.

**MOTION presented and carried.**

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

**MR. A. ANSTETT:** Mr. Speaker, I would like to present the Fourth Report of the Standing Committee on Municipal Affairs.

**MR. CLERK:** Your committee met on Tuesday, August 16, 1983 and heard representations with respect to Bill No. 47, The Municipal Council Conflict of Interest Act; Loi sur les conflits d'intérêts au sein des conseils municipaux as follows:

Messrs. Frank Steele and Gordon Carnegie, City of Winnipeg.  
Mr. Bob Atkins, Municipal Law Subsection of the Canadian Bar Association.

A written brief was submitted to the Committee from the Manitoba Association for Rights and Liberties with respect to Bill No. 18, The Legislative Assembly and Executive Council Conflict of Interest Act; Loi sur les conflits d'intérêts au sein de l'assemblée législative et du conseil exécutif.

Your Committee has considered:

Bill No. 18, The Legislative Assembly and Executive Council Conflict of Interest Act; Loi sur les conflits d'intérêts au sein de l'assemblée législative et du conseil exécutif.

Bill No. 47, The Municipal Council Conflict of Interest Act; Loi sur les conflits d'intérêts au sein des conseils municipaux,

And has agreed to report the same with certain amendments.

Your Committee has also considered:

Bill No. 114, An Act to amend The Legislative Assembly Act (3)

And has agreed to report the same without amendment.

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

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

**MOTION presented and carried.**

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

**MR. C. SANTOS:** Mr. Speaker, I beg to present the Fourth Report of the Standing Committee on Industrial Relations.

**MR. CLERK:** Your Committee met on August 15 and 16, 1983 and heard representations with respect to Bill No. 77, An Act to amend The Public Schools Act; Loi modifiant la loi sur les écoles publiques as follows:

Messrs. George Marshall and John Johnson, M.A.S.T. (Manitoba Association of School Trustees),

Dr. Linda Asper, Tom Ulrich, Aubrey Asper and Ralph Kyritz, Manitoba Teachers' Society,  
Mr. Max Schatz, Rolling River School division,  
Mr. Fred Grosse, Lakeshore School Division,  
Mr. Grant Russell, Manitoba Home & School Parents Teacher Federation of Manitoba,  
Mr. Alex Novak, River East School Division,

Ms. Linda McIntosh, Rhineland School Division  
No. 18, Garden Valley School Division No. 26  
and St. James-Assiniboia School Division,  
Mr. George Buchholz, Manitoba Association of  
School Superintendents,  
Mr. Norman Isler, Seven Oaks School Division,  
Mr. Glen Cummings, Beautiful Plains School  
Division,  
Ms. Jean Beaumont, Seine River School Division.

Your Committee has considered:

Bill No. 77, An Act to amend The Public Schools  
Act; Loi modifiant la loi sur les écoles publiques,  
And has agreed to report the same with certain  
amendments, on division.

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

**MR. C. SANTOS:** Mr. Speaker, I move, seconded by  
the the Honourable Member for Inkster, that the report  
of the Committee be received.

**MOTION presented and carried.**

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

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

**HON. J. PLOHMAN:** Mr. Speaker, I would like to inform  
the members on the status of the health emergency  
aerial spraying program.

Based upon data received late yesterday which  
showed a marked decrease in viral activity and *Culex*  
*tarsalis* mosquito numbers throughout the province, I  
am announcing that the DC-6 aircraft used in the aerial  
spraying campaign has been released from its contract  
and has returned to British Columbia.

Although further aerial spraying is not being  
considered, monitoring is continuing throughout the  
province and should the need arise the aircraft can be  
returned to Manitoba within 24 hours.

Approximately 400 people are now being tested for  
symptoms of western equine encephalitis. However,  
there are no new confirmed human or horse cases of  
the disease.

I would remind all Manitobans that the health  
emergency is still in effect and that the aerial spraying  
campaign has merely reduced the element of risk.  
Personal protection is still the best defence against  
contracting the disease.

The Information Centre, operational since July 20th,  
will be closing this afternoon at 4:30. The Centre  
handled approximately 13,000 calls during the course  
of its operation.

The remaining small amount of chemical on hand  
will be returned to the manufacturer.

Although final costs have not been tabulated, it is  
estimated the aerial spraying program, which began  
July 23rd, will cost approximately \$1.5 million.

As this phase of the health emergency draws to a  
close, I would like to take this opportunity to thank the  
dozens and dozens of people in various government  
departments whose untiring efforts allowed the

government to conduct a health emergency aerial  
spraying program as efficiently as possible.

Their dedication and hard work towards the program  
is sincerely appreciated. Thank you, Mr. Speaker.

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

## ORAL QUESTIONS

### Indian claims re flooding

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

**HON. S. LYON:** Mr. Speaker, a question for the Minister  
of Natural Resources. There have been news reports  
recently to the effect that the Government of Manitoba  
has agreed to reopen discussions with, I believe it's  
the Chemawawin Band, with respect to the Grand  
Rapids forebay settlement which was completed some  
time in the 1960s. Can the Minister of Natural Resources  
tell us if these news reports are true, first of all, and  
secondly, what is the legal basis upon which the  
Government of Manitoba would reopen possible claims  
against the Treasury which are contrary to the statute  
of limitations?

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

**HON. A. MACKLING:** Mr. Speaker, the Honourable  
Leader of the Opposition is quite correct in indicating  
that we have confirmed our willingness to sit down and  
discuss, by way of negotiation, the claims that have  
been asserted by the Chemawawin Band, the Grand  
Rapids Band, The Pas Indian Band, in connection with  
their alleged losses resulting from the flooding of lands  
for the Grand Rapids forebay. Litigation was  
commenced by various Bands; some of that litigation  
has been defended and in the course of the defence,  
motions were made to strike out certain sections of  
pleadings and so on.

There are legal proceedings that are extant, still  
before the courts, and it's a question of sitting down  
and determining whether or not there is any basis for  
settlement of these claims. I think that all parties will  
acknowledge that there has been a change in the natural  
resources available to the Bands. It's a question as to  
whether or not there is any sufficient claim that we  
must deal with and the only way we can determine that  
is to really sit down and discuss that with them.

### Statute of limitations - Band claims

**HON. S. LYON:** Mr. Speaker, the second question then  
to the Minister of Resources would have to be this, is  
there a legal basis upon which the Government of  
Manitoba is proceeding to negotiate with the Band or  
Bands in question? That is, is it acknowledged by the  
Government of Manitoba that the claims made by the  
various Indian Bands are within time, that is, are not  
contrary to the statute of limitations which applies to  
all other Manitobans?

**HON. A. MACKLING:** Mr. Speaker, prudence would  
dictate that I don't speculate on the question as to the

legal rights involved in the claims, as to whether or not there is any validity to the claims or otherwise.

There are claims that are before the courts and we have, quite frankly, indicated to the claimants that, without prejudice, without indicating the propriety of those claims, we are prepared to sit down and discuss the claims and if we feel there is a basis for those claims, we are prepared to look at a settlement of them; all of that completely without prejudice to our position to completely deny the validity of any claims they assert.

**HON. S. LYON:** Mr. Speaker, I certainly don't want to get into a legal discussion with the Minister of Natural Resources, but would not the very act of a government sitting down to negotiate a claim which it has said, presumably in a statement of defence, is out of time; that is, that the claim no longer exists legally, what is the legal basis for the government to negotiate a claim which, I presume, its pleadings say does not exist legally.

**HON. A. MACKLING:** Well, Mr. Speaker, our government, certainly I have always taken the position that one should be prepared to sit down and discuss claims, not on the basis of the narrow legal rights that may exist, but from a broader equitable standard that there may be legitimate, moral obligations on the part of government and if there are we have to consider them. If there are valid legal claims we have to do that too. We have indicated that any negotiations, any discussions we have are completely without prejudice to our rights.

**HON. S. LYON:** Can the Minister of Natural Resources tell the House and tell the people of Manitoba if there is now being promulgated by this government a new form of giveaway by the NDP which says that the statute of limitations applies to all other Manitobans but because we make a political decision, it will not apply to the Chemawawin, to the Grand Rapids and to The Pas Band even though our pleadings in law say that their case is out of court.

Mr. Speaker, is the Minister of Resources not aware of the dangerous precedent that he may well be creating if he even engages in negotiations, if his legal staff, the law officers of the Crown, have said there is no legal basis for this claim? How can you negotiate a claim for which there is no legal basis?

**HON. A. MACKLING:** Mr. Speaker, I ought not to speculate as to how a claim can be valid and how it can be statute barred, but the honourable member knows, as a former Attorney-General, that there are claims made by people for ongoing losses, some of which may be statute barred. If they haven't brought action within the required time, then losses that have occurred beyond the limitation period are barred. There is a claim, as I understand it, before the courts that there is an ongoing loss of certain rights that were held by Treaty Indian Bands and there may be validity to those claims. There may be areas that are not statute barred. I am not going to speculate on the decision of court in respect to any arguments that are put before it, but what we said is that we are prepared to sit down and talk to you about your claims and if we feel that

either in law or morally we should be bound to compensate you, we will look at it.

**HON. S. LYON:** Mr. Speaker, if this new attitude of government, which is that the law is for some people but not for all people, if this new attitude is to become the hallmark of this government, will it extend the same privilege to all other citizens of Manitoba who have had statute-barred claims thrown out of court because they were barred by statute? Will it say now to all people of Manitoba on an equal basis, we will treat you the same as we're treating the Chemawawin, The Pas and the Grand Rapids Band? Because, Mr. Speaker, from what the Minister has said to us today, he is promulgating a new and a very dangerous form of discrimination against the vast majority of the citizens of Manitoba and in favour of three Indian Bands.

**HON. A. MACKLING:** Well, Mr. Speaker, I disagree very strongly with the characterization that the Opposition Leader is making of our approach to this problem. I know that during his tenure and I know that during my tenure as Attorney-General, there were claims brought, for example, in respect to flooding, alleging negligence on the part of servants of the Provincial Government in respect to lands where crop losses occurred. If those losses occurred in a time or in a period when no proceedings were brought and they are statute barred, they're barred. But there can be ongoing, continuing crop losses because of flooding, and if such be the case, then they are not barred by proceeding and the courts have recognized that.

So I'm not going to evaluate this claim or the claims that are being made and determine the niceties of legal positions that the applicants or the plaintiffs or we, as government, are going to take. We are prepared to look at the totality of their claims and recognizing what may be statute barred and what may not be statute barred and what we may be morally obliged to do, we look and consider those claims and endeavour to come to an amicable solution of them.

**HON. S. LYON:** Mr. Speaker, can the Minister of Natural Resources advise the House if the government's action is based upon legal advice from the law officers of the Crown or from counsel who have been employed by the Government of Manitoba to defend against these claims? If so, would he table that legal advice in the House so that we may be all privy to this information?

**HON. A. MACKLING:** Mr. Speaker, I would have to take the specifics of the question as notice. I know that legal officers of the Crown have been involved in both the litigation itself and advising in respect to the course of action that we are taking.

**HON. S. LYON:** Just a final question on that series then, Mr. Speaker. Does the Minister of Natural Resources wish to leave the impression with the House and the people of Manitoba that the political action that this government is taking with respect to negotiating claims that may well be statute barred is in fact supported by legal opinions from the law officers of the Crown?

**HON. A. MACKLING:** Mr. Speaker, I'm not trying to leave any impression as to what officers of the Crown

are advising. I've indicated that officers of the Crown have been involved in representing the government, in filing defenses, dealing with motions before the court and are involved in advising government as to the course of action we are taking.

**HON. S. LYON:** I suppose, Mr. Speaker, those muted cries we hear are from the law officers of the Crown.

### Chase Econometrics Report

**HON. S. LYON:** Mr. Speaker, another question, and this will have to be directed to the Acting First Minister. Can the Acting First Minister advise if the government has had an opportunity to peruse and to make judgment upon the Chase Econometrics Report on prospects for an aluminum smelter and implications for electric energy pricing policy that was prepared for the Department of Energy and Mines of the Province of Manitoba in July of 1982?

**MR. SPEAKER:** The Honourable Minister of Economic Development.

**HON. M. SMITH:** Mr. Speaker, I'll take that one under advisement.

**HON. S. LYON:** Two other questions, Mr. Speaker, that the Minister might wish to take under advisement. Could she confirm that in the summary of recommendations contained in that report which has already been reported, Sir, in the Winnipeg Free Press some months ago, Recommendation 6 says, about the attraction of an aluminum industry to Manitoba and the participation of that aluminum industry and part-ownership of a hydro generating station, and I quote, "A participation-type contract for electric power offers significant advantages over other types of contract and should be considered as offering the potential for further negotiations with interested parties. Any long-term power contract should include provision for regular review and the possibility of establishing an arbitration proceeding in the event of a failure to agree should be considered."

Would she confirm that that is one of the recommendations of the Chase Econometrics Review, namely, that participation contract in the ownership of the hydro station is recommended by them?

**HON. M. SMITH:** Mr. Speaker, I will look at that item, but I do draw attention to the members opposite to the fact that the aluminum companies that we've talked about give equal weighting to the stability of supply and price, just as much as to one method of achieving that which is through part-ownership. Manitoba does stack up well with regard to both stability of supply and pricing.

**HON. S. LYON:** Mr. Speaker, a final question which the Minister may also wish to take as notice. Given the response of the Minister of Mines and Energy the day before yesterday that the government is holding firm to its mulish position about not having any industry participation in ownership of a hydro generating station, would the Acting First Minister tell us how that mulish position stacks up with the recommendation contained,

I'm told, on Page 95 of the report which says: "Thirdly, given that one of the objectives of the authorities is to capture the economic rent implicit in the water resource, it should be recognized by all concerned that the ownership issue is, in fact, a red herring. Since all natural resource rights including water rights, are Crown property, if the aluminum company develops its own power generating station it will still have to pay a royalty for the water rights. This royalty can be used as the vehicle to collect economic rent."

Would the Minister confirm that that statement was made in the report commissioned by her government and standing contrary to the mulish, doctrinaire, ideological position which this government has taken which has successfully barred Alcan or any other aluminum company from establishing here, and is seeing those plants being built today in Quebec and British Columbia?

**HON. M. SMITH:** Well, Mr. Speaker, last week we had the saga of Typhoid Mary and this time we're getting the saga of mules and red herrings. I suggest to the member opposite that if there is any mulishness involved it may be in his own perspective. In our discussions with Alcan, we find that they are not tied to only one means of achieving their end, that is, ownership. They are willing to look at agreements that do secure stability of supply and stability of price, because that is their concern.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order please.

**HON. M. SMITH:** Ownership or not is only one way of travelling from A to Z.

### Saskerem Wildlife Management Area

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

**MR. H. ENNS:** Mr. Speaker, a further question to the Minister of Natural Resources. I think it was only last week, Mr. Speaker, that I asked the Minister about boundary changes, leases, etc., to be signed with respect to the Saskerem Wildlife Management Area. Mr. Speaker, in light of the fact that, in response to questions asked by my leader just a moment or two ago where the Minister says that he and his government are certainly prepared to sit down and talk with the Indian Bands involved, whether or not statutes have run out, how can he respond to the charges made by the senior member of the Department of Indian Affairs, who claimed in today's press that they have twice written the province advising the province that any arbitrary changes to the Saskerem Wildlife Management Area could be in violation of the 1962 agreement signed to allow the construction of the Grand Rapids hydro project?

It goes on further to say that the province has never included his department in discussions about changes in the Saskerem . . .

**MR. SPEAKER:** Question?

**MR. H. ENNS:** . . . and ignored the request for information about the changes. It goes on further to

say that there is no question the province is not giving up . . .

**MR. SPEAKER:** Order please. If the honourable member has a question, would he please pose it and not ask a Minister to comment on a statement supposedly reported by a member of another level of government. The Honourable Member for Lakeside should state his question.

**MR. H. ENNS:** Mr. Speaker, you'll excuse me, but the track record of this government's negotiating record is such that leads to that kind of preamble. My question is, did this government sit down with the Department of Indian Affairs, have they involved the Indian Bands involved in the announcements that were made just last week about changes to the Saskeram Wildlife Management Area?

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

**HON. A. MACKLING:** Yes, Mr. Speaker, I'm happy to advise the honourable member, and all members of this House, that prior to the recommended decision in respect to the settlement of the Saskeram Wildlife Management Area, I, personally, and with staff and others, met with the Chief of The Pas Indian Band, not once but on a number of occasions. Certainly we had meetings in The Pas where all parties were present; we had further meetings in my office. In respect to Mr. Vienneau's (phonetic) concern, as representing the Federal Government, it has not been my practice to deal on Band issues with a representative of the Federal Government. What we have indicated to the proposed lessee, Ducks Unlimited, is that in the event that there is any claim arising in respect to the use of that land, arising from Treaty Indian Bands, by treaty claims or otherwise, that any lease would be subject to any of those claims.

We know that there's an outstanding treaty land entitlement claim by The Pas Indian Band and certainly we took into account in our decision the fact that The Pas Indian Band and others claimed that the Saskeram Wildlife Management Area was indicated to be a wildlife improvement area in partial compensation for the flooding of the forebay area.

**MR. H. ENNS:** My question to the Minister is just one of clarification. Who can I believe, Mr. Speaker, the head of the Department of Indian Affairs who says that he has not been consulted; Chief Charles Constant who says, speaking for his Band, that the Band would like to be party to the negotiations on the new lease; or the Winnipeg Free Press who printed the story. Which of these three parties can a member of the opposition believe in this question as to whether or not this Minister and this government has negotiated in good faith with the parties involved?

**MR. SPEAKER:** Order please. If the honourable has a question, it should be for information and not asking for an opinion or an argumentative question. Oral Questions.

**HON. A. MACKLING:** Well, Mr. Speaker, whether the question was in order or not, it is now on the record

and I want to indicate that I don't think the Free Press story is inaccurate. The Pas Indian Band would like to be a signatory to any agreement, but the land is owned by the Province of Manitoba and, as a provincial government, we have to take responsibility for that decision. In respect to Mr. Vienneau's (phonetic) concerns, he represents the Federal Government, they have certain interests in the matter, in all matters dealing with Indian matters, and we respect their jurisdiction, we trust that they respect our jurisdiction to enter into agreements in respect to Crown land for which we have jurisdiction.

#### Labour liaison officer

**MR. SPEAKER:** The Honourable Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Speaker, my question is to the Minister in charge of the Civil Service. I wonder if the Minister could inform the House the amount of notice required to terminate the services of a senior civil servant in the Province of Manitoba?

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

**HON. M. B. DOLIN:** Mr. Speaker, as to the specifics of that answer, I'd have to take that under advisement and I will inform the honourable member as soon as I consult with staff on that.

**MR. F. JOHNSTON:** Mr. Speaker, I would ask the Minister then if the contract signed between Mr. Fullerton and the government, which gives the notice of 12 months required to terminate the services of Mr. Fullerton by the government, will that become a precedent with all the people that are on contract or all the senior civil servants within this province? Will the government have to give all senior civil servants a 12-month notice before their termination?

**HON. M.B. DOLIN:** Mr. Speaker, first of all, the contract obviously indicates that Mr. Fullerton, the man that the opposition member is speaking of, is under a contract and not a civil servant hired into the regular Civil Service. My understanding is that the 12-month clause is not precedent-setting, that there has been that kind of clause involved in contracts devised by the opposition when they were in government.

**MR. F. JOHNSTON:** A further question, Mr. Speaker, regarding Mr. Fullerton, who has an \$85,000 contract per year, with a car, with expenses, with indexing, I would ask the Minister of Labour if Mr. Fullerton, who is going to receive increases the same as the senior Civil Service, the Deputies, as it says in the contract, will the Deputies of this province receive the same consideration of 12-month termination notice?

**HON. M.B. DOLIN:** Mr. Speaker, again I remind the member, who prides himself on his knowledge of the private sector and so on, that this is a contract. Deputies are not hired under a contract as devised with each of them separately.

**MR. F. JOHNSTON:** Mr. Speaker, a further question - and I do have more knowledge on the private sector than the Honourable Minister.

Mr. Speaker, I would ask the Minister this. The government must give Mr. Fullerton 12 months notice; I wonder if the Minister could explain why Mr. Fullerton only has to give one months notice.

**HON. M.B. DOLIN:** Again, Mr. Speaker, I'm surprised with the member's questioning along this line, since his added years of experience with the private sector simply by matter of age, I suppose, would perhaps give him added experience, since again, he would know that any employee who didn't any longer want to work with the employer, particularly at this level, certainly would not be a useful employee and this kind of clause is not precedent-setting and does, in fact, exist in contracts throughout the private sector and I would suggest, is similar to contracts devised by the members of the opposition when they were in government.

**A MEMBER:** Yes, let's bring some out.

**MR. F. JOHNSTON:** A further question then, Mr. Speaker. If the government decides they don't want him, they've got to have him for 12 months; that's obvious, with the contract.

I would ask the Minister to clearly outline for this House, in view of the fact that Mr. Fullerton will receive the same increment increases as a Deputy Minister, is this going to be a precedent for other contracts, and will the senior officers and Deputies of this province be treated the same as Mr. Fullerton?

**HON. M.B. DOLIN:** Mr. Speaker, I have been impressed with the friendliness and willingness of Mr. Fullerton to look at the concerns of government and I would suggest that he would probably be quite accepting of a \$1,000 increase next year, if next year is the same as this year for our Deputies and senior civil servants.

### Bilingualism in Manitoba

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** On August 8th, the Member for Minnedosa asked me some questions with respect to parking tickets, particularly as that referred to the Town of Dauphin and I undertook to file some documents, and I do so today.

The documents, in fact, are self-explanatory and I do not propose to read them. They're a series of letters to the Secretary-Treasurers of towns and municipalities from Mr. Cardwell, Manager and Registrar, Justices of the Peace and Magistrates beginning on July 12, 1982, which pertain to Bill 27, An Act to amend the Summary Convictions Act, and pointing out that this had received third reading and that towns could then, if they wished, move from the old parking ticket to a parking ticket which was both a parking ticket and a summons and pointing out the implications of that.

In the letter, the first of the several letters, Mr. Cardwell simply pointed out that rough samples have been drawn up of the forms to be used by the Department of Government Services for parking violations. These forms, that is the Department of Government Services, will be printed in a bilingual form and that's as much as that letter said. It never purported to say that there

was any legal obligation on any town or municipality to use a bilingual format if they did not want to, and I'm filing those documents.

I should point out that subsequently, Mr. Cardwell, in the summer of 1982 and as other letters went out, advised towns that this was optional and that they could have the tickets printed in the English language only. He also advised them that it was not mandatory that they even change their present procedures to the new procedures. They could go on if they wished, albeit it would be of some loss to them, to use the old parking ticket and then you'd have to go out again and deliver a summons.

In conclusion, the following towns and cities have adopted the new procedures and have bilingual parking tickets: Winnipeg, Flin Flon, Beausejour, The Pas, Government Services, Portage la Prairie, Carman, Steinbach, Springfield and the University of Manitoba. The City of Thompson has opted for the English only, which they had the right to do and Morden has decided to remain with the old system of parking tickets and then having to deliver summons, which is their right to do, albeit it's more expensive.

So I will file a series of letters from Mr. Cardwell. They are self-explanatory and they make it clear that this was entirely a voluntary matter.

### Return to Order No. 6

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

**MR. G. FILMON:** Mr. Speaker, my question is for the Honourable Minister of Labour. I might preface it by saying that nine months ago I filed an order for return asking a question about the employment of Lionel Orlikow, and since there isn't a response forthcoming, I ask the specific question of the Minister of Labour. Was Lionel Orlikow employed in or by her department at any time during the past 18 months and if so, what were his responsibilities?

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

**HON. M.B. DOLIN:** Mr. Speaker, I believe that I once before answered that question in this House in referral to the employment of Lionel Orlikow when I was asked why I had hired him. Yes, of course he was hired by my department. He no longer is hired by the department; it was a contract position.

**MR. G. FILMON:** Mr. Speaker, the second part of my question, which the Minister can answer along with the second part of this question is, what were his responsibilities, and was his remuneration \$200 per day?

**HON. M.B. DOLIN:** Mr. Speaker, I'd have to take that as notice to review that. It has been a few months since that contract was in place. Basically though, the responsibilities dealt with a look at training, which of course is the responsibility - employment training - of our Employment Services Branch, a very needed study that was done. We have, since that time, received some information from Mr. Orlikow. But I will take the information requested about his contract under advisement.



**MR. G. FILMON:** Mr. Speaker, we were hoping to have the answer before the House adjourns, so I wonder if the Minister could look into that, and could she confirm that his remuneration was \$200 a day for six months, which amounts to \$26,000, and could she indicate whether or not he has submitted a report based on whatever he was looking into?

**HON. M.B. DOLIN:** Mr. Speaker, if we got Lionel Orlikow for \$200 a day, I'd say we'd got a tremendous bargain

**SOME HONOURABLE MEMBERS:** Oh, oh!

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

**HON. M.B. DOLIN:** . . . and I would be remiss if I didn't point out that many contracts offered by the opposition when they were in power were at \$300 and \$400-and-more a day. The information received from Mr. Orlikow was primarily of the kind that was brought to me in meetings, regular meetings, throughout his studies and his research and his employment. We met regularly and we discussed issues.

### Manitoba School for Retardates

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

**HON. L. EVANS:** Thank you, Mr. Speaker. Two days ago, the Honourable Member for Portage la Prairie asked me a question in regard to six persons that he suggested may have been laid off or fired at the Manitoba School for Retardates at Portage la Prairie. We have checked into this and I can advise him that there have been no layoffs of regular staff as such.

However, as he may know, and I'm sure other members of the Legislature may be aware, for some many years now it has been the practice at the Manitoba School for Retardates to hire a number of high school and university students for summer relief. These are people who are looking for summer employment and are hired on a very short-term basis. Many of the terms of these high school and university students are now expiring or will expire shortly and therefore, of course, they are leaving the institution.

However, I would point out, Mr. Speaker, that anyone who has a satisfactory work record over the summer period and who is interested in doing more work at the institution, will be placed on an eligibility list and considered for any opening that comes along in the future.

**MR. SPEAKER:** The Honourable Member for Portage la Prairie.

**MR. L. HYDE:** Thank you, Mr. Speaker. I do have a question. First of all, I thank the Minister for that information that he just gave to me, but I have a further question to the Minister. When questioning the Minister on Monday of this week regarding the North Grove Wing of the Manitoba School for Retardates, I asked him if he and his government had approved the necessary funds to upgrade that wing to the proper

fire standards, or if he and his government had arrived at an alternative policy. Mr. Speaker, the Minister has been skirting around this issue and my question is to him at this time, is he considering establishing a number of group homes within the city limits of Portage la Prairie?

**HON. L. EVANS:** Mr. Speaker, I want to assure the member that I'm trying to be as specific as I possibly can at this time. There is a lot of research going on with regard to the various options that we should be looking at, keeping in mind on one hand the cost involved which is a very important criteria, but also even more important, the welfare of the mentally handicapped people of Manitoba. Therefore I would certainly not rule out the possibility of group homes in the City of Portage la Prairie, or indeed in any city or town in the Province of Manitoba.

### Return to Order No. 6

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

**MR. G. FILMON:** Mr. Speaker, I'd just like one more question for the Minister of Labour. I just want to confirm for the benefit of the 48,000 unemployed Manitobans and all the other average Manitobans who are suffering under the weight of the excessive taxes of this government; I'd like to confirm for them so that they know that she has just said that Lionel Orlikow was employed for a period of approximately six months for a total of \$26,000 and did not submit a report. Can she confirm that?

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

**HON. M.B. DOLIN:** Mr. Speaker, as far as I'm concerned, an employee who converses and advises and works with a Minister on a constant basis is far more valuable than one who goes off in a corner and submits a report at the end that you never even have a chance to discuss. I found the employment of Lionel Orlikow a valuable experience and I'm sure that our Employment Services Branch will also find it valuable.

### Nelson River-Cross Lake bridge

**MR. SPEAKER:** the Honourable Member for Rhineland.

**MR. A. BROWN:** Thank you, Mr. Speaker, my question is to the Acting Minister of Mines and Energy, the Minister responsible for Hydro. Last week I asked the Minister of Transportation about a bridge which was reported to be approved for construction across the main channel of the Nelson River and at Cross Lake. At that time the Minister of Transportation answered that to the best of his knowledge this bridge was to be built by Manitoba Hydro. Can the Minister of Energy or the Minister answering, the Acting Minister, confirm that the construction of this bridge has been approved?

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

**HON. B. URUSKI:** Mr. Speaker, I'll take that question as notice on behalf of both Ministers just to ascertain specifically the facts behind it.

**MR. A. BROWN:** Can the Minister then also take as notice what the cost of this bridge would be? Can the Minister take as notice that since the bridge would serve only one small community, would it not be much cheaper to try to regulate the water level at Cross Lake so that the prairie could be used more properly?

**HON. B. URUSKI:** Mr. Speaker, if in fact, the bridge has been tendered then those cost figures would be made public when they're available. If the bridge has been approved and tendered, when that is done and if it is done, it will be made public. Whether or not some other means of transportation could be utilized that certainly, I'm sure, was the subject of discussion when this area was being looked at.

### Disaster costs re flooding

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

**MR. C. MANNESS:** Thank you, Mr. Speaker, I'd like to address a question to the Minister in charge of Government Services. I understand an agreement was signed in early August between this province and the Federal Government regarding emergency planning. I'm wondering if the Minister could indicate whether the formula for sharing of disaster costs, particularly as related to flooding, has been changed in any degree whatsoever from the previous agreement.

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

**HON. J. PLOHMAN:** Mr. Speaker, the honourable member did ask that same question during the review of our Estimates of the department and I indicated to him at that time and it is still the case that there has been no change in the funding formula, that is, that the first dollar per capita for emergency situations is paid for by the province and then the second and third dollars per capita are shared on a 50-50 basis. The fourth and fifth dollars are shared on a 75-25 basis and after that the Federal Government pays 90 percent of the costs in an emergency.

That has not been changed and the Federal Government has indicated clearly to us that if they were contemplating any change in that they would do it only after consultation with the provinces.

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

### ORDERS OF THE DAY COMMITTEE CHANGES

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

**MR. A. DRIEDGER:** I have a committee change on Industrial Relations: Johnston for Oleson.

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

**MR. D. SCOTT:** Mr. Speaker, I have a few changes here. The compilation of the Standing Committee be

amended as follows: On the Standing Committee on Privileges and Elections, please put on the Member for St. James to replace the Member for Concordia; the Member for Radisson for the Member for Ellice.

The Standing Committee on Public Utilities, the Member for Brandon East replaces the Member for Springfield.

The Standing Committee on Industrial Relations, the Member for Kildonan replaces the Member for Flin Flon and then, for the 8:00 o'clock Session tonight, the Member for Flin Flon will replace the Member for Wolseley on Industrial Relations; those last two were Industrial Relations.

In Agriculture, put on the Member for St. Johns for the Member for Lac du Bonnet.

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

**HON. R. PENNER:** Mr. Speaker, following this afternoon's adjournment, the Standing Committee on Agriculture will meet to continue consideration of Bill 3. The Standing Committee on Industrial Relations will meet to continue receiving representations and consideration of Bill 95. Both of those committees will meet tonight, as required.

I'd also like to announce a meeting of the Standing Committee on Public Utilities for 10:00 o'clock tomorrow morning to continue and, one hopes, conclude its consideration of the Hydro Report.

Those are the committee announcements which I have. It's anticipated then, Sir, that the House will meet tomorrow afternoon in regular Session and we'll see what will be required, if anything, with respect to committee meetings, other than those already announced for tomorrow.

With those announcements I would move, seconded by the Minister of Health, that the House do now adjourn.

**MR. SPEAKER:** Before accepting that, the Honourable Member for Emerson.

**MR. A. DRIEDGER:** Mr. Speaker, it creates a little bit of difficulty with that announcement because the House won't be sitting again in terms of committee changes for the Public Utilities Committee. I wondered if I could make a committee change, but I have not had time to consult on that. By leave, is there some arrangement we can make to change . . .

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** We would be glad to give leave to have the member advise the Clerk of the House, when he's ready, of those changes and take it as having been pronounced in the House.

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

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