



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

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**DEBATES**  
and  
**PROCEEDINGS**

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31-32 Elizabeth II

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*Published under the  
authority of  
The Honourable D. James Walding  
Speaker*



MG-8046

**VOL. XXXI No. 46A - 2:00 p.m., THURSDAY, 14 APRIL, 1983.**

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

**Members, Constituencies and Political Affiliation**

Name	Constituency	Party
<b>ADAM, Hon. A.R. (Pete)</b>	Ste. Rose	NDP
<b>ANSTETT, Andy</b>	Springfield	NDP
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BANMAN, Robert (Bob)</b>	La Verendrye	PC
<b>BLAKE, David R. (Dave)</b>	Minnedosa	PC
<b>BROWN, Arnold</b>	Rhineland	PC
<b>BUCKLASCHUK, 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>	Virден	PC
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry M.</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HEMPHILL, Hon. Maureen</b>	Logan	NDP
<b>HYDE, Lloyd</b>	Portage la Prairie	PC
<b>JOHNSTON, J. Frank</b>	Sturgeon Creek	PC
<b>KOSTYRA, Hon. Eugene</b>	Seven Oaks	NDP
<b>KOVNATS, Abe</b>	Niakwa	PC
<b>LECUYER, Gérard</b>	Radisson	NDP
<b>LYON, Q.C., Hon. Sterling</b>	Charleswood	PC
<b>MACKLING, Q.C., Hon. Al</b>	St. James	NDP
<b>MALINOWSKI, Donald M.</b>	St. Johns	NDP
<b>MANNESSE, Clayton</b>	Morris	PC
<b>McKENZIE, J. Wally</b>	Roblin-Russell	PC
<b>MERCIER, Q.C., G.W.J. (Gerry)</b>	St. Norbert	PC
<b>NORDMAN, Rurik (Ric)</b>	Assiniboia	PC
<b>OLESON, Charlotte</b>	Gladstone	PC
<b>ORCHARD, Donald</b>	Pembina	PC
<b>PAWLEY, Q.C., Hon. Howard R.</b>	Selkirk	NDP
<b>PARASIUK, Hon. Wilson</b>	Transcona	NDP
<b>PENNER, Q.C., Hon. Roland</b>	Fort Rouge	NDP
<b>PHILLIPS, Myrna A.</b>	Wolseley	NDP
<b>PLOHMAN, John</b>	Dauphin	NDP
<b>RANSOM, A. Brian</b>	Turtle Mountain	PC
<b>SANTOS, Conrad</b>	Burrows	NDP
<b>SCHROEDER, Hon. Vic</b>	Rossmere	NDP
<b>SCOTT, Don</b>	Inkster	NDP
<b>SHERMAN, L.R. (Bud)</b>	Fort Garry	PC
<b>SMITH, Hon. Muriel</b>	Osborne	NDP
<b>STEEN, Warren</b>	River Heights	PC
<b>STORIE, Jerry T.</b>	Flin Flon	NDP
<b>URUSKI, Hon. Bill</b>	Interlake	NDP
<b>USKIWI, Hon. Samuel</b>	Lac du Bonnet	NDP
<b>WALDING, Hon. D. James</b>	St. Vital	NDP

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, 14 April, 1983.

Time — 2:00 p.m.

## OPENING PRAYER by Mr. Speaker.

**MR. SPEAKER, Hon. J. Walding:** Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . .

## INTRODUCTION OF BILLS

**HON. R. PENNER** introduced, by leave, Bill No. 55, An Act to amend The Legislative Assembly Act. (Recommended by Her Honour the Lieutenant-Governor).

**MR. SPEAKER:** The Honourable Member for Brandon West. Oh, he is not present.

## INTRODUCTION OF GUESTS

**MR. SPEAKER:** Before Oral Questions, may I direct the attention of honourable members to the Gallery where we have 30 students of Grade 9 standing from the John Henderson Junior High School. These students are under the direction of Mr. Warren Earl and the school is in the constituency of the Honourable Minister of Finance.

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

## ORAL QUESTIONS

### Loss of packing house jobs

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

**MR. F. JOHNSTON:** Mr. Speaker, I would like to ask a question of the First Minister. It has been reported that cattle are being shipped to other provinces for fattening, and Mr. Zimmer of the packing house unions is concerned because it is endangering our packing house industry and a possibility of losing more jobs; there have been lost jobs already. What is the Premier doing about that situation to protect our packing house industry and the jobs within that industry?

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

**HON. H. PAWLEY:** Mr. Speaker, the Member for Sturgeon Creek, I suppose, is not aware of the fact that the Minister of Agriculture, who is in attendance at Swan River today on the Crow hearings, has embarked very successfully on a Beef Stabilization Program stabilizing the price of beef cattle in the Province of Manitoba; stabilizing, indeed, an industry that, yes, is under considerable challenge, as it is in different parts of Canada, but the Beef Stabilization

Program has been a major program insofar as strengthening the beef industry in Manitoba.

**MR. F. JOHNSTON:** Mr. Speaker, according to the reports, Mr. Zimmer doesn't agree that that program is assisting the beef industry in the Province of Manitoba. As a matter of fact, he believes it is harming the packing industry and creating a loss of jobs.

The question is, Mr. Speaker, the First Minister was very concerned when Swift's closed and showed a concern over the packing industry then, does he show the same concern now?

**HON. H. PAWLEY:** Mr. Speaker, in fact, it is regrettable that a Beef Stabilization Program and a Hog Income Support Program had not been introduced earlier than what, indeed, had been the case. Our support to a Beef Stabilization Program, the very fact that it has been extremely successful with a participation rate of, I believe, it's between 60 and 70 percent - I can stand to be corrected - contrary to projections from honourable members across the way of anything in the neighbourhood of 10 percent, in fact, demonstrates that program has been most successful.

The honourable member may not either be aware that there has been a successful continuation in respect to the Hog Income Support Program in the Province of Manitoba, in which there is a major input insofar as the province is concerned in ensuring a stabilization of the hog industry in the province. So, Mr. Speaker, in these two important areas there has been support to the livestock industry in the Province of Manitoba.

Mr. Speaker, I don't pretend for a moment that there are not, and will not, continue to be serious problems here, as indeed has been the case elsewhere in Canada. There have been closures, in fact, of packing plants in Charlottetown and in Toronto within the last year. We are vitally concerned throughout Manitoba in our industry and it is for that reason, Mr. Speaker, that we launched the program that we did despite, I must say, some pretty strenuous opposition from some members across the way.

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

**MR. D. ORCHARD:** Thank you, Mr. Speaker. It appears as if, from the First Minister's answer, that he does not understand the problem. I might point out in my preamble, Mr. Speaker, to my question, that it seems that the First Minister . . .

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

**HON. R. PENNER:** I am not trying to muzzle anyone, Mr. Speaker.

**MR. SPEAKER:** Order please.

**HON. R. PENNER:** The Member for Pembina, congratulations on his haircut; it's not bad. The Member

for Pembina started a speech, there's no suggestion - he should learn from the Member for St. Norbert who knows how to give a preamble that is clearly a preamble. I am just simply raising the question of the appropriate use of question period.

**MR. SPEAKER:** The Honourable Member for Turtle Mountain on the same point.

**MR. B. RANSOM:** Mr. Speaker, the members on this side are supposed to have an opportunity during question period to place questions to the Ministers on the government side concerning issues of the day. It happens to be a serious issue of the day that employment is threatened in the packing industry in Manitoba. My colleague had barely opportunity to get one sentence, by way of preamble, to his question before he was interrupted by the Government House Leader, who then takes the opportunity to make personal remarks about members on this side. We don't need to be interrupted that way, Mr. Speaker. He's out of order.

**MR. SPEAKER:** Order please. I hope that all members would acquaint themselves with Beauchesne's requirement that a preamble should be able to be phrased within one sentence.

The Honourable Member for Pembina.

**MR. D. ORCHARD:** Thank you, Mr. Speaker. In view of the fact that the First Minister in answering two questions put to him this afternoon, obviously does not understand the problem and is missing the point; and in view of the fact, Mr. Speaker, that the union head of the meat packing industry does indeed, recognize the problem in the meat packing industry and the threat to employment in that industry; and in view of the fact, Mr. Speaker, that already some 25 employees are laid off in Winnipeg, and employees in a packing plant in Brandon are working short hours; in view of that background, could the First Minister indicate whether any member of his government is demonstrating the same kind of concern today in government that they demonstrated so vocally when they were in opposition and the closing of Swift's occurred?

Has the First Minister or any member of his Treasury Bench undertaken to determine why cattle are leaving the Province of Manitoba and not being available to the packing industry of Manitoba for slaughter and processing, hence causing the loss of jobs in Manitoba?

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

**HON. H. PAWLEY:** Mr. Speaker, as I indicated to honourable members earlier, contrary to, indeed the case in the past, we do have a Beef Stabilization Program introduced by the Minister of Agriculture which has been extremely successful insofar as the beef producers are concerned in the Province of Manitoba.

Mr. Speaker, the Minister of Agriculture who will be in attendance once the Crow meetings are concluded in Swan River and Dauphin, I believe it is, will be I'm sure, most anxious to deal in much more detail in pertaining to the involvement of his department insofar as the Beef Stabilization Program is concerned,

stabilizing the beef industry as well as other areas of involvement on the part of the Department of Agriculture.

**MR. D. ORCHARD:** Mr. Speaker, I thank the First Minister for his non-answer. Mr. Speaker, in view of the fact that Mr. Zimmer, as head of the Meat Packing Workers' Union, says that he finds himself as a strange bedfellow with the feedlot operators in the Province of Manitoba and that the continued survivability of jobs in his industry is dependent on a vibrant feedlot industry and finishing industry in the Province of Manitoba, will the First Minister now include the feedlot operators of Manitoba as part and parcel of this Beef Income Assurance Plan that he is so proud of?

**HON. H. PAWLEY:** Mr. Speaker, I think it would be much more suitable and much better insofar as the honourable member is concerned that he await the Minister of Agriculture and I'm prepared to accept that question as notice on behalf of the Minister of Agriculture.

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

**MR. H. GRAHAM:** Thank you, Mr. Speaker. In view of the fact that the Honourable First Minister is indeed the leader, or supposedly the leader of this government, and in view of the fact that at the present time 60 percent of the cattle that are slaughtered in the packing houses in Manitoba have to be imported because of the failure of this government to support the feedlot industry, would the First Minister consider widening the Beef Income Assurance Plan to encompass the feedlot operators as well as the beef producers? He is the First Minister and maybe he should be showing some direction to the Minister of Agriculture.

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

**HON. H. PAWLEY:** Mr. Speaker, I ask, was it the previous Conservative administration that introduced a Beef Stabilization Program into the Province of Manitoba at considerable cost to the Province of Manitoba, or was it this New Democratic Party Government that has introduced a Beef Stabilization Program that involves some 60 to 70 percent of beef producers in Manitoba despite projections that but 10 percent would be involved? I ask that question because it appears by way of the question from the Member for Virden that he has lost sight of the chronology of events that have occurred over the last two or three years. Mr. Speaker, that question from the Member for Pembina, I'll take it as notice.

**MR. SPEAKER:** Order please.

The Honourable Member for Turtle Mountain on a point of order.

**MR. B. RANSOM:** Yes, Mr. Speaker, I'm surprised it missed you, Sir, that when the First Minister stood, he said, "I have a question;" and he proceeded to ask a question about who had introduced the plan into the province. It's always been my impression that it was an opportunity for the opposition members of the House

to ask questions of the government side. Is it now to be a back-and-forth question exchange, Mr. Speaker?

**HON. S. LYON:** God knows they need the information, Mr. Speaker.

**MR. SPEAKER:** Order please.

I'm not sure whether it was the Honourable First Minister's intent to pose a question to members opposite. — (Interjection) — If that was the case, I'm sure he will make it clear.

The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, in speaking to the point of order, certainly if you will review Hansard you will ascertain that the answer was expressed in a way which suggested that the Member for Virden ought to indeed be asking himself the question.

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

**MR. H. GRAHAM:** Thank you very much, Mr. Speaker. In answer to the question posed by the First Minister, I would like to . . .

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

**MR. H. GRAHAM:** Yes. I would like to ask the First Minister, as a result of the answer to his question, since the problem has not appeared in Manitoba until the Beef Income Assurance Plan was put into effect, perhaps the First Minister would like to reconsider the answer that he has given to this House.

**HON. H. PAWLEY:** Mr. Speaker, I would not want the honourable member to misunderstand the answer to the question. I indicated certainly that I'm taking this matter as a matter of notice. I will discuss the question with the Minister of Agriculture upon his return, because we are concerned about the packing house industry in a very fundamental way in this province, and if indeed there are constructive proposals that make sense, that are viable, we will entertain those along with any other proposals and suggestions that might be undertaken, but only, Mr. Speaker, if those proposals are viable, not if they're reckless or foolish.

**MR. H. GRAHAM:** A further supplementary question to the Honourable First Minister. Since the Honourable Minister of Agriculture is away on his grand tour of Manitoba and since they have only had two briefs proposed to them from Swan River and only two from Dauphin, would the First Minister consider cancelling the road show that the Minister of Agriculture has embarked upon and bring him back here to attend to the business of this province in which he has some influence? The grandstand show that he has on the road is in a field that is beyond the jurisdiction of the Province of Manitoba and the business of this province is very important.

**HON. H. PAWLEY:** Mr. Speaker, in response to the question from the Honourable Member for Virden, I am indeed puzzled. This was a committee of the

Legislature that I thought was established by unanimous vote of this Legislature; not a divided vote in this Legislature. Mr. Speaker, I must say that I find it somewhat reprehensible that a committee established by this Legislature, by an all-party vote, by all-party support, should now be described as a road show and to be grandstanding. I find that reprehensible, Mr. Speaker.

### Letter to Hazen Argue

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

**HON. M.B. DOLIN:** Thank you, Mr. Speaker, some days ago the Member for La Verendrye asked me for a copy of a letter sent to Hazen Argue. I have that letter here for tabling.

### Loss of packing house jobs

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

**MR. G. MERCIER:** Mr. Speaker, my question is to the Minister of Labour. In view of the inaction by the First Minister, Mr. Speaker, and in view of the statements by the union leader Bruno Zimmer whom, unfortunately, the government fired from the Workers Compensation Board, I believe, would the Minister of Labour for the first time meet with the union leader, Mr. Zimmer, to enquire into his concerns about disturbing developments in this industry and his concerns about not wanting to risk closures or massive layoffs? Would she meet with him, discuss those concerns with him, and make some recommendation to the First Minister and the Minister of Agriculture in order to avoid these closures and massive layoffs?

**HON. M.B. DOLIN:** First of all, I'd like to update some information that the members opposite apparently don't have. It's United Food and Commercial Workers that is the union involved. The meat packers merged with other groups to form this union some time ago.

I meet with Mr. Zimmer fairly regularly through a liaison committee that we have. In fact, with the involvement of my department in various aspects of the meat-packing industry and the concern we have over the red meat industry in particular where you know, I'm sure, that there is a decline in the consumption of red meat, and this is another facet to that whole problem. We meet regularly to discuss this and we do meet, also, with the Minister of Agriculture, and the information is of course carried forward to my colleagues in Cabinet and to the First Minister. The concern that has been raised in the paper will, of course, be a subject of discussion between us.

**MR. G. MERCIER:** Mr. Speaker, in view of this very sincere concern by Mr. Zimmer with respect to layoffs, would the Minister of Labour advise us what recommendations she has made to the Minister of Agriculture to help solve the situation?

**HON. M.B. DOLIN:** Mr. Speaker, there's not been a recommendation to the Minister of Agriculture. The

Minister of Agriculture is involved in the discussions regarding the meat industry and the meat packing industry which, of course, relates to the beef industry as well as the hog industry and the chicken and turkey industry and so on. All of these industries are involved in the meat packing industry and, therefore, the jobs of the people involved in that industry; there are ongoing discussions.

The likes and dislikes of the consumer are changing and that is having an impact on the industry as well as the concern raised in the paper today. There is a very large area of concern over the entire meat packing industry and the number of packing houses that exist, that perhaps are greater than the amount of meat to be processed; there are also some new ventures being embarked upon by some companies within this industry. All of these items are part of an ongoing discussion over the various facets of this industry and their impact on the work force and on the people of Manitoba.

The particular concern raised today - I think it has been said about seven or eight or ten times already - is under discussion, will continue to be under discussion and we will deal with the problem in the best way possible.

**MR. G. MERCIER:** Mr. Speaker, despite these "ongoing discussions," there have been 25 people laid off in Winnipeg and they're working shorter hours in Brandon, and there is a concern about massive layoffs by the union leader, Mr. Speaker. Has the Minister of Labour made any recommendations to the Minister of Agriculture to resolve this situation so that these jobs are retained in Manitoba?

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

**HON. A. ADAM:** Mr. Speaker, I think the record should be made straight for members opposite that the Minister of Agriculture has invited the feedlot operators, quite some time ago, to enter into discussions to come up with a program for the feedlot operators and it is my understanding that those discussions are now taking place with the Beef Commission and the feedlot operators. So it's not to allow the opposition to make comments and to leave the impression that nothing is being done; it is being done. There are negotiations taking place at the present time and I think that I want to get that on the record.

### Fox Lake Mine

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

**MR. B. RANSOM:** My question is for the First Minister, Mr. Speaker. Two days ago the First Minister said that he had, at some time previously, heard rumours about the possible closing of the Fox Lake Mine at Lynn Lake, and I asked the First Minister, at that time, what action he had taken on hearing those rumours, because obviously they would, if true, lead to the elimination of the economic base at Lynn Lake. The First Minister took that question as notice. Could he now advise the House what action he took at that time?

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

**HON. H. PAWLEY:** Mr. Speaker, it would be of much more assistance to the honourable member to receive a full and detailed response to that question from the Minister of Energy and Mines who will be back tomorrow.

**MR. B. RANSOM:** Mr. Speaker, I'm interested in what action the First Minister took. Surely the future of the Town of Lynn Lake is something that should attract the interest of the First Minister. My question two days ago was to the First Minister. What action did he take? Would he now advise the House if he did anything when he heard that the Fox Lake Mine might be closing and that would eliminate the economic base for Lynn Lake? Did the First Minister take any action at all?

**HON. H. PAWLEY:** Mr. Speaker, I understand the disadvantage that the Honourable Member for Turtle Mountain is at as he was not present yesterday and this very same question was posed yesterday. I gave a response to that question yesterday pertaining to different endeavours that the Province of Manitoba has been involved in, such as, the Aerial Survey Program that has been undertaken by the Minister of Energy and Mines. For further much more detailed information the Minister will further respond, but I would invite the honourable member to review the question and answer period yesterday in Hansard. I don't know whether it's been distributed yet; if not, he will find that this matter was dealt with at some length yesterday.

**MR. B. RANSOM:** Mr. Speaker, I have indeed reviewed Hansard from yesterday and this question was not dealt with. Am I to understand, from the answer of the First Minister, that when he heard the rumour of the Fox Lake Mine closing, he directed that there would be aerial surveys undertaken in the Lynn Lake area?

**HON. H. PAWLEY:** Mr. Speaker, the honourable member appears to - I don't know what he's attempting to suggest; only he knows I suppose. There's the Aerial Survey Program; there's been other undertakings and efforts and the Minister of Energy and Mines will be present tomorrow morning at 10 o'clock and will deal with the questions that have been taken as notice.

**MR. B. RANSOM:** Mr. Speaker, the First Minister may find it unusual. We're simply trying to find out what action his government took when he learned that the mine at Lynn Lake would be closing. What he is referring to are ongoing studies that have been going on for years.

A further question to the First Minister, Mr. Speaker. When was the joint venture offer made by the government to Sherritt Gordon, with respect to continuing operation of the mine in the Lynn Lake area?

**HON. H. PAWLEY:** Mr. Speaker, in case the Honourable Member for Turtle Mountain has not observed, we are fortunate in having a very capable Mines Minister, a Mines Minister that will be present tomorrow and will be quite prepared to answer these questions, and I will take these questions as notice on his behalf.

## Sherritt Gordon Mines - NEED Program

**MR. B. RANSOM:** A question to the Minister of Labour, Mr. Speaker. Has the Minister of Labour determined whether or not her department received a copy of a NEED application submitted by Sherritt Gordon on February 14th?

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

**HON. M.B. DOLIN:** Mr. Speaker, yes, we have a copy of that and I think the member opposite tabled such a copy in the House just the other day.

The meeting that took place in February gave an indication that the Department of Energy and Mines would be the lead department in this area since the NEED application did not fit the criteria for that program.

**MR. B. RANSOM:** Mr. Speaker, we appreciate receiving that answer from the Minister of Labour, because up until now, the First Minister has been refusing to acknowledge that his government had even received the application under the NEED Program.

A further question, then, to the Minister of Labour, Mr. Speaker, will be, what is the Minister of Labour doing to expedite a decision on this project which is of great urgency if there is to be some prospect for the continuation of a viable community at Lynn Lake?

**HON. M.B. DOLIN:** Mr. Speaker, obviously the member opposite does not understand the process for the NEED Program. An application does not come forward to myself or to the Federal Minister if it does not meet the criteria. It doesn't even go to the Advisory Board. The point of this program is to hire exhaustees. The exhaustees in the entire area around Lynn Lake amounted to about 14. The program proposed by Sherritt Gordon . . .

**MR. D. ORCHARD:** Goodbye, Lynn Lake.

**HON. M.B. DOLIN:** . . . required people with certain skills to do the work. The people with those skills were simply not there or certainly were not exhaustees. So, that was not the appropriate place to make application for wage subsidies.

If they wish to have some kind of joint venture, if they wish to have some kind of assistance either from the Federal Government or from ourselves, then a different route would have to be chosen. The NEED Program is for those on social assistance, and for those who have exhausted their unemployment insurance with some consideration being given to people on layoff from the employer making the application. This proposal simply did not fit, so it would not have been brought forward, even though it might have been submitted.

## Help for farmers

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

**MR. W. MCKENZIE:** Thank you, Mr. Speaker. I have a question to the Honourable First Minister. In light of

the delegation of farmers that appeared here in the Legislature yesterday, can I ask the First Minister what pledges and promises he made to the hundred or more farmers who marched on this building yesterday, and what immediate action his government is prepared to take to ensure that the indebted farmers of this province will have enough money to seed their crops this spring?

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

**HON. H. PAWLEY:** Mr. Speaker, I thank the Honourable Member for Russell for indeed asking - I don't want to slight on other questions that have been posed - but I think one of the most constructive questions that we've heard so far during this question period.

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

**MR. SPEAKER:** Order please. The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, we were pleased to receive the delegation indeed yesterday, from various parts of rural Manitoba; the farmers that are facing a very critical time pertaining to the cost-price squeeze that's indeed gripping the farmers of Western Canada. The farmers that were present, outlined by way of letter, and by way of verbal submission, the pressures they're particularly feeling insofar as the lending institutions of the province are concerned, lending institutions being mainly the banks in the Province of Manitoba and difficulties that they've had given their tight squeeze in contending with the lending institutions with seeding fast approaching.

Mr. Speaker, we indicated, the Minister of Agriculture indicated the establishment of a panel that will consist of mainly farmers, that will mediate in disputes involving foreclosures on the part of lending institutions insofar as farmers are concerned; a panel which, Mr. Speaker, will deal with these matters in a fair and a balanced way in order to ensure that all parties' rights are properly respected, understanding indeed that there are legitimate concerns on the part of both lending institutions and farmers. But, there are serious problems on the farm front. I am pleased to note that the reception and the reaction of the farmers that were present in the main, Mr. Speaker, to that effort - was positive.

They were later meetings involving the Minister of Agriculture pertaining to details in the establishment of that panel, membership, etc. I believe those meetings, as well, were successful, Mr. Speaker. Further progress is being made.

I thank the honourable member for his question.

**MR. W. MCKENZIE:** Mr. Speaker, I can't understand the First Minister. We've been pounding him and his government for the last month here about these problems. Finally they've recognized there's a problem out there, finally.

Mr. Speaker, can I ask the First Minister, who is this board of reference, who are these people that you're putting on this board? What power are you and the First Minister granting them and what authority do they have to deal with the subject matter?

**HON. H. PAWLEY:** Mr. Speaker, that was indeed the basis of discussions that involved the Minister of

Agriculture and representatives of the farm groups yesterday. The Minister has also held meetings with the banking institutions pertaining to the establishment of a panel. He is receiving appropriate input, insofar as interested groups. The panel will mainly consist of farmers that will be able to evaluate the situation from an agricultural point of view. Insofar as powers, etc., the Minister is working that out in the closest of consultation with the interested parties, and certainly the Minister would be most anxious to provide that information fully at the appropriate time, Mr. Speaker.

**MR. W. MCKENZIE:** Mr. Speaker, I regret that the First Minister didn't mention the credit unions in his answer, the fact that they're going to be involved. Can I ask the Honourable Minister, regarding the MACC Program which this government is proposing with a \$100 million of guaranteed bank loans, is the government prepared to remove the 20 percent equity criteria, remove the upper ceiling, and take a look at the interest rates that MACC is asking these farmers, is that part of the parcel?

**HON. H. PAWLEY:** Again I thank the honourable member for that question pertaining to the 20 percent equity, pertaining to assets owned by a farmer, pertaining to applications for loan. The matter pertaining to same was raised by the farm representatives yesterday, and the Minister is quite sensitive to the concerns that were expressed, given the present . . .

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

**MR. SPEAKER:** Order please.

**HON. H. PAWLEY:** Despite the present difficult situation, Mr. Speaker, it is quite understandable that that 20 percent equity ratio would create problems. In view of the representations that had been made by the farmers and by other farm groups and leaders, Mr. Speaker, the Minister has undertaken to carefully examine the 20 percent figure.

**MR. W. MCKENZIE:** Mr. Speaker, I still can't understand why the First Minister wouldn't listen to us over here. If he'd have listened to the opposition, we could have that solved a month ago.

### **Health care system restoration - election promise**

**MR. W. MCKENZIE:** Mr. Speaker, can I ask the First Minister, due to the election promises he made to the people of this province that they were going to, in fact, put the health delivery system in this province back on the rails again, can I ask him if he and his Health Minister will go to Gilbert Plains and meet with the people out there in response to the hundreds of letters and petitions that I'm getting about their decision to remove the x-ray and the lab facilities from the proposed health facility that's supposed to be built in Gilbert Plains in '84? I've had many many letters and many many petitions asking the First Minister and his Minister of Health to go out and listen to those people. Surely, the government can listen to what the people are saying and provide at least some of their wishes.

**HON. H. PAWLEY:** Mr. Speaker, I am again delighted that the honourable member has asked that question, but somewhat disappointed that the member's network isn't a little better than what I would have thought it to be. Apparently, contrary to the honourable member's knowledge, the First Minister; namely myself, I've been in Gilbert Plains; I've met with all the community leaders in Gilbert Plains, including the representatives of the hospital. We had a very lengthy discussion, not only involving the particular matter raised by the honourable member, but other matters pertaining to the concerns of the people in Gilbert Plains. It was a good meeting, Mr. Speaker, in which they did indeed express to me their desires pertaining to the hospital. So, Mr. Speaker, yes, I have met with the people in Gilbert Plains in their community, in their town hall.

Insofar as the response from the Manitoba Health Services Commission, I would ask that the Minister of Health provide that additional information.

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

**HON. L. DESJARDINS:** Thank you, Mr. Speaker. You might say that I've also met with the people of Gilbert Plains. At the time of the meeting, they made an accusation that the people of Grandview were not too interested in providing service. I thought that very very strange. I proposed a meeting with the boards of the two hospitals, or any other people that wanted to come from the area, from Grandview and Gilbert Plains. They've requested a meeting. My answer has gone that as soon as you can arrange a meeting with the people of the area, I certainly will be pleased to meet with them.

Again, I might say that this is not any removal; this was not approved in the new plans at any time. The approval under the former government for one thing was never recommended by the commission. I repeat again that in these days of people sitting in the back telling us about all the difficult times and the deficit, that it is not our intention, I repeat very categorically, to set up x-rays and a lab every five or six miles in this province.

**MR. W. MCKENZIE:** Thank you, Mr. Speaker; my final question. Regardless of when the First Minister was in Gilbert Plains, may I ask him again in response to the mail that he's got now and the letters that are in his office, will he and his Minister of Health go to Gilbert Plains and help these people resolve that problem now?

**HON. H. PAWLEY:** Mr. Speaker, it's in the hands of the Minister of Health. Mr. Speaker, we have never refused to meet with the people from Gilbert Plains. In fact, as I mentioned to the honourable member, I made a special trip to Gilbert Plains to meet with the people in Gilbert Plains. It's now in the hands of the Minister of Health. Mr. Speaker, I think the Minister of Health is dealing with this concern in a very responsible manner.

### **Study of Dr. Barber**

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



**MR. B. RANSOM:** My question is for the Minister of Finance, Mr. Speaker.

The question to the Minister of Finance is: Has Professor Barber from the university completed his study with respect to the presentation of operating and capital Estimates of government?

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

**HON. V. SCHROEDER:** Thank you, Mr. Speaker. The study has been completed. I do have an initial draft report, but I don't believe I've received the final report yet. I'm not exactly sure when it might be in.

**MR. B. RANSOM:** Mr. Speaker, since the Minister's Estimates will likely be under consideration during the next few days, would the Minister agree to provide a copy of that preliminary report to the opposition?

**HON. V. SCHROEDER:** Mr. Speaker, I would want first to check with Professor Barber. I don't have any personal objections to releasing the report. I'll just check and get back to the honourable member later on this afternoon.

### Criteria for appointments to boards

**MR. B. RANSOM:** Mr. Speaker, a question to the First Minister.

I have on several occasions risen in the House to ask the First Minister when we can expect an answer to the written question placed on the order paper over a year ago concerning the criteria used by the government in the appointment of people to boards and commissions. Since I have received assurance from the House Leader and the First Minister that question would indeed be answered, could the First Minister give some indication of when we might expect that question to be answered?

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

**HON. H. PAWLEY:** Mr. Speaker, I do apologize to the Member for Turtle Mountain for not having tabled this document earlier. I fear that at times we fall into the habits of opposition when they were in government. I'm going to attempt to ensure that it's tabled either tomorrow or Monday or Tuesday, Mr. Speaker.

### Wildlife Report

**MR. B. RANSOM:** A question to the Minister of Natural Resources, Mr. Speaker. A perusal of my files and a check with the Deputy Clerk indicates that perhaps the Wildlife Report due under The Wildlife Act on a yearly basis has not been tabled. I might be mistaken on that, Mr. Speaker, but could the Minister of Natural Resources indicate whether or not that report has been tabled?

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

**HON. A. MACKLING:** I'll take the question as notice, Mr. Speaker.

### Interest Rate Relief Program re farmers

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

**MR. D. ORCHARD:** Mr. Speaker, in view of the fact that as a result of yesterday's meeting with the farm groups who are experiencing financial difficulty and that the First Minister has indicated the government is now aware of a problem with the 20 percent equity position and has that under review for further recommendation, can the First Minister also indicate whether, as a result of yesterday's meeting with that same group of farmers and as a result of their recommending an increase to the gross income limit for qualification under the Interest Rate Relief Program - something I might add that we've been advocating for a year - has the First Minister also got that under consideration to see if the limit to the Interest Rate Relief Program will be raised so that more farmers in financial difficulty might be able to qualify under that program?

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

**HON. H. PAWLEY:** Mr. Speaker, I'm a little surprised that the honourable member says that's something that we've been advocating for a year from that side, because I recall the sarcastic and critical remarks pertaining to the Interest Rate Relief Program insofar as farmers are concerned in the Province of Manitoba. Mr. Speaker, the farmers in the Province of Manitoba have been having difficulty for a number of years and it was this government, not the previous administration, that established a program of interest rate relief insofar as Manitobans are concerned. It is a program that is constantly under review and certainly the constructive suggestions that were made yesterday by the members of the Farm Survival group and the National Farmers Union will be given very serious consideration by the Minister of Agriculture.

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

**MR. D. ORCHARD:** Could the First Minister advise us as to how quickly his Minister of Agriculture might report on the change on the 20 percent equity limit and on raising the limit of qualification for the Interest Rate Relief Program? I pose that question, Mr. Speaker, because the First Minister must obviously know that seeding time is fast approaching, any more dilly-dallying by his Minister of Agriculture will leave farmers in need of assistance that they have come to expect from press announcements by his Minister of Agriculture, will not receive that assistance if the First Minister and his Minister of Agriculture dilly-dally and study the plans much longer.

**HON. H. PAWLEY:** Mr. Speaker, it's kind of strange words coming from the mouth of the Member for Pembina who was a member of a Treasury Bench that for four years didn't even dilly-dally, they did nothing insofar as basic farm programs were concerned in the Province of Manitoba. Rather strange words, Mr. Speaker.

**HON. L. DESJARDINS:** No, you were too busy increasing the interest rate.

**HON. H. PAWLEY:** Mr. Speaker, the concerns are very real out there, insofar as the Manitoba farm community are concerned. The basic problem relates to an issue that involves price stabilization and, Mr. Speaker, ensuring that there is a control in respect to the costs of farmers insofar as the Minister of Agriculture . . .

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

**HON. H. PAWLEY:** Mr. Speaker, if I could answer the question, I'd appreciate having that opportunity. Mr. Speaker, the Minister of Agriculture is a very responsible Minister and he will be making a report very shortly in respect to the requests that have been made by the farm organizations and I must say, Mr. Speaker, I found to be very enlightened and very informed and very responsible in their position that they made yesterday.

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

### MOTIONS OF CONDOLENCE

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

**HON. H. PAWLEY:** Mr. Speaker, before we proceed into Orders of the Day I would like to proceed at this point to Motions of Condolence. I have had opportunity to provide notice of same to the Leader of the Opposition.

I would first move, Mr. Speaker, seconded by the Member for Assiniboia,

THAT this House convey, to the family of the late Ernest Richard Draffin, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful life of active community and public service; and that Mr. Speaker be requested to forward a copy of this resolution to the family.

**MOTION presented.**

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

**HON. H. PAWLEY:** Mr. Speaker, the member whose memory we wish to honour is Ernest Richard Draffin, who served as a CCF Member of this Chamber from October 15, 1945 to November 10, 1949, representing the constituency of Assiniboia.

Mr. Speaker, it has been more than a third of a Century since Mr. Draffin served in the Legislature and no members present had the opportunity of serving with him. We do know that it was his interest, his dedication, his faithful work for his constituents and for Manitobans, generally, that were of the first order. Mr. Draffin's interests were wideranging. Within the Legislature he fought for the lowering of the voting age to 18. He worked for strong increases in social services; he worked for tourist development; he was one of the leaders in the long and regretfully unsuccessful fight to retain Trans-Canada Airlines operating headquarters in Manitoba. When that was lost the maintenance base followed.

He was particularly interested in matters of fitness and of health, his battles over conditions in some of

Manitoba's mental hospitals were, indeed, vigorous; it paid off as new developments followed. At that time, in assessing the activities of MLAs, the Winnipeg Free Press described Mr. Draffin as the most athletic. The paper was not wrong for his athletic activities extended far beyond this Chamber. Only two years ago he was inducted into the Manitoba Sports Hall of Fame for his accomplishments as a builder of soccer in Manitoba, a sport in which he was an active participant, a builder, a promoter. His main interest was serving people, serving his community.

He began his political career early in his life, served as a Councillor for the Village of Brooklands, as well as a member of this Chamber. He helped organize a Volunteer Firefighters Association of Brooklands; he was a member of Riverview United Church, the Sons of Scotland, was an honorary member of the Manitoba Sports Federation. Up to the time of his death last December 19th he was a member of the Princess Elizabeth Hospital Guild.

Mr. Speaker, in all of his activities, athletic, political, community, he was a man of the people, committed to helping his fellow citizens and determined to build a more just, a more decent society. Manitoba is, indeed, the poorer for his passing.

We do pay tribute to him today, and it is my honour to vote, seconded by the Honourable Member for Assiniboia, that this House convey to the family of the late Ernest Richard Draffin, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement, sincere appreciation of his devotion to duty in a useful life of the community and public service; and that, Mr. Speaker, be requested to forward a copy of this resolution to the family.

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

**MR. R. NORDMAN:** Mr. Speaker, I am pleased to second the motion that has been presented before us. I knew Ernie Draffin very briefly. My association with him was actually through our mutual affiliation through soccer. This was a great love of his; and as Mr. Premier has said, he was installed into Manitoba's Sports Hall of Fame in 1981, in recognition of his work not only as a player but as a founder, a builder, in soccer for Manitoba.

I really wasn't aware of his political activities until making my maiden speech in the House. I was doing some background work on Assiniboia and this is when I found the name of Ernest Draffin as being the representative for my constituency. He served in that capacity, as the MLA for Assiniboia for some four years.

Prior to that, he had been very active in political work. He was a councillor for the Village of Brooklands, he stood for election on three other occasions. In 1949 he was defeated as the CCF candidate. He was in opposition to coalition. I imagine that that is possibly what brought about his defeat. Again in June of 1953, he stood for election in the electoral division of St. Andrews, but was defeated there as well. Again in 1958, he stood for election, representing the CCF Party in Fort Rouge. So, his interest and his concern for the parliamentary procedure is well shown throughout his life.

I personally would like to add my condolences and regards of our party on this side to his wife and family.

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

**MRS. D. DODICK:** Mr. Speaker, it is a great honour for me today to support the First Minister's Motion of Condolence and to pay tribute to the late Ernie Draffin, who made his home in Riel.

Ernie was born in 1909, in Weston, Manitoba. He received his early education at the Red School in Brooklands area. In 1925 he took a position as a telegrapher with the C.N., a post which he held until his election to the Manitoba Legislature in 1945 as a CCF member. Upon leaving the Legislature, Ernie returned to the C.N., where he was employed until his retirement.

In most cases, in which this House pays tribute to past members, Mr. Speaker, we are told of the their involvement in the ongoing debate and their various Legislature achievements and of their contributions made in the service of the people of Manitoba. In the case of Ernie Draffin, however, such a review is not really possible for his period in this Assembly was brief and it was less than a term. He received his seat in a by-election in 1945 until a subsequent general election. However Ernie's personal legacy as an elected member may be slight, the legacy of the movement of which he was devoted had an everlasting impact on this province.

Born in 1909, Ernie Draffin lived through the worst disasters of this century. In the years when he was formulating his social and political ideas, Ernie experienced the full brunt of the First World War, the Great Depression and the Second World War. These events, which have shaped, to an immeasurable degree, the very nature of the world in which we live today, had a profound influence on Ernie. Observing the utter horrors of the world war and the brutal deprivation of the depression years, he came to realize that the only hope of man's future lies in the collective pursuit of freedom, equality and self-improvement. He embraced whole-heartedly these principles which guided the Co-Operative Commonwealth Federation.

Ernie became active in the CCF in its earliest phases. Throughout his life, he remained committed to improving the lot of his fellow man, through the pursuit of democratic socialism. He recognized the fundamental truth that men must joint together, and through the vehicle of government, strive for social, political, and economic equality and improvements. Only through Democratic Socialism, Ernie felt, could man achieve his full potential.

For those of us who have not lived through, or have been so deeply affected by the events which shaped the lives of individuals such as the early founders of the CCF, we must look to the teachings of these individuals and to their examples for our guidance. In my own political development, I have had the great fortune of receiving the guidance of a mentor such as Ernie Draffin. When I first came to St. Vital and became active in the local NDP organization, Ernie was an active and a vital party member. But even more importantly, he was a man who had developed early in his life, a very deep compassion for his fellow man, and who had

applied the compassion throughout his life through his involvements in the CCF and in the NDP.

In my association with him, I was greatly inspired by his undeviating commitment to democratic socialism, by his unceasing pursuit of social justice and for his kindness and infinite capacity to give of himself for the good of others.

With the passing of Ernie Draffin, Mr. Speaker, this Assembly has lost a man devoted to the democratic and collective principles of which self government is based. His party has lost a member committed to the values and the ideas which guides its every action. His fellow Manitobans have lost a very dear friend dedicated to the maintainance and improvement of their own well-being. It is therefore with a deep sense of gratitude for the contributions that he has made to this province and with a profound sense of respect for the principles to which he adhered, and with fond memories, Mr. Speaker, that I offer my deepest sympathy to the Ernie Draffin family and mourn his passing.

Thank you, Mr. Speaker.

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

**HON. A. MACKLING:** Mr. Speaker, I rise to join in tribute of colleagues in this House to the late Ernest Draffin. Ernie, as we all knew him, was a very combative, enthusiastic person. He showed that combative spirit, he loved sports, he was very active in soccer, he showed that same enthusiasm for the life of this province. He was a committed democratic socialist, one that believed that government can assist people to a better way of life.

I was privileged in 1945 to have been associated with Ernie's first election victory in 1945. I was proud to be a young CCFer then as I am proud to still be associated with the same movement with which Ernie has worked and fought for so many years.

Ernie was not recognized as a gifted orator in this House, but he was a dedicated individual. He was a product of the days of J.S. Wordsworth. I know that he knew J.S. personally. He was one of those people, who like many others in Manitoba, were inspired and continue to live by the inspiration of the social gospel of J.S. Wordsworth.

Mr. Speaker, I am proud to be associated with the eloquent tributes that are being paid to Ernie this afternoon and join in the condolences to his family.

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

**MR. W. STEEN:** Thank you, Mr. Speaker. I would like to associate my name with the condolence motion of Mr. Ernie Draffin. It was some 10 years ago that a committee was struck in the City of Winnipeg between the Winnipeg Enterprises and the City of Winnipeg and the Red River Exhibition Board and the Kinsmen Club of Winnipeg and the Alexander Park soccer people, and that committee's goal was to hopefully put artificial turf into the Winnipeg Stadium and have the Alexander Soccer Park property turned over to the Red River Exhibition Board so that they would have permanent grounds associated with the stadium.

Ernie Draffin was the representative of the soccer people and the Alexander Park Board of Directors, and the First Minister made mention of the fact that Ernie Draffin was a fighter. I'll tell you that I have never been in a board room with a person that was a greater scrapper than Ernie Draffin when it came to defending his game, which was soccer, and the facility that soccer enjoyed, which was the Alexander Park. History will tell us that 10 years has passed and that artificial turf does not exist in the Winnipeg Stadium and the soccer people still have Alexander Park. I think one of the reasons why Alexander Park is still there in its present form is because of the scrappiness of Ernie Draffin and his dedication to soccer.

So, Mr. Speaker, I, too, would like to associate with this motion.

**MR. SPEAKER:** Would all members rise for a moment's silence as an indication of their agreement with the motion?

(A moment of silence was observed.)

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

**HON. H. PAWLEY:** Mr. Speaker, I beg to move, seconded by the Honourable Member for River Heights, THAT this House convey to the family of the late William B. Scarth, Q.C., who served as a member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful life of active community and public service; and that Mr. Speaker be requested to forward a copy of this resolution to the family.

**MOTION presented.**

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

**HON. H. PAWLEY:** Mr. Speaker, the second motion that I wish to present to the Chamber today recalls the memory of another servant of this Chamber, William Blakeman Scarth, Q.C., who served as a Progressive Conservative member of this Chamber from June 16, 1958, to December 14, 1962, representing the River Heights Constituency.

In this case, Mr. Speaker, we have sitting members of this Chamber who served with the late Mr. Scarth. Two names that come immediately to mind are my colleague, the Minister of Health and the Honourable Leader of the Opposition. I know they can attest with more direct knowledge than I can to the sincerity, the hard work, the dedication of a member who made an important contribution to the democratic process through which we serve our province.

Mr. Scarth served in many ways; as a member of the Legislature, as a church and as a community leader, and as a serviceman in both World Wars. During World War I, he served with the 8th London Regiment and was awarded the Military Cross for gallantry. During World War II, he served in the Judge Advocate-General Branch of the RCAF.

Mr. Scarth was born on May 24, 1895, raised in Virden, Manitoba, and practiced law in Dauphin, The Pas, and Flin Flon between the two wars. After the last

war, he settled in Winnipeg and was a lawyer here from 1945 until 1968 when he moved to White Rock, British Columbia. He had been called to the British Columbia Bar the previous year and practiced as a lawyer in White Rock, where he died on the 9th of March of this year in his 87th year.

In his service to this Legislature, Mr. Scarth was active in matters of municipal concern and economic development. This House, this province, indeed benefited from his wisdom.

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

**MR. W. STEEN:** Thank you, Mr. Speaker. It's a privilege for me to second this motion of condolence in memory of William Scarth.

Mr. Scarth was the first member ever to represent the Constituency of River Heights, because it was in 1958 that the inner city area of Winnipeg went into individual constituencies to elect one member rather than the previous system that the inner area of Winnipeg had, which was to elect four members from three large wards. So Mr. Scarth was the first member ever to represent this constituency which is my privilege to represent as of now.

I, Mr. Speaker, met Mr. Scarth on one or two occasions. In the fall of 1962, I joined the Minister of Agriculture as an Executive Assistant and met Mr. Scarth on a few occasions just prior to the 1962 election. My mother was a member of the Winnipeg South Progressive Conservative Women's Association executive for many many years and served with Mrs. Scarth; and in those days, the executive meetings were held back and forth between various members in their homes; and my mother was telling me today at noon hour that she was in Mrs. Scarth's home for meetings on numerous occasions and Mrs. Scarth was over to our family home on a number of occasions for meetings.

As the First Minister said, Mr. Scarth served in this Chamber from 1958 and was re-elected in 1959 and then retired in December of 1962, and practiced law for a few years in Winnipeg and then retired, or semi-retired, perhaps one might be better to say, to White Rock, B.C., where he practiced law with his son who, I understand, is still practicing law in B.C.

So, Mr. Speaker, it is indeed a privilege for me, as the Member for River Heights, to second this Condolence motion.

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

**HON. S. LYON:** Mr. Speaker, I should like to associate myself and the Official Opposition with the words that have been spoken by the First Minister, and the Member for River Heights, with respect to a man who was a friend to me, who was elected with me, at the same time in 1958, and who served for two terms. He was elected in '58 and then again in '59 and served through a full term until '62 when he decided not to seek re-election again in the election in December of that year.

William Blakeman Scarth was, first and foremost, a gentleman to all. He not only departed himself as a gentlemen, he looked like a gentleman. He was always

sartorially extremely well turned out. About two months from now you would find Bill Scarth coming into his seat, in the second row on the government side of the House, always well turned out and always with a fresh pansy in his lapel button; fresh every morning as he left his well-tended garden at home and he brought that bit of brightness and freshness into the House with him.

He was a very courtly man, and he was, not only trained in the law, he was a good practicing lawyer. He came from a pioneer family, the Scarth family, who originally settled in the Virden area, indeed, their name is still emblazoned on communities or hamlets that have disappeared from that area now. His nephew still carries on the practice of law in the City of Winnipeg and, indeed, his son, William, as my colleague has mentioned, carries on the practice of law in British Columbia.

Bill Scarth was, as the Member for River Heights has said, the first individual member elected from that constituency and reflected the view and viewpoints of that constituency in a very able way in the House. He was not, as I'm sure the Minister of Health will recall, an outspoken member of the House, but he had strong beliefs and he expressed those beliefs in a firm way, but always with that kind of decorum that he attached to the House. He was proud of his service to his country in two World Wars and he carried through with that service through carrying on in the Fort Rouge Legion, and with other veteran associations, where he was well and favourably known. He was an avid golfer; he loved to get out on the golf course and to keep in shape. I think that helps to testify to his longevity because he enjoyed good health in his later years and, indeed, did keep up the practice of law for a number of years after he left Manitoba.

He served this province in a very distinguished way in many capacities; he was always a pleasure to work with in caucus and in government councils; and he was missed when he left the Legislature in 1962.

So, Mr. Speaker, I join with the expressions of condolence to Mrs. Scarth and to his son in the loss of a friend; in the loss of a man who made an outstanding contribution to the public life of our community.

**MR. SPEAKER:** Would all members rise for a moment's silence as an indication of their agreement with the motion?

(A moment of silence was observed)

## ORDERS OF THE DAY

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

**HON. R. PENNER:** Thank you, Mr. Speaker, would you please call second reading on Bill No. 12, The Water Rights Act.

## SECOND READING - GOVERNMENT BILLS

### BILL NO. 12 - THE WATER RIGHTS ACT

**HON. A. MACKLING** presented Bill No. 12, The Water Rights Act, for second reading.

## MOTION presented.

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

**HON. A. MACKLING:** Mr. Speaker, in introducing this bill I would like first of all to indicate some general statements in respect to the importance that I attach as Minister of Natural Resources to the subject matter of this act.

Mr. Speaker, at this time of our calendar year, as I have indicated in reports to this House, all too frequently we are concerned about the negative effects of water in this province. In the spring we have the benefit of the flushing action of the rivers and streams swollen from the melted winter snows rushing their way to the sea. That has a beneficial effect on our rivers and streams, but all too often, as is the case this year, there is an excess of water in some of our rivers and streams and it finds its way into areas where it creates a problem. Such has been the case over the course of the history of this province and I'm sure that it will continue, despite the best efforts that we have to try and control and regulate what is a marvellous resources, but at times can produce devastating damage to people in the province.

I guess, Mr. Speaker, one could draw an analogy between water and fire, the two great substances or resources that man has been able to utilize over his history - I say man and woman - over the history of life on this planet, both of which have fantastic benefits, but both of which can create havoc and create vast damage.

Mr. Speaker, we are very fortunate in this province being the recipients, not only, of snow and rain that accumulates on the surface of lands in Manitoba to give us the vitally refreshing base for agriculture and forestry in this province to nourish the plant life that we have here, but we also are the recipients of waters that flow from both the east, south and the west that produce, in our collected water system, a tremendous resource of very substantial value when it is utilized in the many forms in which we are able to use it both for recreation, for hydro-electric generation through our systems on rivers and streams.

Mr. Speaker, we treasure this resource, both opposition and government, succeeding administrations, and we are concerned to ensure that this resource remains in its best condition, not only for our present time but for generations ahead. So it is we are concerned with any matters that significantly affect the quality of our water.

Mr. Speaker, in North America we have areas that, unlike Manitoba, have a very significant scarcity of this marvelous resource and I know I'm not overstating the importance of water. I know that honourable members on both sides of the House recognize that throughout the world the availability of water has meant a continuation of prosperous civilization or a disaster. We know when we look around the world at areas where, for whatever reasons, there has been a denigration of the environment, trees have been removed, land has been cultivated that should not have been cultivated, and those areas have lost their water base, they have become deserts. This has happened and is happening;

not only in places like Africa but it is actually happening on our continent and people everywhere are becoming concerned about the preservation and the conservation of a resource which we cannot live without. It's that important.

Mr. Speaker, I would like to touch briefly on the history of water regulation in the province. In 1894 with the passage of The Northwest Irrigation Act, The Dominion Act established the basic concept that the right to the use of all water is vested in the Crown, which may then allocate water only to persons who obtain a licence from the government. This principle varies from the riparian doctrine of water use in that it permits the allocation of water to lands not adjacent to the water course. That Act, therefore, permitted the development of irrigation districts in the arid areas of the southern prairies.

On the transfer of the resources to Manitoba in 1930, the present Water Rights Act was passed enshrining the same principle as The Dominion Act. Since 1930 The Water Rights Act has been amended on several occasions to endeavour to meet changing conditions in the water development programs in the province. Up until the late 1950s there was a passive attitude to the administration enforcement of the Act.

In the early 1960s, recognizing the need for better management of the resource, a licencing system was initiated and efforts were made to control the construction of unauthorized works. The Water Resources Branch raised several situations which appeared to be in contravention of the Act. However, the Attorney-General's Department had felt that the Act did not provide sufficient authority for the province to take action to have them removed.

During 1966 and 1967 a completely new Act was prepared. However, it was not submitted to the Legislature. The increased demands for the use of this limited resource in southern Manitoba and the droughts of 1976, 1977 and 1980 highlighted the problems and the need for a new Act. The present proposal is essentially the one proposed in 1966-67 as it anticipated the problems and the controls on development which have been identified by the water users over the past 10 years. It also includes the recommendations of the Manitoba Water Commission concerning management of ground water and as honourable members will recall, last year I indicated my concern for water resources in this province and referred, in terms that were perhaps as strongly generous as I could, to the findings of that commission. It was an excellent report and it highlighted the importance of action to preserve the quality of our water in this province.

Mr. Speaker, water is probably the most difficult resource we have to manage. As honourable members know, to the west of us we have conditions where we have a rapid run-off, the water leaving the escarpment to the west creates problems but once gone, the lack of water is a problem and there is concern for the amount of usable water that's available in some of our most fertile areas.

Mr. Speaker, I would like to refer to the continuing growth or demand for water in this province. One of the difficulties we have with this resource is that once a demand has been met, that demand remains relatively constant, it's not something that you can, like a tap, merely shut off. It is a demand that is based upon

industrial or agricultural use and those demands have to be met over an extensive period of time.

Mr. Speaker, I know that people who have developed a reliance on an available supply of water look with grave concern when anyone mentions any change in water supply or in any rights affecting water. Mr. Speaker, I think that we should look at what has happened in other parts of Canada in respect to water demand.

The figures in the last chapter of the Prairie Provinces Water Board demands study - indicates the trends that we have yet to experience in Manitoba. For example, in agricultural water use, especially irrigation, members may have noticed that while Manitoba's increase has been 57 percent over the period 1951-1978, Alberta's has been 129 percent, and Saskatchewan's 190 percent. What is interesting to note, as well, based upon some recent work done by the Canada West Foundation, is that given the size of existing foothills and prairie rivers, existing natural flows, even with the additional on-stream and off-stream storage, we cannot meet future demand if that demand includes increasing irrigation acreages by four to eight times.

Mr. Speaker, I mention only another concern of which we must be aware. Demand for ground water for irrigation has risen dramatically. Four licences were issued in 1979; 49 licences were issued in 1982.

Mr. Speaker, the reasons for this bill, I will now outline in some detail and indicate some of the specifics that are provided in the bill itself. I might say that amendments were made to the 1930 Act as alluded to, but it was felt that an entirely new Act should be brought forward.

The principles of the new Act provide for the allocation of water in Manitoba, as it is in all four western provinces, by an administrative mechanism of licencing. In the provisions of the bill, the use of water is prioritized in this order of priority: Domestic use; municipal use; agricultural use; industrial use; irrigation; and any other use. Every licence must be reviewed in the light of both other demands upon the resource and the date of filing. Any person wishing to construct or establish works to divert water, must apply for a licence to do so. Licences have precedence according to the date on which the applications are filed. Priorities of purpose for water used, is specified as I indicated earlier.

On the transfer of an estate or interest in land, any licence in the name of the owner will expire unless the Minister transfers the licence to the new owner. Another provision is that the Minister may remove any unlicensed works. This also applies to those natural or problem areas of beaver dams and any natural obstructions that divert a flow of water. I recall the other day, in an aside, or perhaps it was a serious concern, the Member for Arthur indicated that there has been an ongoing problem in respect to natural blockages in the Souris River, tree debris and things like that caused by periodic flooding in our watersheds.

Mr. Speaker, the bill also provides that the Minister may require an applicant to submit plans and data relating to proposed works. It further provides that where a licensee fails to use water, as authorized by the licence for a continuous period, for a specified period, the Minister may then amend or cancel the licence.

The bill further provides that the Lieutenant-Governor-in-Council may make regulations regarding

the term of licences, the returns, reports and statements to be submitted by licencees as a basis for the department to monitor the use of water to ensure compliance with the terms of the licence.

The bill further provides that the Minister may order any non-licencee to cease using or diverting water. For the purpose of enforcing this order, the Minister or person authorized by him, may enter the licencee's land and take such steps as are necessary to prevent the use or diversion of water or remove the works.

The cost is chargeable to the person who is responsible for the works, or against whom the order was made. The bill further provides, that where appropriate, appeal procedures and compensation procedures are provided against orders by the Minister. Honourable members will probably, as I did when I reviewed the Act, look with some concern about what appears to be a significant toughness to the Act in respect to the powers of the Minister to deal with problems in respect to works or diversions of water. However, members will hopefully recognize that the Act also provides a comprehensive appeal mechanism for people affected by orders made by the Minister in respect to enforcement provisions of the Act.

Mr. Speaker, I believe that the measures contained in this bill will be accepted as fair and equitable and improve our administrative capacity to respond to future demand. However, Mr. Speaker, we cannot tune our management water through changes to a single Act. I am confident that there will be the necessity for changes, alterations in the future to other pieces of legislation. As honourable members know, we have conservation districts and we have concerns within those districts in respect to conservation of water and water control devices.

Mr. Speaker, I would also like to make a plea to the public at large, to the manufacturers of equipment, to our researchers and to our prime users of water, to establish habits and methods to reduce consumption. We are, Mr. Speaker, a waste society. I say that in not a derogatory term, we have been styled and used to discarding far too much and as a consequence, we use up a far greater portion of the world's resources on a per capita basis than do other areas of the world. This is certainly true also of our water use. Too often, we squander our water. We waste it and we are concerned, of course, in those charged with the husbandry of water, to ensure that water is not wasted, that where water is used for irrigation, then that irrigation is sensible and properly controlled.

Mr. Speaker, these are some of my concerns in respect to this bill. There is no question but, as I have indicated, the demands for water are increasing. We have ample reserves. We are concerned to protect those reserves from pollution, from over use and from any abuse.

Mr. Speaker, I commend the provisions of this bill to the House. It has received consideration. It has, through my department, been brought to the attention of the spectrum, and hopefully a broad spectrum of the industry affected. I am sure that there will be observations, submissions made to the committee and I will be happy to hear those submissions, but I am hopeful that the provisions in this bill are as I've indicated, recognized to be fair and reasonable by all those who will be affected by it.

Thank you, Mr. Speaker.

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

**MR. A. DRIEDGER:** Mr. Speaker, I wonder if the Minister would submit to a question of clarification.

**HON. A. MACKLING:** Yes, Mr. Speaker.

**MR. A. DRIEDGER:** It was my understanding in the Minister's remarks that in areas where a licence has been issued for the use of water, either for irrigation or for whatever use, that if a person passes away or sells his property, that licence is terminated then and goes back to the Minister's discretion as to whether a continuing licence would be issued. I was a little confused, in terms of his remarks, as to whether that licence could be transferred. For example, where an irrigation system has been set up and is in place and the individual sells that property, whether that licence could then be transferred or not?

**HON. A. MACKLING:** Yes, Mr. Speaker, it can.

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

**MR. H. GRAHAM:** Thank you, Mr. Speaker. Mr. Speaker, in rising to speak to this bill, first of all I think I would like to commend the Minister and the former Minister of Natural Resources, because a bill of this significance doesn't just pop up overnight. It takes a considerable amount of work; it takes the encouragement of the Minister to proceed, and I know the efforts of the former Minister, as well as the efforts of this Minister, have finally produced a bill that is going to have significant impact on all of Manitoba.

Mr. Speaker, I hope that impact is going to be beneficial because I do become alarmed from time to time when we pass laws; that we do from time to time allow Legislative Counsel, or various employees who are charged with the responsibility of protecting this and protecting that, to quite often write into legislation procedures and obstructions that do not, in my estimation at times, serve the interests of the public of Manitoba.

So I think we have to be very careful when we're drafting legislation to make sure that we don't lose sight of what we are trying to do when we propose legislation. If we put too many roadblocks in front of the operation of the legislation then it's not going to be effective legislation. If we put too many encumbrances on those that are intending to use it then it will not become effective legislation. So I say to the Minister that you have to have a delicate balance so that the bill can operate effectively and efficiently, so that one member of society can live in harmony with another and use this instrument for their mutual benefit without having too much red tape to go through to do what they want to do. That's pretty fundamental in society. I think it's important for everyone concerned that there be an element of fairness and simplicity to the Act that makes it easy for all to understand.

Today, Mr. Speaker, I want to deal with maybe four items in this that caused me some concern, and possibly

make some suggestions to the Minister which I think would be beneficial and might improve the legislation in such a way that it would make it more easy to operate and more in line with what people in Manitoba would appreciate.

I would refer first, Mr. Speaker, to a section which deals with the changing of title to land, and a matter that was raised by the Honourable Member for Emerson. The proposal that we're having put forward to us here is that on any change of property, regardless of what type of arrangements and negotiations and agreements have been made beforehand, that those cease to exist the minute that property changes.

The Minister can renew any existing agreements, but the Minister has the discretion whether or not he will renew them, and I would suggest to the Minister that this will cause a great deal of consternation because of the lack of certainty that would exist in many people's minds. I would suggest to him possibly what I consider to be a better way. Would it not be better, in a transfer of land, to ensure that all agreements that have previously been made are automatically transferred unless the Minister, if he wishes to, registers a caveat which cancels it. I think you arrive at the same position, but you are assuring people that you have confidence in them, instead of having an antagonistic approach to it you then have a co-operative approach to it.

So you're doing exactly the same thing but you're going at it from a different way. Instead of telling everybody that their agreements, that all agreements, automatically cease when you transfer land - and that causes alarm to everybody - you turn around and you say that all those agreements will continue to remain in place unless a caveat has been registered, and the Minister is doing exactly the same thing. If he wants to terminate whatever agreement was there he can do it this way; if he wants to terminate it the way he is proposing he can do it by refusing to grant a new application, but it also eliminates a great deal of paper work. Now maybe the Minister is interested in providing more jobs, more bureaucrats with more work to do, but I don't see any reason why a person transferring a piece of property, and where there's a reasonable assurance that whatever agreement existed before is going to continue to exist, why should he have to go through all of that procedure, the paper work, making the applications and sitting and waiting to see whether or not the Minister is going to grant it.

So I would suggest the Minister take that into consideration when this bill goes to committee. I think it's a point that is well worth considering and one that I suggest would meet with much greater approval from the citizenry at large.

The second issue that I would like to deal with, Mr. Speaker, is a matter that the Minister raised before, and that was the issue of beaver dams. In my area, in the fast water area of western Manitoba, perhaps we are more familiar with the problems that can occur with beaver than some other members in the other parts of Manitoba. But there is a part in there where the Minister says that "the Minister or any person authorized by him may open up, remove or destroy, or cause to be opened up, removed or destroyed, (a) any dam constructed by beaver; or (b) any natural obstruction; and for that purpose may enter upon or cross any lands; and neither the Minister nor the person

so authorized by him for the purpose is liable for damage to land or persons arising out of anything done without negligence under this section."

That causes a little bit of concern to me, Mr. Speaker, because I have seen cases where people, with the best of intentions, in fact have been requested to do so in the general interests of society at large, where they have gone in and destroyed beaver dams and society generally benefited, but because of maybe the imprudent destruction of the dams at maybe the wrong time, they have caused irreparable harm to individuals immediately below the dam.

The Minister is now stating that there is no, he's clearly outlining it, so that there can be no responsibility or any charges or any claims for damage laid as a result of the action of destroying beaver dams. I have a tendency, Mr. Speaker, to agree with that provided that every avenue is explored before that beaver dam is destroyed. I know that doesn't always occur. I know that where beaver dams have been destroyed in the past, if they had just taken two hours to warn the farmers downstream, that there could have been a lot of feed and grain salvaged that was destroyed because the farmer downstream was not even made aware of what the Minister's agents were doing.

So, I suggest, Mr. Speaker, that I'm not entirely happy with the inclusion of this section which removes any possibility of compensation for damage, because of the negligent attitude taken by someone acting on behalf of the Minister. I would hope the Minister would consider this quite seriously, because it comes to a point of whether or not negligence can be proved. In some cases it's not negligence, it's ignorance, and is that negligence?

So I would ask him to look at that again, and in doing so, give us the benefit of his considered judgment, because we don't want to remove from the bill, the ability to remove beaver dams. We must be able to remove beaver dams, but it must be done in the manner that doesn't prejudice the farming activities of those farming or any other activity of those living downstream.

The third point that I would like to ask of the Minister - I know he has power in here to enter into negotiations with the Federal Government - but I would like to ask the Minister what negotiations have gone on with the Federal Government with respect to the operation of Riding Mountain National Park and what are the probabilities of the province being able to enter into an agreement with the Federal Government giving them authority to go into the Riding Mountain National Park for the very express purpose of removing beaver dams. I think that's very important to the people in western Manitoba on the southern escarpment and I'm sure also on the northern escarpment of the Riding Mountain, because the No. 1 problem that has occurred in the past is the vast impoundment of water within the Riding Mountain National Park by beaver dams and the inability of those below to have any course of action available to them to remove those dams.

So when the Minister is closing debate, I would hope that he would give us the benefit of his knowledge of what negotiations have occurred with the Federal Government and what are the probabilities of being able to enter a satisfactory agreement on that particular issue.

The last point I want to raise, Mr. Speaker, is again in the realm of the Minister in his duties as Minister



to enter into negotiations with other governments. In this case, I'm not referring to the Federal Government, I'm referring to the Province of Saskatchewan. I would assume that it might possibly occur with the Province of Ontario too, because we do have water coming in from Ontario. The problem we have with water coming in from the States, unfortunately, the Minister doesn't have the authority to enter into direct agreements. That authority lies clearly with the Crown.

We do have a problem in western Manitoba along the boundary where there has been in the past rather indiscriminate drainage, land clearing, draining of sloughs and the resultant flooding of small streams that have become large streams as the result, and the impact it has on Manitoba once the water crosses the boundary and before it gets to the Assiniboine River. There's a small strip of land in the Russell municipality; I'm sure there's some in Roblin municipality; Shellmouth municipality - I shouldn't say Roblin municipality; I should say Shellmouth and Shell River - where there is damage caused by probably Water Rights Acts that are passed in another jurisdiction that may be don't have the same teeth in it that ours have. The Province of Manitoba suffers for very short periods of time and the people involved can only rely on the Province of Manitoba to negotiate on their behalf for settlement of damages.

So that's a field that I would like the Minister to elaborate on when he is closing debate on this bill. I know there are problems out there and I would hope that the Minister would take those things into consideration and talk with the municipalities, especially the municipalities along the western side of the province where drainage and water rights types of problems are liable to exist.

Those, Mr. Speaker, are the basic concerns that I have with this bill. I think it's a good piece of legislation, I know it's been a long time in the works and I hope to see some changes made, probably when the bill goes to committee and I look forward to hearing the Minister's remarks when he closes debate. I know there are other members that probably want to speak on this and I would like to hear their remarks as well.

I thank you.

**MR. DEPUTY SPEAKER, S. Ashton:** The Member for Emerson.

**MR. A. DRIEDGER:** Yes, Mr. Speaker, I move, seconded by the Member for Portage la Prairie, that debate be adjourned.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, would you call the adjourned debate on second reading of Bill No. 14, standing in the name of the Member for Kirkfield Park.

## ADJOURNED DEBATES SECOND READING - PUBLIC BILLS BILL NO. 14 - THE ELECTIONS ACT

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

**MRS. G. HAMMOND:** Thank you, I have few concerns about Bill No. 14. I would like to first say that I agree with my colleagues who have talked about the section on British subjects and I don't intend to deal with that myself.

I would like to speak briefly about Section 13, the withdrawal of candidates - and I see that in this section they are suggesting that a candidate can withdraw up to 24 hours before election day. — (Interjection) — I realize, Mr. Speaker, that I can't talk section-by-section but I want to just generally deal with this subject.

In the review by the Chief Electoral Officer, his basis for review was that the printing of the ballot paper is delayed at least 24 hours during the period for withdrawal and the time might be crucial for the holding of the advance poll and, I think, that's basically in conflict with one another. Because when you have a name of a candidate on a ballot and people go out to vote and they vote for that person and then he withdraws after they voted in the advance poll, I think that this disenfranchises the number of voters and I would be extremely concerned, myself, if I had voted for someone and then they turned out to have withdrawn. I really do feel that that's a section of concern and should be looked at in committee and I'm highly critical of that point.

I don't think that we want to do things just to facilitate possibly the election part, I think what we're looking at it as making it as easy as possible for voters to vote. I believe that that is really in conflict, I think that it's open to abuse, the closer it gets to election day and someone withdraws and, I think it's practically impossible to have the electorate know about this in advance. I don't think anyone would feel very kindly either to the person who's withdrawn but possibly to the people that are involved and to the returning officer in particular who usually has enough problems with irate voters for one reason or another. I think that's probably a problem that maybe had not been thought of in this concern and I would like certainly for that to be looked at during committee.

The other concern I have is the continuous advance poll. I feel that when you have enough days, after nominations have closed, for advance poll I think everyone gets a chance to vote at the advance poll. I find that the safeguards that are in the advance poll where we can have a scrutineer, each party can have a scrutineer if they would like, I think this is a safeguard that you don't have at the returning office, I think that's another concern. Also I think they've added a time frame that is really too limiting. The times from 12:00 to 6:00 o'clock, certainly in the area I represent most people are not anywhere close to the constituency for noon hour and if it was extended to 8:00 o'clock would be a much more practical solution to that.

I think the continuous advance poll is open to abuse and what's the point of having an election day if everyone's going to run in and vote and certainly I think every party wants their confirmed voters to get in and vote ahead of time if they get a chance. I don't know that - I think it should be and I think there should be days the way we have had it and I felt at the last election

it worked particularly well. I think that to have things on a continuous basis, I don't see the necessity for that.

The section that I would be particularly concerned with and I think most members on this side of the House are, is, of course, the vouching. It is one of the areas that the Chief Electoral Officer states that they do not make a recommendation for change in this area because it is open to abuse and even further to having people vouch, I would personally see two pieces of identification. I don't think there's anything wrong with having people having to identify themselves if they're not on the rolls. Certainly if the enumerator goes around they find them right in their home and if, for some reason, they're missed and they want to get on the list, I don't find a problem with someone being asked to produce identification. To just leave it open for someone to come and write a name down and sign an oath I think is really highly impractical.

Certainly if someone doesn't know a person in the area they have no problem going to the candidate that they are choosing to give their vote to and asking them to have someone vouch for them. I would be very secure in my mind asking anyone to vouch for someone if they had identification. But certainly, myself, I would be very hesitant to take someone to the polls that I either didn't know or they couldn't prove that they lived in the spot that they were in. I think that that particular section is just really leaving things very open to abuse. I find that although we all want everyone to have the chance to vote, I don't think we want to leave anything open where we have challenges to voters. That doesn't help anyone. This is, of course, what parties would certainly have to start doing in many numbers. I think that the idea of vouching, of having someone to vouch, is a very safe way of doing it. I would add the pieces of identification. There have been areas where the elections have been controverted and we have had this sort of thing going on where we have people going from poll to poll. It's not something that happens all the time, but I don't think we want to leave that area open to the kind of abuse that there might be. I hope that we will be able to deal with that in committee and I hope that the Attorney-General will take that into consideration when he's looking at it.

The next area, and it was dealt by the Member for St. Norbert, is the area of the marked ballots. Now, I've never had any problem in an election accepting any kind of a mark other than an identification, initials on a ballot. But when you start accepting two marks on a ballot and then, as it's said, without any apparent intention of identification, I believe were the words used by the Chief Electoral Officer - well, that's open to interpretation right there. How do you know that there is not any apparent intention of identification? We don't know that. I think that the idea of one mark beside the name in any way is sufficient. I would like to see us take a good look at that because it's very easy to have a number of people say, well, look, I'll put an X and a check on my ballot, then you're going to know that I voted for you. I don't think we want to look at that sort of a thing. I think one mark on a ballot is sufficient. It really doesn't concern me if it's a no, a tick or a dot or whatever it is, because you do want people that go to the polls to have their vote accepted, whatever party they choose to support. The idea certainly isn't to discount a ballot.

There are a few other things that I hope that we will deal with in committee, but I would hope that the Attorney-General would take a look at some of these concerns that we are expressing because it certainly has to concern all members in this House that they make it as easy as possible for people to vote, but at the same time don't have it in such a manner that we have to worry about people abusing the system. Although we like to believe that everyone is honest and will do the right thing, that isn't necessarily also the case.

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

**MR. H. GRAHAM:** Mr. Deputy Speaker, I would like to move, seconded by the Honourable Member for St. Norbert, that the debate be adjourned.

**MOTION presented and carried.**

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

**HON. R. PENNER:** Mr. Speaker, will you please call the adjourned debate on Bill No. 16, standing in the name of the Member for Pembina.

### **BILL NO. 16 - THE OIL AND NATURAL GAS TAX ACT**

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

**MR. D. ORCHARD:** Thank you, Mr. Deputy Speaker, I want to speak briefly to Bill No. 16. Bill No. 16 is a very very small bill. I'm just in the midst of my notes here, I have either folded it back in and have to search it out again. Bill No. 16, on the surface, Mr. Speaker, really doesn't do a great deal. It simply changes the year 1983 and replaces it with the year 1987 and provides retroactivity to that simple change of year.

So the bill by itself is indeed to any observer, who may not appreciate the background to it, a relatively mundane sort of an amendment, and one would wonder why it would be before the House. I guess therein lies an excellent lesson for many of the new members on the government side of the House, the Attorney-General, our two lady friends that are now sitting in the second row there, and the Member for Inkster. Particularly, the Member for Inkster because if he were to read back a speech made on a bill that goes back to 1979, I believe, by the then Member for Inkster, it would be a most interesting exercise for this Member for Inkster to read the current line of thought in the N.D. Party at the time.

The N.D. Party from time to time makes the position that any sort of change in taxation in the resource industries by a Conservative administration is a resource giveaway. That, Mr. Speaker, was even the theme they used in the last provincial election. The present Minister of Finance was one of the more vocal ones about resource giveaways, and the other confusion that they put before the people of Manitoba in their election campaign. Resource giveaway was the N.D. Party's buzzword of the election and the clear connotation that they were trying to paint during the election campaign

was that the Progressive Conservative Government was going to give away the resources of the province and that the people of Manitoba would not benefit from any resource development by any changes to taxation in the resource industry that the Progressive Conservatives might propose. It was the big giveaway scheme that they complained about. It received a lot of fanfare; it received a lot of attention. Mr. Speaker, you might be particularly interested in knowing because you come from a town, represent a community, that is very much resource based in the Province of Manitoba. As a matter of fact, the entire communities of Northern Manitoba are very much resource based. The N.D. Party when they were opposition really took issue with some of the things we did and one of the things they took issue with was our changes that were made in 1979 to The Oil and Natural Gas Tax Act. They termed them in those days as resource giveaways.

The First Minister is really a notable one in his comments about the oil industry and what the oil industry may or may not do in the Province of Manitoba. The NDP, during the Schreyer years, attempted a lot of exploration in oil. They were successful to the tune of spending some \$900,000, and in return for that \$900,000 expenditure, they get an annual return of approximately \$20,000 per year. I don't know what that would be in terms of a percentage return, but it's certainly less than 1 percent; it's more like a quarter of 1 percent or less. They held that out, as they are holding it out now with the bill to create the Manitoba Oil and Gas Corporation as their little window on the industry. Well, their window on the industry in the past has been very very much a failure, and we have a number of concerns about their new-found election promise, one of the few ones they appear to be going to keep in establishing the Manitoba Oil and Gas Company.

But it's interesting that back in 1977-78 we noticed a rather interesting development along the US-Manitoba border in the southwest corner of Manitoba. There were a number of actively producing oil wells immediately south of the 49th Parallel and we thought that the oil must extend into Manitoba, we were pretty confident of that; couldn't understand why the oil wells were in North Dakota and not in Manitoba. The answer came back quite clearly that our rate of taxation, etc. was not competitive with neighbouring jurisdictions, therefore, exploration for oil and development of oil that no doubt was in Manitoba just wasn't happening. So we took a very correct and a very reasoned step and we made our taxation scheme in Manitoba competitive and complementary with neighbouring jurisdictions.

The now First Minister, when he was Leader of the Opposition, put on the record a statement that I know has been quoted and I think deserves quoting again. Mr. Speaker, he said, and I quote, "If the Minister," and he was referring to my colleague, the MLA for Turtle Mountain, when he was Minister of Natural Resources and Mines of the province, he said, "If the Minister is of the view that by offering some tax concessions, which I believe the Minister himself has suggested will be modest in nature, that suddenly there is going to be a flood of oil company activity in this part of Manitoba, then indeed he is a foolhardy visionary here." That's what the First Minister said back in 1979.

Now, as is often the case, the First Minister was half right. This government and the then Minister was indeed visionary, but he was half wrong, as is normally the case, in that the government nor the Minister were foolhardy. Indeed, the proof in the pudding is demonstrating that the present First Minister was the one that was indeed foolhardy, and remains foolhardy today because, by changing those taxation regulations, we now have oil activity at a greater rate than we've ever experienced in some 25 years in this province, and it is continuing and it is going to continue because of this one-page amendment in Bill 16.

**HON. R. PENNER:** Nothing to do with world oil at all.

**MR. D. ORCHARD:** Mr. Speaker, the lesson that the ND Party has obviously learned is that they have to be, from time to time, competitive, and if they're not competitive then they can kill an industry in Manitoba; they can kill a resource industry; they can kill a mining town; they can kill a manufacturing industry if they're not competitive. They've recognized that in Bill 16 and they are now eating some of the words they put on the record back in 1979, and I'm proud of them for admitting today that they were wrong in 1979, in that they are now continuing with the identical regulations that we put in place that they criticized; they are continuing with them because they know full well that the development of the oil field in southwest Manitoba would grind to a halt if they did not continue the program that we put in place, and I do indeed agree that it was a visionary program in 1979, that it was one of many things that the Lyon government did to stimulate the Manitoba economy. It is one of the brightest spots in the resource sector that this government, this new ND Government, has to talk about - and I might say, Mr. Speaker, it is the only bright spot in the resource extraction industry that they have to talk about today.

They have layoffs in mines; they have mine shutdowns; they have the prospects of whole towns folding up in Northern Manitoba. But in southwest Manitoba, because of a change in policy and philosophy achieved in 1979, they can boast of one bright spot in the Manitoba resource sector, and that being the oil industry development in southwest Manitoba.

Mr. Speaker, I said earlier that there is a lesson that obviously the New Democrats have learned from the proposed passage of this Act, and that is, that they cannot isolate Manitoba and build a wall around Manitoba through taxation, or any other measure which make Manitobans uncompetitive with the rest of Canadians, with the rest of North Americans, and with the rest of the world. They realize that in the oil industry, by proposing to pass Bill No. 16 - and I congratulate them for coming to the realization that that had to be done if they were going to protect a very bright industry in Manitoba - but I hope that Bill No. 16 is followed by several other bills by this government, wherein they recognize that their taxation measures in the private sector, in the manufacturing sector, are going to make those businesses uncompetitive in Canada, in North America, and in the world, and that they come to the realization that what they do in taxation can very directly affect the number of jobs that Manitobans have.

I say that with the background of an election document signed by the now First Minister in which

he made promises of jobs and not layoffs, of a revitalization of the Manitoba economy. All of those wonderful statements that were made in November of 1981, that the First Minister and his group in government have now had to eat and be ashamed that they ever said they were going to do such things, ashamed that they ever made such promises to the Manitoba people, because already, through their taxation measures, and the one most predominant one, Mr. Speaker, is the payroll tax. Already the payroll tax has probably been the single most important new cause of unemployment in Manitoba that we have seen, because the ND Party insisted on taxing the creation of jobs and taxing employment in the Province of Manitoba, there have been individuals layoffs in the Province of Manitoba in the business community which can no longer afford to keep an additional man or woman on the payroll because of the payroll tax, the tax on employment, which is turning into the tax for unemployment.

You know, it's a hard lesson for the government to learn that their taxation policies are crippling the Manitoba economy. It's going to be an even harder lesson for them to learn that the recovery in Manitoba is going to be slower by a long shot than the rest of Canada because of those taxation policies.

Mr. Speaker, the real problem, and the real sorrow, and the real shame is that while this ill-advised group in government are finding out that their taxation problems are causing unemployment, are causing a slowing of the recovery in Manitoba, the people who are unemployed because of those taxation measures full well why they're unemployed. They could tell the government why they're unemployed. It's the unemployed people that could tell this government the devastation their taxation policies have caused them; the personal hardship that they have caused them. So that . . .

**HON. R. PENNER:** It's a good thing you don't have to rely on evidence. Just hot air.

**MR. D. ORCHARD:** . . . well, you know the Attorney-General is a great one to talk about, "You certainly don't have to rely on evidence." How much more evidence does the Attorney-General need than a 30,000 increase in unemployment in the Province of Manitoba since he has become Attorney-General? — (Interjection) — Does he need the numbers to go to 60,000 more unemployed, or 100,000 more unemployed? Where will the Attorney-General realize what they are doing? How many more unemployed will it take for it to sink into his mind set that unemployment is being caused in Manitoba by their taxation measures?

He obviously understands that the oil industry cannot continue to develop the oil deposits in Manitoba unless we remain competitive with other jurisdictions, because - I'm going to watch with a great deal of interest - but I believe the Attorney-General is going to vote in favour of Bill No. 16. We're certainly going to have a recorded vote on it to make sure that if he doesn't, we can tell people.

I think the Attorney-General recognizes that the oil industry must have a competitive environment in Manitoba to stay. He will over a period of time - I only

hope for the unemployed of Manitoba that it does not take the Attorney-General too long - he will realize equally that he has made Manitoba an uncompetitive place to manufacture the goods and services in Manitoba. He will realize that, Mr. Speaker, at some point in time. As I say, for the sake of the unemployed in Manitoba, I hope he realizes it rather rapidly rather than rather slowly.

I will trust on the so-called wisdom of the Attorney-General to come to that conclusion in the near future, and to sit around the Cabinet table and actively promote the removal of the payroll tax as a method of stimulating employment in Manitoba, not stimulating unemployment as the payroll tax is doing.

When a few more major industries in this province shut down, such as the Shell Refinery, such as Kimberly-Clark, we just don't know what other major industry may be next in the Province of Manitoba. — (Interjection) — But I wonder how many more will have to shut down in the Province of Manitoba before the Attorney-General realizes what his government is doing to contribute to those shutdowns of major industries and the accompanying loss of employment in the Province of Manitoba?

He won't necessarily understand quickly, but I assure him the people who are unemployed, the people who are being laid off because buses cannot be sold, etc., etc., those people understand what the Provincial Government has done to them in the payroll tax. Those employees know that the payroll tax, if it hasn't cost them their job, it has cost them a portion of their next raise. They know that and they attribute it directly to the treasury bench of this government; that this government has taken an additional 1.5 percent out of their pay package, or has caused them to lose their job. They know that; the unemployed know that. They have a great deal more wisdom than the Attorney-General in that.

When we factor in the other things that this government has done and is going to do over the next several months, they're removing the hydro rate freeze one year early. That is going to raise the costs to every Manitoban and to Manitoba manufacturers. How many additional costs do you think the Manitoba manufacturing sector can bear as a result of increased taxation and cost imposed by your government, Mr. Attorney-General, before they are no longer competitive in the markets they must sell into. The more you raise their costs, the more uncompetitive they become and the greater the likelihood that they will not be a part of the Manitoba employment sector.

I hope the realization does not come too late to you.

**HON. R. PENNER:** You sound as if you hope it will happen.

**MR. D. ORCHARD:** Well, the Attorney-General says, "I sound like I hope it will happen."

**HON. R. PENNER:** That's right.

**MR. D. ORCHARD:** I want to assure the Attorney-General that no one on this side wants to see Manitobans without work; no one wants to see packing plants closed; Kimberly-Clark's closed; Shell Refinery

closed. The list goes on and on. — (Interjection) — The Attorney-General has the problem, because the Attorney-General is part of a government that promised there would be no layoffs; that the Manitoba economy would be turned around; that there would be jobs for Manitobans; that no Manitoban would lose his farm or his business or his home; it was the Attorney-General and his leader that made those promise, and it is now those people, because they have broken those promises, that have to justify to the 30,000 more unemployed in the Province of Manitoba what a great job they have done in keeping their promises of more jobs, no layoffs, etc., etc.

It has to be an embarrassing situation for even someone like the Attorney-General to have to live with that record in the first 15 to 16 months of government.

**HON. R. PENNER:** I'm proud of this government, and so are the people of Manitoba.

**MR. D. ORCHARD:** Ah, the Attorney-General says he is proud of this government that has given us 30,000 more layoffs; that has imposed an unemployment tax, the payroll tax; that has removed the hydro rate freeze one year earlier

**MR. S. ASHTON:** What does this have to do with the bill?

**MR. D. ORCHARD:** The Member for Thompson asks what this has to do with the bill. This bill deals with taxation in the Province of Manitoba.

**HON. R. PENNER:** But you're supporting the bill.

**MR. D. ORCHARD:** Taxation is causing, the increase in taxation by this government is causing unemployment in the Province of Manitoba.

**MR. SPEAKER, Hon. J. Walding:** Order please.

The time being 4:30 and Private Members' Hour, when this bill is next before the House, the honourable member will have 20 minutes remaining.

### PRIVATE MEMBERS' HOUR

**MR. SPEAKER:** First item on the agenda for Private Members' Hour on a Thursday is the adjourned debates on second reading. Bill No. 36 standing in the name of the Honourable Member for Morris.

The Honourable Member for La Verendrye.

**MR. R. BANMAN:** Mr. Speaker, I'd like the indulgence of the House to stand that. The member wanted to speak to it, but he's in Swan River on the Agricultural Committee.

### ADJOURNED DEBATE SECOND READING - PUBLIC BILLS

#### BILL NO. 39 - THE TOWN OF MELITA

**MR. SPEAKER:** On the proposed motion of the Honourable Member for Arthur, Bill No. 39, standing

in the name of the Honourable Minister of Municipal Affairs.

**HON. A. ADAM:** Thank you, Mr. Speaker, we have perused this bill and the contents of it. It comes as perhaps an unorthodox manner of passing a by-law, however, in reviewing the contents and hearing the comments from the Member for Arthur that it was an undertaking by the Town of Melita to extend water services to one of the parks there, the mobile home park I believe it was, and that they neglected to proceed and apply to the Municipal Board in order to receive approval for the project and the financing of the project. Now after they proceeded with the project, putting in the water and sewers, and when they went to the Municipal Board, after the fact, the Municipal Board would not deal with it in a retroactive manner. They could not deal with it in that manner so approval was turned down. The Town of Melita has no alternative now but to come to the Legislative Assembly to apply for assistance to have the by-law approved.

Mr. Speaker, I don't intend to speak very long this bill, just to say that we recognize the problems that the Town of Melita are facing and this government is sympathetic to problems of our rural municipalities and the people of Manitoba. It is not very often that this kind of a situation arises but apparently, I understand, that there have been cases many years ago where this kind of legislation has been presented to the Legislative Assembly. We haven't heard any opposition to the bill by any of the residents or ratepayers of Melita, so we feel that we should allow the bill to go to committee and any amendments, or people who have concerns, or individuals who have concerns in Melita, in regard to this proposal, may have their views heard at that particular time.

With those few comments, Mr. Speaker, we are prepared to allow this bill to move to committee.

**QUESTION put, MOTION carried.**

### SECOND READING - PUBLIC BILLS

#### BILL NO. 44 - THE FISHERIES ACT

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

**MR. B. RANSOM** presented Bill No. 44, An Act to amend The Fisheries Act, for second reading.

**MOTION presented.**

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

**MR. B. RANSOM:** Mr. Speaker, I'd like to briefly explain the reasoning and purpose behind this bill. What the bill accomplishes, or will accomplish if passed, and I trust that it will receive the support of the members opposite, is to require the Fisheries Branch, to provide a report to the Legislature every year on the activities within the branch, especially including a review of fisheries allocations. This year we placed an Order for Return to the Minister dealing with that subject and

the Minister filed the Order for Return and we have the information, so it's clearly not something that the government doesn't see in the public interest to be released because they released it in response to the Order for Return.

In addition to that, of course, it requires a five-year reporting, that every five years the government has the obligation to report upon the status of fisheries resources in the province dealing with any species listed in the schedule, and any other species that the Minister may wish to deal with. The bill calls for a five-year review of Fisheries Management Programs carried out by the government in the previous five years, and to provide an assessment of the effectiveness of those programs. It also calls upon the government to provide an analysis of trends and forecasts of demand for the use of the fisheries resource in the province, so that they have to look ahead for a period of five years and make a public statement about how they see the resource meeting the demands that are likely to be placed upon it over the next five years.

It is an almost exact replica of the provision included in The Wildlife Act three years ago and, if my recollection is accurate, Mr. Speaker, I believe that bill, in its entirety, was supported by the New Democratic Party when it was in opposition and it contained this provision. We now have before us the first report filed under that Act just recently tabled by the Minister in the Legislature. It has already received considerable attention and I expect that the Minister will get a lot of commendations on this report from the people who have an interest in the resource. It has required the department to take a critical look at the resource, its capabilities, and how effective their programming has been. That same sort of thing would be expected to flow from this bill dealing with the Fisheries Act if it is passed.

I believe that our natural resources should be managed in at least as careful a manner as the financial resources of the province and this, I believe, goes part way toward requiring an accounting by the Minister and the people responsible for the management of the resource.

With that bit of background, Mr. Speaker, I would hope that I would be able to count upon the support of all members of the House in passing what I believe would be a very worthwhile bill.

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

**MR. D. SCOTT:** Mr. Speaker, I move, seconded by the Member for St. Johns, that debate be adjourned.

**MOTION presented and carried.**

**MR. SPEAKER:** Bill No. 45 - the Honourable Member for Turtle Mountain.

### **BILL NO. 45 - THE FOREST ACT**

**MR. B. RANSOM** presented Bill No. 45, An Act to amend the Forest Act, for second reading.

**MOTION presented.**

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

**MR. B. RANSOM:** Mr. Speaker, this bill simply requires the same reporting requirement that Bill 44 does with respect to The Fisheries Act, and The Wildlife Act does with respect to the management of fisheries. Any comments that have been made with respect to the previous bill also applies to this one.

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

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

**MOTION presented and carried.**

### **RES. NO. 2 - AMENDMENT TO THE NATURAL RESOURCES TRANSFER AGREEMENT**

**MR. SPEAKER:** Proposed Resolutions, No. 2. The Resolution is moved by the Honourable Member for Turtle Mountain, and the amendment thereto by the Honourable Member for Radisson, standing in the name of the Honourable Member for The Pas, who has eight minutes remaining.

The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, in the absence of the Member for The Pas, I would like to speak on this bill.

**MR. SPEAKER:** Can anyone indicate whether the Member for The Pas is going to attend? If not, he will lose his right to continue his remarks on this item.

The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Thank you, Mr. Speaker. I welcome the opportunity to participate in this debate again, and I wish to thank those members opposite and members on this side of the House who have to this point participated in the debate and I expect will participate in it to a further extent.

I would like to try and deal with what I think are some of the major objections to the resolution that have been raised by members opposite. Some of the points have been dealt with by one of the members opposite. Some of the same points have been dealt with by more than one member.

The first one, though, that I would like to comment on is the concern first expressed by the Member for Rupertsland; expressed also, I believe, by the Member for Radisson and the Member for The Pas; perhaps others, who have said that they object to the fact that this resolution singles out one group. The Member for Rupertsland, for instance, said and I quote, "First of all, I must object to the manner in which this resolution is presented. It is presented in a way targeting to one group which are the Indian people."

Mr. Speaker, the reason that this targets on one group of people, which are the Indian people, is because they are the only people who have this right. If there was another group of people who had the right to use any means whatsoever in the hunting of game, then this resolution would have targeted on that group as well, but because Treaty Indians are the only people who have this right, then obviously that is the only group which the resolution could deal with. It is not in any

way intended to single out a group of people for any other reason than the fact that that group of people has a right which no other group of people in the province has.

I would like to review quite briefly, once again, the background to how it came about that Indian people have that right and the province at the moment doesn't have the right to place any restrictions on their hunting practices. I would quote again from Treaty 4, which said and I quote, ". . . and further Her Majesty agrees that her said Indians shall have the right to pursue their avocations of hunting, trapping and fishing throughout the tracts surrendered, subject to such regulations as may from time to time be made by the government of the country, acting under the authority of Her Majesty, and saving and accepting such tracts as may be required or taken up from time to time for settlement, mining, or other purposes under the grant or other right given by Her Majesty's said government."

That was the specific paragraph in the Treaty that gave to the Indians the right to pursue their avocation of hunting, trapping and fishing; but that section in the Treaty also said, subject to such regulations as the government may from time to time oppose. What happened in 1930, when the resources were transferred to the provinces, to the three western provinces, was that The Natural Resources Transfer Act did not adequately transfer that right to impose regulations to the province, even though to a laymen reading Paragraph 13 of The Natural Resources Transfer Act, that would seem to be the case. I will put Paragraph 13 on the record once again.

It said and I quote, ". . . In order to secure to the Indians of the province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game enforced in the province from time to time shall apply to the Indians within the boundaries thereof; provided however that the said Indians shall have the right, which the province hereby assures to them, of hunting, trapping and fishing, game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access."

I take those two things together to mean, Mr. Speaker, that the Treaties provided the authority for the Federal Government to place limitations on Indian people with respect to hunting. That has indeed been borne out by the actions of the Federal Government, perhaps the best known example being the example of The Migratory Birds Convention Act, which places limitations upon the Indian people with respect to seasons of hunting and bag limits. So there is a case which clearly demonstrates that that power lies in the hands of the Federal Government. I believe, as I said earlier, that on reading Paragraph 13 of The Natural Resources Transfer Act, a layman would come to the conclusion that power had also been passed on to the Provincial Government because it said, ". . . agrees that the laws respecting game enforced in the province from time to time shall apply to Indians within the boundaries thereof. . . ." But what has happened since the passing of that Act is that courts have ruled that indeed the province does not have that right.

What this resolution would do, would be to amend that agreement only to the point of limiting the

equipment and the methods of hunting that Indian people could use to the same methods and equipment that everyone else is using. This is not restricting the rights of any one group to be less than those of another. This would put all people on the same basis with respect to methods and equipment. I stress again, Mr. Speaker, it would not place any limit on the right of Indian people to hunt at any season of the year or to take game without respect to numbers; but only to deal with the methods and the equipment that they can use. I find that there is support in comments made by some of the members opposite for our concern about this topic. I find that the Member for Radisson, for instance, says on Page 663 of Hansard, and I quote, "I agree almost totally with this resolution." He goes on to say, and I quote again, "So I have no problem accepting that there be restrictions imposed on hunting in Manitoba for everyone hunting in Manitoba so that there be no means or methods used, such as nightlighting hunting. . . ." That is an indication to me that the Member for Radisson understood what I was trying to accomplish with this resolution and supports the objective that is embodied in this resolution.

That is not the case with some other members opposite. I find, for instance, that the Member for River East has a different view and that the Member for River East actually finds nothing wrong with nightlighting. I digress for a moment to the comments made by the Member for The Pas when he last spoke on this resolution and was chastising my colleague for Swan River for indicating that there was support in the government benches for nightlighting.

One need only refer to the comments made by the Member for River East on Page 660, for instance. He said, and I quote, "Does it matter if it's a despicable practice? Does it matter if sports hunters regard Indian hunting methods as despicable? I don't think it does. What we have here is basically an issue of tolerance - tolerance between cultural values." So the Member for River East sees no problem in terms of some of the methods and equipment that are used by Indian people for hunting.

Indeed he makes reference and circulated a copy of a print of people hunting deer with lights in the 1840s, I believe it was, and indeed it was a practice that was followed by anyone who cared to follow that practice. But it subsequently became regarded as something that was not acceptable, if indeed the populations of game were to be preserved and it is unacceptable to the vast majority of people on ethical grounds as well, especially when it is a right which one group of people has and another group of people does not have.

So, Mr. Speaker, I don't think that it is a valid point to make, that this resolution singles out Indian people for any other reason than the fact that they are the only group that have the right. I don't believe that it is an abrogation of the treaties. I believe it is simply of transferring some of the rights that the Federal Government holds under the treaties to the Provincial Government. Perhaps a better analogy or an analogy of how that works is with The Fisheries Act where the Federal Government retains the overall legislation, the province determines what sort of regulations it would like to have passed, they submit the regulations to Ottawa, Ottawa passes the regulations under The Fisheries Act of the Government of Canada and thereby

the province has the legal right then to place restrictions upon Native people in terms of their fishing activities.

I'm not saying that all of the restrictions that have been placed upon them are proper or just. Indeed, we were negotiating changes and I expect the present government is negotiating changes, but the fact is that legal right is there, the mechanism is there for accomplishing this kind of thing.

One of the other things that I notice, running through the speeches made by the members of the opposition, is that they have tended to deny the significance of the problem. The Member for Thompson doesn't think that's the case, but I think if he reviews the comments which have been made by numerous members opposite, they have tended to minimize the problem. The Member for River East again talks about habitat being the key thing rather than harvest. Well, it happens that there are two basic principles involved in wildlife management. One has to do with control of the harvest and the other has to do with provision of habitat, the manipulation of habitat. And it doesn't matter how much habitat you have, if you don't have control over the harvest, you can eliminate the population.

One need only travel in the Northern part of our country, fly over thousands and thousands of square miles of excellent habitat for caribou and not find any caribou. I won't say there's no problem but there are far more habitat than there are caribou, far more than it's capable of providing, so there must be some control on the harvest as well as upon providing habitat.

An example closer to home would be to look at the northern Interlake and find that there are vast areas, hundreds of square miles in the northern Interlake where there are very few moose existing today but there are all kinds of prime habitat. I would refer the members to the Five-Year Report, which the Minister has tabled in the Legislature, Page 16. A sentence there says, "At present, habitat is not a limiting factor in moose populations." It goes on to say that "In some areas, such as Game Hunting Area 16, the consequences of continued killing of cows and calves is evident." Further it says, "Cows and calves made up 75 percent of the kill by Treaty Indians but only 16 percent of the kill by licensed hunters." So if one goes through the statistical information that's available they will find that there is a serious problem, and to deny that there is a serious problem is simply to put one's head in the sand, because there is a problem that the people who are most knowledgeable about the management of the resource will tell us. There is a problem from a political point of view as well because there is such a strong reaction from other people who have an interest in the wildlife resource, that one group of people should be able to use these kinds of methods.

If the Minister of Natural Resources was to get together with his colleagues from Saskatchewan and Alberta and decide that they were going to approach the Federal Government and work out an amendment, I think it could be done. I would suggest in doing that, they sit down with the Indian people and explain to them why they're doing it but that it is necessary to do it. To try and say that it's going to be accomplished through discussion, I'm afraid, is doomed to failure, Mr. Speaker. I know that the point has been made that Indian people are great conservationists, that they have an interest in the wildlife, they have had for centuries.

I don't deny for a minute that they have a deep and abiding interest in their resource, but the fact of the matter is that to the best of my knowledge there are only two cases in Canada where an Indian Band has used the provision available to them to pass regulations governing hunting and fishing on their own reserves. So, there really isn't that strong indication that they have themselves grasped this issue and tried to deal with it where they do have jurisdictional responsibility.

I would urge the Minister to give serious consideration to taking this course of action. I know that they've proposed an amendment here now which I believe will not accomplish anything in terms of solving this problem. If it's passed, I believe that will become evident to the Minister as time passes. Perhaps he wishes to take a year or two years to try and pursue that avenue, but I'm absolutely certain it will not work, any more than it would work if the Minister of Finance decided that he wasn't going to use his authority to impose collection of the sales tax upon people.

If he simply sat down with the public and said well, we need some more revenues and one way we could do it would be to raise the sales tax from 5 percent to 6 percent, but we really don't want to accept our responsibility and impose that tax on people, so we're going to talk to all the retailers and get agreement, if we can, for them to collect that tax. Clearly, that sort of approach is not going to work. You'd have some people who would pay it, but you'll have a great many who would not and you would have an inequitable situation.

The Minister made reference to one other situation where co-operation and discussion might well work, and that has to do with the Kaminuriak and Beverly caribou herds and the reason that might work better, of course, is that the Native people involved are the only people who have direct involvement with that herd. There are not people harvesting those herds. It is the welfare of the Native people that depends upon those herds. They are the only people involved. It is clearly a problem which they must come to grips with and if they don't, other Canadians will be poorer off because the resource is going to disappear, but in terms of individual Canadians losing some opportunity for recreation or whatever that they now have, that will really not have a serious impact on them. But it will have a very serious impact upon the Native people who rely upon that resource. In that case, there is a possibility to achieve some sort of reasonable end through negotiation and consultation.

In this case, Mr. Speaker, I'm afraid that the amendment will simply perpetuate what I think is a very undesirable and serious problem.

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

**MR. S. ASHTON:** Thank you, Mr. Speaker. I'm pleased to be able to speak on this particular resolution, because it relates to a number of areas of concern to people in my constituency and for that matter in the North itself.

Doing so, I'll first make reference to a number of the comments made in debate and some of the problems I had with some of those comments. Second of all, I



want to indicate some of my own views on this particular issue.

In general, I would commend the attempt by all members of this House to make this a constructive debate. I believe it raises a number of very important issues and people in the Assembly have taken a very serious approach towards it.

I must, however, say that I found the debate at times to be somewhat unclear. Perhaps that's because it raises a number of sub-issues. Perhaps it's the nature of the resolution itself, but at various times we've been debating conservation; at various times we've been debating propriety of hunting methods; at various times we've been debating hunting rights or privileges as they've been referred to by some individuals in this House. Often there seems to be some confusion, some mixing of these various components and some taking of comments in reference to one particular subcomponent of this issue as indicating a lack of concern about the overall problem.

I'd refer in this regard to the general tenor taken by the Member for Turtle Mountain, for example. On one hand he seems to indicate that conservation is the prime issue, but in terms of the approach he's taken in public; in terms of the newspaper publicity that I've read in various rural papers in the province, there seems to be very little reference to the overall issue of conservation. It concentrates very distinctly on the issue of nightlighting. In fact I would note in that regard that most of the press releases I've seen from him and other members has been specifically related to nightlighting.

Similarly in terms of hunting rights, on the one hand the Member for Turtle Mountain has made implicit recognition of treaty hunting rights, but as the Member for Rupertsland pointed out, the degree to which he and proponents of the particular resolution that he's put forward, accept those hunting rights as somewhat in question.

Similarly in regards to hunting rights, I point to some of the remarks made by the Member for Swan River and the Member for Emerson in regards to Native rights and Native hunting rights in particular. The way that they have phrased the debate as if Native people somehow have a privilege or a right over and above other people and that there's something wrong with that particular aspect of their having those rights. I don't think that is really at question here, Mr. Speaker. I think one has to look at the sub-issues more closely and I would hope that their comments where they refer to what they call the backlash against these hunting rights doesn't indicate that they share that particular view, Mr. Speaker, because I would hope that all members of this House would accept that Native people in the Province of Manitoba do have hunting rights and that those hunting rights are indeed part of our system of laws.

I believe it's important to clear up these matters, Mr. Speaker, because unless one does, what one ends up with is a rather poisonous atmosphere right from the start. The Member for Rupertsland, I think, pointed to this quite clearly in his remarks. He indicated a concern that while the resolution states that it is concerned about social tension arising from the continued use by Indians of these particular hunting methods, that the resolution itself may further contribute to social tension by creating concern amongst Native people, and

perhaps contributing towards a bit of a backlash against Native people by other Manitobans. So I would caution people on that particular point.

I would note in this regard that the original motion itself mentions in regard to further action should be taken in this matter, that that action come from the Provincial and Federal Governments. It does not make reference to the involvement of Native people. I have since heard from the Member for Turtle Mountain that he believes it's gotten beyond that point. I am not so sure about that. I note various references in the recently released five-year report to the Legislature on wildlife which indicates that consultation is taking place at the present time between the Department of Natural Resources and Native people. I would certainly question whether those consultations are not of some value in this particular area.

I would certainly say that I would be opposed to any motion that does not make reference to involving Native people themselves when it does tread on some very sensitive issues, those issues being that of Native hunting rights. Surely when those rights are part of the law and have been recognized by Treaties, have been recognized by the Natural Resources Transfer Agreement, have been recognized by case after case in courts of law, surely we cannot expect to leave Native people out of discussions regarding these very important issues.

I raise these particular concerns of mine, Mr. Speaker, because as I have said I am concerned that there may be through this ambiguous approach, not an attempt, deliberately perhaps, but accidentally, it would certainly tend to involve some problems in terms of the backlash that members opposite have referred to. I cannot see it eliminating that backlash. I can only see it encouraging that backlash, Mr. Speaker. I would hope that members opposite would be very careful in this particular matter because, I think if we're to have any chance of success in discussions on these issues we have to avoid any social tension, as they put it, in regard to any of the people involved.

I believe one of the weaknesses, Mr. Speaker, of the original resolution was the fact that it shows something of the misunderstanding of hunting rights and the extent to which they have been enshrined in law and a rather overanxious attempt on their part, I think, to reject those hunting rights via, what they termed as a renegotiation of the Natural Resources Transfer Agreement. As I've said they have been enshrined in law, the Member for River East pointed a number of the cases which Native hunting rights have been enshrined, in fact, to a certain extent they have been consolidated in recent years and strengthened by those cases in our courts of law and they, I believe, are part of our system of law as much as any particular Acts or agreements since under the common law system that is a very major part of our law.

Putting aside the legalistic point of the matter, Mr. Speaker, I would like to turn to the issue which the Member for Turtle Mountain has perhaps concentrated on the most and that is the issue of nightlighting which he indicated he is opposed to because it is a "despicable practice." Now, the Member for Turtle Mountain referred to certain remarks made by the Member for River East in response to his statement in which the Member for River East indicated that he, perhaps, did not share

the view that it was a "despicable practice." That it had been used historically that there was some question about the cross-cultural problems, Mr. Speaker, in the sense what may be despicable to those of us who aren't Native may be considered rather normal practice in terms of Native people.

As a flip side of that I suppose one might look at the other side in terms of some of our methods of hunting or civilized hunting, I suppose gets in the stage of our use of abatoirs, whether one would consider that particularly nice or whether that might be considered despicable by some people. The reason I raise this point, Mr. Speaker, is because I feel that this is basically a side issue in the context that it was raised by the Member for Turtle Mountain. The question as to whether it is despicable or not could perhaps be debated at some other time but if there's a real concern about conservation I would suggest that that particular issue not be raised at this point in time. Because regardless of whether the Member for Turtle Mountain considers it despicable or members on this side consider it despicable or regardless of whether others do not consider it despicable the basic thrust of his argument, as I understand it, is that the practice itself is causing problems in terms of conservation. Surely, whether it is despicable or not, is overridden by his stated concern about the overall issue of conservation and that is the area I would like to look at in terms of nightlighting, my own particular point of view.

Personally, Mr. Speaker, I'm opposed to nightlighting. I do not feel it contributes to adequate conservation in Manitoba at the present time. I'm opposed to nightlighting by any group of individuals but in doing so I'm not attempting for one minute to impose my views on another segment of society, Mr. Speaker, because I feel that in this particular case Native people who are undertaking nightlighting at the present time should be brought into discussions in terms of overall conservation. I feel, as was brought up by the Member for Rupertsland, that since they have historically shown a concern about this particular area, the area of conservation, that if it is pointed out that these particular hunting methods are certainly contributing to a rather drastic decline of some species of wildlife in the province at the present time that we can perhaps involve them in this process, eliminate the nightlighting and then improve conservation in the province.

I don't feel telling people it is a "despicable practice" is liable to accomplish anything because it will focus the debate on whether it is despicable or not. That, as far as I understand, the intent of the Member for Turtle Mountain, is not the intent of the debate. The intent of the debate is not to condemn a certain act, a particular part of society but to point out that it is causing major problems in terms of conservation.

In talking on the question of conservation, I too would like to refer to the five-year report to the Legislature on wildlife which the Member for Turtle Mountain has referred to and point out that, indeed, one of the areas of concern raised in the report is the issue of nightlighting. However, at the same time I would point out to the Member for Turtle Mountain, who only a few minutes ago was critical of the Member for River East in terms of his concern over habitat, the concern over habitat was one of the major points also indicated in this particular report. I can refer him to the executive

summary on Page 2 on which there is an indication that a number of species, a decline of population, because of problems with the habitat, I point to, for example, the losses in terms of white-tailed deer where it's stated in the executive summary there is a continuing habitat loss. Also a number of other species.

The executive report does make mention of the problems which the member opposite mentioned in terms of the population of moose in the province at the present time but if one refers to the specific comments in the report, the detailed comments in regard to the decline of the population of moose, one will find that there are also a number of other factors mentioned in addition to particular hunting methods by any particular group or, in fact, hunting in general.

It states quite clearly, Mr. Speaker, that five factors have contributed in varying degrees to the decline, habitat loss, adverse weather, disease, predation and hunting. So, to suggest or even to imply that nightlighting is the problem, Mr. Speaker, is I think misleading. There are various problems although certainly this is a contributing factor.

In looking at the question of nightlighting I think one has to put the matter in perspective. The primary role of Native hunting has traditionally been in terms of sustenance, in terms of food, etc., Mr. Speaker, and that has been recognized by all governments. The Member for Turtle Mountain, as a matter of fact, quoted from a document which was a policy paper at the time that he was the Minister of Natural Resources which did state quite clearly that it was recognized by the Province of Manitoba that Native people had the priority in terms of hunting rights. I don't think that's a question at issue, Mr. Speaker, and as other members have pointed out one has to put this whole matter into perspective in terms of the pressures on our wildlife at the present time.

As the Member for Radisson pointed out there has been a dramatic increase in the number of game licences in recent years. In 1936, for instance, there were 3,699 game licences, whereas in 1982 there were 66,000. As the Member for Rupertsland pointed out, there were only 52,000 Treaty Indians in Manitoba at the present time, so there are, in fact, a greater number of non-Indians hunting than even the entire population of Native people, let alone the active hunters amongst Native population. I could go into specific figures, in terms of specific species, Mr. Speaker, to point that there is a significant pressure on the wildlife resource from non-Native hunting as well as Native hunting, but I think that is probably accepted by the Member for Turtle Mountain who, I believe, knows the subject matter rather well.

So to suggest that the increased pressure has come from Native hunting, in general, or that it's come in recent years from Native hunting, in general, I think is misleading. What has happened, Mr. Speaker, is that there has been a combination of circumstances, if you like, which has led to a significant conservation problem, and that is pointed out in the five-year report on wildlife.

Now the real question then, as far as I'm concerned, is how we approach the solution to that. As I have said, I believe that nightlighting is not an appropriate hunting measure at the present time, given the conservation problems that we face. I do not believe it's appropriate, in terms of the overall pressure, but I do not believe

it's appropriate within the groups involved, Mr. Speaker, because, in terms of nightlighting, it allows a small group of individuals to hunt a large number of animals, I believe, in some cases, as many as 60 or 70 animals are killed, and it decreases the potential population available, not just for hunters in general, but hunters within that group. If a Native group of seven or eight or nine people kill 70 moose, Mr. Speaker, that means there are fewer moose for other Native people to hunt as well. That is why I believe that it is important to involve Native people in this discussion. I think their interests are served as much as non-Natives by promoting conservation, by promoting effective ways of using the present species.

That is why I support the amendment, rather than the original motion, because I believe the original amendment, while it was meant in the right sense, Mr. Speaker, was headed, I believe, toward the real problem - that being conservation - had some serious omissions in terms of the involvement of Native people. I would hope that in analyzing this issue we could avoid the tack taken by the Leader of the Opposition who made some reference during the debate previously to, well you're only concerned about votes, to members on this side. If that statement was to be taken at face value then, obviously, Mr. Speaker, the converse of it would be that members of the opposite aren't concerned about Native votes and we could end up with a big partisan discussion about that which really would not serve any of the purposes which were originally intended by the Member for Turtle Mountain, so I hope we can leave that kind of thing out of it.

I also hope we can leave out things like the backlash which members opposite have mentioned. Certainly, Mr. Speaker, it is there in certain quarters; certainly it is there. If we don't attempt to eliminate that backlash by sitting down and discussing this matter with all the groups involved we'll only make the matter worse. Under the present law, Mr. Speaker, Native people do have hunting rights; I support those hunting rights. However, I feel that a new direction is needed in terms of conservation that will attempt to relieve some of the overall pressure that has come from hunters in general, and from other sources on our wildlife in the province at the present time.

In concluding, Mr. Speaker, I would say that certainly I agree that there is a serious problem in terms of big game populations in the province at the present time; certainly something has to be done about it. However, in doing something about it, I would urge that we involve all the component groups; we involve the wildlife associations, because I know they're very concerned about it in my area, Mr. Speaker; that we involve Native people directly, because I know certain groups have already indicated a major concern about these declining populations; that we involve the Provincial Government; and that we involve the Federal Government; and that we not make the serious mistake of going too fast in terms of one particular direction ignoring these particular groups. I feel one of the key elements that we need, Mr. Speaker, out of this is goodwill; is a recognition that nobody is trying to take anything away from another group. What we are trying to do is preserve our wildlife populations here in the province; what we're trying to do is share that resource properly, Mr. Speaker, and the only way we can do that is by involving all

interested groups and parties in the discussions surrounding the issues raised in this particular resolution. Thank you.

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

**MR. F. JOHNSTON:** Thank you, Mr. Speaker. Mr. Speaker, I'm not a hunter. I don't fish; I do not partake in that kind of sport, not because I'm against it, I just never had the occasion to become that involved. I don't criticize the people that hunt or fish providing they do it by the regulations that are laid down to make it a good sport and keep the conservation. I have usually spent my time on a curling ice or golf course, mind you, I've enjoyed golfing more since they got orange and black coloured golf balls. I can hit the hell out of NDP colours at any time it's put in front of me. The only trouble with those, Sir, they don't go straight, they hook or slice, you can't hit them straight; always to the left, there's no problem handling it.

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

**MR. F. JOHNSTON:** Mr. Speaker, I don't really understand - let's get down to the basis of this resolution - how anybody can nightlight, even if they're a hunter. I don't even understand why anybody would even consider allowing it for anybody. Do you really believe that in this day and age, if we're talking about sport hunting and conservation and everything, that there's anybody really believes you should go hunting and nightlight? I know the Member for Ste. Rose is a conservationist, I've been with him and is very concerned about wildlife, we've had that discussion. One time when we were on a municipal trip he brought it up.

I don't think the Member for St. James is a hunter. He may be, but he doesn't want to nightlight. So, Mr. Speaker, that's all we're talking about in this resolution, we're saying that nobody in the Province of Manitoba regardless of who - I stress that - should go hunting with a flashlight which is that type of horrible sportsmanship that none of us want to see. Now really that's it. You know, honourable gentlemen opposite may have seen the ad that was in the paper that the Conservatives put in on questionnaire. I had it go in my local district. I'll tell the Member for St. James and they're all very much the same type of people, 100 percent said you shouldn't nightlight - 100 percent. The honourable members opposite, I will tell them sincerely that I have a lot of hunters in my constituency.

I would hope that they would never have an election the day hunting opens because half of my constituency would go away and hunt rather than vote. I will tell you that there is a very great number of people who are there when the season opens for fishing and everything; they're hunters and they believe in it. Paul Murphy, who is not in my constituency, but a friend of the Member for St. James - I'm bringing him up because I know he knows him, we used to go to the YMCA together in St. James and we all know one another - he knows very well that these people that are hunters; these people that believe in the sport, and I don't have anything against anybody wanting to take that sport

up, that is their business; but the basis of what this says is, should we allow anybody in Manitoba to hunt with a flashlight or nightlight? Mr. Speaker, really and truly, can you say that you really agree that you should?

**A MEMBER:** He doesn't mind.

**MR. F. JOHNSTON:** Nobody's against hunting. The Honourable Member for River East shows us a picture of somebody nightlighting with two deers there and said it's been happening for years. That was the most deplorable picture I have ever seen. Do you really think that should be allowed? Do you really think that should be allowed by anybody? You know, quite frankly, Mr. Speaker, I would like the honourable members opposite - if the Member from Thompson says that we're talking about votes, we will talk about votes. We will just talk about whether somebody should be able to hunt with a flashlight that mesmerizes the animals and you could probably go up and hit him over the head with an axe. You wouldn't have to shoot them when you do that. That's really what we're talking about, Mr. Speaker. The honourable member says I won't talk votes, I'll just talk. But I wouldn't go hunting with you, and I don't think that I would go hunting with anybody if I was a hunter if he came with a flashlight. I would say that you shouldn't be doing it; it's not right in this day and age. There is nobody going hungry in this province; there are ways that they can be fed. There are ways that they can get food better than going out with a nightlight and shooting a deer or an animal. There are better ways to make your way if you have to.

Now, Mr. Speaker, we have the opposite side really avoiding the issue, which really says - and I said that

I wouldn't be long because I am not a hunter, I cannot get too much into the conservation - nobody should go out and shoot a deer using a flashlight at night, which I think is absolutely unnecessary because nobody has to stoop that low to feed themselves in this province, I don't care who they are. I would suggest they come on the golf course with me, or curl, or do something of that nature. They should stop hunting if that's the way they want to hunt.

So, Mr. Speaker, that's the issue that you have to face. I will tell you right now that a 100 percent of my answers in my constituency say people shouldn't be allowed to nightlight. That's the issue that the people out there want to understand and they don't have anything against anybody; all they have is a fairness to those animals out there that shouldn't be treated that way. Thank you.

**MR. SPEAKER:** Order please. The time being 5:30, when this resolution next comes before the House, the honourable member will have 14 minutes remaining.

The Honourable Minister of Natural Resources.

**HON. A. MACKLING:** Mr. Speaker, I move, seconded by the Honourable Member for Turtle Mountain, that subject to the House and the committee sitting at 8 o'clock, this House do now stand adjourned.

I believe both committees are functioning, one in the House and one in the committee room.

**MOTION presented and carried** and the House adjourned and stands adjourned until 10:00 a.m. tomorrow (Friday).