



Fifth Session — Thirty-First Legislature
of the
Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

30 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty - First Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, A. R. (Pete)	Ste. Rose	NDP
ANDERSON, Bob	Springfield	PC
BANMAN, Hon. Robert (Bob)	La Verendrye	PC
BARROW, Tom	Flin Flon	NDP
BLAKE, David	Minnedosa	PC
BOSTROM, Harvey	Rupertsland	NDP
BOYCE, J. R. (Bud)	Winnipeg Centre	NDP
BROWN, Arnold	Rhineland	PC
CHERNIACK, Q.C., Saul	St. Johns	NDP
CORRIN, Brian	Wellington	NDP
COSENS, Hon. Keith A.	Gimli	PC
COWAN, Jay	Churchill	NDP
CRAIK, Hon. Donald W.	Riel	PC
DESJARDINS, Laurent L.	St. Boniface	NDP
DOERN, Russell	Elmwood	NDP
DOMINO, Len	St. Matthews	PC
DOWNEY, Hon. Jim	Arthur	PC
DRIEDGER, Albert	Emerson	PC
EINARSON, Henry J.	Rock Lake	PC
ENNS, Hon. Harry J.	Lakeside	PC
EVANS, Leonard S.	Brandon East	NDP
FERGUSON, James R.	Gladstone	PC
FILMON, Hon. Gary	River Heights	PC
FOX, Peter	Kildonan	NDP
GALBRAITH, Jim	Dauphin	PC
GOURLAY, Hon. Doug	Swan River	PC
GRAHAM, Hon. Harry E.	Birtle-Russell	PC
GREEN, Q.C., Sidney	Inkster	Ind
HANUSCHAK, Ben	Burrows	NDP
HYDE, Lloyd G.	Portage la Prairie	PC
JENKINS, William	Logan	NDP
JOHNSTON, Hon. J. Frank	Sturgeon Creek	PC
JORGENSEN, Hon. Warner H.	Morris	PC
KOVNATS, Abe	Radisson	PC
LYON, Hon. Sterling R.	Charleswood	PC
MacMASTER, Hon. Ken	Thompson	PC
MALINOWSKI, Donald	Point Douglas	NDP
McBRYDE, Ronald	The Pas	NDP
McGILL, Hon. Edward	Brandon West	PC
McGREGOR, Morris	Virden	PC
McKENZIE, J. Wally	Roblin	PC
MERCIER, Q.C., Hon. Gerald W. J.	Osborne	PC
MILLER, Saul A.	Seven Oaks	NDP
MINAKER, Hon. George	St. James	PC
ORCHARD, Hon. Donald	Pembina	PC
PARASIUK, Wilson	Transcona	NDP
PAWLEY, Q.C., Howard	Selkirk	NDP
PRICE, Hon. Norma	Assiniboia	PC
RANSOM, Hon. Brian	Souris-Killarney	PC
SCHROEDER, Vic	Rossmere	NDP
SHERMAN, Hon. L. R. (Bud)	Fort Garry	PC
STEEN, Warren	Crescentwood	PC
URUSKI, Billie	St. George	NDP
USKIW, Samuel	Lac du Bonnet	NDP
WALDING, D. James	St. Vital	NDP
WESTBURY, June	Fort Rouge	Lib
WILSON, Robert G.	Wolseley	Ind

LEGISLATIVE ASSEMBLY OF MANITOBA
Wednesday, 18 February, 1981

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

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

**PRESENTING REPORTS BY
STANDING AND SPECIAL COMMITTEES**

MR. SPEAKER: The Honourable Member for Radisson.

MR. ABE KOVNATS (Radisson): Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report same and asks leave to sit again.

I move, seconded by the Honourable Member for Dauphin that the report of committee be received.

MOTION presented and carried.

**MINISTERIAL STATEMENTS
AND TABLING OF REPORTS**

MR. SPEAKER: The Honourable Minister of Government Services.

HON. WARNER H. JORGENSON (Morris): Mr. Speaker, I should like to table the report of the Department of Government Services for the fiscal year ending 1980.

MR. SPEAKER: Notices of Motion.

INTRODUCTION OF BILLS

MR. SPEAKER: The Honourable Member for Fort Rouge. (Stand)

ORAL QUESTIONS

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

MR. SAUL CHERNIACK: Thank you, Mr. Speaker, I'd like to address the Minister of Agriculture, who in his absence yesterday missed the discussion that took place with the Minister of Transportation regarding the Crow rate. I'd like to ask the Minister of Agriculture whether we can accept his July, 1979 statement of government policy on the Crow rate as today's policy or is he now prepared to announce any change in the policy?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Mr. Speaker, I haven't had an opportunity to look at the document or the statement that was made by myself and I am prepared to do that. After I've done that, Mr. Speaker, I will report to the House whether in fact I'm prepared to make a change or whether in fact that position is the same.

MR. CHERNIACK: Mr. Speaker, in the light of the fact that the Minister is not sure just what he said in July of 1979, is he prepared now as of today to inform us as to what is the government policy on the question of Crow rate in relation to a positive approach to it, not one that would be reactive to whatever may be proposed by the Federal Government? In other words, does the Minister of Agriculture have a position now on what he believes is the correct way to proceed on the question of the Crow rate, whether or not it's related to his July 1979 statement?

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, I'm sure the Minister of Transportation yesterday in his answer put forward what basically is the position and the position that has always been stated by this government, that in fact unless the benefits of the statutory rates were retained for the farmers of Western Canada, were retained for those farmers, then we didn't want any changes.

MR. CHERNIACK: Mr. Speaker, in view of the fact that the Minister of Transportation's explanation was not fully understood by some of the members on this side, in view of the fact that it is the impression that I received that the answer given related to the benefit being distributed in a manner that might be different to that of what was stated by the Minister relating to grain farmers, is the Minister prepared then to say that the insurances that the benefits of the Crow rate if it is taken away shall be given in such a way to subsidize the railway so that the grain farmers will not lose by any change in the Crow rate?

MR. DOWNEY: Mr. Speaker, I'm not prepared to accept what the member said is any position that I might put forward at all. I would have to say, Mr. Speaker, that some of the comments that we've heard coming out of Ottawa in the last few weeks we would feel more comfortable as a province and a farm community if we could have the federal cabinet come forward with a position so we could assess what that position is and address it in the light of good, honest and open discussion; something that we haven't enjoyed in this country for quite a few years, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Speaker, I'd like to direct a question to the honourable, the Minister of Government Services. Is the Minister of Government Services presently examining the conditions prevailing in the Norquay Building which have caused some concern as to whether there is a health factor involved with respect to employees working in the building?

MR. SPEAKER: The Honourable Minister of Government Services.

MR. JORGENSEN: Mr. Speaker, I know of no health factor. I do know that with the removal of the laboratory there is some reconstruction going on on that particular floor, but if my honourable friend can give me some details as to what health factor he's talking about I'd be happy to look into it.

MR. GREEN: I wonder if the Minister can determine from his department whether or not there has been in fact a complaint, that may be a strong word, there has been a desire by employees in the building who feel that there has been some abnormal problems which affect absenteeism and other things which may be related to the construction of the building, whether or not they have not in fact brought this to the attention of the Minister's department and whether the department is in fact working on it perhaps unbeknownst to the Minister?

MR. JORGENSEN: If such complaints have been brought to the department, Mr. Speaker, they have not been communicated to me, but I will certainly look into the matter and see what the problem is.

INTRODUCTION OF GUESTS

MR. SPEAKER: Order, order please. If I may interrupt at this time to welcome 45 visitors from Lion's Manor under the direction of Ms. Judy Garton. Lion's Manor is in the constituency of the Honourable Member for St. Matthews.

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

ORAL QUESTIONS Cont'd.

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

MR. GREEN: Mr. Speaker, just to correct my own error. My understanding is that it relates to the Woodsworth Building, if I used the word Norquay Building that is incorrect, it's Woodsworth Building.

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

MR. BILLIE URUSKI: Thank you, Mr. Speaker. I direct this question to the Minister of Agriculture as a follow-up to the Member for St. Johns, Mr. Speaker, and I ask the Minister is he now indicating to the farmers of Manitoba that he did not have a position in July of 1979 with respect to the statements he made on behalf of his government dealing with the Crow rate?

MR. DOWNEY: Mr. Speaker, I would have to say at this point I would have to take the opportunity to see what official statement went out at that particular time but basically, Mr. Speaker, our position has been that that will benefit the farmers of Manitoba and will continue to be that way.

MR. URUSKI: Thank you, Mr. Speaker. Is the Minister now indicating that his statements of November of 1980, where he indicated that the Crow rate should be spread amongst all the producers, even those who do not produce grain, is he denying that he made that statement?

MR. DOWNEY: No, Mr. Speaker.

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

MR. URUSKI: Mr. Speaker, I'm assuming then the Minister says he's not denying he made that statement. Since he's not denying that he made that statement, Mr. Speaker, is he denying that no longer is the position of his government?

MR. DOWNEY: Mr. Speaker, I told the member that I would be quite prepared to answer when that information has been assessed and see exactly what the statement that came from my office was in 1979.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MS. JUNE WESTBURY: Mr. Speaker, my question is for the Honourable Minister of Education. In a situation where a child has been receiving education in one Manitoba school and moves to another Manitoba school, how does the department ensure that complete records are sent from the first school to the second?

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH A. COSENS (Gimli): The usual practice, Mr. Speaker, is that the records follow the child. If they don't follow then the receiving school makes such a request.

MS. WESTBURY: If the first school is a northern reservation school and the second school is in the core area of the city, how are the procedures followed and how does the department ensure that the records are received?

MR. COSENS: Mr. Speaker, the honourable member may be talking about a federal school and perhaps a specific situation. If she has such a specific situation that's presenting a problem, I would be interested to hear about it and perhaps she could pass that information on to me. I'm not aware of any problems that have arisen in that regard in the past, but there very well may be an individual situation that's presenting a problem; I'd like to know about it.

MS. WESTBURY: Mr. Speaker, I think this is the first time I've heard one of the government Ministers accept responsibility where the Federal Government had some interest instead of merely passing the buck; I thank the Minister for that.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. DAVID BLAKE: My question is to the Minister of Agriculture, Mr. Speaker. A week or so ago the Leader of the Opposition asked the Minister a question about the purchase of land in Manitoba by the Wells Cattle Company; I wonder if he might comment on the large tracts of land that were purchased in Manitoba and how much land was bought.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, that is quite correct. The Leader of the Opposition last week asked a

question in reference to a company that was supposed to have bought land in Manitoba that had moved from Saskatchewan when they had tightened up their legislation. Mr. Speaker, the fact of the matter is something that lacks from the Opposition quite often is that in 1973 there were 1,400 acres bought by that particular company while those members opposite were in office; in 1975-76 there were another 2,500 acres; in 1976 there was another additional 2,500, approximately another 5,000 acres, bringing the grand total to some 8,925 acres when the members opposite were the government, Mr. Speaker.

A. MEMBER: Send out another news release, fellows.

MR. SPEAKER: The Honourable Member for Minnedosa. Order please. The Honourable Member for Minnedosa.

MR. BLAKE: Thank you, Mr. Speaker, I have a supplementary question to the Minister. I wonder if he could inform the House if any land has been bought since then by the Wells Cattle Company or if any applications have been received by this government since the change in legislation.

MR. DOWNEY: Yes, Mr. Speaker, since the legislation was changed in 1978, the Wells Cattle Company made application to purchase a parcel of land in Manitoba. Being good corporate citizens that they were, they went before the board and the board did not approve the purchase of that land, Mr. Speaker, and the Act has in fact restricted the purchase of their buying land in Manitoba.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. J.R. (Bud) BOYCE: Mr. Speaker, the government should be commended on the act that just took place, it was very well done. Well they do something right once in a while, Mr. Speaker. My question, Mr. Speaker, is for the Attorney-General. Last night on television there was a program relative to a hockey injury involving a fellow by the name Robitaille. Je ne comprends pas Franais, Mr. Speaker. Apparently there was a judgment rendered relative to that case, Mr. Speaker; through you to the Attorney-General, I wonder if the Attorney-General would review the situation, see if he could have someone on his staff review the judgment. Apparently it was quite thick judgment which apparently covers many aspects of injuries in hockey and things pertaining to injuries in hockey.

MR. SPEAKER: The Honourable Attorney-General.

HON. GERALD W.J. MERCIER (Osborne): Mr. Speaker, I didn't see the program but as I understand it there was a judgment issued in a civil suit initiated by the hockey player that the member refers to. I can certainly undertake to obtain a copy of the judgment for the member and review it myself or have someone in the department review it and attempt to determine whether there are any implications that would be significant for the government of Manitoba.

MR. BOYCE: The case as I understand it, Mr. Speaker, is in civil court and is apparently being appealed. But why I was suggesting that perhaps it would be to the advantage of legislators to have people review it and brief them on it is because there are aspects which I have heard concern expressed about that people in professional sports are treated as chattels. I wonder if the Attorney-General's people could review it in that light and perhaps at some point over the next year or so prepare a brief paper with the points in law which are being changed apparently by precedence-setting procedures?

MR. MERCIER: Certainly, Mr. Speaker, I'd be glad to do that.

MR. SPEAKER: The Honourable Minister of Labour.

HON. KEN MacMASTER (Thompson): Mr. Speaker, the Member for Brandon East asked the question yesterday whether conciliation services have been offered to both parties as related to the striking steel workers of Behlen-Wickes. I assured him I thought it had been. I'd like to assure him today that yes, absolutely, conciliation services was offered to both parties and it was rejected by both parties, at this particular time.

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. HARVEY BOSTROM: Thank you, Mr. Speaker. My first question is to the Minister of Consumer Affairs and I refer to a newspaper advertisement placed by Jim Penner, President of Penner Foods Limited of Steinbach, Manitoba relating to the Freshwater Fish Marketing Corporation. I would ask the Minister if he is doing anything about this advertisement, if he's having his department check out the facts or lack of facts that are being presented in the ad and in fact, Mr. Speaker, if he's investigating advertisement for the obviously gross falsehoods and distortions that are evident in this ad.

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

HON. GARY FILMON (River Heights): Mr. Speaker, I have not seen the ad; I'll check the newspaper and bring the matter to my department's attention.

MR. BOSTROM: Mr. Speaker, my second question is to the Minister of Resources. I would ask him if he is following the example of his predecessor in attempting to infuriate the majority of fishermen in this province by attempting to promote changes in the Freshwater Fish Marketing Corporation that the fishermen vigorously oppose?

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. HARRY J. ENNS (Lakeside): Mr. Speaker, a point of privilege, several questions. Number one, certainly I am trying to follow the example of my immediate predecessor, the Minister of Resources, that carried out his responsibilities in that department very admirably.

Secondly, as he never did, nor did I, nor will I want to infuriate any numbers of peoples that I have the privilege of representing, in this case, the fishermen.

Number three, I am aware the party in person did me the courtesy of sending me an advance copy of the ad, that there are a number of distortions with which I will agree, the Member for Rupertsland, contained in the ad. Also, it does point out a degree of frustration that exists in some quarters in dealing with a product that currently is not being utilized by the corporation. That concerns me, that concerns this government, that concerns the fishermen of Manitoba and I intend to do something about it.

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

MR. BOSTROM: Mr. Speaker, is it the policy of this Minister and the government to promote changes in the Freshwater Fish Marketing Corporation in a cavalier fashion which he is obviously demonstrating in his discussions with the newspaper reporters; namely, to promote changes in the corporation whereby the fishermen would be released from their umbrella operation of the Freshwater Fish Marketing Corporation and this could lead to the destruction of the corporation, something which the fishermen are definitely opposed to?

MR. ENNS: Mr. Speaker, I want to assure the honourable members and the fishermen, more importantly, that any changes that will be sought by this government within the manner and way in which fish are marketed in this province will be to the benefit of both the consumer and the fishermen in this province.

MR. SPEAKER: The Honourable Member for Emerson.

MR. ALBERT DRIEDGER: Thank you, Mr. Speaker, I have a question to the Minister of Agriculture. Considering the credibility of some of the statements made by the Leader of the Opposition regarding farm land sales and considering the credibility of some of the statements made in a New Democratic Party caucus release on February 12 that states the Conservatives have made matters worse by moving away from providing credit for operating capital and interest rate relief by providing capital for buying land, I wonder if the Minister of Agriculture should clarify our position regarding MACC.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, it's not surprising that kind of documentation would come out from the party opposite, which is in fact totally untrue, that in 1978 this government moved into the direct lending for young farmers but since that time, Mr. Speaker, some \$500,000 in interest subsidies have been paid to young farmers to help them get into the farm business. Mr. Speaker, I'm pleased that at least there is an opportunity to put some truth on the record in this province.

MR. SPEAKER: Order please. There have been numerous members in the Chamber that all seem to want to get into the act at the same time. We do have a rule in this House that one person at a time is allowed.

The Honourable Member for Rossmere.

MR. VIC SCHROEDER: Thank you, Mr. Speaker, and I would agree that it appears to be a substantial act on that side of the House. I've a question for the Minister of Labour.

MR. SPEAKER: Order please. The Honourable Member for Rossmere.

MR. SCHROEDER: I have a question for the Minister of Labour, further to the questions of the Member for St. Johns dealing with The Employment Standards Act, I have provided the Minister with what purports to be a contract made by a security firm about a month ago purporting to have people who are employees become independent contractors and the Minister indicated that he was prepared to investigate that. I would like to ask the Minister what the results of that investigation are?

MR. SPEAKER: The Honourable Minister of Labour.

MR. MacMASTER: Mr. Speaker, as the Member for Rossmere has indicated I signified to him in written form, I believe, that we would be investigating that particular situation. We so shall do it and we are doing it and as soon as I have investigation in front of me and conclusions reached, I will notify the member and I don't think it should really take much longer. I know they're working on it.

MR. SCHROEDER: Yes, a supplementary to the Minister of Labour. Can he advise the House as to whether there's been a calculation made as to the hourly wages these employees are receiving?

MR. MacMASTER: Mr. Speaker, I think we'll find that that's part of the whole investigation.

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

MR. CHERNIACK: Mr. Speaker, in view of the fact that the Minister of Agriculture requires assistance from his backbench to help them present the arguments he wants to do in this act that they put on, may I assist the Honourable, the Minister of Agriculture to remember what the policy of his government was in relation to the Crow rate in July of 1979 by having a page delivered to him — (Interjection)— Mr. Speaker, they all want in on my act.

MR. SPEAKER: Order please, order please.
The Honourable Member for St. Johns.

MR. CHERNIACK: Thank you, Mr. Speaker. In view of the fact that as you indicated many want to get in on the act, all I want to do is send the Honourable, the Minister of Agriculture a copy of the press release dated July 6, 1979 at which time he did purport to present a statement on behalf of the government as to the Crow rate. I'm glad to assist him just as he finds it necessary for his backbench to assist him in other respects.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: Thank you, Mr. Speaker. I'd like to ask a question of the Attorney-General.

MR. SPEAKER: Order please.
The Honourable Minister of Agriculture.

MR. DOWNEY: On a point of order, Mr. Speaker, I want to just thank the member for providing me with that information.

I would also like to say that at the same time in looking over this that I will be looking at the positive results that happened with the Premier of this province having a —(Interjection)— Well, Mr. Speaker, on a point of order I just wanted to thank the honourable member for providing that information for me and if that isn't a legitimate point of order I don't know what is.

MR. SPEAKER: Order please. The Honourable, the Minister of Agriculture did not have a point of order.
The Honourable Member for Brandon East.

MR. EVANS: Thank you, Mr. Speaker. I'd like to address a question to the Attorney-General, Mr. Speaker, who is responsible for the Manitoba Human Rights Commission, and ask the Attorney-General whether the government is prepared to re-establish the Human Rights Commission office in the City of Brandon which his government closed down a couple of years ago.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, that matter can be reviewed during the Estimates in my department.

MR. EVANS: I wonder if the . . .

MR. SPEAKER: Order please. The Honourable Member for Brandon East has been recognized for asking a question.
The Honourable Member for Brandon East.

MR. EVANS: Thank you, Mr. Speaker. I wonder if the Minister would undertake to look into this matter, inasmuch as a representative of the Human Rights Commission in Brandon last December stated that this matter was being considered and that they were particularly concerned that a number of people may not be using the facilities of the Human Rights Commission because of the inconvenience of the Winnipeg office and that it was under active consideration, so I wondered if the Honourable Minister would take it upon himself to inquire and advise whether the government is prepared now at this time to re-establish the office in the City of Brandon.

MR. MERCIER: Yes, Mr. Speaker. I'd be happy to review that matter.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN: Mr. Speaker, I'd like to direct a question to the Minister of Urban Affairs and ask him whether he is planning to attend the meeting tomorrow night at Andrew Mynarski School concerning the Sherbrook-McGregor overpass?

MR. MERCIER: Mr. Speaker, I plan on being in the Legislature during consideration of Estimates.

MR. DOERN: Mr. Speaker, I'd also like to ask the Minister whether he still supports the construction of the Sherbrook-McGregor overpass?

MR. MERCIER: Yes, Mr. Speaker.

MR. DOERN: Mr. Speaker, I'd also like to ask the Minister whether he can reassure the people of north Winnipeg that should City Council reverse its position on this question that provincial funds will be made available for the construction of the Sherbrook-McGregor overpass?

MR. MERCIER: Mr. Speaker, I answered that question in the affirmative for the Member for Inkster yesterday.

MR. SPEAKER: The Honourable Member for Wellington.

MR. BRIAN CORRIN: Mr. Speaker, my question is for the Honourable Attorney-General. I would like to know, Mr. Speaker, when the government expects that it will be tabling its legislation dealing with the report and recommendations of the Schulman inquiry into abusive police powers. This was the report that emanated from the Frampton inquiry made by Mr. Schulman. We were advised, Mr. Speaker, last year that we would be dealing with that this session and I'm wondering if the Minister can give us any advice as to when we might expect to see the bill.

MR. MERCIER: No I can't, Mr. Speaker, that matter is still under review by the Manitoba Police Commission in conjunction with my department and a number of police forces throughout the province.

MR. CORRIN: Mr. Speaker, I'd also like to ask the Honourable Attorney-General when we might expect to be dealing with the expected bill to implement conflict of interest legislation throughout the province and dealing specifically of course with municipal councils and officials?

MR. MERCIER: Mr. Speaker, I think as the Member for Wellington is aware, the Law Reform Commission were asked to review that particular area. In December or January the Committee of Council had asked at one stage that public hearings be held by the Law Reform Commission during their consideration of that matter. Mr. Speaker, I rejected the concept of further public hearings with respect to that matter because the City of Winnipeg Council and its Executive Policy Committee had in the past held public hearings and the response had not, to say the least, been overwhelming. I did it to expedite the review of the conflict of interest area by the Law Reform Commission. I met recently with the Chairman of the Law Reform Commission and he advises that he anticipates their report to be completed by the month of April, Mr. Speaker. Whether that will allow sufficient time for the drafting of legislation remains to be seen.

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

MR. CORRIN: Mr. Speaker, on the same vein I'd like to ask the Honourable Attorney-General when he expects to be able to deal with the Freedom of Information resolution which was unanimously passed by this Assembly in 1979. Does he expect that we will have legislation before us this Session in order to deal with this matter?

MR. MERCIER: Mr. Speaker, that matter is still under consideration.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, I would like to direct a question to the Attorney-General. Can the Attorney-General tell us when it is intended that this Legislative Assembly will be debating those questions relating to the Constitution of Canada which was indicated in the Throne Speech Debate, especially in view of the fact that the Parliament of Canada is now debating these issues and it would appear appropriate that members of this Assembly in a formal way be able to get on record to be heard by Members of Parliament the positions with regard to this question?

MR. MERCIER: Mr. Speaker, I expect that the First Minister will be introducing a resolution on that subject within a matter of a few days. I would then expect, depending upon the schedule and the timing of foreclosure, that no doubt the Federal Government will impose in the Federal Parliament that it will be important that the matter be debated early, within the next month, and treated as a matter of priority.

MR. GREEN: Mr. Speaker, in view of the fact that the Progressive Conservative Party in Ottawa has facilitated this matter by indicating that they agree with a Charter of Rights, and in view of the fact that will seriously impair any serious opposition to the entrenchment position that is taken by the Liberal Government, has the Province of Manitoba reconsidered as to whether or not it would be wise to have an all-party committee of this Legislature composed of people who are opposed to entrenchment go to Westminster to indicate to the Parliament of Britain, that while we favour repatriation, we do not want them to pass laws which never could be repealed by a Parliament having a similar majority to that which now exists in Canada?

MR. MERCIER: Mr. Speaker, I would defer answering that question until the Premier is here. He has had certain discussions with other Premiers of other provinces opposed to the federal constitutional proposal and I think he could much better answer that question than I.

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

MR. GREEN: Mr. Speaker, I wonder if the Attorney-General could ask his First Minister and the Premier of this province to convey the displeasure of the government, which has indicated a displeasure, and also of certain members of this House to the Conservative position in Ottawa saying that they want a Charter of Rights but one which is approved by the provinces, and to indicate that the Province of Manitoba does not want the Charter of Rights and is not in favour of entrenching a Charter of Rights.

MR. MERCIER: Mr. Speaker, I can convey that question to the First Minister.

MR. SPEAKER: The Honourable Member for The Pas.

MR. RONALD McBRYDE: Mr. Speaker, my question is to the Acting or the Deputy Premier. I wonder if he could confirm that the Minister of Cultural Affairs and perhaps other Ministers are attending a very important function in Northern Manitoba today, and through today until the weekend, and that is the Northern Manitoba's Trappers' Festival, which is held at The Pas and features a number of events like the Championship Dog Races, the Handicraft and Arts Display, the Rendezvous, the King Trappers events and many other interesting events that are going on this week at The Pas.

MR. SPEAKER: The Honourable Minister without Portfolio.

HON. EDWARD MCGILL (Brandon West): Mr. Speaker, in response to the member's question, on behalf of the First Minister, I think I can confirm that the Minister of Cultural Affairs is presently at The Pas. I think we can also concur with the member's remarks that this is indeed a rather important festival, an annual event in Manitoba and I am further given to understand that the Premier intends to be there on the weekend. I see the First Minister has arrived; he may wish to confirm it.

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

MR. D. JAMES WALDING: Mr. Speaker, my question is to Minister of Urban Affairs and it follows from the answer that he gave my colleague that there was a commitment for provincial funds for a Sherbrook-McGregor overpass in the event that City Council so approved it. Would he be prepared to discuss the same matter with his colleague, the Minister of Highways, who told the committee during his Estimates last night that there was no such commitment?

MR. SPEAKER: The Honourable Attorney-General

MR. MERCIER: Mr. Speaker, I indicated I answered the question yesterday in reply to a question from the Member for Inkster in which I referred to the allocation of UTAP funds. As we've said on a number of occasions the block funding grant to the city is imposed without conditions as to its use.

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

MR. A.R. (Pete) ADAM: Thank you very much, Mr. Speaker, my question is to the Minister of Agriculture relating to the set-up question by the Member for Minnedosa to his Minister of Agriculture. I would ask the Minister if he could not confirm that the previous administration introduced a Manitoba Land Protection Act in 1977 to try and prevent the very things that the Minister did bring to the attention of the House, among other purchases that were purchases made by the people that he mentioned. Could he confirm that protection was brought in for that reason to prevent that?

MR. SPEAKER: Order please, order please. Questions of confirmation are hardly questions that are suitable for the Question Period.

The Honourable Minister of Agriculture.

MR. DOWNEY: Mr. Speaker, I can not confirm that their Act in 1977 stopped anything because . . .

MR. SPEAKER: Order please, order please. The question was out of order.

The Honourable Member for Minnedosa.

MR. BLAKE: Thank you, Mr. Speaker, my question is directed to the Attorney-General and it follows the questions from the Member for Brandon East in connection with the re-establishment of the Human Rights Commission office in Western Manitoba, I wonder when he is considering that if he would consider the availability of space and the geography and consider locating that office in the constituency of Minnedosa.

MR. MERCIER: Mr. Speaker, I'm prepared to explore all alternatives.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. EVANS: Mr. Speaker, I'd like to address a question to the responsible Minister, I'm not sure whether it would be the Minister of Health or perhaps the Minister of Education. It's with regard to the possibility of a Bachelor of Nursing Program at Brandon University. I wonder if I could receive an answer to this question: Is the government prepared now to support the establishment of a Bachelor of Nursing Program which is badly needed in Western Manitoba, at the Brandon University?

MR. SPEAKER: The Honourable Minister of Health.

HON. L.R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, it's my understanding that that question is under consideration by the Universities Grants Commission and others at the present time. It's been looked at by the Department of Health; I think there is no final decision at the moment but it's certainly being given consideration.

MR. EVANS: I thank the Honourable Minister for that information, Mr. Speaker. I wonder if he could, in view of the great interest in this matter in various parts of the province, whether he could indicate when a decision may be forthcoming on this particular matter?

MR. SHERMAN: I expect one very soon, Mr. Speaker, within these immediate few months, certainly between now and the start of the next academic year.

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

MR. EVANS: Mr. Speaker, I wonder if the Honourable Minister could indicate what criteria the government intends to use. Is it a matter simply of cost per student involved or will it be a matter of providing regional balance in programs offered by universities in this province?

MR. SHERMAN: Well the latter certainly is a consideration and a major consideration, regional

balance, Mr. Speaker. The other consideration is that of the future course and direction of the nursing profession and the needs that we have in the Province of Manitoba for a considerable and a guaranteed supply of nurses, and we get into question areas that bear on that, that bear on the supply and the desirability, while we want to upgrade educational standards the desirability of being able to maintain that supply, in other words ensuring that there aren't obstacles placed in the way of a steady supply of nurses. That's all in the mix under consideration, Mr. Speaker.

MR. SPEAKER: Order please. The time for question period having expired . . .

The Honourable Member for Logan.

BUSINESS OF THE HOUSE

MR. WILLIAM JENKINS (Logan): Thank you, Mr. Speaker. I'd like to make a substitution on the Committee of Economic Development; substituting the name of the Honourable Member for Winnipeg Centre in place of the Honourable Member for Flin Flon.

MR. SPEAKER: Are those changes agreed. (Agreed).

The Honourable Government House Leader.

MR. MERCIER: Mr. Speaker, I move, seconded by the Minister of Government Services that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider and report of the following bill for Third Reading: No. 3, An Act to amend The Legislative Assembly Act.

MOTION presented and carried and the House resolved itself into a Committee of the Whole, with the Honourable Member for Radisson in the Chair.

COMMITTEE OF THE WHOLE

BILL NO. 3 - AN ACT TO AMEND THE LEGISLATIVE ASSEMBLY ACT (2)

MR. CHAIRMAN, Abe Kovnats (Radisson): Committee will come to order. I would direct the honourable members attention to Page 2 of that bill, Clause 2, Section 19.1, Section (a).

The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Chairman, I was glad to see the First Minister rise in the debate the last time this matter was up for consideration but it appears that it is the intention of the government to proceed with this section and it is usual when bills like this are before committee that Legislative Counsel is present; I would like to suggest an amendment but I'm sorry I can't, I'm not a legislative draftsman. So, Mr. Chairman, in proceeding with a few remarks I would still try to prevail upon the reasonableness of the members of government.

The First Minister when he rose, his remarks were such that I was sitting there listening to him and I appreciated his comments but he made reference to Grade 11 debating techniques, and if the debating style in this House was raised to a Grade 11 level it would be a situation devoutly to be wished, because if people listened to what he said or even read in

Hansard what he said, he used a technique himself, two techniques, in addressing himself to this particular problem — at least it's a problem to myself — to demean the points made by the adversary; and the second technique is to ignore that which you can't refute, which is a legitimate technique. In fact a few years ago I had the occasion to listen to one of my colleague's in a courtroom making brilliant, at least I thought it was a brilliant point relative to the case that was being tried, and out of curiosity I was wondering how the judge would deal with it and sure enough the judge dealt with it by ignoring it.

But, Mr. Chairman, just to put on the record a couple of points relative to what is being asked of us in passing this particular section. No. 1, nobody is arguing that we have not the right but also the responsibility to discipline our own members. And in reading from May's *Laws Privileges and Procedures and Usage of Parliament*, 1971, 18th edition, Expulsion: Members have been expelled as being in open rebellion, as having been guilty of forgery, of perjury, of frauds, breach of trust, misappropriation of public money, conspiracy to defraud and it goes on and on and on and lists all of the numbers of causes for which a person can be expelled from this House.

Another authority on the question which is before us, which is a serious question — *Parliamentary Procedures and Practices*, Dominion of Canada, by Bourinot; it refers to a situation in 1831 where the Legislative Assembly of Upper Canada declared William Lyon McKenzie — you might remember him, the First Minister prides himself in being familiar with history and procedures in history relative to the law. They found Mr. William Lyon Mackenzie guilty of gross, scandalous and malicious, libel, intended and calculated to bring this House and government of this province into contempt. He was expelled and having been subsequently re-elected was declared incapable of holding a seat in the House during Parliament. On again presenting himself he was forcefully expelled by the Sergeant-at-Arms, as in the case of Mr. Wilkes in England to which we will refer later, the Assembly acted arbitrarily and illegally. I would disagree with "illegally". I think we have the legal right to expel. But it is interesting to note in this particular case with William Lyon Mackenzie in a subsequent Parliament, all the proceedings in Mr. Mackenzie's case were expunged from the journals.

All I have been suggesting, and I know we're busy and I wish this would go away, I wish we could get rid of Mr. Wilson, but nevertheless I will argue and try as best I can to make the case that this is exactly what you people want the country to buy, that this Legislative Assembly will discipline people in a just and fair way.

I would like to ask the committee's indulgence in having this particular clause, 19.1(1)(a), and all the rest of the clauses thereto appertaining delayed until the end of the consideration of the bill and consider this, something along these lines, because as I said I need legislative draftsmen; I'm not a draftsman. "Where a member has been guilty of conduct outside the jurisdiction of the House, which in the opinion of 10 members reflects on the House and is attested to by the filing of a complaint with the reasons therefor, the House Leader forthwith will present a motion to expel. That the person should be

expelled with a two-third vote and should the motion prevail, the Writs for a by-election will be issued."

This, Mr. Chairman, I think will solve the particular problem without infringing on the principles which we are ignoring in this particular section. There are rights involved; I think we have to protect the process which protects the rights for which we argue; that if we are going to say that in the final analysis legislative bodies should protect rights, then let's protect them. And here is a first example. Before the Constitution is amended one way or another, that it will remove from consideration one, Bob Wilson, and two, any idea that it's relative to a particular crime; a particular crime, three years, five years, all the rest of it, because mitigating circumstances at any point in time may be such that there will be no sentence at all but in the opinion of the members and the public it may be deemed at that time in the public interest to expel the member and let the voters decide. Because that is what the process which I am suggesting will accomplish; that the members in their view and exercise of their responsibility believe that the member should not sit but nevertheless in the final analysis it is the members of the constituency who should decide. This is fundamental to our process; if we take that process out of their hands how can people make the arguments that rights should not be entrenched and give it over to the courts, if we as legislators are not willing to stand up and make the arguments because it's unpopular. I have people tell me, you want to pay Bob Wilson. I don't want to pay Bob Wilson five cents; but that's not the case.

The case is we have passed a law tailored to suit the particular case and ignored the principles which were thrown out with it. Mr. Chairman, I would move that this clause be set aside and Legislative Counsel be asked to draft an amendment which reflects those principles. If we have enough members to accept it then we can pass it. So I would move, Mr. Chairman, that we defer consideration of this particular section and all sections thereto appertaining until the end of the bill.

MR. CHAIRMAN: Are you aware of the motion?
The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, there is a suggestion that is made here which I indicated at the last session, the last time we discussed this, which I think has some merit. I want to make clear that I believe it had some merit because it's better than what's proposed. I prefer to deal with what the First Minister indicated is our authority; that we don't need this section, that we don't need what is being proposed. That when something terrible happens we have a right to take action. What I would hope at that time is that there were more people who would agree with me than agree with him but I accept the fact that that might not be the case. That is the democratic system.

Unfortunately, in my view, people voted the wrong way but that's for them to differ with me on. The motion that is now being proposed, that we're considering, says that if a man is convicted and is sentenced to over five years and is appealing his conviction, is protesting his innocence, is out on bail, is free to do his work, will be expelled from the House. That's what the motion now says.

The Member for Winnipeg Centre says he would like us to consider legislative draftsmen drafting something which says that if such a motion is passed — and he has a routine for passing it which I am not certain I agree with but that's not the point — the substance of it is, that when that motion is passed it doesn't expel the member from the House, it vacates his seat, which is better, Mr. Chairman, is better because then at least there will be a representative for that seat. There is an immediate by-election and the people in the constituency can send that man right back from whence he was thrown out. I believe that they have the right to do that. I believe that the present motion does not give them the right to do that so I indicate, Mr. Speaker, I approve of what is being suggested, but if it were passed, if there was an amendment, I would vote for the amendment and then when the motion put "as amended" I would vote against it, because I believe that there should be nothing.

MOTION presented and defeated.

MR. CHAIRMAN: (a) — pass.

The Honourable Member for St. Vital.

MR. WALDING: Mr. Chairman, if we are still on 19(1)(a) having just defeated the amendment, I had a few remarks to make on this clause in general because it would seem that there are two principles involved in this whole particular section; one having to do with the suspension of a member and the other one having to do with a disqualification of a member and a seat being declared vacant. The suspension seems to occur in the first three lines but we have now moved on to (a) which has to do with the disqualification of a member, so really I'm not sure technically, Mr. Chairman, whether we should be discussing the whole matter, the suspension and the expulsion, or just one of them. If you are prepared to tell me that I must restrict my remarks to just one of those I will do so, otherwise I wanted to make a few comments on what the First Minister had to say when we last discussed this matter a couple of days ago and follow up those remarks by agreeing to some extent with what the First Minister had to say.

I believe that he made it clear that not only are we discussing the case of a particular individual in making this matter retroactive, but we are discussing the cases of every other MLA who is to come to this House following us. We're talking about you, Mr. Chairman, and me and every other member who might find himself in a similar position and the House finding itself in a position to do something about it.

A number of members, both in Second Reading and at Committee stage, have spoken of the difficulty of a five-year term being mentioned, which the First Minister recognized the difficulty when he spoke a couple of days ago and said why is it five years and not four years or three-and-a-half or two years, 11 months and 17 days or something like that, and perhaps that is what we are struggling with. The First Minister went on to say, to point out the difficulty facing legislators, not only on this particular bill but on others too, of attempting to frame in the wording of a piece of legislation, wording that will take care of events that may be foreseen to happen in the future. The First Minister said, and I agree with him, of the great difficulty, the almost impossibility,

of framing a particular clause to take care of anything that may occur in the future. However, he still is prepared to go with this wording of five years, yet I suggest to him that the wording, the use of five years, the automatic suspension of a member would appear to be somewhat redundant.

His colleague, the House Leader, the Attorney-General, has pointed out to us, and I believe him when he says so, that the House might well act where there is a conviction of a member in something less than five years and that may well happen and it may well be the wisdom of the House that such action be taken. The Attorney-General also made it clear to us that the House might well, and he as a member of the government, might well take action in the event of something else happening, not necessarily a criminal conviction, where the House wishes to move and take action against a particular member. If that is the case, when the government of the day is prepared to take action where there is a conviction of less than five years, then why does the First Minister insist on putting those figures and words "five years" within this particular clause? Why is the First Minister not prepared to recognize that the House will deal with its problems as they come up? If there is a need for the House to suspend the member for whatever the reason is, the House will deal with it. Why do we have to have this automatic five-year provision in here when the House will deal with a four-year or a three-year or a two-year or some other conviction that is necessary?

So I am suggesting to the First Minister, what will the effect be if this particular section is removed or amended to permit the Legislature to continue as it has done for 100 years and deal with its members on the merits of the particular case? If suspension is necessary the House will decide. If expulsion is necessary there are Acts which permit that to happen. To get over the problem that the First Minister recognizes, the difficulty of framing a particular law that will deal with all occasions, would be removed if this particular section were removed from the Act and the House were to continue to deal with these matters on its particular merits.

It is proving to have difficulties with certain members on this side and we haven't heard from very many members on that side either but I suspect, Mr. Chairman, that there are members on that side who also have difficulty with this particular provision. We haven't heard from them. I would be delighted to hear the individual opinion of members on that side. But in closing I do intend to oppose this particular section and ask the First Minister to take another look at it and consider removing that problem that he himself recognizes as being there and I think many of the other members also recognize being there. Can we not deal with this as we have dealt with so many other problems in the past?

MR. CHAIRMAN: (a) — pass; (b) — pass; (1) — pass; 19.1(2) — pass; (3) — pass; (4) — pass; (5) — pass.

The Honourable Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman. Mr. Chairman, I am somewhat dissatisfied, if not dismayed, with the present wording and provision of this particular sub-clause.

I think, Mr. Chairman, in effect what this sub-clause does is to set up the Members of the

Legislative Assembly of the Province of Manitoba as a Superior Court of Appeal for the Province of Manitoba. I say that, Mr. Chairman, because it seems to me that if justice is to prevail in these sorts of situations that a member who is acquitted by a competent court of appeal, the senior court, whether it be in Manitoba or the Supreme Court of Canada, such a member should be entitled to the payment of the indemnities withheld as a result of this particular section.

I for one, Mr. Chairman, using the Member for Wolsley's case as an example, do not wish to be put in the position if he is successful on an appeal to have to make a determination as to whether or not he should have been entitled to his indemnity for the period he was suspended from sitting here. In fairness and in reason, Mr. Chairman, I don't think that any member wants to be put in that sort of invidious position, because to be asked to make such a determination, Mr. Chairman, would be in effect to be asked to adjudicate once again on the matter that was before the courts and which has been determined by the courts.

It's a political issue, Mr. Chairman, if it comes back here in that manner. It seems to me that justice dictates that if a member is successful on his or her appeal that such a member should be automatically entitled to withheld indemnity and I would be moved to listen to members opposite, I presume that there's a reason for this particular format, but in the absence of a very cogent reason, Mr. Chairman, I would suggest that this particular section should be amended.

I do have an amendment, Mr. Chairman, but prior to moving it I would first perhaps sit down and listen to other members' participation with respect to this matter.

MR. CHAIRMAN: (4) — pass; (5) — pass. I'm sorry.
The Honourable Member for Inkster.

MR. GREEN: Yes, I want to know when I can call the vote on this section. You'll call Section II?

MR. CHAIRMAN: I will be calling Section II as soon as I finish this.
The Honourable Member for Wellington.

MR. CORRIN: I'm just listening. I'm not sure if we're talking ad eundem, Mr. Chairman. I think the Member for Inkster is suggesting that he wants to call a vote on Subsection II and I believe that we're on Subsection IV. We should go back if we want to vote on II.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, I have no right to ask the indulgence of the House. I was called out of the House in the middle of somebody speaking. I wanted to vote on 19.1. If you're prepared to give me that, fine; otherwise I will ask for a vote on the entire section.

MR. CHAIRMAN: That will be your choice when I get to it and we'll be right there. (4) — pass; (5) — pass.
The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Chairman, it's more on a point of order. I rose to get your eye. It should be obvious to all that it is the intention of the government to just railroad this thing through the way it is and there's no intention of the government to respond, they're just going to put it through. So when we call this Section I would like a standing vote on it — we went through clause-by-clause — because it is one of those things which we'll have to set aside. There will a change of government then we will have to repeal this section, Mr. Chairman. So nevertheless, I would like a Standing Vote on this section after we've gone through it clause-by-clause.

MR. CHAIRMAN: I will acknowledge the Honourable Member for Inkster as soon as we get down to Clause (2) and you will be able to make your motion at that time. (4) — pass; (5) — pass.

The Honourable Member for St. Vital.

MR. WALDING: Mr. Chairman, my colleague from Wellington rose and made a few remarks on this indicating that he did have an amendment prepared, that he would move if there was no similar amendment coming from the other side and we had perhaps some inkling that this might be the case. That was the reason why my colleague sat down and we didn't want you to move on to the next one without at least giving him the opportunity to move his amendment and speak to it. So if there is no one from the other side wishing to comment on it, perhaps you would recognize my colleague and allow him to make his amendment.

MR. CHAIRMAN: Well, by the same token, every member has the right to stand up in his place and make an amendment at any time that we are on a particular subject and I would certainly have acknowledged him if he's prepared to make his amendment.

MR. CORRIN: We're still on (4). The Attorney-General may want to make a comment, but we're still on (4). I don't know what the problem is.

MR. CHAIRMAN: I have no problem to the honourable members.
The Honourable Attorney-General.

MR. MERCIER: Mr. Chairman, I have listened to the comments from the Members of the Opposition with respect to Subsection (1) where they have referred to the five-year term and on a number of occasions said quite rightly, that a person may be convicted of an offence and sentenced to four years in prison, three years in prison, two years in prison and it may indeed be a very very serious offence.

Now, Mr. Chairman, the Member for Wellington is suggesting that this section should be amended — I think this is what he's saying — that it should be mandatory that where a conviction is set aside by a court or perhaps the sentence reduced, that the repayment should be mandatory.

MR. CHAIRMAN: The Honourable Member for Wellington.

MR. CORRIN: Yes, Mr. Chairman, I was dealing with the wording of the section, or the subsection as it

currently exists. It talks about a court setting aside such a conviction and I'm suggesting that if a person is successful on his appeal, that we shouldn't sit once again on the question of whether or not such an individual should be entitled to his suspended indemnity, whether that indemnity should be forfeited. I'm suggesting that if a person is successful on his appeal, then he should be automatically entitled to such an indemnity with apologies, Mr. Chairman, with apologies.

Mr. Chairman, I think having said that, I should move my amendment and if there's any further debate it can go to the amendment.

Mr. Chairman, I move that the proposed Subsection 19.1(4) of The Legislative Assembly Act as set out in Section 2 of Bill 3 be struck out and the following Subsection substituted therefor:

19.1(4) Where a conviction of a member mentioned in Subsection (1) is set aside by a court of competent jurisdiction, any indemnity or allowance withheld from the member under Subsection (2) shall be paid to him.

Now I've indicated, Mr. Chairman, that it is my belief that a person, once having established his eligibility to sit in the House and having established on appeal his innocence, should be entitled to suspended indemnities and salaries. Mr. Chairman, the First Minister is saying something. I will gladly sit down in order that he can participate in the debate and we can go to that particular issue.

MR. CHAIRMAN: The Honourable First Minister.

HON. STERLING R. LYON (Charleswood): I merely ask the honourable member to consider the situation, which I think is implicit in the section as drafted, that if a conviction is upheld on appeal, that the sentence is reduced to below five years, the Honourable Member is saying then it shall be mandatory? That the honourable member in question should be paid?

MR. CHAIRMAN: The Honourable Member for Wellington.

MR. CORRIN: We don't want to debate 19.1(1) again, but it was the government that chose to set the arbitrary five-year term, Mr. Chairman, and this is obviously one of the impediments of that sort of format and this sort of concept. If you want to approach this legislation in that manner, then you have to live with it, warts and all.

So I would suggest, first of all I'm not sure that if my amendment were adopted by the Assembly, that a person whose conviction was simply reduced — his sentence was reduced — would become entitled. I'm not sure of that. I think the wording is such that it would have to actually be set aside. But if it were, Mr. Chairman, the interpretation of the members or of the court if it went to appeal, if that were the interpretation, that member could become entitled to a suspended indemnity simply because a sentence had been reduced beneath the five-year threshold, I would argue that that's concomitant on the decision on the government to set the five-year term and I would suggest that the government simply can't have it all ways.

We have to come at the issue from a variety of positions but I would suggest on balance, if a person

is successful on appeal, that success should be recognized by members and we shouldn't be sitting as a further court, because at this point we would be considering the moral turpitude of the individual, because that's what it would come down to whether, in our judgment, a person's behaviour was such that he should be further chastised by the forfeiture of his indemnity.

I would suggest that I certainly don't want to participate in that sort of debate. I don't want to decide on, for instance, a bribery charge whether an individual should be paid his salary or not or whether on some other sort of charge. It seems to me that we should be consistent and we should say that if a person is successful on appeal that the salary should be awarded them.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, the First Minister's question indicates the invalidity of his position. He says that a man is thrown out of the House for being sentenced to imprisonment for five years; then he says that if the person appeals and is acquitted or his sentence is reduced, he doesn't automatically get his salary, but he would have got his salary if hadn't been thrown out and he wouldn't have been thrown out if he was convicted for three years. — (Interjection)— Well of course —(Interjection)— No, no, but we are dealing with this section, we are not dealing with the prerogative of the House; we are dealing with the section. If the man was convicted for four years he wouldn't be thrown out under this section, therefore, the reduction of the sentence to four years should reinstate him to the status quo ante. The status quo ante is that he was never thrown out and he should get his salary.

Now the First Minister says he should automatically get his salary; the First Minister knows that nothing is automatic. What the Member for Wellington is moving is perfectly satisfactory in the context of a totally unsatisfactory provision; in other words, I will vote for all of these amendments and then vote against the whole thing because it makes no sense; but each of the amendments, in the context of nonsense, make sense, because what the First Minister says is that if he's reduced in sentence and he gets only three years it's still a terrible thing. But you haven't put that terrible thing in the clause, therefore, what the Member for Wellington says is perfectly right; if Clause 1 doesn't apply then he should be paid; then the First Minister can go back to what he said earlier, his legislative prerogative of saying even though there is a clause that says he gets paid we are now going to move, because we think this is so terrible, we are going to move a clause that he not be paid. Nothing is automatic, nothing is certain, and the Minister's rights are reserved and the member's amendment makes sense.

Having said that, and I say it is in the realm of nonsense, I go back to the First Minister and say to him, if you accept what I am now saying, and it appears that you do by your very question, why don't we get rid of 19 and say I'm not going to depend on three years, I'm not going to depend on two years, I'm not going to depend on five years, I am going to do what I did in the Wilson case; that where there is

something that has happened that I consider reprehensible I will use the prerogative of the Legislature and vote that man out, and then you don't need 19; and you don't have to be worried about the four years or the five years. Then, Mr. Chairman, we will see who stands up and votes and say that they are defending liberties; and say that they are defending rights; then you are back to a classic situation of the paramourcy of Parliament. I have said that this section is an attempt to predict that paramourcy; it is unnecessary; and it is getting you into problems and the problem is posed by your question. You think back to it, he said 19.1(3) Where a conviction mentioned is set aside by a court of competent jurisdiction or a court of . . . reduces the sentence, the ineligibility of the member to set or vote as a member and to receive indemnities is terminated.

Mr. Chairman, then I don't understand what the 19.1(4) is — Where a conviction mentioned is set aside by a court of competent jurisdiction, the assembly may, by resolution, authorize the payment to the member affected — doesn't 19.1(3) give him his indemnity? Well it says — just a minute — the ineligibility of the member to sit or to receive indemnities in the future — this gives him back what he is entitled to, and then the Member for Wellington is right.

Mr. Chairman, if a man is kicked out of this House and subsequently we find out that the rule did not kick him out, surely he's entitled to his indemnity, he may even be entitled to damages; you should put that in. Let us assume, Mr. Chairman, let us assume that Bob Wilson is found to be entirely innocent; that people have perjured themselves; that the entire thing was completely wrong; that witnesses come to the fore who say that it is a complete hoax and the Attorney-General comes in and says we are sorry. Is anybody suggesting he would not be entitled, not only to his indemnity but to an apology on the part of those people who did this and what have you?

All the Member for Wellington is saying is that if this is done he is automatically entitled to his indemnity. But, Mr. Chairman, just changing the section won't give him his indemnity because the First Minister still has, as I would protect, as I would continue to protect, the right to say yes, that's what the law now says; but we are going to pass a piece of legislation because we feel there is justification for it, to change that and he's not going to get his indemnity; then we will debate it on that question.

This takes away the indemnity, Mr. Chairman, because of a particular set of circumstances and if those set of circumstances are reversed surely he should get his indemnity.

MR. CHAIRMAN: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Everytime anybody stands up we hear pass, pass, pass. I don't want to repeat my arguments on (1), but they are relative to this section also. When I argued on (1) and I was pointing out, as I understand, some of the principles with which you are dealing, this whole section, Mr. Chairman, is as if somebody came up to somebody and said, get rid of Bob Wilson and don't pay him. That's what the whole thing is designed to do; it's not designed to deal with the problem. I don't know who advised the Minister

on precedents, procedures, and all of the things that are involved in this particular section but if you're going to pull a block out of a foundation, I sure as heck would look around, with my rather rudimentary knowledge and the help of the Member for Burrows, we dug up some of the principles that are involved. Now what the First Minister is saying from his seat, that it is not the case in law, that if a person is adjudged innocent, that he was innocent in the first instance, he never was guilty, he never should have suffered any punishment, and it's another principle which is looked at — I don't know how they looked at it. But nevertheless the Member for Wellington is absolutely right; it's the intention of the government to pass this bad law.

I had wondered how come that credibility is given the law as an ass. Mr. Chairman, I don't want to expand on that but nevertheless this whole section, and this particular one, impinged upon another one, and I heard your remarks —(Interjection)— Yes, not proven, that's right, I've heard of the Scotch verdict not proven, and you pointed out in the few comments that you've made on this particular bill one of the quandries, and I accept the quandry in dealing with justice and all the rest of it. You will make your same argument relative to this point, your same argument, read your own words, not my words relative to this particular clause in support of the motion.

MR. CHAIRMAN: Order please. Would the honourable members address their remarks to the Chair please, rather than to the individual members.

MR. BOYCE: I'll take off my glasses, Mr. Chairman, I was looking at you and pointing at the First Minister. This is a serious consideration. I, like everyone else in the country, are sick and tired of Constitutional debates and everything else. There are things that are bothering us, inflation and everything else, but if we aren't willing to take the time to deal with this properly; deal with it properly and take into consideration the concerns of society as represented by both sides of the House and come up with something which can be lived with, albeit that there's no way of ever unchanging the person that the Member for Inkster referred to the other day. There is no way to correct that injustice, but nevertheless, Mr. Chairman, in all these considerations, why do we have to move down this path just to get rid of Bob Wilson, and that's all it is, Mr. Chairman. I would ask, in light of the government hell bent for election to pass this section, I will support the Member for Wellington's motion.

QUESTION put, MOTION defeated.

MR. CHAIRMAN: (4) — pass; (5) — pass — the Honourable Member for St. Johns.

MR. CHERNIACK: The same point, we wanted to ask for a standing vote on that question.

MR. CHAIRMAN: Call in the Members.

The motion before the House is that proposed subsection 19.1(4) of The Legislative Assembly Act as set out in Section II of Bill 3, be struck out and the following subsection be substituted therefor:

Payment of withheld indemnities, etc., 19.1(4)

Where a conviction of a member mentioned in subsection (1) is set aside by a court of competent jurisdiction, any indemnity or allowance withheld from the member under subsection (2) shall be paid to him.

A COUNTED VOTE was taken the results being as follows:

MR. CLERK, Jack Reeves: Yeas 16; Nays 29.

MR. CHAIRMAN: I declare the motion defeated.
The Honourable Member for St. Boniface.

MR. LAURENT L. DESJARDINS: Mr. Chairman, I rise to ask leave of the House to let us go back to 19.1(1) and have a vote on this, and I can assure the members that it's not to delay any more. I think the members on this side would agree not to speak any more, just to have a vote, especially in view of the fact that everybody is here now. We want to make sure that it's understood that the vote is on 19.1(1).

MR. CHAIRMAN: Does the House have leave? (Agreed) The item under discussion is 19.1(1). The Honourable Member for Inkster.

MR. GREEN: I take it that the vote has been put. I am asking for a standing vote on this question 19.1(1).

A COUNTED VOTE was taken, the result being as follows: Yeas, 36, Nays, 8.

MR. CHAIRMAN: I declare the article passed, Section 2, 19.1(4) — pass; (5) — pass; Section 2 — pass — the Honourable Member for Winnipeg Centre.

MR. BOYCE: Briefly, Mr. Chairman, it's improper to reflect on a vote which is taken, but I just want to put on the record that I still have two options open to me as I understand it. One, that court actions will be taken to show the fallaciousness of this particular section, or two, that the government will be changed and a more rational government will repeal this section.

MR. CHAIRMAN: (Sections 2 to 6 were read and passed). Section 7 — the Honourable Member for Wellington.

MR. CORRIN: Mr. Chairman, I've already had an opportunity to discuss the retroactive provisions of 7 as they apply to 2 and so, Mr. Chairman, I'm not going to belabour that argument. I do not feel that this particular Act should have retroactive effect. I feel that is a very very shakey, tenuous principle, upon which to found any piece of legislation. I used an analogy the last day we debated this of retroactive legislation that would affect property rights and I suggested that I didn't think any Member of the House, regardless of which side he or she may sit on, would have any difficulty in opposing that sort of retroactive legislation.

And I suggested, Mr. Chairman, that the principle upon which some such opposition has traditionally been founded, is basically sound. And that is that people should be able to know the law and should not be presumed to be in contravention of a law, which does not exist.

So I'm suggesting, Mr. Chairman, that, and I do so, Mr. Chairman, as strenuously as I can, that it would be very unsound as a precedent for this House to enact this sort of retroactive legislation. I know, Mr. Chairman, that there are some people who are motivated to support this sort of thing, because we are dealing with a particular situation, unsavory circumstances. I think to be absolutely candid, Mr. Chairman, I am sure that there are members opposite who would if they could expunge every record of the MLA for Wolseley from this House. And I think that's a reality. The members opposite have been unduly embarrassed by the conduct of that particular elected official. They would like to see him as far away and distant from this Assembly as they can possibly remove him.

But, Mr. Chairman, now that we're reflecting on this provision and we're doing so, I hope, in an introspective and a rational manner, I suggest to you that it is highly inappropriate to try and do retroactively what we could not do within our powers on December 11, 1980.

Mr. Chairman, whether we like it or nor and here I know the First Minister and I disagree. I believe, Mr. Chairman, that this legislation and this particular section is before us because there is not inherent jurisdiction repositied in this Assembly. I believe that this Assembly does indeed, can indeed only act within the terms of reference of its own legislation and that it has to act legislatively in order to affect its purpose. In other words, I believe that if we want to take away Mr. Wilson's salary, Mr. Chairman, we have to first enact Section 7 of this particular Bill. I do not believe we can do it by simple motion. We have to first debate whether a law should be enacted and once we have made that decision, Mr. Chairman, then and only then, can we move legislatively, the government using its power to take a certain course of conduct.

Mr. Chairman, I'm suggesting that it is not just an injustice on Mr. Wilson. I'm not really much concerned about that in isolation, concerned about it, but not in isolation. What I am concerned about, Mr. Chairman, is the principle involved. If there is any member of this Assembly that believes that we should, as a matter of precedent, proclaim retroactive law that would have the effect of suspending certain peoples' property rights in the province; if there's any person here that believes that should be within our jurisdiction, then I believe, Mr. Chairman, that this is the time for such a person to rise and defend this particular provision.

And, Mr. Chairman, I say that knowing the position of members opposite on the Bill of Rights and I say that, Mr. Chairman, because I know on this side of the House there may be some members who believe that should be the case, believe the government should have that sort of authority and believe that within our system they should have that sort of power. It so happens, Mr. Chairman, I do not. I believe that there are limitations on government and I believe that there are bounds upon which government, beyond which government should not transgress. That does not mean that I do not believe that we should make laws affecting property rights. It does mean that I don't think we should do so retroactively.

So, Mr. Chairman, I suggest to you that in the absence of a Bill of Rights that I believe would

protect people from this sort of legislation, because I believe, Mr. Chairman, if there were a Charter of Rights in this country that the courts would strike down any effort by the Legislature to make these sorts of laws. But in the absence of that, Mr. Chairman, I call upon members to prove, to prove that they are willing to make laws that are consistent with the best principles of fundamental civil liberties and human rights. And I believe, Mr. Chairman, that nothing is more fundamental than this particular issue; retroactive legislation.

I don't want to be repetitive and I am going to sit down very shortly, Mr. Chairman. If a person does not know that they are breaking the law, than there is no reason, Mr. Chairman, to retroactively say that they have done so. The law has to be interpreted as it speaks when an act is committed.

And, Mr. Chairman, I suggest and I don't suggest respectfully that the government is behaving reprehensively insofar that it is rather cynically toying with the public process. I do not believe this government would normally favour or enact this sort of legislation. I believe this is an isolated incident and one which reflects a motivation on the part of the government to act in a politically pragmatic manner. And I suggest, Mr. Chairman, that the government should be ashamed of itself in behaving this way, because they set a bad precedent and they erode, they erode the rights that their First Minister says are in fact entrenched within our system of government.

If the First Minister is right, than retroactive legislation is simply anathema to the parliamentary process and then, Mr. Chairman, of course if he is correct, than perhaps we don't need a Charter of Rights in Canada or in Manitoba after all.

But, Mr. Chairman, if this is the sort of legislation that we're going to asked to vote on, than by all means it's continuing proof that a Charter of Rights is required in this country and it stands as testament to that, Mr. Chairman.

Mr. Chairman, it's not only governments of a left wing disposition that can trample on rights. The truth is that governments of any persuasion are capable of behaving in a manner that is disrespectful of fundamental human liberties. And, Mr. Chairman, in microcosm we have before us at this very moment, such a provision. And it would be very telling, Mr. Chairman, to see whether any member, whether any member opposite feels strongly enough about the issue of rights, about the sanctity of parliamentary process, democratic and parliamentary process to record his or her opinion on this particular subject.

You can't have it both ways, Mr. Chairman. You can't say that you don't want to entrench rights, you don't want to enshrine rights, that you will protect peoples' rights. That you don't believe in certain types of laws that trample on those essential rights and then vote for something like Section 7. I do not believe it, Mr. Chairman, and I am motivated to say that anybody who stands in his place and makes that argument will essentially be making a political statement based on the facts of the Wilson case, the sensationalized facts of the Wilson case and will be on very thin ice, Mr. Chairman.

I suggest, Mr. Chairman, that it's incumbent on members opposite to defend this provision. If they don't then much of what they purport to stand for will effectively dissolve in the course of the voting on

this particular section because they can't go back home and say they believe in these rights and that they'll protect him and still vote for this.

MR. CHAIRMAN: Section 7 — pass — the Honourable Member for Inkster.

MR. GREEN: Yes, Mr. Chairman, it's seldom that I am at a loss for words, but I must say that I am almost, and I repeat, almost speechless.

I am certainly going to vote against this section, but I certainly don't say that Parliament should not have the authority to pass this section. For someone to get up and to suggest that if you believe in rights you have to say that such a section is not legal is, in my opinion, a denial of the right of the people to pass laws on the queer assumption, and this is what it comes down to, Mr. Chairman, 50 yards from Parliament Hill you're a bunch of nobodies, so I'm going to see to it that I pass laws today and have them referred to an aristocracy for perpetual interpretation, consolidation and pronouncement in the future, and to make sure that when I am out of here, I'm not talking about me, I'm talking about Pierre Elliott Trudeau, that those nobodies who happen to be in Parliament Hill will not be able to undo what I, the omnipotent, have decreed shall be the case from this day forward. That's the issue. That is the issue.

Mr. Chairman, I disagree with what has been done with the Wilson case. What I am saying is no entrenched Bill of Rights is going to stop it. What's going to stop it is a group of people, seeing when it's happened, getting up and saying, don't do it. Mr. Chairman, I repeat that. I repeat that, that in this case, and especially where civil rights are concerned, it's the Opposition that controls the government; it's the Opposition that gets up and says no; and if the Opposition caves in or says do it, then that's what caused it, Mr. Chairman, the erosion of rights. The honourable member says, "Protect me from myself." Mr. Chairman, I can't offer such protection. I cannot offer such protection.

The fact is that when I sat on that side of the House — and you can go to Hansard — we brought in a bill having to do with rock festivals, because at that time rock festivals were the enemy. We brought in a bill with regard to rock festivals, and the bill set out the requirements, and when you read the requirements, you realized that we were prohibiting rock festivals. Members of the Opposition, who happened to want to prohibit rock festivals, many of them, more than members on our side, raised the question and repeated it and repeated it and we got up and we withdrew it. We brought in a bill which was called the snooper clause. The snooper clause permitted the — to go to the various places of business, without a warrant, and make an investigation. The former Member for River Heights — and these things were drawn by the bureaucrats, the same people who are drawing your stuff. You got rid of some of them and the reverse will take place very soon, I expect, very soon, very soon.

The Opposition said that this was wrong, and there was a concerted debate on it and the Minister, who is no longer here, he's here, the Member for Burrows, we sat down and we looked and we said, well, maybe they're right. We got up and said — and it will be in Hansard, Mr. Chairman — that where

these kinds of things are going on and where a government is involved in it and where they are bringing forward legislation, it sometimes requires an opposition to show that perhaps we are a little high-handed.

Mr. Chairman, that wasn't here in this case. It wasn't the absence of an entrenched Bill of Rights that resulted in this expulsion, it was the absence of people who were prepared to get up and say, don't do it, and I can tell you, Mr. Chairman, that I felt awfully lonely. I felt awfully lonely. I had to stand up twice with 47 other members voting the other way. I don't feel lonely anymore, Mr. Chairman, I feel proud.

MR. CHAIRMAN: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Briefly, Mr. Chairman, not to the points made relative to the section itself, but the overriding principle of it, is that as long as we have this opportunity, I believe that the government is wrong, and the First Minister believes me when I say I am going to go to the people and show that, in my opinion, he is wrong. That here's a person who says that he thinks that the parliamentary process should defend rights, and in my opinion he has not used that which he says he will defend. He disagrees with me, but that's what makes this process what it is. Whatever kind of system you have, it's going to take people to defend themselves. People have to be defended. People who are arguing that entrenching rights is going to automatically just pour oil over the world and it's all going to be nice, they forget to tell people that they've got to have the capacity to defend their rights before some court system, they're changing processes but they're not changing the necessity of somebody to defend them.

MR. CHAIRMAN: Section 7 — pass — the Honourable First Minister.

MR. LYON: Mr. Chairman, it's not my purpose to delay the vote in this matter but there have been a couple of comments made that I think merit some response, I hope a reasoned response from this side of the House.

This particular piece of the section, the sub-section 7, has within it, as the Member for Wellington has indicated, a retroactive provision which would have the effect with respect to the payment or non-payment of indemnity to a person who is disqualified pursuant to the other provisions, of going back, I believe it is to November 3rd or thereabouts, November 1st of 1980.

In general circumstances I think that most members of this House, regardless of their partisan affiliation, would subscribe to the provision that retroactive legislation in most cases should be avoided. That's not a rule that is totally inviolable but by and large it's a rule that is generally followed by most legislatures and most parliaments in our system of government, but it's not inviolable.

Let me just make a couple of comments about why this legislation in the particular circumstance that we're dealing with should be retroactively effective to November 1, 1980. The Legislative Assembly Act, Section 59.1, reads as follows: "Subject to subsections 4 and 6, there

shall be allowed and paid for each Session of the Legislature to each member attending a Session, (a) an indemnity in an amount determined in accordance with Subsection 6 and (b) an allowance for expenses incidental to the discharge of his duties as a member in an amount equal to one-half the indemnity payable under clause (a) for the Session."

MR. CHAIRMAN: The Honourable Member for Inkster on a point of order.

MR. GREEN: Aren't we enacting a bill that says that the Session shall be deemed not to have started until January 1st?

MR. LYON: I'm talking about the law prior to the bill being brought in. At a certain stage in our Session, prior to Christmas when this present Session of the Legislature started, to be exact, on Tuesday the 16th of December, a member, who had been convicted of an indictable offence carrying a sentence in excess of five years and who was on bail while appeal of that sentence was underway, presented himself in the Legislative Chamber, and I think one could say technically, thereby qualified himself under Section 59.1 to receive an indemnity for the purpose of the particular section as I've read it to the House.

I think that honourable members have to make a decision, and they have to make it fairly clearly. I spoke on that debate that day, the Leader of the House and a number of other members of the House spoke on that debate that day. I tried to make it clear that from our side of the House we did not feel that it was fair or equitable that a self-serving gesture of that nature, whereby a member presents himself in the Legislative Chamber, when he is under that kind of disability for which The Criminal Code of Canada at that stage said he was ineligible to sit or to attend in the Legislature, and that was the law, and is the law of the country today, and what we are enacting here today, Mr. Chairman, merely is complementary legislation to that.

When a member in the face of that kind of passed law by the Parliament of Canada presents himself here, there was the technical possibility, in the absence of action by this House, that he could by that kind of a self-serving gesture, which is the term I think should be understood to most lawyers in the House, or acting on advice or whatever, qualify himself while under that fundamental disability to receive an indemnity which now runs considerably in excess of some \$26,000 or thereabouts.

Now my honourable friend, the Member for Wellington, can make all of the high sounding speeches that he wants about the desirability or otherwise of retroactivity and in general I would subscribe to that principle, but there are always exceptions to any of the fundamental and major principles, and I suggest to you that without casting any aspersions whatsoever upon the member in question or anything of that nature, that it would be difficult, if not impossible, for any member of this Legislature, I don't care what his particular party affiliation is, to go to the electors of Manitoba, the citizens of Manitoba, the taxpayers of Manitoba, and say that we permitted that technicality to stay in place because we didn't want to enact retroactive legislation. And to say, No. 2, that we permitted a

certain physical act of a member who was under a fundamental disqualification about entering this House, we permitted that technicality that appears in the legislation to allow him to receive a full indemnity for a Session of the Legislature which the law of the land says he is not entitled to sit or to vote in the Legislature even though he is elected to it.

Now there is the basic proposition. My honourable friend can talk all he wants about the doctrine of retroactivity, but I say to him that he's got to come, sooner or later, to face the very question that this government and this House has to face in this section. Are you going to permit a member who is, and any member, who is under that kind of a fundamental disability, are you going to permit him to benefit from a self-serving act of walking into this Chamber for one day, even though that's against the law, and I don't have to think very long about that question, and I suggest that most members, all members on this side of the House and most members on that side of the House don't have to think very long about that question.

They're going to take the action that is necessary to ensure that the public interest is protected, because the public interest would demand, in that kind of a circumstance, that any member not be permitted to benefit from a technicality of the law.

So what we are remedying here by this retroactivity back to November 1, 1980, is merely not to permit any member, but in particular the Member for Wolseley on this one occasion who appeared in the House on the 16th of December, not thereby to benefit from that kind of technical qualification of himself under Section 59.1 so that he would therefore become eligible for a full indemnity for a Session at which he is not by law, formerly or now, permitted to sit or vote in this Chamber.

I put it in bottom line terms to my honourable friend, the Member for Wellington, and I can understand the position that he takes with respect generally to retroactivity, but if we were, as a House, to accede to his suggestion, we would thereby be permitting possibly the Member for Wolseley to receive the full indemnity for this Session of the Legislature. I thought it was clear on the 16th of December when a resolution of this House was passed that it was the will of this House, save for one member, and he made his position clear on grounds of principle, that it was not the will of this House acting under its inherent powers, that that member should be allowed to take his seat.

That being the case, the second question is, is it the will of this House, acting under its inherent powers, that that member should be allowed to take his seat. That being the case, the second question is, is the will of this House that that Member should be allowed to benefit from his brief appearance in the House to the extent of receiving an indemnity for the full Session of the Legislature and I think the answer is clearly known, and if my honourable friend thinks otherwise, then let him move a motion to say that the honourable member from Wolseley should receive the full indemnity for this Session of the Legislature, even though he is under the disability that we all agree with. We had a vote at second reading on this Bill and only one member again voted against this Bill and that member gave reasoned arguments in principle against the Bill and

he wasn't trying to nit-pick the way the Member from Wellington has to try to be on all sides of the question. My honourable friend may think that he can be on all sides of the question in the debate, but I'm putting the pin through his wings right now and saying to him, if he wants to say that the Member from Wolseley should receive the full indemnity for this Session, let him stand up, never mind talking about retroactivity, just get right down to the bottom line and he'll have a chance to vote on Section 7. We're going to watch how he votes, because if you vote against Section 7 that's the effect of your vote. You vote for Section 7, you're saying that we will not permit the self-serving act of a member to permit him to receive an indemnity which he is not entitled to receive under the law. That's all there is to it.

MR. CORRIN (Wellington): If I'm going to flap my wings, notwithstanding the fact that they've ostensibly and seemingly now been pinned, it would be to remind the Honourable First Minister that if not for the fact that his Government mismanaged the Wilson Affair, we would not be here today voting on retroactive Legislative at all, and that is what seems to escape the Honourable First Minister in dealing and responding to the arguments from this side, Mr. Chairman.

Mr. Wilson was not convicted on the afternoon of December 16th, or whenever it was, 1980. It wasn't a matter that he cavalierly and flagrantly came across from the Law Courts Building immediately subsequent to his conviction and attempted and did managed to take a seat. That isn't quite what happened, Mr. Chairman. Let us go back and investigate and examine the circumstances as they factually occurred. Mr. Wilson was convicted sometime before the beginning of the Session. Subsequent to the conviction, Mr. Chairman, there was controversy in the press as to whether or not, Mr. Wilson, would be allowed to take his seat and collect his indemnity and that controversy reigned supreme for not days, Mr. Chairman, but many weeks, and the Attorney-General will remember that he went on record and categorically indicated that the matter was, as he always categorically indicates, and I say that somewhat sarcastically, Mr. Chairman, that the matter was under investigation by the Government and that the Government had the matter in hand and the Government was going to act and there was going to be appropriate legislation presented and so on and so forth.

Mr. Chairman, when the fateful evening finally arrived, the Government was caught completely off guard, for no good reason. Everybody in Manitoba were aware of the fact that Mr. Wilson would in all likelihood attempt to take his seat. He indicated to the Press and it was publicly disseminated throughout the Province that he felt that he had such a right, such an entitlement. He kept proclaiming his innocence. He kept saying, Mr. Chairman, that he felt that as an innocent person, he had a right to sit here. He indicated that he had consulted legal counsel and that he been advised that he would have a right to challenge any attempt to forfeit his seat or to vacate his seat in the courts. Mr. Chairman, with entourage of television cameras, reporters, lawyers, a battery of communication and media people, Mr. Wilson made his — not his triumphant entrance but he certainly made his entry into this building on that

evening, and in he swept, Mr. Chairman, and for that matter, Mr. Chairman, the cameras recorded it all. The cameras were here in the Chamber recording and clicking and snapping.

Mr. Chairman, the point I'm making is it was not a surprise to one citizen in the Province of Manitoba that Mr. Wilson came —(Interjection)— I am wrong, excuse me, Mr. Chairman, I suppose I mislead the House. It seemingly was a surprise to several members opposite, members of the Treasury Bench, Ministers who had a responsibility to deal with this matter, and now, Mr. Chairman, what they want to do is they want to transfer that responsibility to the Opposition. What I say, Mr. Chairman, is that I have a right to vote against retroactive legislation as a matter of principle, as do principled members of the government. And, Mr. Chairman, the First Minister is denying me my right to vote against that sort of repugnant legislation, Mr. Chairman.

MR. CHAIRMAN: Please, one member at a time please.

The Honourable Member for Wellington.

MR. CORRIN: So, Mr. Chairman, I don't know why the First Minister stands in his place and talks about people being under fundamental disabilities. He rather — almost obsequiously, certainly obtusely referred to the Criminal Code provisions, the Federal provisions, Mr. Chairman, and suggested that they had some sort of paramount stature. And then quickly, Mr. Chairman, almost in the same breath began to realize what he had said and started to regress again. He started to withdraw from that position, because logically it didn't hold. It's just not boiler-plate, Mr. Chairman, it wouldn't hold. And he came back to the position that we had to do something about it, we had to do something about creating the fundamental disability in terms of parallel concurrent legislation which is before us in Bill 3, Mr. Chairman, and then to his embarrassment, Mr. Chairman, the Member for Inkster reminded him what all members of the Opposition, and surely all members of the government were thinking, he reminded him of the provisions of Bill 2. Mr. Chairman, the whole argument fell apart, because it simply is too tenuous to suggest that with Bill 2 in place we need Bill 3 retroactive. I cannot accept, Mr. Chairman, that that is a requirement.

Mr. Chairman, it is my belief that the federal legislation does not pertain; that there is not paramount federal jurisdiction with respect to members of this Assembly, so I believe that the Criminal Code provisions are simply ultra vires with respect to members of this or any other Provincial Assembly. I believe then we fall back, Mr. Chairman to whether we need the retroactive provisions of Bill 3. I happen to believe, Mr. Chairman, that Bill 2 covers everything. The session is deemed — (Interjection)— there is a deeming provision, Mr. Chairman, which simply provides that this Session does not deem to commence until January 1st, 1981. So what is, Mr. Chairman, exactly the fundamental disability. There was a fundamental immorality, I suppose, but I can't find the fundamental disability. No matter how hard the First Minister twists and turns in his place; no matter how skilled the forensic argument he puts before the House, Mr. Chairman, and he is a very skilled debater, Mr. Chairman. The

other day he suggested he didn't want to revert to his Grade 11 best debating style. I would suggest, Mr. Chairman, that he is indeed a consummate debater.

Mr. Chairman, the truth holds, we don't need retroactive legislation if we have a government that takes steps to protect the public purse. We don't need this sort of repugnant legislation. We could have done without it. Mr. Chairman, we heard so much from the First Minister about capacity of various politicians to manage peanut stands. We heard so much about that last election campaign, and he countlessly and seemingly endlessly reminds us of the New Democratic Party's inability and incapacity in this regard. Mr. Chairman, quite simply, could he not have readied himself, prepared himself for the obvious appearance of Mr. Wilson? Could we not have had legislation on the table at the commencement of the Session? Was that not possible, Mr. Chairman?

Mr. Chairman, if the member would have dealt with Mr. Wilson as he should have last December, it wouldn't be necessary to deal with retroactive legislation today. But, Mr. Chairman, last December he was ever so busy fighting the Charter of Rights. And now, Mr. Chairman, he's forced into the position that he has to contradict his own argument that legislators are the final repository and protector of human liberties, of human rights, and he's going to call on his members in a disciplined fashion, row on row, to stand in their place and vote for retroactive legislation.

Mr. Chairman, I've said what I have to. I will, Mr. Chairman, vote with a free conscience against the government, not against the salary — not in favour of giving Wilson a salary, but —(Interjection)— Mr. Chairman, I will vote against the Lyon government. I will vote against waste and mismanagement and I say, Mr. Chairman, that it reflects the priorities of this government. They talk about restraint, Mr. Chairman, but when the chips are on the table, when all bets are on, this government doesn't come through. It's wishy washy, Mr. Chairman. (Interjection)— It's true, I won't digress, Mr. Chairman, to all the other inconsistencies because the estimates review will speak for themselves — how irrationally this government behaves when confronting matters of important public policy and management of the public purse.

But, Mr. Chairman, this will stand as an eloquent testimony to the inefficiency, inadequacy and incompetency of this regressive Conservative Government.

Thank you.

MR. CHAIRMAN: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Chairman, I will vote against this section and I will accept responsibility that the net effect of it will be that there is a possibility that Mr. Wilson might be paid.

I'm reminded by my friend, the Member for Minnedosa, that it's cost me \$14.38 and it's increasing at the rate of 23.9726 cents an hour to prolong this debate. I hope I won't be out of order by repeating myself, to the Member for Minnedosa, it's cost me \$14.38 so far and it's increasing at 23.9726 cents an hour.

But seriously, Mr. Chairman, the case, the point, and to use the First Minister's own words, and I think Hansard will bear me out, when he made his remarks he said, "In dealing with this particular case." That's what the First Minister said, in dealing with this particular case. It makes my whole argument that the whole exercise is relative to a particular case.

Then in another instance, well you know, I don't want to put words in the First Minister's mouth — (Interjection)— you use my words to try and skew me too I know. In making his comments, he said there is in law, and the lawyers will understand the expression "self-serving gesture". That's against the Rules of the House, motives cannot be attributed to any member of this House. I have to assume that while a member is a member he is a member, and it is against the Rules. (Interjection)— Read the Rules. He's out of order. I've been out of order, Mr. Chairman, I've used the member's name, which is against the Rules. But, Mr. Chairman, I would be willing almost to support a motion that Mr. Wilson never existed, never existed. We have the power in this House to pass this motion that he never existed, and then it solves all the problem, you wouldn't have to write any cheques or anything else because there never has been a Mr. Wilson. I say that this sounds humorous, but such acts have been passed. In England there exists a law, the one Richard Bowles will be boiled in oil without benefit of clergy. The power of this Assembly is, what is that, heinous, herendous, or it's awesome.

I know I got into a bit of hassle with the press because every once in a while people forget the power of this group, but also the responsibility of this group, and it is to the point that the whole exercise has been badly handled, and I have said it before and as an individual I accept some of the responsibility because I don't know if somebody from the Opposition approached the government to sit down because it is pointed out by the Member for Wellington, it occurred some time before the House got into Session. I as an individual didn't phone the Attorney-General or the First Minister or anyone else in government to say what are we going to do about Mr. Wilson, but nevertheless, this is not a government issue per se, although apparently the Whips are on because they are voting as a block, on every point that is made relative to every clause in this section, including Section 7. I am going to vote against it, and I will accept the responsibility that yes, as I said earlier, I don't want to give Bob . . . well, I shouldn't say that, you know, use the gentleman's name, you know, five cents but that is not what is before us. In my arguments it's the very principle and I want to put on the record that the Member for Inkster said he stood alone. I said at the time that I supported that motion in December which never happened; the whole Session didn't happen so therefore I didn't say anything I suppose.

But I said I'm wrong and I'll be quite candid; when there was a voice vote, I ducked it because I didn't want to vote for it, but the Whips were on and I voted for the motion, and I said so at the time, I'm wrong but I am going to support it. I was being politically expedient and I accept that, but this is a different case and to the First Minister I agreed to pass it in Second Reading so that we could possibly debate it in Committee and have reason prevail, as I

understand reason, as I understand the principles of parliamentary democracy, as I understand it and some of the members share my views on this. I will vote against this particular section and accept the responsibility of having done so.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MERCIER: Mr. Chairman, just briefly I want to reflect for a moment on the inconsistent position of the Opposition. Last week the Leader of the Opposition stood, along with a number of other members of the Opposition, the Member for Elmwood, the Member for Rossmere I believe, and others, and took the position that the seat should be declared vacant upon the conviction and that there should be a by-election in Wolseley and that the Member for Rossmere says, that's what it says despite what apparently his colleague, the Member for Wellington, says. They would under the scheme of the Leader of the Opposition deprive the member, any member, of the right to appeal.

Now today, Mr. Chairman, this week, we have members of the Opposition saying, not that the seat should have been declared vacant in a by-election but the member should be paid until the appeal is dealt with. —(Interjection)— I merely point out these inconsistencies, Mr. Chairman, to the members of the Chamber and would urge again members of the Opposition to try and determine a united course of action if they can on this and other issues before the House. Mr. Chairman, we have such inconsistent positions put before this Chamber by members of the Opposition from one week until the next. And I would urge him perhaps, Mr. Chairman, inasmuch as we are going into Private Members' Hour in a few moments, and perhaps they will have an opportunity to caucus and come to a united position.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, first of all I may have mislead the Member for Wellington somewhat because I asked a question as to whether Bill 2 deemed the Session not to start unless the Legislative Council came up and told me that particular clause didn't apply to this particular section and therefore it wouldn't work, but it's an interesting juxtaposition.

The Member for Wellington to my recollection did not oppose this deem to start on January 1, therefore if you pass the legislation by saying it's deemed to start on January 1, then it's okay, but if you pass rectoactive legislation saying December 16 occurred, that's no good. I find that unusual. I have a difficulty, Mr. Chairman, in that my logic leads me to a difficult position but I am going to go to that position. I say that Wilson should not be thrown out of this House in the way that he was thrown out; I still say that. When he was thrown I said that he should not be paid, Mr. Chairman, but I said that he should not be paid on the basis that I did not feel that he was a member. The First Minister has introduced a hybrid, he has introduced a creature unknown previously to the law. He has enacted and let him not try to escape from it; he has enacted a legislated creature that cannot sit in the House but is the member. That's what he has enacted and I believe that is the first time.

MR. CHAIRMAN: The hour is 4:30, time for Private Members' Hour. Do we have leave . . .

MR. BOYCE: On a point of order, do we have inclination to give leave to dispense with this matter?

MR. CHAIRMAN: Can we have leave; is there a no? —(Interjection)— Order please. Time for Private Members' Hour. Committee rise. Call in the Speaker.

MR. SPEAKER: The Honourable Member for Radisson.

MR. KOVNATS: I move, seconded by The Honourable Member for Dauphin, that report of Committee be received.

MOTION presented and carried.

PRIVATE MEMBERS' HOUR

MR. SPEAKER: At this time I would like to draw the honourable members' attention to the loge on my right where we have The Honourable Herb Gray, Federal Minister of Industry, Trade and Commerce. On behalf of all the Honourable Members we welcome you here this afternoon.

We are now under Private Members' Hour. The first item on Wednesday, Resolution No. 7 — the Honourable Member for Dauphin.

MR. JIM GALBRAITH: I move, seconded by The Honourable Member for Virden, that

WHEREAS the Federal Government is seeking an unprecedented and unwarranted massive shift from the Federal Treasury to the provinces and municipalities for the cost of R.C.M.P. services;

AND WHEREAS the Manitoba Government has rejected on behalf of the province and the municipalities the Federal Government demand;

THEREFORE BE IT RESOLVED that this Legislature endorse the stand taken by the Government of Manitoba, and urge it to negotiate on behalf of the province and the municipalities fair and reasonable contracts for R.C.M.P. police services consistent with the cost sharing arrangements prescribed in the existing contracts.

MOTION presented.

MR. SPEAKER: The Honourable Member for Dauphin.

MR. GALBRAITH: Mr. Speaker, I present this resolution to the House at this time because of the nearing of the March 31 expiry date to the present contract with the Federal Government for the RCMP contract services. As a Member of this Legislature for the Constituency of Dauphin, I have a particular concern as how the Federal Government's proposal for the new Policing Contracts will effect my Constituency. Last fall when the Federal Solicitor General, Robert Kaplan, proposed a new policing contract, our Attorney-General immediately rejected it as being unacceptable and urged the Solicitor General to negotiate on fair and reasonable terms, a new contract. Manitoba was soon joined by other provinces whose contract for RCMP service in strongly rejecting the proposal.

I think it is important to appreciate the existing and recent historical contract relationships between

the government and the contracting provinces. The present five-year contract which will expire at the end of March, saw the provincial share of the cost of RCMP service increased by one percent per year, from 52 percent in 1976-77, to 56 percent in the current fiscal year. In the Province of Manitoba, this would represent an increase of \$9 million dollars to \$15.3 million.

The Attorney-General advises me that when this contract was negotiated, the Federal Government indicated that when the current contract reached the stage of cost sharing that exists this year, such a costing formula would reflect a reasonable way that administrative optional and financial benefits derived by the Federal and Provincial Governments. For at least 10 years previous to the 1976-77 contract year, the Province of Manitoba had paid an additional percentage point more of the cost of RCMP services from 41 percent in the 1966-67 year to 50 percent in 1975-76.

It might be interesting to point out to members that in 1963 the cost of RCMP services were less than \$1 million to this province, and the present cost being \$15.3 million is overshadowed by the Federal Government's proposal to increase the cost of these services to this province to \$26.1 million. The Federal Government's proposal to increase the provincial policing contract from the current 56 percent to 75 percent of the actual cost, and this dramatic shift is significant enough.

However, my particular concern for the town of Dauphin is to see the increase in the municipal share rise to 90 percent. In fact, all municipalities over 5,000 in population would pay 90 percent for all members under its municipal policing contract. Municipalities such as this presently pay 56 percent of the cost of first five members and 81 percent of the cost of all remaining members. The Federal Solicitor General's proposal to increase to an across-the-board 90 percent would see municipalities, such as my own town of Dauphin, Flin Flon, Portage La Prairie, Selkirk, The Pas, and Thompson, would see their costs increased by approximately \$24,000 for each of the first five members of the force, and by approximately \$13,000 for every additional member.

MR. SPEAKER: Order please. Order please. Will you secure that main door there, please?

MR. GALBRAITH: Mr. Speaker, I have a copy of a letter that was sent by the Secretary-Treasurer of the Town of Dauphin to the Honourable Bob Kaplan, Solicitor General of Canada. In that letter he states that it would appear that the policing cost to the Town of Dauphin will increase from 56 percent of per capita costs for the first five members and 81 percent of per capita costs for all members over five to straight 90 percent of per capita cost for all members. The Town of Dauphin has 10 members. Still stating from the letter, "By our calculations based on 90 percent of per capita costs the town would pay for 10 RCMP members for one full year 10 times \$37,642 which equals \$376,420.00; while the 1980 cost to the town is approximately \$228,000, a major increase of \$148,420 in one year. This represents an increase of approximately 54 percent. Such an increase would require an additional five to six mills in the tax bills which along with other inflating costs of maintenance and operation will

require curtailment of many services to the residents of our community. Please keep in mind the ability of our people to pay taxes when reviewing the policing contracts for municipalities. We urge you to consider our serious situation." This is signed E. C. Day, Secretary-Treasurer, Town of Dauphin.

Mr. Speaker, the RCMP is a national institution, an institution which promotes national unity. It is a force that is internationally recognized in the symbol that Canadians take great pride in, and at least I can say for certain that I take great pride in our national police force. It is very discouraging to see the Federal Government using something so fundamental as the basis as police services as a bickering tool with the provinces. The Federal Government contract proposal is completely unrealistic. It would massively shift the burden of cost from the Federal Treasury to the local provincial and municipal taxpayers. For this reason, Mr. Speaker, I encourage all members to give unanimous support to this government and its rejecting of the federal proposal and endorse the stand taken to negotiate a fair and reasonable contract consistent with the present cost-sharing arrangements.

MR. SPEAKER: The Member for Rossmere.

MR. VIC SCHROEDER (Rossmere): Thank you, Mr. Speaker. The Member for Dauphin has given us some background to the current problem. I have talked to several people who are involved in this situation and I am told by the Mayor of Beausejour, for instance, that the increase, which would result from the proposed new rate, would be something in the order of 40 percent. I noticed a newspaper article which quoted the Mayor of Pinawa as indicating that in Pinawa the increase would be 126 percent and the increase in cost per household would be some \$55 and that's a serious matter. Mayor Shead of Selkirk indicated as well that the increase in Selkirk would be some \$56 per household, and that is serious. The consensus is that the RCMP are performing an excellent and valuable service to the community. They provide continuity, they provide some consistency within the province, and they have an excellent communications network which assists in policing. It is, as indicated by the Member for Dauphin, of benefit to the province to have a national police force and it is extremely difficult for smaller communities to spend the kind of money which is required on recruiting and training and equipping an adequate police force.

I'd like to quote from the Free Press, January 19th, 1981; Mayor Shead of Selkirk stated as follows: "Any town presently contracting RCMP is looking at alternatives, and that is something unfortunate, the fact that people would be looking at alternatives. Ray Howard, the president of the Municipal Association of Manitoba, the Mayor of Birtle indicates that other options are being considered; towns are giving thought to sharing an R.C.M.P. contract; they were giving thought to supplementing coverage with a night watchman and other alternatives and that is sad. Therefore, I support any action which will make it possible to continue the current level of RCMP policing in the province. I am concerned that unless some assistance is given to these communities, those other alternatives will seriously be sought and therefore, I

encourage the government to use all of its negotiating skills, all those skills which it may have available to it to keep the Federal Government paying a substantial portion of the bill.

Of course, in doing its negotiating this provincial government will have an impediment, because throughout its lifetime it has been criticizing the Federal Government for its spending. Now the minute the Federal Government decides to cut down on some of its spending, we hear that group on the opposite side screaming like stuck pigs, and here we have a situation where that government has to negotiate with Ottawa to tell Ottawa to keep spending more money, on the one hand, and on the other hand, to keep telling Ottawa to spend less money. So they have a problem.

The Federal Government's position apparently on this issue is that RCMP are being used approximately 10 percent of the time on business under the jurisdiction of the Solicitor General of Canada and, of course, the federal position therefore is that they should only pay 10 percent of the policing costs. I would suggest that that's merely a negotiating opener and I am sure that if the province negotiates well, we won't have any difficulties.

I noted an article back on January 22nd in the Free Press quoting the Assistant Deputy Minister to the Solicitor General and he said as follows: "There has to be a contract after April 1st one way or the other. The RCMP cannot carry on their activities without a contract because it will abridge provincial law". That is the quote. Apparently, the Feds are taking the position that if they have no agreement by April 1st, they feel that they must withdraw their services and I would hope that the Attorney-General will speak later to assure us that this in fact has been changed, that the federal position with respect to withdrawing services after April 1st has been changed, but that's the position apparently taken by the Federal Government back in January.

If the Provincial Government cannot negotiate a satisfactory deal with the Federal Government, and I hope they do, and I wish them well, I suggest that the Provincial Government is going to have to consider contributing toward the upkeep of the services in our community. Again, the Member for Dauphin has indicated various reasons for us to continue to support the RCMP, I have previously indicated that I believe it is important to us to keep them in the province at the same level where they are now.

We must go back now to the basics of the ingredients of policing services, and I would say that there are two separate ingredients; there is a service to property, and that portion could well be paid by property taxes. As it is now there is a substantial portion being paid from local property taxation. There is also a service to people and that portion should surely be paid by the province from consolidated revenue, and that is what we have been doing, the province and the Federal Government, I should say. That's what we have been doing in the past, we have had these percentages read out and appears that at present for the smaller towns, the ones with five or less police officers, the percentage is 56 percent payable by the province and that would leave some 44 percent by the Federal Government. We are now, of course, looking at a possibly different

point. Hopefully, the province can keep the same formula, in which case there will be no need for additional funding by the province for this portion of our police service.

But if you can't do it, then I would suggest that rather than adding the property tax burden on to our local residents or rather than getting alternative police forces which aren't as efficient and adequate as the RCMP, you're going to have to consider coming up with funds to replace the federal funds. That is something that we do in other cases, for instance, with the education tax, only 20 percent of it now, at least that is the goal, only 20 percent is to come from property, maybe that we won't be reaching that goal at this point, but I think everybody agrees that at least that is a start there. Here we have got some 50 percent at least coming from property, so we will at least leave it at that level that would seem to be a goal that we should be looking for.

If the province does pay this differential to the municipalities, as I think it should, then I believe that it must also pay an equal amount per person to the Cities of Brandon and Winnipeg and others who are using other forces, although one would wish, especially out in the smaller areas where it's more difficult to get the training, equipment and experience for the police officers of those communities, could more often choose the RCMP.

In the City of Winnipeg, for instance, we have a fine police force. It doesn't take a second or back seat to any force. It is well equipped, it is well trained; it does, as the Police Chief frequently mentions, have a lack of staff, but if other municipalities require assistance to pay for policing as they are now receiving from either the federal or the provincial government or a combination, then it would seem to me that it would not be unfair that the province pay a similar amount per head to the Cities of Winnipeg and Brandon especially, because we do have problems in our cities.

I noticed a headline from Brandon, for instance, Theft Claims In Brandon On Fast Climb. We know all of us as legislators if we go around in the City of Winnipeg, if we talk to senior citizens, they are somewhat afraid to be walking our streets at night. People residing near hotels are complaining about noise, violence and fights and that sort of thing, and the police say we just don't have enough people to handle these minor complaints. So we certainly in Winnipeg could be using this assistance just as the people from Dauphin require it, so I would suggest to the government that they consider, in all fairness, that if one part of the province qualifies for funding, then another part should as well.

Again, I would just like to emphasize if there is a difficulty in negotiating between this Provincial Government and the current Federal Government, to a large extent this government has only itself to blame for it. You can't on the one hand keep telling the government to stop overspending and to cut its deficits; on the other hand, when they do precisely that, blast them for not spending, basically for not having a deficit. Nevertheless, I wish you well in your negotiations.

MR. SPEAKER: The Honourable Member for Portage.

MR. LLOYD G. HYDE (Portage La Prairie): Thank you Mr. Speaker.

I appreciate this opportunity afforded to me to add a few words on this resolution regarding the expiry date of March 31st on the present policing contract with the provinces and the Federal Government.

The proposal that is presently put to the province, Mr. Speaker, by the Government of Canada and to the municipalities, who are policed by the RCMP, by our Federal Government is going to put undue costs on the taxpayers of Manitoba.

In the case of my own constituency, my main concern is that for the City of Portage La Prairie, which has a population of over 5,000; the City is presently served by a 17-man force and therefore, under the current contract pays 56 percent for the first five men at a cost of \$18,707 per man, five times that figure of \$18,707 equals \$93,535, and 81 percent increase for the additional 12 men at a cost of \$27,058 per man; 12 times that figure of \$27,058 equals \$324,696.00.

The total under that current contract, Mr. Speaker, to the City of Portage la Prairie for RCMP services is \$418,231.00. Now under the Federal Government's proposal, the City of Portage la Prairie would pay 90 percent of the costs for all 17 men, or \$37,642 per man. The total under the proposal would bring the cost to \$639,914, an increase to the City of Portage la Prairie of \$221,683.00.

Mr. Speaker, my concern is not only with the added cost that the ratepayers of Portage will have to make up in the one year period, but also should the City be forced to cut back on the number of men in total, due to the increased costs, what effect is this going to have on the efficiency of the force to protect the property of the citizens and also to enforce the laws of the land?

Mr. Speaker, it has been mentioned in debate that the RCMP is a national institution and that it is a police force that is internationally recognized as one of the best police forces of the world. It is very disturbing to me that this force of protection may be denied to us by the unrealistic contract proposed by the Federal Government.

Mr. Speaker, the cost of policing to the cities of over 5,000 population, I suggest this additional cost that the Federal Government is placing on the rate payers could easily be made up by the tax dollars that is wasted on programs such as the metric changeover and the undue expense to our country on this constitutional debate that is taking place in Ottawa today. I would certainly agree with the Attorney-General when he is not going to agree with the proposal made out by the Federal Government.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MS. JUNE WESTBURY: Mr. Speaker, I'm moved to speak by my surprise and indignation that a resolution such as this would be put forward when in fact a meeting is scheduled for next Monday with the Attorneys-General of the provinces to negotiate this very matter. (Interjection)— Mr. Speaker, they want to tell them how firmly convinced they are, says the Minister of Highways, and, you know, we're delighted that they're firmly convinced, but what sort

of negotiating can take place in good faith when a resolution is planted with the backbenches to instruct the government to act in a certain way and in a flexible way. Is that negotiating the way this government sees it Mr. Speaker?

The Federal Government, I am told, has stated that it will not release information until the negotiations break down. Have the negotiations broken down? Surely the government is in a position to tell us that, but they have not broken down because there is a meeting scheduled for next Monday, and how can our Attorney-General negotiate in good faith when somebody from the front bench has planted a resolution with the backbenches to bring forward here, Mr. Speaker? When is this government going to bring in a resolution or a bill committing itself to some action in this Session or in this year? Everything they bring forward is referral to the Federal Government, or tell the Feds this, or ask the feds, or refer this to the Federal Government. When is this government going to take some action on something of importance to the people of Manitoba? This isn't going to help the surveys that they're having such abysmal results with, Mr. Speaker.

What sort of government is it that only brings in resolutions that refer to other levels of government? Where is the leadership, where does the buck stop in Manitoba? Not here, does it? Because all they know how to do — we heard one Minister today in Question Period take responsibility for something that he said is partly shared with the Federal Government. Usually you ask a question, and all you get back is, "Referred to your friends in Ottawa", or "That is the responsibility of the Feds", or "I am not going to tell the Feds what I think or reply to their request for information."

When are they going to take responsibility for what happens in Manitoba, and when are they going to start negotiating in good faith in meetings which they have agreed upon, I presume. I presume that when the meeting was arranged for next Monday, that it was agreed to by our Attorney-General. Now if he was to find that at that meeting it was impossible to negotiate in good faith with the Federal Government, then he has a reason to have this resolution brought forward, I suggest. But to have it brought forward now indicates to me that he is going to that meeting with an inflexible attitude and I don't consider that that is a responsible way to govern, Mr. Speaker.

(Interjection)— Not our Gary, I don't know what they mean by not our Gary. I don't think Gary has got anything to do with that. I don't believe that this would be, in fact, the wish or the intention of the Attorney-General, and yet he must have known this resolution was coming forward. I find this quite disturbing because there is just this patsy kind of attitude from this government of not taking responsibility for anything that happens in this province.

I would expect him to come to us on Tuesday or Wednesday and tell us what happened at the negotiations; whether further meetings are going to be held; or whether the negotiations have broken down. Until then I suggest we shouldn't be voting on this, because we should be negotiating in good faith.

MR. MERCIER: I wonder if the Member for Fort Rouge accept a few questions?

MS. WESTBURY: . . . I know the answers.

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: Mr. Speaker, to the Member for Fort Rouge, I wonder if she, as a member of the Liberal Party, could advise me why the proposal of the Solicitor General for this increase in cost that has been referred to was deliberately withheld from the provinces until after the September Constitutional Conference and presented to them on October 8th.

MS. WESTBURY: Well, Mr. Speaker, it may come as a surprise to a member of the Provincial Cabinet that members of the Federal Cabinet do not necessarily consult members of their party on every announcement that they make. (Interjection)— I do not defend them on every announcement that they make, but I'm not going to argue that point because it's a trivial question, why do I defend them. It's nonsense.

Mr. Speaker, the record shows that I have not defended the Federal Government on every issue and I'm not here as an apologist as I said the other day. The Minister probably wasn't present. I said then I'm not here as an apologist for the Federal Government. I'm not even saying at this stage whether the Federal Government's position as described is correct or whether it's not correct, but what I am saying Mr. Speaker, is if we're going to continue negotiations, let us continue them in good faith. That is the point that I wanted to make in rising today.

MR. MERCIER: Mr. Speaker, my second question is: Would she describe the position of the Federal Government, referred to by the Member for Rossmere in the statements of the Assistant Deputy Minister of the Solicitor General's Department, that failure to arrive at an agreed upon cost-sharing between the provinces and the Federal Government prior to April 1st, if there is no agreement by that time, the Federal Government's proposal of October 8th, will come into effect? Is that bargaining in good faith?

MS. WESTBURY: I don't know whether anyone said that or not, Mr. Speaker.

MR. MERCIER: Mr. Speaker, my third and last question is: Should the provinces accept the statement of the then Solicitor General Warren Allmand when the last contract was negotiated with the previous agreement, that the cost-sharing formula agreed upon in that agreement reflected a fair and equitable division of the benefits to the Federal Government and the provinces? Should that statement not be accepted by the Provincial Government and members of this Chamber as a true and valid position?

MS. WESTBURY: Good grief, Mr. Speaker, he's talking like a lawyer and I'm not a lawyer, and I can't even debate with a lawyer. What I will say in reply to that, Mr. Speaker, is that I think that we should negotiate and we should go to the negotiations in a receptive frame of mind, not with instructions from the party in government —(Interjection)— no, I don't think any past statement should be taken as if

gospel, no, I don't think so. I think that negotiations should be with an open mind and in good faith, Mr. Speaker.

MR. MERCIER: That question caused another question unfortunately, Mr. Speaker.

MR. SPEAKER: Order please. I just wonder if the Attorney-General couldn't pose these questions in debate rather than questions . . .

MR. MERCIER: Mr. Speaker, the Member for Fort Rouge's comments that all past statements of Ministers of the Federal Liberal Government are not to be taken as gospel, does that apply to all statements?

MS. WESTBURY: I didn't say that.

MR. SPEAKER: Are you ready for the question?
The Honourable Member for St. George.

MR. URUSKI: Thank you, Mr. Speaker, it seems that this Session I'm taking a more active part in the Private Members Resolutions.

Mr. Speaker, the resolution as proposed by the Member for Dauphin certainly highlights a present dilemma of many rural communities in the Province of Manitoba, especially what one would consider the mid-sized towns, and he mentioned Dauphin, and I presume Thompson, Selkirk and Beausejour and those kinds of areas, Portage la Prairie; those kinds of communities that do not have — they're not large enough to have their own police forces and are too small to want to even consider. I believe most communities don't want to consider alternate services from the services that they now have. I believe that most communities are quite satisfied with the level of service provided to them by the Royal Canadian Mounted Police who have detachments in those communities.

Mr. Speaker, while some members have stated that I am biased, no doubt, Mr. Speaker, there is some what of a bias on my part. I don't think there's anyone in this Chamber who, on any subject that he speaks of, does not have a particular bias, and I'm pleased to have that kind of a bias as being on the side of a reputable force. Although they have historically, from time to time, gone through periods of what one could consider problems, they have withstood in the main all that various Royal Commissions and the like have been able to, and continue to throw at them. They will continue to deal with those problems and, you know, Mr. Speaker, a force that has, I believe now in excess of 17,000 members, there is bound to be a few bad apples, Mr. Speaker, in terms of a force and no one can say that the force is perfect. But in this instance, Mr. Speaker, there is no doubt that in all sincerity all the communities involved that are going to be facing these additional costs, and they've been pointed out by the Member for Dauphin, the Member for Portage la Prairie as to their specifics, and the Member for Rossmere who spoke of other communities, that the increase is very steep in terms of a one-year change.

The Member for Rossmere made a very good point, Mr. Speaker. You know, the Attorney-General of this province, along with some of his colleagues across this country, Conservative colleagues — I

mean the Minister of Finance of this province mentioned when the Member from Fort Rouge was speaking, the Federal Government, "You stay away as far as you can", and I mention to him, provided it's a Liberal Federal Government. Because I would imagine, Mr. Speaker, that if it was a Tory Federal Government, you would have a somewhat different approach.

But, Mr. Speaker, there is a problem that the provincial government has and part of the problem has been created by their own First Minister. For the last four years he spoke of a Federal Government that has a bloated budget, that it should live within its means. Mr. Chairman, the Federal Government is facing a deficit. You know, if there was some positive suggestions from a provincial government of this province to say to the Federal Government, "Close your loopholes in your tax laws; collect the back taxes from the deferment by corporations and there will be no deficit and then you can deal with the situation that we have here in Manitoba." That's the kind of a positive approach that would come a government of this province, which is really on the receiving end in terms of equalization payments and will, I believe, into the foreseeable future be on the receiving end of equalization payments, Mr. Speaker. One area, Mr. Speaker, that we will have to defend and make sure that we do not do away with, is the principle of equalization in this country.

Mr. Chairman, the problem has been that the First Minister and several of his colleagues have berated the Federal Government, and it's been a popular thing to say those guys are spending beyond their means, they can't control their budget.

Mr. Speaker, do you remember just a few years ago we had an election in this province, in 1977? What happened shortly thereafter, Mr. Speaker? What happened in terms of passing on the costs to local school boards, Mr. Speaker; to local municipal councils? Who froze the per capita grants to local governments for a couple of years, Mr. Speaker? Who passed the costs on and make the councillors look like big spenders while the province said, "Here fellow investors in New York, look at our record in terms of spending." The First Minister went to New York and made a big deal about how this province was living within its means, while at the same time, Mr. Speaker, they were passing the costs on to the local government and they wanted the Feds to spend more.

Now where are they standing? The problem is very real, Mr. Speaker. There is no doubt about it. The Member from Dauphin makes a very good point that it is going to be an extreme hardship, but have we had a word from this provincial government to those municipal councils saying, "Look, we are doing the negotiating on behalf of Manitoba; you are creatures of the legislation of the Province of Manitoba in terms of how we established you, we will defend you to the hilt. In the event that we can't get anywhere with the Federal Government, as stubborn as they may be on this issue, we will cover the additional cost or we will provide some program of amelioration of these costs that you are facing." Have we heard any kind of a statement like that from the government?

Mr. Speaker, we don't. You know I would be prepared to support this resolution but the point is,

Mr. Speaker, it reads: Therefore be it resolved that this Legislature endorse the stand taken by the Government of Manitoba. How can I endorse a stand by the provincial government when there has been no commitment to local government whatsoever? There has been no commitment that they will be defended, that they will not be left to the wolves, so to speak, in terms of these increased cost. Has there been a statement? I'd like to hear the Attorney-General of this province say, "Yes, notwithstanding what is going to happen, we are prepared to back them up."

Mr. Speaker, I hope that the Attorney-General is prepared to come here and take part in this debate. I am sure — you know I will not impute motives, but we know how governments work, and it is certainly a good time — we have bashed Ottawa on many things, why not another one? This is as good an issue as anything, and we are back to the same old issue.

What will be the issues in the next election campaign? We will bash the heck out of Ottawa, because we can't do anything else. We bashed Manitobans so hard that a goodly number of them have had to leave this province, so we may as well start bashing Ottawa because that's the only scapegoat, the strawman, that we can put up in terms of our neglecting this own province. That's really the name of the game.

At least the Member for Dauphin in preparing this resolution and presenting it, he could have said that he will endorse the position of the provincial government on the condition that my community, the Town of Dauphin, will be granted support from the provincial government. In a way, Mr. Speaker, that was given in a formula way, somewhat the same formula could have been used that we had with increased police costs that are still available to communities. Why don't you expand on that formula? I agree, Mr. Speaker, that these costs in terms of the escalation over one year are a dramatic increase, a very dramatic increase, Mr. Speaker. There is no disagreement there.

I want to point out to the government, you have a dilemma, you got a real problem. You can't go around and punch people in the nose, and then come back to them and say, "Give me more money, because I have already punched you and I stomped on you three or four times and I'll continue to do that, but give me more." Mr. Speaker, you have to make some commitment to your responsibilities within this province. You've already let them down over the last number of years by holding back payments, by freezing payments in equalization grants. You tell me you didn't? You passed legislation, you froze it. You froze the unconditional grants, Mr. Speaker, when you came into the government. There was no increase in grants.

MR. SPEAKER: The Honourable Attorney-General on a point of order.

MR. MERCIER: I wonder of the Member would accept a question or two. Does he know where unconditional grants come from, what the source those funds are?

MR. URUSKI: Mr. Speaker, does the Minister deny that the grants were not frozen, that the amount of

rents dropped, actually dropped to local governments?

Mr. Speaker, we know where the legislation came from. We brought the legislation in, Mr. Speaker. Where does all the money come from from the taxpayers of this province? Mr. Speaker, the Minister can check the legislation. It'll tell him where those moneys come from. (Interjection)— Oh, Mr. Speaker, well maybe if the Minister wants to play games, he can play games. Mr. Speaker, I'm not going to tell him where the money comes from if he doesn't realize it, but he knows that the amount of grants dropped, and they did; while municipal costs increased the amount of grants dropped, Mr. Speaker. Corporation and personal income tax, Mr. Chairman. (Interjection)— The Minister has a problem. I wish he would tell the Member from Portage la Prairie, the Member from Dauphin, and other rural members that have large communities in their midst — I don't know if the Town of Stonewall is included in that contract. They may very well be part of the increase. I am not at all certain whether they are at that population, but if they aren't they'd be very close to that limit that the Minister of Education would be affected by that kind of an increase. So there is a problem Mr. Chairman, that the province has. I would have hoped . . .

MR. SPEAKER: The Honourable Attorney-General.

MR. MERCIER: I rise on a point of privilege, Mr. Speaker. The member has said that the government froze the unconditional grants. As he well knows, those grants are derived from a couple of points of personal income tax and one point of corporate tax. Whatever amount those points of income tax raise is distributed to the municipalities. The government does not freeze or unfreeze or expand or reduce the amount of moneys raised under those points of income tax; whatever they raise is distributed.

In the first year, the amount of money raised by those income tax points was decreased as it reflected the last year of government of my honourable friends opposite. In subsequent years, the funds raised to those points of income tax increased and increased grants have been paid ever since to municipalities. No freezing of grants by the government —(Interjection)—

MR. SPEAKER: Order, order please. The honourable member has raised a point which I believe there is a prima facie case that could be made for privilege. The rules that we have in this Chamber is that if there is a point of privilege raised, it has to be followed by a motion by the member to do something, for the House to take some action or another. Therefore, I would have to say that the point of privilege is out of order.

The Honourable Member for St. George.

MR. URUSKI: Mr. Chairman, the impression that I may have given the Attorney-General, if I gave the impression it was frozen, I apologize to the Minister, I do. The point I was making was that the grants were reduced to the municipalities and, Mr. Chairman, we all —(Interjection)— Mr. Chairman, they were, the fact of the matter is they were, Mr. Chairman, and the municipalities were left to deal with those increased costs with no relationship or no feeling at

all from the provincial government as to how they were to raise those costs but they had to pass them on, not only that. Mr. Chairman, the Property Tax Credit Program was frozen. It was stopped, that was frozen. Mr. Chairman. There were no increases brought in under the Property Tax Credit Program until last year. Mr. Chairman. You know, it was getting closer to an election so you had to stop and soften the cushion a bit. You know, we had a few years of fairly hefty increases in terms of municipal tax holds. We had to start cushioning it because it was getting away on you. Mr. Chairman. Now, you're caught in a position where it's getting away on you.

MR. SPEAKER: The Honourable Member has five minutes.

MR. URUSKI: Thank you, Mr. Speaker. What's happening now is that it's getting away on you, it's beyond your control. And that's true, it's beyond your control because an external force called the Federal Government who you have been bashing for three years has now said, pay those costs across the board, and it is affecting the municipalities in an adverse way. But again, I hope that you are prepared to at least indicate to the Member for Dauphin and to the Member for Portage and other members who represent these communities who are affected, that you will not leave them hanging, that you will support them, but you will negotiate as best as you can even with, as the Member for Rossmere pointed out, with the impediments that you have hanging over you.

MR. SPEAKER: The Honourable Member for Seven Oaks.

MR. SAUL A. MILLER (Seven Oaks): Mr. Speaker, I have been listening to the debates this afternoon and listened with interest to the members from the opposite side. One of the things that bothered me about this resolution is that I think it has two purposes. One is to indicate the displeasure of the Manitoba Government with the Federal Government, and I can understand that, having negotiated with the Federal Government in the past, I have often felt that displeasure and I anger in frustration and there's nothing wrong with that, it goes on all the time.

But I see something else in this resolution. I see a message. There's a message going out to the municipality. Because of the intransigence of the Federal Government, you the municipalities are going to get stuck. The Member for Portage la Prairie indicated that the cost in Portage la Prairie would go from \$418,000 to \$639,000; up \$221,000 he said. That is a large amount of money for a community the size of Portage la Prairie.

So the message is really not just that we're having difficulties in negotiation, but we're having difficulties and if we fail, you are going to pick up the tab. We, the Provincial Government, don't look to us, because we don't want to spend more money. We believe in restraint so we're going to restrain on our side. If the Federal Government doesn't come through with more money, well, it's too bad. That's what I see in the speeches that I have heard today from the government side.

The persistence in pointing out that failure to come to a satisfactory agreement as I understand it, the agreement that the Provincial Government would like

to come to is simply a continuation of the old agreement which expires in 1981, this April. I believe it was five-year agreement, the Attorney-General nods his head, yes, it was. It was a five-year agreement; I recall when the agreement first came up during my day, although I wasn't involved in that particular negotiation. I recall at that time that the Federal Government made known certain positions, demanded certain things and wanted certain things and there was a great concern on our part, because at that time the increase was in our opinion very substantial, and it went on for months and months as federal negotiations do get dragged on; we know that.

I can appreciate a desire of the Provincial Government to say 90 percent is too high, it's too large an amount and the Federal Government should reconsider. If you want to hit that plateau, do it over a period of 10 years, but don't just do it in one fell swoop. That's fine, that's in dealing with the Federal Government, that's the position I am sure they're putting forward, I'm sure they're arguing and I'm sure they'll get support from other provinces where I'm sure are faced with the same dilemma. Ontario hasn't got that problem; Quebec hasn't got that problem, because they have their own provincial police force.

MR. SPEAKER: Order please. The hour is 5:30 — the Honourable Member for Roblin.

MR. J. WALLY MCKENZIE: Mr. Speaker, before we close, I refer to the Private Members' Hour of Tuesday, February 10th, when I spoke to Resolution 4 as proposed by the Honourable Member for Churchill. In fact I amended the resolution. Hansard shows that the Honourable Member for Virden was the speaker that day. I wonder if Hansard could be corrected that I was the one who spoke.

MR. SPEAKER: Those corrections will be noted.

The hour is 5:30. The house is accordingly adjourned and stands adjourned till 2:00 o'clock tomorrow (Thursday).