



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

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31 Elizabeth II

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The Honourable D. James Walding  
Speaker*



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

**Members, Constituencies and Political Affiliation**

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, 15 December, 1982

Time — 2:00 p.m.

**OPENING PRAYER by Mr. Speaker.**

**MR. SPEAKER, Hon. J. Walding:** Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . .

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**MR. SPEAKER:** The Honourable Minister of Cultural Affairs.

**HON. E. KOSTYRA:** Thank you, Mr. Speaker, I beg leave to table the Annual Reports of the Manitoba Centennial Centre Corporation for the year ended March 31, 1982; and the Annual Report for the Franco-Manitoba Cultural Centre for the year 1981-82.

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

**HON. V. SCHROEDER:** Thank you, Mr. Speaker, I wish to make a brief statement to the House on tomorrow's Finance Ministers' Conference at Meach Lake, Quebec.

At the conference, I plan to table a paper entitled "The Unemployment Crisis in Canada; Manitoba's Proposals for a Co-ordinated National Response." I want to provide members with copies at this time, and I believe they're being distributed right now.

The message in our paper is straightforward. — (Interjection)— I believe the member has a copy. We believe an all-out national campaign is required to deal decisively with the unemployment situation in this country. All senior governments across Canada have mounted special programs to create jobs and to help those hurt worst by the recession but, up to now, these programs haven't been effective enough or well enough co-ordinated. We believe far more must be done. Our paper proposes a broad policy framework for united national attack on unemployment under the leadership of the Government of Canada and with the co-operation and support of the provinces.

The principal recommendations include a major capital works program to create jobs. The details and financing of the program would be worked out by both orders of government within the next month. It appears from media reports that the Federal Government may favour such a plan, in principle, but may be unwilling as yet to commit the necessary resources to it, possibly preferring to see the provinces shoulder most of the financing responsibility themselves. We have not received confirmation of this position from the Federal Government, but if it were correct, it would be a major concern to us.

Manitoba is willing to do its fair share and I am sure the same is true of most, if not all, other provinces. But we believe the Federal Government should take the lead because of its overall responsibility for the economic management of this country and its greater financial capacity despite its current problems.

Our paper also emphasizes the need for closer co-operation and consultation among the Federal Government and the provinces. We continue to feel, as other provinces do, that a First Ministers' Conference on the economy should be held as soon as possible.

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

**MR. G. MERCIER:** Mr. Speaker, the statement is based apparently on a paper that I don't have and haven't had an opportunity to peruse to date. I note, however, Mr. Speaker, that in the third last paragraph of Page 2 the Minister says: "We believe the Federal Government should take the lead." Mr. Speaker, we contrast that with the promises of the Premier, the NDP, during the election one year ago where they promised and guaranteed to the citizens of Manitoba that they would turn around the allegedly poor economic circumstances that had gone on up until that date.

Mr. Speaker, the unemployment situation in Manitoba is obviously very appalling, very distressing, very discouraging when this province has 52,000 unemployed persons and, hopefully, the Minister of Labour today will answer the question I asked her yesterday about the real number of unemployed persons in this province.

This province is unfortunately leading the way among all provinces in Canada in the increase in unemployment across Canada, Mr. Speaker, for the month of August and for the month of November in the increase in the seasonally adjusted rate of unemployment.

Mr. Speaker, hopefully, somebody will help this government, Mr. Speaker, combat this most distressing, tragic situation for so many individuals and families in Manitoba.

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

**HON. R. PENNER:** Mr. Speaker, I beg leave to table the Tenth Annual Report of the Legal Aid Services Society of Manitoba for the year ending March 31, 1982.

Mr. Speaker, I beg leave to table a report received from the Legal Research Institute of the University of Manitoba from a Task Force headed by Professor Dale Gibson on The Impact of the Canadian Charter of Rights and Freedoms on Manitoba Statutes. At the moment I only have two copies to table, one for tabling and one for the Opposition. It will be some time before there are sufficient copies for all members of the House.

**MR. SPEAKER:** Notices of Motion . . .

## INTRODUCTION OF BILLS

**HON. R. PENNER** introduced Bill No. 20, The Occupiers' Liability Act; Loi sur la responsabilité des occupants; and Bill No. 22, The Wills Act; Loi

sur les testaments.

### INTRODUCTION OF GUESTS

**MR. SPEAKER:** Before we reach Oral Questions, may I direct the attention of honourable members to the gallery where we have 26 students of Grade 9 standing from the River West Park School under the direction of Miss Carol Wright. This school is in the constituency of the Honourable Leader of the Opposition.

There are 22 students of Grade 11 standing from the Tuxedo Shaftesbury High School under the direction Mr. Semotok. The school is in the constituency of the Honourable Member for Tuxedo.

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

**MR. SPEAKER:** Oral Questions.

The Honourable Member for Turtle Mountain.

### MATTER OF PRIVILEGE

**MR. A. RANSOM:** Prior to Oral Questions, Mr. Speaker, I wish to rise on a question of House privilege, this being the earliest opportunity to raise the matter. I would advise you, Mr. Speaker, that I will be presenting information to show that there is a prima facie case, that the Minister of Agriculture has misled the House and the point will be followed by a substantive motion.

Sir, the practice and tradition of this House over the decades has been that Ministers of the Crown do not provide information to members of the media or to the public which has not already been presented to members of this House on introduction of the bill for Second Reading. Ministers over the years have occasionally strayed from that practice and I believe have almost universally been called to order by members of this House when that happened, because occasionally when bills are distributed, Ministers are asked questions by members of the media and they have responded to those questions. They have universally been called to order.

When the Minister of Agriculture announced his intention yesterday to hold a press conference prior to Bill No. 3, The Farmlands Ownership Act, being introduced for Second Reading, it was brought to his attention and to the attention of the House that this would indeed be breaking with the practices and traditions of the House. The Minister chose not to cancel his press conference but to proceed with it, assuring the members of the House at the same time, Sir, that the information which he was providing to the House was the same information that he would be providing to members of the media. He was questioned by the Member for Arthur as to whether he would not respect the traditions and practices of this House and provide the House with the information prior to providing it for the media. The Minister of Agriculture answered, Mr. Speaker, "I certainly have been in this House a fair deal of time and have full respect for the traditions of the House. The honourable members obviously don't like the method that I have used in terms of providing them with as much information as I will be distributing to the public of Manitoba."

Mr. Speaker, what the Minister of Agriculture had provided to the House yesterday, along with Bill 3,

was a two-page news release put out by Information Services through the Premier's Office. The Minister of Agriculture then proceeded to hold a press conference and to distribute information which had not been distributed to members of this House, after giving the assurance in this House that the media would only get exactly the same information as members of this Legislature had been given. The Minister of Agriculture went directly from this House to his press conference and proceeded to distribute information which had not been made available to this House.

I, therefore, wish to bring to your attention, Sir, as evidence to show there is a prima facie case that the Minister of Agriculture has misled the House is, first of all, the two-page press release which he distributed yesterday which I can table again, Sir. The statement made by the Minister of Agriculture which appears on Page 217 of Hansard, in which he said "The honourable members obviously don't like the method that I have used in terms of providing them with as much information as I will be distributing to the public of Manitoba."

Then, Sir, I wish to table the package of information which the Minister of Agriculture distributed to the media at that press conference. Placing the Member for Arthur in the position of being asked questions following the press conference on the basis of material which had not been provided to him.

I therefore move, Mr. Speaker, seconded by the Member for Arthur, that this House do censure the Minister of Agriculture for a breach of the privileges of its members by misleading its members in the matter of information made available to the media and withheld from members of the Legislative Assembly.

**MR. SPEAKER:** Does any member wish to advise the Chair on this matter?

The Honourable Government House Leader.

**HON. R. PENNER:** Mr. Speaker, I would like to speak to the issue but in the absence of the Minister of Agriculture it seems to me the better part of wisdom, since the motion is based on some factual allegations that the person who is - and I'll use the term in its generic way - "accused" should be present to hear the argument and respond, should the motion be ruled in order. It will be my intention when the Minister of Agriculture is present to refer to you certain Speaker's Rulings and allege that the motion is not in order, but I would not even want to do that in the absence of the Minister of Agriculture unless you so ruled that it must proceed in his absence. I would hope that you do not do that or I would hope that the members opposite do not insist that that be done.

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. A. RANSOM:** Mr. Speaker, I see no reason why the Government House Leader cannot proceed with his arguments respecting the acceptability of the matter of privilege. I would have no great exception to a short delay in terms of the debate taking place on this matter of privilege if he can assure us that the Minister of Agriculture will be here forthwith, but his initial comments which he referred to can be made at this

time. The matter of privilege, according to our Rules, as you know, Sir, is to be dealt with immediately.

**MR. SPEAKER:** The Honourable Government House Leader to the same point.

**HON. R. PENNER:** I would hope that it is not a Rule of this House or that you will not hold, Sir, that it is a Rule of this House that a matter of this seriousness be dealt with in the absence of the person who is alleged to have misled the House. To me, that is a denial of fundamental justice, a denial of due process, which I would think this House would not want to countenance. I would agree with the contention that the matter should be raised and discussed at the earliest possible time, but I would ask you to hold that the earliest possible time is the time when the member is in his or her chair.

I would like to recall to you, Sir, and for the House, that last week when an issue arose that has been the subject of some debate - unfortunately some acrimony - you had a ruling to make but you declined to make it until the Member for Fort Garry was in his chair. That seemed to me entirely appropriate for you to do. It would seem to me that the members opposite should recognize that to proceed on the matter, even with respect - (Interjection) - May I ask, Sir, that with the Minister of Agriculture now making his timely entrance from offstage, that you read the motion so that the Minister is aware of the allegation made, and perhaps the member opposite would like to repeat the brief statement that he'd made alleging this wrongdoing and then I would speak to the question of order.

**MR. SPEAKER:** Does the Honourable Member for Turtle Mountain wish to make his point now that the Minister is here?

**MR. A. RANSOM:** Yes, Mr. Speaker. At the request of the Government House Leader, I am quite prepared to say once again, for the benefit of the Minister of Agriculture, that I have this afternoon risen on a question of privilege. It has to do with the Minister of Agriculture misleading the House with respect to information being made available to members of the media, information which was not made available to members of this House, despite the assurance from the Minister of Agriculture that the press release which was tabled in this House or distributed in this House yesterday afternoon along with Bill No. 3, The Farmlands Ownership Act, was the only information that would be provided to members of the media.

The Minister subsequently left this House, went directly to his press conference, proceeded to distribute information which was not made available to members of this House and that, Sir, is the basis of our question of privilege. The Minister misled the House by assuring us that information he had provided to us was the sole information that would be provided to the media. The Minister proceeded to provide additional information. I have tabled that as prima facie evidence of the case that the Minister misled the House. I then moved the motion that the Minister be censured for misleading the House with respect to the information provided to the media and withheld from members of this Assembly

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

**HON. R. PENNER:** Mr. Speaker, I rise on a point of order and will ask you to rule that the motion, as presented, is not in order. In doing so, I can best make the point which I intend to make by referring to the ruling, in somewhat similar circumstances but containing a general statement of the point, made by Mr. Speaker Fox, as he then was, on the 11th of April, 1972. We have been advised quite frequently by the Member for Virden that the Rules of this House include the precedents of this House, which include Speakers' Rulings. I don't want to do an injustice to the ruling of such an eminent Speaker as Mr. Speaker Fox was, and therefore, if I may - it's very short - I propose to read it.

He pointed out that the Member for Lakeside had risen to ask that a matter of privilege "affecting all members of the House" be adjudicated upon. The nub of the contention was that statements were being disseminated by the Minister in respect to Western Flyer industry before being presented in the House. "Since the Chair is not aware of the particular statement by the Honourable Minister of Industry and Commerce, it is in doubt whether the matter of privilege exists since many statements have appeared both within and outside of the House in respect to this concern and consequently the Chair cannot decide whether the matter has been raised at the earliest time as indicated by our Rule 24."

Now that's not what I'm relying on; I'll go on. I am not saying that it wasn't brought in at the earliest possible time. I just want to, digressing from the quotation, point out that statements with respect to this particular matter, namely, The Farmlands Act, have been disseminated publicly in many different forms including, as recently as a few weeks ago, a package of material that was sent to the Leader of the Opposition which I am advised doesn't differ a whit from that which was presented to the press, but I go on.

"Aside from that," Mr. Speaker Fox continues, "I should say again, as I have indicated previously in my rulings, that I am dealing only with the technical and procedural aspects of the matter and not in any way with the merits of the situation or the allegations."

"Privilege, as defined in May's 17th Edition states: '... The privileges of parliament are rights which are 'absolutely necessary for the due execution of its powers.' They are enjoyed by individual members, because the House cannot perform its functions without unimpeded use of the services of its members; and by each House for the protection of its members and the vindication of its own authority and dignity."

"These definitions," the ruling continues, "are very general; it is perhaps on purpose that a clear and logical definition has never been given of our parliamentary privilege," and I think all authorities, Sir, point that out. "However, authorities on the subject argue that privilege includes freedom of speech, in the sense of immunity against suits and defamation; freedom from arrest in certain very limited circumstances; exemption from court duty as a witness or as a juror; protection against undue influence, and reflection on members."

"There are also the collective privileges of the

House, dealing with the control of its proceedings and publications; the calling and protection of witnesses; reflections and indignities affecting the House as a body or as an institution; the right to set up its own rules, and the traditional privileges claimed by the Speaker on behalf of the House at the opening of Parliament.

"It will be seen, thus," Mr. Speaker Fox continues, "that parliamentary privilege is concerned with the special rights of members, not in their capacity as Ministers or as Party Leaders or Whips, or Parliamentary Secretaries, but strictly in their capacity as members. Allegations of misjudgment or mismanagement, or maladministration, on the part of a Minister in the performance of the ministerial duties, does not come within the purview of parliamentary privilege." I am now coming closer to the point.

"I have attempted as thorough a study as possible in respect to cases of privilege in which cases reported dealt with situations where members felt that they had been adversely affected in their right to participate in parliamentary work without undue pressure, influence or accusations, either from inside or outside the House. In fact, nowhere can there be found authority for the proposition that administrative misdeeds as such can be raised by way of question of privilege. The Chair is even more hesitant to come to the conclusion that information disseminated which is of interest to the public and of a nonconfidential nature can be construed as an irregular procedure of this House or classified as a misdeed. It may be a discourtesy, but that is not a procedural matter for the Chair to judge. The Chair is not aware of any Rule which stipulates that public information must first be made known in the House."

Further, I should like to refer honourable members to a ruling of Mr. Speaker Lamoureux on the 31st, 1969, where he declined to entertain a motion that a matter of privilege prevailed, surrounding the circumstances described as a leak to the public of confidential information before being presented to the House of Commons.

"In conclusion, therefore, I must indicate to the Honourable Member for Lakeside that he may possibly have a grievance, and we know there are occasions on which grievances can be raised, but the Chair cannot accept it as a matter of privilege."

There's a conclusion to the ruling which is not relevant, but that is the substance upon which I rely as a precedent of this House and ask you to rule.

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. A. RANSOM:** Mr. Speaker, on the point of order, the Government House Leader and learned law professor has made an excellent defense but, unfortunately the defense is for the wrong charge. The Government House Leader anticipated that there would be a point of privilege raised with respect to the Minister making a statement outside of the House prior to making it in the House. That is not the nature of the point of privilege, Sir.

The point of privilege is that the Minister of Agriculture assured this House that we had all the information which he would make available within moments

to the press. He proceeded directly from this House and provided information to the press which was not provided to us. Sir, I have tabled the information and I can quote a more recent ruling by a Speaker, Sir, and that happened on December 7th of this year when a matter of privilege was raised by the Member for Fort Garry. The matter of privilege was accepted by you, Sir, bearing in mind the basis of Citation 84 of Beauchesne, Fifth Edition, that once the claim of a breach of privilege has been made, it's the duty of the Speaker to decide if a prima facie case has been established. Since you have already established, Sir, that a charge of misleading the House is a basis for a point of privilege, I suggest your only task at the moment is to rule whether or not a prima facie case has been made to the effect that the Minister of Agriculture misled the House.

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

**HON. R. PENNER:** On the same point of order, two points. I thank the Member for Turtle Mountain for his very kind reference to my most immediate antecedent as a law professor. It's not so often where references from the opposite side go back just that far.

The motion, and may I read it to make my point, "THAT this House do censure the Minister of Agriculture for a breach of the privileges of its members by misleading its members," and it doesn't stop there "and where we deal with this motion." This is in a sense the basis for the indictment, "in the matter of information made available to the media and withheld from the members of the Legislative Assembly."

There is no prima facie case that there has been — (Interjection) — well, there has not. A prima facie case means exactly that, something which is immediately evident, namely, as alleged, not now as amended in some way or explained, but as specifically alleged, namely, that there has been information made available to the media and withheld from members of the Legislative Assembly. There is not anything that is presented in the motion or in the record which creates a prima facie case on that point. It was to that point which I was speaking, namely, the motion, not some airy fairy elaboration of the motion.

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

**HON. B. URUSKI:** Thank you, Mr. Speaker. Yesterday when I was asked whether I would be proceeding with respect to this motion, Mr. Speaker, I would like to indicate that I said to the honourable members at the time that I would be making this statement and I quote from Hansard, Page 217, "The honourable members obviously don't like the method that I have used in terms of providing them with as much information as I will be distributing to the public of Manitoba."

Mr. Speaker, when I distributed the press release here, the kit of information that I distributed to the media was not — (Interjection) —

**MR. SPEAKER:** Is the Honourable Minister debating the issue or is he merely advising the Chair whether it is in order to be placed before the House? Which is the matter presently under discussion?

**HON. B. URUSKI:** Mr. Speaker, I'm rising on whether this matter is a question of privilege. The package of information that was distributed to the media after I made the statement was distributed to the Conservative caucus, a copy of all the information. As well, the basic information, Mr. Speaker, that was given to the media was given in public speeches that were made in Portage la Prairie where the Honourable Member for Portage attended, the Honourable Member for Arthur attended. That same information, in fact, in a letter to the Leader of the Opposition, some of the statistical data that was distributed to the media, was also sent to him. I admit that the statement was not given to the Leader of the Opposition at the time, but the statement and the letters were given to the public of Manitoba as far back as August, Mr. Speaker, in terms of the information that was there.

**MR. SPEAKER:** Order please. If no one else wishes to offer any advice on this matter, I will review the material that the Honourable Member for Turtle Mountain has filed this afternoon, as well as checking with Hansard and with Beauchesne for any previous similarities and take the matter under advisement.

**MR. A. RANSOM:** I rise on a point of order. I draw your attention to Rule No. 25 of our Rules, Orders and Forms of Proceeding on Page 16, that says, "When a matter of privilege arises, it shall be taken into consideration immediately."

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

**HON. R. PENNER:** On that point of order, that's exactly what has happened, it's been taken under consideration and nowhere states that you must rule immediately. To force a Speaker into that position is to ask that a Speaker do not consult the authorities, and I think that would be wrong. We want the Speaker, whoever that person may be, to be in a position to reflect, to look at the authorities and then to make the ruling. I think that to suggest that the Speaker must react on the instant, without that opportunity, would be improper. It would be wrong, and I don't think that should be encouraged.

**MR. SPEAKER:** Order please. I think the honourable members who have spoken on this point and there are, indeed, a number of precedents for previous Speakers having taken matters of privilege under advisement as recently as the Fifth Session of the Thirty-First Legislature and several other items before that which I will provide the honourable member with quotations if he wishes.

The matter that he refers to is our Rule No. 25, which concludes with (See Beauchesne's Fourth Edition, Citations 104(3), 105(2) and 113). The honourable member will find if he refers to the first one, 104(3) that under the matter of privilege it says "That a matter which is postponed to suit the convenience of the House, or to secure the attendance of a member implicated, or to give the Speaker an opportunity to consider it fully does not forfeit priority when eventually raised."

It would seem clear from that and from previous

precedents, even in this House as recently as just over a year ago, that it is quite in order for the Speaker to take matters under advisement and I so do.

The Honourable Member for Turtle Mountain.

**MR. A. RANSOM:** Mr. Speaker, can the House be assured that the matter will be dealt with prior to the House recessing which I suppose is likely to happen tomorrow?

**MR. SPEAKER:** Order please. Since members are not permitted to address questions to the Speaker, I suppose the answer must depend upon when the House adjourns. Does the Honourable Government House Leader wish to advise?

**HON. R. PENNER:** Well, in any event, I'm not moving a motion for adjournment. Yes, I think that you should take that time which you find necessary in order to give it the kind of learned and scholarly treatment that I'm sure that you would want to give and that is what the House expects from you and has learned to expect from you.

## ORAL QUESTIONS

### Health Sciences Day Care Centre - fees

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

**MR. G. FILMON:** Thank you, Mr. Speaker, my question is for the Honourable Minister of Community Services and Corrections. Can the Minister inform the House why he has approved a daily charge at the Health Sciences Centre Day Nursing which will see certain parents paying more than the actual costs of having their children placed in care there?

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

**HON. L. EVANS:** Yes, I would like to take that question as notice, Mr. Speaker.

**MR. G. FILMON:** Yes, Mr. Speaker, may I add then to that the information for the Minister to take under advisement. As I understand it, that the administration at the Health Sciences Centre has confirmed to parents of children in its Day Nursery Centre that the actual cost for a child under two years is approximately \$20 per day, and the actual cost for a child over two years of age is approximately \$12 per day, and that the Minister, as I understand it, has approved a sliding scale that will see some parents paying as much as \$25.50 per day. Will the Minister look into that matter and bring us back the information?

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

**HON. L. EVANS:** Mr. Speaker, I don't remember the specifics that the honourable member refers to, but I will take that as notice as well.

### Canola crushing industry - meeting

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

Roblin-Russell

**MR. J. MCKENZIE:** Mr. Speaker, I have a question for the Honourable Minister of Agriculture. Mr. Speaker, I wonder if the Minister of Agriculture can advise the House, the canola growers and their crushing industry in this province, some of the highlights of the Regina meeting this week which was held with the Ministers of Agriculture of Saskatchewan and Alberta to deal with the problems that industry is having at the present time

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

**HON. B. URUSKI:** Thank you, Mr. Speaker, I can advise the honourable member that during the meeting we held with the prairie Ministers of Agriculture we did invite the industry to attend and the Canola Crushers of Canada, along with a representative of a producers' organization in the canola industry. At that time the industry made certain proposals, asking that we put a united position forward to bring about parity in terms of the freight rate question as opposed to other modes of transportation in dealing with processed and raw seed.

As well, the industry asked the provinces to set up a consultative mechanism, so that the future of the industry can be discussed prior to any changes being made. One could deduce from that, that they were certainly putting forward the difficulties that the crushers in Saskatchewan and Manitoba are faced with, with respect to the Alberta subsidy on transportation.

I might add to the honourable member that during that meeting I did ask the Alberta people to reconsider their position to withdraw that subsidy and, if they still wished to put money into the industry, that other forms might be used in order to help their industry in their own province, some of which I'm advised are - in terms of financial conditions - relatively stable. However, there are some portions of the industry in financial difficulty that those funds might have been used in terms of debt and long-term debt reduction rather than as a direct transportation subsidy in competition with Saskatchewan and Manitoba firms.

We did agree and it was done - that a telex be sent to the Federal Minister of Transportation along the lines that the Province of Manitoba did with respect to the increase of 40 percent in the minimum compensatory rates put forward into law by the Canadian Transport Commission; that we asked for an early meeting with the Transport Minister and that in the meantime, as we had done on a Manitoba basis, the increases be rescinded; and that before any future increases be contemplated that the state of the industry in Western Canada be viewed and not only the state of the revenues of the railways of this country.

**MR. J. MCKENZIE:** Thanks, Mr. Speaker. I understand then the next meeting that will be held will hopefully be with the Federal Transport Minister, Jean-Luc Pepin.

**HON. B. URUSKI:** Thank you, Mr. Speaker. That is our hope. Mr. Speaker, we have asked for an early

meeting and that the three prairie Ministers have urged the Minister to meet at his earliest convenience to discuss this seriousness to the canola industry in Western Canada.

### MACC - interest rate

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

**MR. A. BROWN:** Thank you, Mr. Speaker, my question is to the Minister of Agriculture. The Farm Credit Corporation has dropped its interest rates on regular farm loans to 9.25 from 15.75. Special loans to farmers in distress will drop to 9.25 percent. Can the Minister of Agriculture say what interest rate the Manitoba Agricultural Credit Corporation is charging farmers at the present time?

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

**HON. B. URUSKI:** Mr. Speaker, the honourable member speaks of the Federal Farm Credit, a program which I go from memory, which probably brings into Manitoba an amount of somewhere between \$10 million and \$14 million which will help some producers but will not go a very long way in terms of the financial difficulties many of our producers are in.

The Honourable Member for Pembina raised a similar question several days ago dealing with interest rates. I did and have raised this matter with the Manitoba Agricultural Credit Corporation - in terms of whether or not those loans which were taken out in the last several years when the provincial borrowing rate was around 17 percent. That matter is being reviewed and documentation of the whole background is being prepared formally to review and the decision will be made. To the specifics of the honourable member's question - the present rate is somewhere between 12 percent and 13 percent, I believe, but the specifics of it, I will take as notice.

**MR. A. BROWN:** Can the Minister then say when they are reviewing this whether the Government of Manitoba is prepared to drop its interest rate on farm loans made by the Manitoba Agricultural Credit Corporation, also?

**HON. B. URUSKI:** Mr. Speaker, that would be a matter of policy and the honourable member knows that the rates offered to the farmers of Manitoba are within 1/2 of 1 percent of the provincial borrowing rate and that is as low as one could get anywhere in the marketplace.

The Manitoba Agricultural Credit Corporation, in terms of the amounts of monies available to farmers, supply a small portion of the market and in terms of short-term credit, operating credit, is very small in that field, other than the Loan Guarantee Program that is in place and one that is being presently negotiated.

### Interest Rate Relief Program - number enrolled

**MR. A. BROWN:** My question is to the same Minister. What does this drop in interest rate do to the Interest



Rate Relief Program the Minister implemented in Manitoba? Can the Minister indicate approximately how many Manitoba farmers will qualify in Manitoba under his Interest Rate Relief Program?

**HON. B. URUSKI:** Mr. Speaker, specifically there is just under 500. I will use the figure 470 farmers across the Province of Manitoba now enrolled in the program, the bulk of which do come from the central and southwestern portions. More than half of the farmers enrolled in the program are from the areas represented by my honourable friends. —(Interjection)— Well, your area is included in that as well - the Member for Turtle Mountain. The central and southwestern regions of the province make up more than half of the people on the program. Applications are still coming in.

In terms of the interest rates there is no doubt that everyone is more than pleased that the interest rates have dropped, are dropping, and we hope that they will continue to drop to bring about some confidence and some relief to the people who have had to borrow, in terms of operating credit, at exorbitantly high rates.

### Gypsumville Wildlife Game Farm

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

**MR. A. DRIEDGER:** Mr. Speaker, to the Minister of Natural Resources. Peter Kaldeen is trying to establish a wildlife game farm in the Gypsumville area on an approximately 1,200-acre ranch and has indicated that he is running into great difficulty with the regulations with the Department of Natural Resources. Can the Minister indicate why he is refusing to communicate or to meet with Mr. Kaldeen to discuss some of his problems?

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

**HON. A. MACKLING:** Mr. Speaker, I am delighted to respond to the member's question. As honourable members may know, we have indicated in policy statements that it is not the intention of this government to encourage the raising in captivity of wild animals and then they are being slaughtered for meat. We have enough problems. Mr. Speaker, at the present time trying to contend with the illegal hunting of elk and moose. To encourage the development of raising these animals in captivity would compound the problem.

Mr. Kaldeen comes from an area of the world where game farming or game hunting has been restricted to the elite and to those privileged in society with land. In North America, it has been our practice to provide this opportunity to the bulk of the people and it will be the continuing policy of this government to ensure that the resource is available to the majority and not the few.

Mr. Speaker, I would also like to indicate that at no time have I indicated that I am not accessible. As the honourable member knows and honourable members of that side of the House know, my office has been open to their constituents and to those members whenever they have requested. There is mention in an article in the Press that I was consistently unavailable

for comment. Any one of the personnel in this House who represent media will know that I place high priority in responding to any call or any request for information from the media.

**MR. A. DRIEDGER:** Mr. Speaker, to the same Minister. Mr. Kaldeen has indicated that the regulations in Saskatchewan and Alberta are not as stringent as here, that he might try and sell his ranch and move his operation over there because of the problems that he's encountering here. He also indicated that the Department of Natural Resources had indicated a desire or the possibility of buying his land. Can the Minister indicate whether he or his department are prepared to buy the ranch that Mr. Kaldeen is offering for sale?

**HON. A. MACKLING:** Mr. Speaker, as the honourable member may know, we don't have a very large surplus in our Budget. We are not out looking for ways to spend taxpayers' dollars at this time. It may be that members in my department may consider that the acquisition of good wildlife habitat is in order, but that kind of priority will have to be evaluated during the Estimates. I don't know whether that is possible, Mr. Speaker, but certainly, if the honourable gentleman who has this game farm is desirous of moving where regulations do not coincide with our policy, that's his prerogative and I would give him every assurance that we would wish him well.

### Reintroduction of bison proposal

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. A. RANSOM:** Mr. Speaker, my question is also to the Minister of Natural Resources. Prior to the election, over a year ago, our government had been in the process of working with the Indian Band at Skowwan, the Waterhen Band I believe, to develop a program for the reintroduction of bison into the Northern Interlake area which could have, over the years, provided hundreds of thousands of dollars of income and employment to those people. The government, I believe, has cancelled that project, but perhaps the Minister could update us on that and advise, if indeed it has been cancelled, why?

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

**HON. A. MACKLING:** Mr. Speaker, the proposal was a very unique and intriguing one, but what it did involve was kind of an exclusive or an elitist hunting when I first saw it. —(Interjection)— Well, the honourable members opposite laugh, but what it involved, Mr. Speaker, was inviting or encouraging non-residents to come here and spend some several thousands of dollars in order to have the privilege of shooting a captivated wild animal.

Mr. Speaker, I have looked at those proposals. There is some merit in the proposal to try and ensure the continuance of endangered species that was involved in this proposal. However, like all the rest of these proposals, we must weigh them in light of the

times in which we operate. As I recall that proposal, it involved a considerable expenditure of money on the part of the Provincial Government and, at this time, I continue to question why members opposite are concerned about why we shouldn't spend more and more hundreds of thousands of dollars when they decry the size of the provincial deficit.

**MR. A. RANSOM:** Mr. Speaker, the Minister doesn't seem to be very well informed on what the project involved. It involved animals ranging over hundreds, indeed thousands, of square miles in the Northern Interlake, far from being a captive herd.

I wonder if the Minister can advise the House whether he had indication from the Indian Band at Waterhen whether or not they had any aversion to accepting money from the elitist hunters, as the Minister refers to them, in order that those people might have some measure of employment.

**HON. A. MACKLING:** Mr. Speaker, the honourable member seems to have a fairly short memory. It is true that a large amount of money would be coming from the Federal Government, but there was still a very very significant contribution required by the Provincial Government. In light of that, and in light of the times in which we live and the difficulties we have in taxing people to raise money for projects, we have to look at ways in which we can spend our money.

If I indicated to the Band that if the Federal Government would formally commit itself to the many hundreds of thousands of dollars that would be involved on their part then, of course, we would consider it, but that commitment has not been forthcoming.

**MR. A. RANSOM:** Mr. Speaker, we're simply attempting to determine why the Minister made the decision. Can the Minister confirm now that, from the time I first raised the question today, he has overcome his concern about elitist hunters and is now saying it's a question of finances?

**HON. A. MACKLING:** Mr. Speaker, my observations about the original proposal, as apparently approved by the honourable friend opposite, did involve an aspect that I considered to be unsatisfactory. I indicated my concerns to the Indian Band and they apparently agreed because a modified proposal came back that deleted that kind of requirement.

### Task force - motor transport industry

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

**MR. H. GRAHAM:** Thank you, Mr. Speaker. I would like to ask some questions of the Honourable Minister of Highways. I received a copy of the Weekly News Service just the other day and I note the Minister has set up a task force under the chairmanship of Dr. John Rea, together with Mr. John Kinley, Chairman of the Motor Transport Board; Mr. Carl Procuik, Registrar of Motor Vehicles; and Mr. Bill Janssen, an economic consultant. I would like to ask the Honourable Minister if Mr. Janssen will be getting additional remuneration for this task, other than above what he is presently getting as a special consultant to the Minister.

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

**HON. S. USKIW:** Mr. Speaker, no, there will be no additional remuneration paid to any one person on that task force.

**MR. H. GRAHAM:** I have another question to the Honourable Minister. This task force will be working for a considerable time. Does he expect that they will be giving him an interim report or will it be a final report that comes down?

**HON. S. USKIW:** Mr. Speaker, if I had notice, I could have given the member a comprehensive response to that last question. It is intended that there will be a series of discussions taking place at certain stages of the inquiry. We may even go into the first and second sort of paper idea in order that the fullest consultative process might be undertaken.

**MR. H. GRAHAM:** Well, Mr. Speaker, will that consultation take place with the Minister or will it be a committee of this Assembly that has access to that consultation process with his special task force?

**HON. S. USKIW:** Mr. Speaker, the task force is going to be involved in public discussions; there are going to be no secret meetings. It is the intent to have as much public input into that inquiry as is reasonable and what we believe is necessary. So, to the extent that we want to interface with various parts of the industry, we would want to have the fullest and most open discussion possible. It does not preclude members of the Assembly participating as far as I'm aware.

**MR. H. GRAHAM:** I believe the Minister misunderstood my question. Would the task force be reporting to the Minister or would they be reporting to a special committee of the Legislature? Will they report to the Legislature or will they report to the Minister?

**HON. S. USKIW:** No, Mr. Speaker, they will be reporting to the Minister's office.

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

**MR. H. GRAHAM:** Mr. Speaker, if I may, I have one final question.

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

**MR. H. GRAHAM:** Thank you, Mr. Speaker, I have one final question. I would ask this question of the Honourable Attorney-General. If he would, being the chief law officer of the province and responsible for the enforcement of the laws of this province, then indicate to his Minister that this task force should be reporting to a committee of the Legislature; namely, the Statutory Regulations and Orders Committee of this Assembly under Section 10 of the regulations and, for his benefit, I may read it to him: "Every regulation stands permanently referred to the Standing Committee on Statutory Regulations and Orders of the Legislative Assembly to be dealt with as provided in the

Regulations, Orders and Forms of Proceeding of the Legislative Assembly, hereinafter called the Rules of the Legislative Assembly." Will the Honourable Attorney-General make sure that committee reports to the Legislature, rather than to the Minister as the Minister has indicated?

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

**HON. R. PENNER:** We have a difficulty here, Mr. Speaker. My reading of the passage just read by the Honourable Member for Virden is different than his. What that refers to is the necessity of regulations being referred to the Standing Committee of the House on Regulations and Standing Orders.

I should also inform him - he knows and members of this House know - that the last time that committee actually met to consider regulations was in 1972, and there are some thousands of regulations that have never been considered by the committee and that, in any event, is all that refers to. It doesn't refer to the kind of requirement suggested by the Member for Virden.

### CPR - taxes

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

**MR. R. DOERN:** Mr. Speaker, I would like to direct a question to the Minister of Urban Affairs. Given that for the past 100 years the CPR has paid little or no taxes to the City of Winnipeg and that the CPR will not pay its full share of taxes until the year 2005; and given that a resolution was passed in this House last summer or spring to require the CPR to pay its full taxes this year, can the Minister report on any progress concerning this matter to the House at this time?

**MR. SPEAKER:** The Honourable Minister of Urban Affairs.

**HON. E. KOSTYRA:** Thank you, Mr. Speaker. Since the passing of that resolution, I have discussed that matter with the City of Winnipeg at a meeting of the official delegation of the City of Winnipeg and the Urban Affairs Committee of Cabinet. It was decided at that time that the province would write to the CPR informing them of the passage of the resolution and asking them to commence negotiations with the province and the City of Winnipeg with respect to that resolution. I am presently awaiting a reply from the CPR with respect to the commencing of those negotiations.

**MR. R. DOERN:** Mr. Speaker, I asked the Minister whether he is prepared to introduce legislation this Session abolishing the privileges of the CPR and requiring them to pay 100 percent of their fair, established taxes.

**HON. E. KOSTYRA:** Thank you, Mr. Speaker, as indicated, we are waiting for word back from the corporation and are prepared to commence negotiations along with the City of Winnipeg with the CPR, so the

question of any legislation is premature at this time.

**MR. R. DOERN:** Mr. Speaker, I'd also ask the Minister whether he is receiving the full support and co-operation of the Mayor and the City of Winnipeg Council concerning this matter?

**HON. E. KOSTYRA:** Mr. Speaker, as indicated, this matter was discussed with the official delegation of the City of Winnipeg and the Mayor is a member of that delegation. They were informed as to the resolution and indicated that they would participate in any negotiations that would take place with the CPR.

### Farm Bureau - Ownership of farmland

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

**MR. J. DOWNEY:** Mr. Speaker, I have a question to the Minister of Agriculture. In view of the Minister's approach of not providing information to this House and providing it directly to the media why, in providing that information, did he not provide information from the Farm Bureau, or a letter from the Farm Bureau - in case he's not aware of it, a letter dated Oct 21st, which stated that the Farm Bureau generally would not support legislation which would deny the right to own farmland in the province to other Canadians who are not Manitoba residents. Why did he not provide that information to the media, Mr. Speaker?

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

**HON. B. URUSKI:** Mr. Speaker, the honourable member should well know that the Farm Bureau, when he was in office, also wrote that Honourable Minister telling him that they were opposed to his legislation; that they wanted controls on Canadian, on corporate purchases, within this province. —(Interjection)— Mr. Speaker, I will table both letters, Mr. Speaker, for the honourable member opposite.

Mr. Speaker, the honourable member received the package of information that was distributed to the public. Mr. Speaker, he was at the meeting in Portage la Prairie in which there was a public meeting. He was one of the public participants; he even asked questions about the proposed legislation. The Honourable Member for Portage la Prairie also attended that meeting. They were given all the information that was available to all the people of Manitoba; in fact, his leader received the information. Mr. Speaker, what they didn't receive at the time that I was in this House - and I have said this - was a copy of my remarks, which were basically the remarks that I gave at the Portage meeting, but they were sent. An entire package was given to the media after the press conference, Mr. Speaker.

**MR. J. DOWNEY:** Mr. Speaker, another question to the Minister of Agriculture. Does he support or did he give consideration, Mr. Speaker, to the request of the Farm Bureau as stated in that submission? I think that he would be able to answer this, and I'll just quote from that submission very briefly. "Discussion of Bill 54, the Manitoba Farm Bureau representatives

expressed very strongly their opposition to enacting of legislation which would prohibit other Canadian citizens who are not residents of Manitoba from owning farmland in Manitoba. This position has been confirmed by numerous calls and letters from farmers throughout the province." They underline the vast majority of farmers in Manitoba simply do not want any restrictions on Canadian citizens with respect to the ownership of farmland in Manitoba. Did he take that into consideration, Mr. Speaker, and does he not support it? As well, Mr. Speaker, I will save him the trouble of distributing the information from the Farm Bureau and have copies for the media which he did not provide and for members of this Legislative Assembly.

**HON. B. URUSKI:** Mr. Speaker, obviously the honourable member wants to raise one part of that submission. —(Interjection)—

**MR. SPEAKER:** Order please.

**HON. B. URUSKI:** Mr. Speaker, we certainly did take under advisement the recommendations and the suggestions made by the Farm Bureau as well as many other groups. In fact —(Interjection)— well, Mr. Speaker, now they want to know, from whom? They will have their opportunity when they get up in debate and debate this bill when it is under debate. Mr. Speaker, we have actually put in and allowed many Canadians the opportunity to own farmland in Manitoba under this piece of legislation. Mr. Speaker, bequests are one of them. Wherever the person resides, bequests will be allowed. Members of families, wherever they reside in this country, will be allowed to have land transferred to them. Mr. Speaker, those provisions are put into this legislation.

Mr. Speaker, when it comes to dealing with speculators in farmland, this bill is aimed at controlling speculation in farmland. If the honourable members want to promote speculation in farmland, they can very well vote against the legislation and speak against it, Mr. Speaker. Our legislation here deals primarily with trying to control speculation in farmland.

### Meeting with universities

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. A. RANSOM:** Mr. Speaker, my question is for the Minister of Education. Will the Minister of Education advise the House when she last met with the presidents of the University of Brandon, the University of Winnipeg and the University of Manitoba?

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

**HON. M. HEMPHILL:** Mr. Speaker, in order to give the exact date I would have to take that question as notice. My recollection is that it was a few months ago. If he wants the exact date of the meeting, I'll take that as notice.

### Garrison Diversion project

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

**MR. D. SCOTT:** Thank you very much, Mr. Speaker, my question is to the Minister of Natural Resources. Given the welcome vote yesterday in the House of Representatives where an amendment proposed to delete the funding for 1982 for the Garrison Diversion Project was approved by 252 to 152 votes, could the Minister please inform the House whether or not the Garrison Focus Office will continue its efforts, not only just in the House of Representatives and the Senate, but also working toward the de-authorization of the Garrison Diversion Project as is presently authorized in the House?

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

**HON. A. MACKLING:** Mr. Speaker, I would like to thank the honourable member for giving me notice of that question. I would also like, Mr. Speaker, to acknowledge the efforts of all Manitobans who participated in a very extensive informational effort both at the ambassadorial level in Washington and right here in Manitoba. We talked to many visitors who saw the Garrison display in the rotunda in this building, who obtained information from the Garrison Focus Office, and the effective work that was carried out in Manitoba in letting people know about our environmental concerns respecting Garrison.

An excellent job was done by Claudia Engel, the Garrison Focus Office, and all others who participated in that effort. Mr. Speaker, that effort must continue because, although a vote was lost by the proponents of Garrison, that doesn't mean to say that those who are anxious that it proceed will give up the fight. We will continue to maintain the Garrison Focus Office. We will maintain our presence in Washington by the excellent services of a member of the Attorney-General's staff and also by the employment of an effective Washington lawyer-lobbyist right there in Washington. It's been a good effort and those efforts have been rewarded.

### Antlers

**MR. D. SCOTT:** Thank you, Mr. Speaker, on another subject that was raised earlier this afternoon in the House regarding the game farm that's been proposed and written about in the paper a couple of days ago, I would like the Honourable Minister of Natural Resources, if he could, to inform this House or to take as notice whether or not one of the prime purposes behind the persons wishing to set up that game farm is so that they can remove the antlers while velveted in the summer or early fall so that these are then sent mostly to Asian countries as aphrodisiacs. —(Interjection)—

**MR. SPEAKER:** Order please, order please.  
The Honourable Minister of Natural Resources.

**HON. A. MACKLING:** Mr. Speaker, I appreciate the humour and in this situation the honourable member

did not give me notice of that question. I am aware, Mr. Speaker, the concerns of some would be, or actual entrepreneurs, who want to utilize the velvet from wild animals for sale beyond the borders of this country and there is an extensive market of that for the uses alluded to. Let me indicate, Mr. Speaker, that we do not encourage and we have not licenced or enabled anyone to carry on those practices with Manitoba wild animals because we think that there has to be a concern for the humane aspects of animals, whether kept in captivity or otherwise. We do not believe that this is in the interest of that resource to allow that kind of activity.

### **Municipal unconditional payments**

**MR. SPEAKER:** The Honourable Member for Swan River.

**MR. D. GOURLAY:** Mr. Speaker, I have a question to the Minister of Municipal Affairs. In view of the fact that various municipalities are already working on their budgets and it has been customary for the Minister of Municipal Affairs to announce this information prior to the year-end, will the Minister indicate to the House the amount of the municipal unconditional per capita payments for 1983?

**MR. SPEAKER:** The Honourable Minister of Municipal Affairs.

**HON. A. ADAM:** Mr. Speaker, it is not possible at this time to indicate just what the growth tax will amount to at this point in time and that information will be made when the information is available to us. We do not have that information at this time.

### **Assessment Review Committee report results**

**MR. D. GOURLAY:** Mr. Speaker, I have another question to the Minister of Municipal Affairs. After the Minister received the report from the Assessment Review Committee he indicated to the House that he would have staff members apply the recommendations to various test areas in the province. It was, I think, indicated that the staff had now completed this report. Will the Minister indicate to the House today the results of applying the recommendations to the various parts of the province?

**HON. A. ADAM:** Mr. Speaker, those projects that were undertaken have been completed. I am asking staff to perhaps look at some other areas that we could also study whether the implications of the report would apply to those different areas. What we have done is try to look at the school divisions where assessments of buildings have been undertaken; where buildings have not been assessed as yet it's been difficult to come up with accurate studies on what the implications would be, but as they become available - that's an ongoing process at the present time - buildings are being assessed while they're not being taxed. They are being assessed as far as valuation is concerned and as those become available we may be looking at further studies in that direction.

**MR. SPEAKER:** The Honourable Member for Swan River.

**MR. D. GOURLAY:** Mr. Speaker, a further question to the Minister of Municipal Affairs. When can the members of the Municipal Affairs Committee obtain, or in fact all the members of the House obtain the information of the results of these test cases that you say you have the information now. When are the members of the House going to get this information?

**HON. A. ADAM:** I expect we'll be calling the Municipal Affairs Committee before too long, Mr. Speaker, at which time we will be able to give them some of the information that we have been able to compile at this point in time.

**MR. D. GOURLAY:** Well, Mr. Speaker, the Minister had indicated earlier in questioning in the last session that this committee would be meeting in the late summer or fall of 1982. Now he's saying that this won't happen until some time in the future. The Minister has indicated that there will be hearings held in various parts of the province - I think he indicated January 24th of that week. When will those areas be notified or what kind of advertising program will be carried out so that people will be aware of those meetings taking place? Is that going to be done shortly, or when?

**HON. A. ADAM:** Yes, it'll be done very very shortly. The advertising will be placed in the newspapers and the information that we have compiled will be forwarded to those people who have presented briefs to the Weir Assessment Review Committee and they will be in a position to respond when we have the hearings, Mr. Speaker.

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

## **ORDERS OF THE DAY**

### **HANSARD CORRECTION**

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

Does the Honourable Member for St. Johns have a point of order?

**MR. D. MALINOWSKI:** Yes, on point of order, Mr. Speaker, before the House business proceeds I would like to make a correction in the Hansard of misspelling a name from the speech which was delivered yesterday by me if I may. It's on Tuesday, December 14, on Page 232, second paragraph from the bottom, is supposed to be "Bishop Remi De Roo", instead of "Rene Durut". Rene Durut is a misspelling and is an entirely different person. This is a Bishop after all so we have to be careful.

Thank you.

**MR. SPEAKER:** We thank the Honourable Member for the correction; it is so noted.

The Honourable Member for Turtle Mountain.

## ADDRESS FOR PAPERS

**MR. A. RANSOM:** Mr. Speaker, I move, seconded by the Member for Arthur

THAT an humble address be voted to Her Honour the Lieutenant-Governor of Manitoba praying for: 1. Copies of all correspondence, for the period November 30, 1981 to July 31, 1982, relating to the Western Power Grid (Intertie), between the Government of Manitoba and/or Manitoba Hydro and:

(a) the Government of Saskatchewan, and/or the Saskatchewan Power Corporation; and

(b) the Government of Alberta. 2. Copies of any and all proposed agreements submitted for consideration by the respective parties to the proposed Intertie arrangement during the period November 30, 1981 to July 31, 1982.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, the order is accepted subject to a condition, namely, that all correspondence without limitations as to time will be presented as soon as it is available.

## ORDERS FOR RETURN

**MR. SPEAKER:** The Honourable Member for Kirkfield Park.

**MRS. G. HAMMOND:** I move, seconded by the Member for Rhineland

THAT an Order of the House do issue for the return of the following information:

1. A list of the names and addresses of all persons invited by the Premier and members of the Executive Council, to attend a luncheon in the Legislative Building, Winnipeg, on July 14, 1982, in honor of Her Royal Highness The Princess Anne;

2. A list of the names and addresses of persons catering the luncheon;

3. The total cost of the luncheon.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, accept.

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

**MR. D. BLAKE:** Thank you, Mr. Speaker. I move, seconded by the Honourable Member for Kirkfield Park

THAT an Order of the House do issue for the return of the following information:

A list of the names and addresses of all persons invited by, or on behalf of the Government of Manitoba, or by, or on behalf of the Premier and members of Cabinet, to be presented to Her Royal Highness

The Princess Anne at Winnipeg, Brandon, Portage la Prairie and Selkirk on the occasion of the visit of Her Royal Highness to the Province of Manitoba during the period July 14, 1982 to July 16, 1982.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, I have a small problem with this since the invitation in question to meet Her Royal Highness was issued to all of the citizens of Manitoba. I'm not sure in what form I'm expected, or this government is expected, to return the information. Does the honourable member want a list of the 1.057 million who live in the Province of Manitoba or will he accept that the invitation was issued, in fact, to all of the residents in Manitoba?

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

**MR. D. BLAKE:** Yes, it says by or on behalf of the Government to be presented to her, Mr. Speaker.

**MR. SPEAKER:** Is that acceptable to the government?

**HON. R. PENNER:** Acceptable, subject to any limitation imposed by the breadth of the information requested.

**MR. SPEAKER:** Agreed. The Honourable Member for Turtle Mountain.

**MR. A. RANSOM:** Mr. Speaker, on behalf of the Member for Lakeside, I move, seconded by the Member for Arthur

THAT an Order of the House do issue for return of the following information:

1. All sales, since November 30, 1981 of provincial Crown lands and all other lands administered by government departments, agencies or Crown corporations and sold for:

- (a) agricultural purposes;
- (b) recreational purposes; and
- (c) other purposes including residential;

and showing for each such parcel of land:

- (1) the legal description and size of parcel;
- (2) selling department, agency or Crown corporation;
- (3) date of offer for sale;
- (4) how the parcel was sold (i.e. auction, tender, by application, etc.);
- (5) name and address of the purchaser;
- (6) selling price and date of sale;
- (7) the appraised value of land as established by the Land Value Appraisal

Commission or other government appointed appraisers.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, accept.

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

**HON. S. LYON:** I beg to move, seconded by the Honourable Member for Kirkfield Park

THAT an Order of the House do issue for the return of the following information:

1. A list of all Civil Service appointments, from November 30, 1981, to the date of this Order, for which competitions were held and selection committees appointed, showing the following:

the position, the competition number, the names and positions of the people on the selection committee, and the name or names of the persons recommended, and the name of the person appointed.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, accept, subject to the limitations as to confidentiality imposed by the provisions of The Civil Service Act and Regulations. I should point out, in accepting that, also subject to the fact that information to March 31, 1982 of the same kind has already been filed with the House; and thirdly, I should point out it will take a great deal of time and labour to compile that information but it is accepted subject to those remarks.

**MR. SPEAKER:** Agreed. The Honourable Member for Virden.

**MR. H. GRAHAM:** Thank you, Mr. Speaker, I'd like to move, seconded by the Honourable Member for Tuxedo

THAT an Order of the House do issue for the return of the following information:

A list of pool cars or other vehicles issued to, or available for, use by Executive Assistants and/or Special Assistants to Ministers from November 30, 1981 to date of this order, showing in each case:

1. Name and title of person using such vehicles;
2. Number of times vehicles requested;
3. Length of time vehicles used on each request;
4. Number of times extension for use of vehicles requested.
5. Length of extensions;
6. Purpose for which vehicle was used on each such issue;
7. Cost of use on each such issue.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Accept, subject to the information being provided, being provided not from November

30, 1981 but from November 30, 1980.

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

**MR. G. FILMON:** Mr. Speaker, I move, seconded by the Honourable Member for Virden

THAT an Order of the House do issue for the return of the following information:

1. Name of department, agency, commission or Crown corporation employing Lionel Orlikow;
2. Title of position;
3. Terms of employment, i.e., full-time, contract or term;
4. Details of salary.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Accept, pointing out, Mr. Speaker, that the information will be included in the accepted Order No. 5, that is, the one moved by the Leader of the Opposition.

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

**MR. G. FILMON:** Mr. Speaker, I move, seconded by the Honourable Member for La Verendrye

THAT an Order of the House do issue for the return of the following information:

1. The make, model and year of each automobile purchased after November 30, 1981 currently assigned to all members of the Executive Council;
2. The cost of purchase of each of the above automobiles;
3. The date upon which each of the above automobiles was assigned to each of the members of Executive Council.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, accept, subject to a change in time, purchased after November 30, 1980 and then it would read "assigned to all members of the Executive Council holding office in that time."

**MR. SPEAKER:** Agreed. The Honourable Member for Roblin-Russell.

**MR. J. MCKENZIE:** Mr. Speaker, I move, seconded by the Honourable Member for Rhineland

THAT an Order of the House do issue for the return of the following information — Mr. Speaker, there is an error in the printing. It should read, "Main Street Manitoba" not "Store Front Manitoba." Maybe I should read it . . .

**MR. SPEAKER:** Would the honourable member read it with the correction?

**MR. J. MCKENZIE:** THAT an Order of the House do issue for the return of the following information:

1. The number of applications submitted to the government of Manitoba under the program "Main Street Manitoba" for the period ending October, November and December, 1982;

2. The number of applications approved to date;

3. The names of the applications approved;

4. Cost to date.

**MOTION presented and carried.**

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

**HON. R. PENNER:** As printed and corrected, accept, Mr. Speaker.

**MR. SPEAKER:** Agreed. The Honourable Member for LaVerendrye.

**MR. R. BANMAN:** Mr. Speaker, I move, seconded by the Member for Virden

THAT an Order of the House do issue for a return detailing all travel expenses incurred by the Chairman of Manitoba Telephone System on behalf of Manitoba Telephone System, Manitoba Government, Crown Corporations or Government Agency from December 16, 1981, to date and showing specifically for each trip:

1. Destination and purpose of business;

2. Cost of air fare, cost of hotels, meals and other expenses;

3. Names of organizations and/or people met with;

4. A list of persons accompanying the Chairman, their expenses, and any expenses they incurred on the Chairman's behalf;

5. Information detailing expenses incurred by the government for any of the above trips;

6. A list and description for each trip, of any other expenses incurred by Manitoba Telephone System or the government on the Chairman's behalf, either for or in preparation for any trip;

7. The names of relatives and/or friends accompanying the Chairman on any of his travels and any expenses incurred by them and paid by the government or Manitoba Telephone.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Accept, subject to the condition that the reference to "Chairman" wherever it appears in the Order read "and previous Chairman."

**MR. SPEAKER:** Agreed. The Honourable Member for La Verendrye.

**MR. R. BANMAN:** Thank you, Mr. Speaker. I move, seconded by the Member for Swan River

THAT an Order of the House do issue for the return detailing all travel expenses incurred by the Chairman of Manitoba Hydro on behalf of Manitoba Hydro, Manitoba Government, Crown Corporations or Gov-

ernment Agency from December 22, 1981, to date and showing specifically for each trip:

1. Destination and purpose of business;

2. Cost of air fare, cost of hotels, meals and other expenses;

3. Names of organizations and/or people met with;

4. A list of persons accompanying the Chairman, their expenses, and any expenses they incurred on the Chairman's behalf;

5. Information detailing expenses incurred by the government for any of the above trips;

6. A list and description for each trip, of any other expenses incurred by Manitoba Hydro or the government on the Chairman's behalf, either for or in preparation for any trip;

7. The names of relatives and/or friends accompanying the Chairman on any of his travels and any expenses incurred by them and paid for by the government or Manitoba Hydro.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, accept, subject to references to "Chairman", including references to "the immediately previous Chairman." I should point out with respect to No. 3, that it would be subject only to the rules of commercial confidentiality. With respect to No. 4, I take it that "expenses" referred to "expenses incurred on behalf of Manitoba Hydro." I accept it subject to that understanding.

I should point out that with respect to Nos. 5 and 6 that there may be an operational difficulty in separating expenses previously incurred in obtaining studies, reports and memos, but to the extent that those can be separated out they will be included in the return.

**MR. SPEAKER:** On that same point, the Honourable Member for Turtle Mountain.

**MR. A. RANSOM:** The Government House Leader has been including a number of provisos in the acceptance of these orders going back to a previous date. I would point out to the Government House Leader that where he indicated previously he was concerned about the costs of gathering this information, that he could limit the cost if he would answer the questions that are here. I hope that he would not be attributing extra costs of gathering this information to us.

**HON. R. PENNER:** Indeed, I thank the Honourable Member for Turtle Mountain for that fatherly advice. I should point out that the only time I've raised the question of cost having to do with those returns is to every appointment under The Civil Service Act which, indeed, require voluminous returns. Here we're dealing with rather minimal information.

**MR. SPEAKER:** Agreed. The Honourable Member for Niakwa.

**MR. A. KOVNATS:** Thank you, Mr. Speaker. I beg to move, seconded by the Honourable Member for Assiniboia



THAT an Order of the House do issue for the return of the following information:

1. The names of all Executive Assistants, Special Assistants and Research Assistants hired by all Government of Manitoba Departments, Agencies and Crown Corporations from November 30, 1981 to date of this order;

2. The method of hiring of each such person specifying whether by Order-in-Council, by contract, or by filling or establishment of a term position;

3. The remuneration being paid for each such position.

**MOTION presented and carried.**

**HON. R. PENNER:** Mr. Speaker, accept. Most of this information is provided in Return to Orders 2, 3 and 4 tabled on December 14, 1982. The rest will be included in the Order for Return moved by the Leader of the Opposition.

**MR. SPEAKER:** Agreed. The Honourable Member for Fort Garry.

**MR. L. SHERMAN:** Thank you, Mr. Speaker. I wish to move, seconded by the Honourable Member for Niakwa

THAT an Order of the House do issue for the return of the following information:

1. Names of all Boards, Commissions and Commissions of Enquiry established from November 30, 1981 to date of Order;

2. Names of members, including staff, of each such Board, Commission or Commission of Enquiry and the salary and allowances being paid to each;

3. Name of Department setting up each of the above Boards, Commissions and Commissions of Enquiry.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Accept, subject to the date being November 30, 1980.

**MR. SPEAKER:** Agreed. Could the Honourable Government House Leader indicate the next item of business?

**HON. R. PENNER:** Thank you, Mr. Speaker, would you please call for Second Reading No. 16, first followed by No. 4 and then followed by No. 5 and I will advise Mr. Speaker, thereafter.

**SECOND READING - GOVERNMENT BILLS**

**BILL 16 - OIL AND NATURAL GAS TAX ACT**

**HON. W. PARASIUK** presented Bill No. 16, An Act to amend The Oil and Natural Gas Tax Act, for second reading.

**MOTION presented.**

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

**HON. W. PARASIUK:** Mr. Speaker, I will be distributing to the Opposition a copy of my statement.

Mr. Speaker, this Act is part of a package of three Acts designed to develop long-term stability in the petroleum industry in Manitoba. This is one of three Acts that has come about after a period of consultation with people in the petroleum industry and with people in southwestern Manitoba.

The Act is designed to encourage and maintain the current level of oil and natural gas exploration activity and production. The Government of Manitoba, through the amendments to The Oil and Natural Gas Tax Act, is bringing forward a Manitoba Drilling Incentive Program. We believe this program will not only encourage oil companies to maintain the current pace of drilling, but will also provide a significant stimulus to expand and prove up recently discovered reserves like the one at Waskada and to find new Waskadas in the province.

This program, in conjunction with corresponding amendments to the Crown Royalty Regulations, under The Mines Act and the New Oil Reference Price, NORP, the arrangements which came into effect on January 1, 1982 will provide a continuing, powerful stimulus to the oil industry. These measures will mean increased netbacks to companies during the initial producing period of a well, thus increasing the cash flow of the companies when they most need it. Since most of the current activity in Manitoba is being led by juniors - junior oil companies - increased netbacks are critically important to ensure continuous activity.

I've said this time and time again, Mr. Speaker, that we have a tax system largely set up by the Federal Government which really provides a lot of tax incentives to large companies and doesn't provide much in the way of incentives to small companies, be they oil companies or be they mining companies. We believe that it's the smaller companies that pay particular attention to Manitoba and it is through the instrument of the small companies, the junior companies, that we believe a good deal of oil development in Manitoba will take place.

The oil and natural gas incentives, which presently expire by legislation on December 31, 1982 are being extended by this legislation for the four-year period, January 1, 1983 to December 31, 1986. We believe these new tax and royalty incentives will greatly help Manitoba and the oil companies participating in the development of our oil resources.

We believe that this amendment will provide for longer term stability and predictability for the oil industry operating in Manitoba and thus will add to the long-term development of the oil industry in Manitoba.

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. A. RANSOM:** Just a question of clarification, Mr. Speaker. On the second page of his remarks the Minister says, "We believe these new tax and royalty incentives will greatly help Manitoba and oil companies participating in the development of our oil resources." Is the Minister referring to something else here beyond just the extension of the provisions that are now in place?

**HON. W. PARASIUK:** I stated in my statement that these are extending provisions that indeed expire as of December 31, 1982 and that it is the extension of these, in conjunction with the regulations mentioned on Page 1 and the new oil reference price which came into effect January 1, 1982, which all told will provide a continuing powerful stimulus to the industry.

**MR. SPEAKER:** The Honourable Member for La Verendrye.

**MR. R. BANMAN:** I move, seconded by the Member for Turtle Mountain, that debate be adjourned.

**MOTION presented and carried.**

#### **BILL NO. 4 - THE MANITOBA OIL AND GAS CORPORATION ACT**

**HON. W. PARASIUK** presented Bill No. 4, The Manitoba Oil and Gas Corporation Act; Loi sur la société Manitobaine du pétrole et du gaz naturel, for second reading.

**MOTION presented.**

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

**HON. W. PARASIUK:** Mr. Speaker, as I said, this bill is part of a package with respect to the petroleum industry. We believe that it's an important measure that will help the oil industry and the people of Manitoba. It is a bill which establishes the Manitoba Oil and Gas Corporation.

During meetings here in Manitoba and in Alberta, several private oil companies have welcomed this initiative and have made possible offers of joint venture. The Manitoba Crown Oil and Gas Corporation will be a junior; it will be a small company founded on long-term prospects developed at a pace that we, as Manitobans, can afford.

The corporation will have three primary objectives: to provide a window on the industry; to stimulate existing development and assist private juniors through joint ventures; and to husband our resources through enhanced recovery projects and innovation.

For the immediate future, the Manitoba Oil and Gas Corporation will concentrate on joint ventures in southwestern Manitoba to help minimize some of the risk involved for small companies, as well as assisting in developing orderly cashflow for partner companies.

What I found in my discussions with the oil industry was that it's the small companies that have been doing the aggressive work in southwestern Manitoba and the large companies, who do have big cash flows, reaped in part through a whole set of tax incentives and provisions paid for by the people of Manitoba and the people of Canada, generally, have frankly focused their attention in those areas where they believe they would find the big pools of oil. They've been looking for the so-called elephants.

In the small oil companies they haven't been able to look at frontier oil exploration; that's of a scale that is way beyond them. But they have a lot of good ideas and they are good entrepreneurs in the southwest part and they've been looking for joint ventures and part-

nerships. They've had difficulty forming these with the large companies who really haven't been paying much attention to southwestern Manitoba. They formed some partnerships between themselves, but they are looking to the Manitoba Oil and Gas Corporation as a stimulus, as a vehicle whereby honestly arrived at, prudently arrived at joint ventures can be beneficial to both parties and beneficial to the people as a whole.

As outlined in the legislation, it is our intention to capitalize the corporation at \$20 million over a four-year period. We will be starting small, including a small but experienced staff. It is our hope to recruit skilled staff from the oil industry, including Manitobans who have made it in the industry and want to return home to participate in our oil development challenge here in Manitoba. Through Bill No. 4, all Manitobans will be participating in the development of their natural resources, just as the citizens of British Columbia, Alberta, Saskatchewan, and even Ontario, which has almost no oil or gas but which had recently purchased 25 percent of Sun Oil, participate in their natural resource development through Crown corporations.

I want to indicate, as well, that this Crown corporation will be treated as any other company by the Department of Energy and Mines. I bring this forward as the Minister of Crown Investments. It has been drafted by people within the Department of Crown Investments and that it'll be treated as any other company by the Department of Energy and Mines. It will receive no special favours, but we believe that it will be a powerful, long-term stimulus which will be very important to the long-term development and continued development of the oil industry in Manitoba.

The many booms and many busts don't really provide for the adequate long-term linkages that we think are important. We believe that this corporation, this legislation as part of the package, will indeed go a long way, Mr. Speaker, to promoting long-term stable development of the oil industry in Manitoba.

**MR. SPEAKER:** The Honourable Member for La Verendrye.

**MR. R. BANMAN:** Mr. Speaker, I beg to move, seconded by the Member for Arthur, that debate be adjourned.

**MOTION presented and carried.**

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

**HON. A. PARASIUK:** Mr. Speaker, before I introduce the next bill I would like to table my statement so the Opposition can have them.

#### **BILL NO. 5 - THE SURFACE RIGHTS ACT**

**HON. W. PARASIUK** presented Bill No. 5, The Surface Rights Act; Loi sur les droits de surface, for second reading.

**MOTION presented.**

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

**HON. W. PARASIUK:** Mr. Speaker, I'll table my statement right now so that the Opposition members can have it.

The other two bills which were part of the petroleum package were fairly straightforward pieces of legislation. This bill is a fairly complicated piece of legislation and I'll take a few minutes to describe it in some depth, but before I get into the substance of the bill, principally, I want to just give a wee bit of background with respect to this bill.

This matter was first raised in the Legislature, May 25, 1977, by the then Member for Virden. —(Interjection)— I agree. I think he's acknowledged in the area as having pursued this matter. The matter was raised on May 25, 1977, and there's a whole background of department ministerial activity from May 25, 1977, to really December 10, 1980 - quite a long time. The Government of the Day, and it was a predecessor government, spent some time determining whether they should be changing The Mines Act or whether they should be bringing in surface rights legislation. The problems were magnifying in that particular area. They couldn't make up their mind as to whether they should bring in new legislation or change The Mines Act and the previous government appointed Ross Nugent to be a Commissioner to look into this whole matter.

That report - Mr. Nugent did have public hearings in that area in the summer of 1981 and I, as the new Minister of Energy and Mines, received that commission report on February 3, 1983. I thanked Mr. Nugent at that time on behalf of the government. I then went out to Virden on March 25, 1982, and I indicated to the Surface Rights Association in Virden - I know that the present Member for Virden was at that meeting - that it was the government's intention to proceed with a Manitoba Surface Rights Act which would endorse in principle the main recommendations of the Nugent Commission, including the establishment of a Surface Rights Board. I indicated at that time that it would be my hope to try and bring in the legislation at the last Session, but that I couldn't guarantee it, and that I certainly would guarantee that I would bring it in for this Session. I am certainly meeting that commitment by introducing the bill today for second reading.

It is our intention to distribute this bill, as is the case with the other bills, but especially this one, to the interested parties in Southwest Manitoba, to people in the oil industry, to members of municipal councils who are interested in this. I say that this area is a fairly complicated area of trying to balance off the valid interests and concern of people in the agricultural industry, people involved in municipal government, and people in the oil industry. I believe that most people want both parties, that is, the oil industry and agricultural industry to both grow and prosper, but sometimes these two industries run into some conflicts with each other in specific instances.

We realize that we are breaking new ground with this legislation and we believe that it's important for everyone to have an open mind, to listen to each other, to work co-operatively to try and improve the bills through experience, and I say that this is part of an evolutionary process. This bill is an attempt to start

off. We certainly have tried to start off in a fair-minded way and we'll see how it works in practise over the course of the next year or two.

The Act will establish mechanisms for dealing with disputes arising over the acquisition in use of lands for the purposes of exploration for and production of oil and natural gas. It is modelled after similar legislation already in place in Alberta and Saskatchewan and embodies the majority of recommendations made by the Commission of Inquiry into Manitoba Surface Rights conducted by Mr. Ross Nugent, Commissioner.

The Act is divided into seven parts:

Part I establishes the purposes of the Act which are

(a) to provide for a comprehensive procedure for acquiring and utilizing surface rights;

(b) to provide for the payment of just and equitable compensation for the acquisition and utilization of surface rights;

(c) to provide for the maintenance, preservation and restoration of the surface of land acquired in connection with surface rights;

(d) to provide for the resolution of disputes between operators, occupants and owners arising out of the entry upon, use or restoration of the surface of land.

Part II establishes the Surface Rights Board through which the Act will be administered and which will hold hearings to inquire into those matters for which the Act has been established. The board is to comprise no fewer than three members appointed by the Lieutenant-Governor-in-Council having regard to their familiarity with agriculture, the petroleum industry, or a petroleum producing area of the province. It is anticipated that during the first year of its operation the board will be required to hold a considerable number of hearings and will need a full-time secretary. Because the board is instructed to visit those areas under dispute it would be more convenient for the board to be located in Virden, close to where all the action is taking place, so that the people there can get quick service. I am certainly open to suggestions of other places, but I like to build from the existing infrastructure —(Interjection)— I recognize that the member who interjected indeed feels some affinity to a community called Melita, possibly even Waskada. I say this as an intent, but I certainly would be willing to talk to the members concerned about that and the local people certainly about that.

Parts III and IV of the Act together form the core of the legislation. Part III covers arbitration procedures and their determination of compensation. This part confirms principles already established in The Mines Act, that no operator has a right to enter on or use the surface of any land without the written agreement of the owner or occupant, or unless authorized by an order of the Surface Rights Board. To facilitate the process, a standard form of lease will be prescribed by the regulation under the Act.

All agreements reached between an operator and an owner shall be filed with the board and shall be available for inspection at the offices of the board. Where agreement on compensation cannot be reached by the two parties, application may be made to the board to resolve the dispute and the board may then proceed to hold a hearing. After considering the evidence at the hearing, which is to be given under oath, the board may issue an order granting all or part of the

rights applied for subject to payment of compensation by the operator

In determining compensation, the board is required to consider a number of factors, including the value of the land, having regard to its present use; loss of the use of the land; the loss of the land that may be permanently damaged; the increased costs to the owner or occupant by reason of the works of the operator; nuisance, inconvenience, disturbance or noise and any other matter peculiar to each case, including the cumulative effect, if any. Cost of any proceedings of the board shall be borne by the operator including, not only the costs of the owner-occupant, but costs of any person who may be called to contribute to the proceedings.

Prior to the hearing the board may grant to the operator an interim order for surface rights after seven clear days notice has been given to the owner-occupant, providing that the board is satisfied that any undue hardship on the operator, resulting from not granting such an interim order, outweighs any prejudice to the interests of the owner-occupant.

An owner-occupant or operator may apply to the board for a variation of the compensation payable under any agreement which grants surface rights. By virtue of this Act, the Act is made retroactive to cover all pre-existing surface leases and permits a review by the board of compensation payable. Furthermore, such a review may be repeated every three years.

Part IV of the Act deals with the question of abandonment and restoration of surface rights. In the first place, an operator proposing to abandon or surrender part, or all of any surface rights, must give at least six months notice of the intention to do so to the surface owner-occupant and the board and shall deposit with the board such security as prescribed by regulation. The size of the security deposit will be sufficient to ensure appropriate cleanup and restoration in the event of default by the operator.

In order to complete his obligations regarding abandonment and restoration, four options are available to the operator:

1. The operator can restore the surface to the satisfaction of the owner-occupant;

2. The operator can agree with the owner-occupant to make a payment in lieu of restoration. However, where the owner-occupant is not satisfied with the state of restoration of the land, the operator either may:

3. Apply to the board to determine the matter, whereupon the board may hold a hearing and issue an order: (a) requiring the operator to restore the surface as specified in the order, (b) authorize the owner to restore the surface of the land in the manner set forth in the order, and order to the operator to pay the costs of the operation, or (c) order the operator to pay a sum of money to the owner-occupant in lieu of restoration; or

4. Where no application has been received by the board to determine the matter, the operator may request the board to issue a certificate relieving it of any further obligations. The obligation of the operator is not terminated until one of these conditions has been met and only then is the security deposit returned to the operator. Where the owner-occupant are dissatisfied with the state of restoration and the

operator has not been relieved of obligations, under any of the four conditions set out above, the operator has a continuing obligation for a period of 10 years.

There is a further requirement under Part IV that the operator has a continuing obligation to pay compensation until all caveats registered by the operator against the land, under The Real Property Act and The Registry Act, have been discharged, released or quitclaimed.

Part V of the Act establishes liability of an operator for any wrongful, injurious or illegal act, which results in loss or damage to the land or an owner, whether committed by the operator or any of the operator's employees, servants, agents or persons performing work or providing services to the operator. Where the operator and owner-occupant cannot agree on compensation for such damage, the board shall hear and determine the merits of the claim and amount of the compensation or damages to be paid by the operator.

Under Part VI, appeal against any order of the board may be made with leave of a judge of the Court of Appeal, but only on a question of law or a question concerning the jurisdiction of the board. Again, with leave of a judge, an appeal may be made to the Court of Queen's Bench by any person affected by an order awarding compensation in excess of an amount to be fixed by regulation.

The final part of the Act, Part VII, is general in nature and covers a number of points; principle among which is the authority granted to the Lieutenant-Governor-in-Council to make regulations for the purposes of, inter alia, prescribing forms, amount in terms of cash deposits, the intervals and manner of payment of compensation, prescribing forms of agreement lease between operators and owner-occupants.

Section 55 of this part places a limit of three months on the operator as a time in which the operator must exercise the right guaranteed by an order for right of entry.

Section 67 provides for a penalty of \$10 for every day an operator fails to file a lease agreement. Requirements are also set out for the destruction of weeds and for the preservation of topsoil.

Finally, where an owner or occupant of the land cannot be ascertained, or his or her whereabouts determined, the board may grant permission for an operator to enter on the land subject to deposit with the board of an appropriate sum of money. Similarly, this procedure can be followed in the case where an operator cannot ascertain or determine the whereabouts of the mineral rights owner.

Before I close on this subject, I would like to thank the efforts of people in the southwest on this matter. I believe that the people who have come together in the Surface Rights Association have worked very hard to make their case known in a reasonable way. I believe they have interacted well with Mr. Nugent in his inquiry. I think Mr. Nugent did a good job with the commission.

I believe that the oil industry has responded in a reasonable manner with respect to a very complex and old issue that has been festering for some time now in the southwest of Manitoba. Hopefully, this will be a step in clearing it up or ameliorating it somewhat. I don't expect that this will be perfection, but I do expect that everyone will continue to work with

goodwill and co-operation in trying to work on this issue.

**MR. DEPUTY SPEAKER:** The Honourable Member for Virden.

**MR. H. GRAHAM:** Mr. Speaker, I beg to move, seconded by the Honourable Member for Tuxedo, that debate be adjourned.

**MOTION presented and carried.**

**MR. DEPUTY SPEAKER:** The Honourable Minister of Highways.

**HON. S. USKIW:** Mr. Speaker, would you call Bill Nos. 8, 9 and 13, in that order please.

### **BILL NO. 9 - THE PARTNERSHIP ACT**

**HON. J. BUCKLASCHUK** presented Bill No. 9, An Act to amend The Partnership Act, for second reading.

**MOTION presented.**

**MR. DEPUTY SPEAKER:** The Honourable Minister for Consumer and Corporate Affairs.

**HON. J. BUCKLASCHUK:** Thank you. Mr. Speaker. The present Partnership Act which was enacted in 1965 was considered at that time to be an excellent statute and today it is still adequate. It defined the rights and obligations of persons who entered into an agreement to carry on business as one firm. At the same time, it permitted the rules of equity and common law applicable to partnerships to continue in force, if there was no inconsistency with the statute.

It is common ground that the economic climate in Canada and in Manitoba undergoes rapid changes, making it difficult at times for appropriate legislation to keep pace with some of these changes. Income tax laws are constantly changing and the areas of trade and commerce continue to tax and challenge respective laws in these areas.

If government, through its legislation, is to keep abreast of the ever-changing marketplace, then it is essential to amend our laws accordingly. It is to this end that this bill is presented to the House. These amendments codify some of the existing case law and authorize present departmental policies relating to partnerships. There is no change in the substantive law.

Sections 3 and 5 of the bill are declaratory and set out the rights and liabilities of the partners with respect to the partnership itself, and between the partnership and its creditors. These proposals are similar to those in The Partnership Acts of Ontario and Saskatchewan.

I, therefore, recommend this bill to the honourable members for their careful consideration.

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

**MR. G. FILMON:** Thank you, Mr. Deputy Speaker. I move, seconded by the Honourable Member for La

Verendrye that debate be adjourned on this bill.

**MOTION presented and carried**

**MR. DEPUTY SPEAKER:** I call Bill No. 13, An Act to amend The Business Names Registration Act.

### **BILL NO. 13 - THE BUSINESS NAMES REGISTRATION ACT**

**HON. J. BUCKLASCHUK** presented Bill No. 13, An Act to amend The Business Names Registration Act for second reading.

**MOTION presented.**

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

**HON. J. BUCKLASCHUK:** Thank you, Mr. Speaker. Mr. Speaker, there have been no substantial amendments to The Business Names Registration Act since its enactment in 1965. The primary objective of this Act is to require persons carrying on business in a name other than their own or in a partnership, to register that name with the Corporations and Business Names Branch of my department. This registration enables members of the public to ascertain the name of the person or persons carrying on a particular business.

Proposed amendments are mainly for administrative purposes and complements the procedural changes proposed by Bill No. 8, An Act to amend The Corporations Act. One of the changes proposed by these amendments is that the Director of the Corporations and Business Names Branch will be authorized to carry out the duties under the Act, duties which are presently carried out by delegated authority.

The other significant change, also an administrative one, is to be found in Section 10 of the bill. This change would permit the introduction of an automated system for record keeping. The present provision is anachronistic, as it deals only with the keeping of records manually. I recommend this bill to the honourable members for their consideration and adoption.

**MR. DEPUTY SPEAKER:** Question? The Honourable Member for Tuxedo.

**MR. G. FILMON:** Mr. Speaker, I wonder if the Minister could explain the difference between a partnership and a limited partnership?

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

**HON. R. PENNER:** This is not the occasion for a question of that kind; that may be raised in debate.

**MR. G. FILMON:** Mr. Speaker, I move, seconded by the Honourable Member for Sturgeon Creek, that debate be adjourned on this bill.

**MOTION presented and carried.**

**MR. DEPUTY SPEAKER:** I call Bill No. 8, An Act to amend The Corporations Act.

### **BILL NO. 8 - THE CORPORATIONS ACT**

**HON. J. BUCKLASCHUK** presented Bill No. 8, An Act to Amend The Corporations Act, for second reading.

**MOTION presented.**

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

**HON. J. BUCKLASCHUK:** Thank you, Mr. Speaker. The present Corporations Act was brought into force on November 1, 1976. It may benefit newer members of the Legislature if I mention that this Act is similar to The Canada Business Corporations Act and was recommended to the Legislature by a non-partisan special committee comprised of some of the most knowledgeable corporate lawyers in Manitoba.

This Act was designed to streamline corporate procedures for the benefit of the business person, the public and the solicitor to provide maximum possible disclosure in all areas by corporations; to dispense with meaningless formalities; to permit more efficient utilization of staff time in the Corporations and Business Names Branch and provide faster service to the public and to make the law more responsive to the modern day marketplace.

These objectives have been, to a large extent, realized. This is illustrated by the fact that Saskatchewan, New Brunswick, Ontario, Alberta and British Columbia have followed Manitoba's example and the other jurisdictions are studying the Manitoba and federal experience.

However, as in any statute of the significance and impact as The Corporations Act, experience in practice has brought to light a number of drafting anomalies and inconsistencies. It is with a view to remedying these that this bill is now presented to the House for its consideration.

I therefore recommend this bill to the honourable members for their consideration and adoption.

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

**MR. G. FILMON:** Mr. Speaker, I really would, for clarification, appreciate the Minister indicating what the drafting anomalies are. I mean, that would normally be expected when he introduces the bill, rather than just referring to drafting anomalies. Could he at least list some for us?

**MR. DEPUTY SPEAKER:** Are you ready for the question? The Honourable Government House Leader.

**HON. R. PENNER:** The drafting anomalies.

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

**HON. R. PENNER:** The drafting anomalies with which the bill is intended to deal are, of course, contained in the bill. The member can ascertain that information

simply by reading the bill.

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

**MR. G. FILMON:** Mr. Speaker, I appreciate the fact that the government doesn't want to answer this question, or the Minister, and the Government House Leader is attempting to, but the fact of the matter is that I've read the bill and there are more than just drafting anomalies being changed. So I would like him to indicate which are the drafting anomalies.

**MR. DEPUTY SPEAKER:** Point of order. Order please. The Honourable Minister of Highways.

**HON. S. USKIW:** Well, Mr. Speaker, the member is engaging in debate on the bill and truly he's exhausted his opportunity to speak if he sat down and his next opportunity is when we get back to debate on the legislation.

**MR. G. FILMON:** Mr. Speaker, I move, seconded by the Honourable Member for St. Norbert that debate be adjourned on this bill.

**MOTION presented and carried.**

**HON. R. PENNER:** Mr. Deputy Speaker, would you please call Bill No. 15?

**MR. DEPUTY SPEAKER:** I call Bill No. 15, An Act to Amend The Highway Traffic Act.

**HON. S. USKIW:** I want to apologize to the Member for Tuxedo. I assumed that he had completed his comments but he tells the House that he was in the midst of his comments, so I want to retract my interjection.

### **BILL NO. 15 - THE HIGHWAY TRAFFIC ACT**

**HON. S. USKIW** presented Bill No. 15, An Act to amend The Highway Traffic Act, for second reading.

**MOTION presented.**

**HON. S. USKIW:** Mr. Speaker, before I begin my comments I would like to indicate to members opposite that I do have copies of my text for their convenience which, hopefully, will assist them in analyzing the document itself in more detail.

The bill deals with several amendments to various sections of The Highway Traffic Act which refer to mopeds, driver licence replacements, students from out of province, lighting on farm machinery, height and width requirements of vehicles, rear-view mirrors, load securing devices and certain changes to the penalty sections.

It is proposed that the definition of a "moped" be changed to include three-wheeled vehicles which conform to all of the requirements of a moped and should not be excluded by sheer definition.

Licensing of drivers duplicate licences. The Act requires that first-time applicants for a driver's licence be required to provide proof of identity to obtain their

licence. However, when applying for a replacement of a driver's licence there is presently no statutory requirement for the applicant to produce proof of identity and it is proposed that such satisfactory proof shall be produced before a duplicate licence would be issued.

As the law presently stands, a student from another jurisdiction in Canada or the United States, who is temporarily residing in Manitoba for the purpose of attending on a full-time basis a university, college or technical school and is properly licensed in his or her own jurisdiction, may drive a vehicle in this province without being licensed under the Act. It is proposed that the Act be amended to include students from other countries who are in the province in like circumstances to also drive motor vehicles in the province without being licensed under the Act. There are presently more than 100 agricultural students from European countries doing agricultural studies here on an international exchange program each year. Such an amendment would be in line with the Province of Saskatchewan and Alberta, as well.

In addition to the lighting requirements of the Act dealing with farm tractors and self-propelled farm machinery we would require that such machinery being operated on a highway at night be equipped with flashing amber lights and where an implement of farm machinery or a special mobile machine is being towed along a highway at night the implement or mobile machine shall display reflectors both front and rear.

Also some changes with respect to weight restriction provisions, Mr. Speaker. In addition to the weight restriction provision regarding the maximum gross weight allowed on the steering axle assembly as provided in the regulation, would not apply to motor vehicles and road building machinery equipped with a V-plow or a one-way plow when the vehicle is moving with the plow in the up position.

The penalty section. With respect to excess weight the current penalty of \$3 per 50 kilograms of overweight, which was established as far back as 1967, is now considered to be inadequate. It is proposed that this be amended to \$10 per 50 kilograms of overweight which would reflect a more realistic penalty. It is noted that Alberta has implemented a similar fine level and Saskatchewan is proposing to do the same.

With respect to weight restrictions and prosecutions, a certificate testifying the accuracy of a scale and to be used in any prosecution under this Act formerly was required to bear a date thereon not more than one year after or before the date of the alleged offence. The Federal Department of Weights and Measures has now amended this requirement to every two years and the proposed amendment reflects that change.

Vehicles under permit. It is presently required that any permit issued shall be carried with the vehicle or object to which it refers and be open to inspection. This is to be amended so that the permit shall either be with the vehicle or object to which it refers, or the person in charge of the vehicle or object shall be in a possession of the valid permit number identifying the actual permit. Thus, should the permittee be stopped enroute to the weigh station, this amendment would allow him to provide a valid permit number of the

permit that is awaiting him at the destination point.

Vehicles under permit with respect to penalties - a revision to the fine schedule to bring it in line with other proposals for increased funds; it's merely an updating. The Act provides that no driver of a motor vehicle or operator of a bicycle shall, while operating the vehicle or bicycle on a highway, listen to a radio or recording by means of radio headphones on both ears. This is being amended to read, "where radio headphones, which are used for the purpose of listening." The present legislation requires enforcement agencies to prove an individual is listening to the broadcast and makes enforcement difficult.

With respect to suspension for failure to satisfy a judgment. This presently refers to "damage to property in excess of \$100.00." This is to be amended to "damage in excess of \$500," thus bringing it in line with now reportable damage amount of \$500.00.

With respect to suspension in the case of an accident, a change in the like amount from \$100 to \$500 is also in line with the foregoing.

Suspension in case of accident. This amendment provides that a suspension shall not be imposed when a letter is produced from the Manitoba Public Insurance Corporation showing that the driver is covered under the insurance provided by his driver's licence as he was unaware that the vehicle was uninsured.

Suspension in case of accidents. This section is amended so that reference to damage exceeding \$100 read "damage exceeding \$500.00."

With respect to dimensions of vehicles, an amendment to the maximum permissible vehicle of 2.6 meters, allowing a mere extension limited to 20 centimeters on each side and load-securing devices limited to 10 centimeters on each side. This measure has already been adopted in the Province of Saskatchewan —(Interjection)— the member says, "How many inches is that?" Heaven knows.

Security for damages caused by an accident. This section is being amended because of claims arising out of bodily injury or death, from \$45,000 to \$90,000; and in claims arising out of loss or damage to property to \$10,000 from \$5,000, reflecting 90 percent of the new \$100,000 minimum coverage.

Maximum speed for self-propelled farm machinery, an additional to the Act restricting the speed of self-propelled farm machinery equipped with high flotation tires to not more than 70 kilometres per hour. Now on that last point, Mr. Speaker, the problem that we are facing is the fact that many people are using high-flotation tires, which have a factory-determined maximum speed limitation imprinted on them, but where people are, in fact, violating that provision of standard and are, in fact, creating a risk situation on the highway system within the Province of Manitoba. We want to make it abundantly clear that there are tremendous dangers involved and that there will be penalties imposed if people abuse that provision.

Thank you, Mr. Speaker.

**MR. SPEAKER, Hon. J. Walding:** The Honourable Member for Pembina.

**MR. D. ORCHARD:** Thank you, Mr. Speaker. Is it in order to ask the Minister a couple of questions for clarification?

**MR. SPEAKER:** For clarification, the Honourable Member for Pembina.

**MR. D. ORCHARD:** Thank you, Mr. Speaker. I would ask the Minister if his amendment on three-wheeled vehicles resolves the problem that has been before us on licensing of such three-wheeled vehicles as the Happy Wanderer that had been used by handicapped citizens in the province?

**HON. S. USKIW:** Mr. Speaker, I'm not certain that it does. This particular amendment does not deal with the whole list of items that the committee representing the interests of the handicapped have been dealing with, or have been recommending, or making recommendation to the department on. That is something for a future time, Mr. Speaker.

**MR. D. ORCHARD:** Thank you, Mr. Speaker. Just one further question. Do the amendments resolve the problem that was drawn to the Minister's attention last year in springtime, of difficulties that custom applicators of fertilizer products had in road use of flotation-tire equipped fertilizer-spreading equipment as a vehicle of farm use.

**HON. S. USKIW:** Well, Mr. Speaker, this bill will make it mandatory that people using modified equipment with certain kinds of high-flotation tires must not exceed certain speed limits and that's for the safety of the public. I'm not sure if that is the item the member is addressing at the moment; there are other issues, as well.

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

**MR. D. ORCHARD:** I move, seconded by the Member for Lakeside, that debate be adjourned, Mr. Speaker.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Thank you, Mr. Speaker. Would you please call Bills 10, 11 and 17?

#### **BILL NO. 10 - THE REAL PROPERTY ACT**

**HON. R. PENNER** presented Bill No. 10, The Real Property Act, for second reading.

**MOTION presented.**

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

**HON. R. PENNER:** Mr. Speaker, the amendments to The Real Property Act remove the obligation of a District Registrar to satisfy himself that any dealings with land by an executor, administrator or a trustee are in accordance with a trust or will under which the executor, administrator or trustee is entitled to the land.

This application will continue to be dealt with by the General Law of Trusts; that is, the obligations of trustees, in their capacity as executors or administrators,

will still be dealt with by the General Law of Trusts.

The Act is further amended to make it clear that the effect of registration in what is called the General Register, creates a lien or charge against all of the land in the Land Titles District owned by the debtor. There was some ambiguity about that. Persons registering Certificates of Judgment will be required to give their addresses for the purposes of service.

Furthermore, Mr. Speaker, the amendments as proposed will relieve the District Registrar and the Assurance Fund of liability where loss is occasioned by the registration of an instrument in the name which differs from the name set out in the General Register. It is increasingly the case, Sir, that in the General Register, a name will appear and an instrument will be registered in the name which differs - is similar to - but which differs and that is something that is really not within the competence of the Registrar of Land Titles to deal with. We want to make it clear that there is no liability in such cases; but where a breach of trust is committed by an executor, administrator or a trustee of a trust or a will, the District Registrar is not liable for any loss arising out of that breach of trust.

The ordinary law, to which I referred earlier concerning trusts will continue to operate so that a trustee is personally liable for any breach of the trust, and in many circumstances, trust funds - this is again under the ordinary Law of Trust - may be traced and recovered.

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

**MR. G. MERCIER:** Mr. Speaker, I move, seconded by the Honourable Member for Sturgeon Creek, that debate be adjourned.

**MOTION presented and carried.**

#### **BILL NO. 11 - THE REGISTRY ACT**

**HON. R. PENNER** presented Bill No. 11, An Act to amend The Registry Act, for second reading.

**MOTION presented.**

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

**HON. R. PENNER:** I apologize to my learned friend opposite, the former Attorney-General, I don't have speaking notes on this. It's a very simple one-section amendment which just makes clear a practice that is now, and has been for many years carried forward; namely, that the Registrar of the Land Titles Office will not be responsible for, or required to give, Abstracts of Title for, or that indicate in any way, instruments registered in the General Register or the Deposit Register; that is, the Abstracts of Title in the old system as presently given show those things which are registered on the Abstracts, having to do with conveyances, mortgages and encumbrances of that kind. But matters which stand in the General Register, namely, judgments, do not show in the Abstract and have not shown in the Abstract, for some 40 to 50 years. I'm advised, and this makes that practice clear.



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

**MR. G. MERCIER:** Mr. Speaker, I move, seconded by the Member for Pembina, that debate be adjourned.

**MOTION presented and carried.**

### BILL NO. 17 - THE JUDGMENTS ACT

**HON. R. PENNER** presented Bill No. 17, An Act to amend The Judgments Act, for second reading.

**MOTION presented.**

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

**HON. R. PENNER:** Mr. Speaker, presently judgments for such small amounts as \$40 are allowed to be registered under The Judgments Act in the Land Titles Office. The amendment will require the judgments to be at least in the amount of \$500 to be registered. The increase in the amount that is required before a judgment can be registered in the Land Titles Office does not affect in any way the registration of an order or judgment for alimony or maintenance. That is protected. Presently, Sir, persons are restricted from proceeding on a judgment against land owned by the judgment debtor until one year has elapsed from the date of the registration of the Certificate of Judgment in the Land Titles Office. This Act, as it is proposed, will be amended to provide that the judgment creditor may proceed after one year has elapsed from the date the judgment was entered in the court.

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

**MR. G. MERCIER:** Mr. Speaker, a question to the Attorney-General. I wonder if he could indicate where the recommendation to Section 3(2) came from.

**HON. R. PENNER:** I'm recommending it to the House.

**MR. G. MERCIER:** Who recommended it to you?

**HON. R. PENNER:** Chief Legislative Counsel and the Registrar General.

**MR. G. MERCIER:** Mr. Speaker, I move, seconded by the Honourable Member for Fort Garry, that debate be adjourned.

**MOTION presented and carried.**

### PRIVATE MEMBERS' HOUR

**MR. SPEAKER:** The time being 4:30, it's Private Members' Hour. The first item on the agenda is the proposed resolution of the Honourable Member for St. Norbert.

**HON. R. PENNER:** Mr. Speaker . . .

**MR. SPEAKER:** Excuse me, does the Honourable Attorney-General have a point of order?

**HON. R. PENNER:** Before the Member for St. Norbert proceeds, I would like to - and I have informally put a question to him and perhaps my explanation of the question may be helpful to him in making a decision. The Throne Speech indicated that the government would be bringing, and I'll read the actual words, " . . . proposals for amendments to the Charter of Rights and Freedoms and other parts of The Constitution Act, 1982, will be brought forward during the course of the Session," will be brought forward as government business. I can assure him that one of the proposals that will be brought forward pertains to the question of Section 7 and property rights. With that explanation and the opportunity that will be provided shortly after we resume the Session to debate in a full way the question which I know is of importance to both sides of the House, it may be that without a formal question of order being raised is that he may wish to reserve his remarks for that occasion.

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

**MR. G. MERCIER:** Mr. Speaker, I would just like to clarify, perhaps ask the Attorney-General to clarify his remarks. Is he giving an undertaking to me in the House that in the government's proposals for amending the Charter of Rights there will be a proposed amendment to Section 7 dealing with the right to enjoyment of property?

**HON. R. PENNER:** I give that undertaking.

**MR. G. MERCIER:** Well, Mr. Speaker, I think in view of that undertaking and in view of the fact that the government - I assume from the Attorney-General's statement - have decided to include the contents of my resolution and our caucus's resolution in the proposal to amend the Charter of Rights, I would ask, Mr. Speaker, that the resolution be allowed to stay on the Order Paper until we see the government's proposal. When the government's proposal is before the House, then we can determine at that time whether there is any difference between what we have proposed in this resolution and what the government will be bring forth.

**HON. R. PENNER:** There is a precedent for that in this House and I would certainly concur with the recommendation made by the Member for St. Norbert. I should be clear that in case there's any doubt that the government is undertaking to bring in a resolution proposing an amendment to Section 7, which amendment will deal with the question of property rights, I'm not now undertaking that it will be in the form that is proposed by the Honourable Member for St. Norbert. He indicates that he wishes to leave his resolution on the Order Paper to reserve his rights with respect to that resolution in case the form in which the resolution is brought forward by the government is one that the Opposition doesn't find satisfactory.

**MR. SPEAKER:** I'm informed that it needs unanimous consent to the House to allow that to stand on the Order Paper. Do I have that agreement? (Agreed)  
There would appear to be nothing further under

Private Members' Hour.

The Honourable Attorney-General.

**HON. R. PENNER:** In that case, Mr. Speaker, there be nothing further in Private Members' Hour and there be no further business to transact in this day I would move, seconded by the Minister of Highways, that this House do now adjourn.

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