

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, 12 June, 1985.

Time — 2:00 p.m.

**OPENING PRAYER by Mr. Speaker.**

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

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

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

**MR. P. EYLER:** Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the Member for Rupertsland, that the Report of the Committee be received.

**MOTION presented and carried.**

**MR. SPEAKER:** Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

### INTRODUCTION OF GUESTS

**MR. SPEAKER:** Prior to Oral Questions, may I direct the attention of honourable members to the gallery where there are 29 students from the Hornepayne School in Ontario. They are under the direction of Mr. Principle.

There are 30 students of Grade 9 standing from the Minitonas Junior High School under the direction of Mr. Jersak, and the school is in the constituency of the Honourable Member for Swan River.

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

### ORAL QUESTIONS

#### International Trade Commission meeting - commitments obtained

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

**MR. G. FILMON:** Thank you, Mr. Speaker. My question is for the Premier and it follows upon his visit yesterday to two American states who have heretofore banned the export of Manitoba hogs to their states. I wonder if he could indicate, subsequent to his meetings, what commitments were obtained from the Governor of Iowa and the Governor of Nebraska at his meetings yesterday.

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

**HON. H. PAWLEY:** Mr. Speaker, I thank the Leader of the Opposition for that question. Insofar as Governor

Kerrey of the State of Nebraska was concerned, they are going to be reviewing the discussion that we had and the request that we made that the ban be lifted.

Governor Kerrey also expressed an interest, by the way, in visiting Manitoba, if need be, in order to continue discussions on that, plus some other areas. I was encouraged by his reaction.

Insofar as the Governor of the State of Iowa, which is probably second to the State of South Dakota, the most important insofar as hog imports from Manitoba are concerned, there was positive response. The forms were shown to the Secretary of Agriculture who indicated that he could see no problem with the form that we were using in order to permit an early resumption of shipments to the State of Iowa.

**MR. G. FILMON:** Mr. Speaker, I wonder if the Premier could clarify what he means by an early resumption to the shipment of Manitoba hogs. When is it expected that Manitoba hogs will be permitted to be accepted in Iowa as a result of this decision?

**HON. H. PAWLEY:** Mr. Speaker, quite soon, and that was certainly the indication we had from the governor, Governor Branstad of the State of Iowa, and the Secretary of Agriculture, who affirmed to the Minister of Agriculture that he could see no problem with quite an early resumption. The Minister of Agriculture will be pursuing this further to ensure that it is a matter of days and that there is no problem with the form.

So the Secretary of Agriculture did indicate to us that he did not see any difficulty in regard to the forms that were being used. He was reassured as well, honourable members would be interested in knowing, that we can, through our central marketing system and through our bulk purchase of drugs, provide certainty insofar as the fact that hogs from Manitoba will not have been injected with chloramphenicol.

**MR. G. FILMON:** Mr. Speaker, the Premier is indicating that with respect to Iowa, it's a matter of days that he expects that the ban will be lifted for our hogs to be able to be accepted there.

With respect to the State of Nebraska, I wonder if the Premier could indicate, aside from reviewing the matter, what steps we can expect toward a lifting of the ban in Nebraska.

**HON. H. PAWLEY:** Mr. Speaker, he said he was impressed by the fact that the Manitoba Government had moved to ban chloramphenicol. He did not see where himself, personally, along with Secretary of Agriculture Schroeder - the same as our Minister of Finance - they could not see any reason why there could not be action on the part of the State of Nebraska.

He did, though, want some further opportunities to discuss that with his officials, and the Minister of Agriculture will be pursuing this further with the Governor of the State of Nebraska.

I would expect an expeditious resolution with the matter with the Nebraska Governor, but he did not, in our meetings yesterday, commit himself unequivocally.

**MR. G. FILMON:** With respect to those discussions with the Governor of the State of Nebraska, did the Premier ask for the ban on Canadian hogs to be lifted, to go into the State of Nebraska?

**HON. H. PAWLEY:** Mr. Speaker, yes, that was the overriding discussion throughout, though I must mention to the Leader of the Opposition, Nebraska imports very few hogs from Manitoba so that, in principle, livestock is probably much more important insofar as we are concerned, insofar as Nebraska, than the hog shipments.

On the other hand, Iowa is very much a state that does import hogs.

**MR. G. FILMON:** Mr. Speaker, the reason that I'm asking the question as to just precisely what was requested of a governor was that the governor is quoted as saying, he said: "Pawley didn't come right out and ask for the ban to be rescinded," and I am wondering whether or not there was a mistake in communication, or whether or not the Premier had some difficulty in understanding the Governor of Nebraska.

**HON. H. PAWLEY:** Mr. Speaker, if the Leader of the Opposition would carry on in his reading of the press report, he will see that the press report also acknowledges the governor is indicating that the overriding issue involved in the discussion did relate to the ban, so I don't understand the report that the Leader of the Opposition is referring to. He didn't ask, and how come the overriding discussion, as acknowledged by the governor, was the issue of the ban itself? - and it was.

**MR. G. FILMON:** Mr. Speaker, the coverage further indicated that Governor Kerrey is considering partially lifting the ban. I wonder what the Premier's understanding is of a partial lift of the ban.

**HON. H. PAWLEY:** Mr. Speaker, that would in fact be further than the commitment that we received the morning that we met with the Governor of the State of Nebraska. That indeed is an encouraging sign itself if he has indicated that since Wednesday.

But, Mr. Speaker, as I indicated we had a very good discussion with the governor, with the Secretary of Agriculture. I was encouraged by their receptiveness as well, of course, with Governor Branstad of the State of Iowa. Mr. Speaker, it's my view that these kinds of face-to-face meetings with governors and with Secretaries of Agriculture are very productive. It would be my intention to extend these discussions to involve the other governors and Secretaries of Agriculture of the other states that I was not able to visit yesterday to ensure that they move along in the same way that appears that Nebraska is prepared to move and the commitment we already have from the State of Iowa.

**MR. G. FILMON:** Mr. Speaker, I'm not sure that Nebraska indicated it is prepared to move, but the quote is, that Kerrey said he "will consider partially lifting the ban." Now I'm not certain what that means and I wondered whether or not the Premier could clarify what form a partial lift would take.

I wonder if the Premier could also indicate, in view of the fact that while he was away in the United States, a fifth state, Minnesota, imposed a ban on Manitoba hogs, whether or not he is planning to visit each of the other states, being Minnesota, Wisconsin and South Dakota who have all joined in on the ban.

**HON. H. PAWLEY:** Mr. Speaker, I was further encouraged insofar as Nebraska's reaction is concerned. The reception not only there but the fact that subsequent to the meeting with Nebraska, we received a positive commitment from Iowa. I think that when one state such as Iowa does provide leadership, as it indeed now is prepared to do so, that I would not be surprised to see Nebraska follow along with the other states.

Insofar as the State of Minnesota is concerned, I am disappointed in what has happened in Minnesota. The credit must, in fact, be extended to Governor Perpich who refused, Mr. Speaker, to go along with the other governors, but apparently legislation was passed within their statehouse which provided for a ban. This means, Mr. Speaker, that this was through the Secretary of Agriculture who I believe proposed this legislation in the statehouse in Minnesota.

Mr. Speaker, I am looking forward, if nothing takes place in the next few days as I indicated a few moments ago, to visit Minnesota, not only the governor, but it appears the Secretary of Agriculture in order that we attempt to obtain the same sort of positive response there as well as from Wisconsin and South Dakota as we had from the other states involved.

**MR. G. FILMON:** Mr. Speaker, I have a question for the Minister responsible for Sport and Lotteries, and it has to do with a report that . . .

**HON. H. PAWLEY:** Mr. Speaker, on a point of order.

**MR. SPEAKER:** The Honourable First Minister on a point of order.

**HON. H. PAWLEY:** Mr. Speaker, I may have misinformed the House. It's my understanding that the bill that was passed in the Minnesota Statehouse was not by way of representation of the Secretary of Agriculture, but it was on the part of the initiative, apparently, of the House itself.

### **Western Canada Lotteries Foundation - buying out of Federal Government**

**MR. G. FILMON:** Mr. Speaker, my question is for the Minister responsible for Lotteries, and has to do with a report of an agreement that has been reached between the provinces and the Federal Government for a figure of \$100 million to buy out the federal participation in lotteries in the country. I wonder if the Minister responsible could indicate what proportion of that share would be Manitoba's cost for the buy out.

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

**HON. E. KOSTYRA:** Thank you. Yes, there has been agreement reached by all of the provinces and the

Federal Government with respect to Criminal Code amendments which will be brought forth by the Federal Government to ensure that they are forever and a day out of the provincial jurisdiction, the provincial area, with respect to lotteries and gaming. As a result of that, there was an agreement that, through existing lottery revenues, there will be a payment made to the Federal Government of \$100 million. The Manitoba share of that, which will be done through the Western Canada Lotteries Foundation, is approximately \$7 million.

**MR. G. FILMON:** A further question. I am wondering, in view of the fact that a New Democratic Member of Parliament for Northwestern Ontario has indicated that he felt that the western provinces ought to be paying a disproportionately higher share because they have more to gain by it, whether or not the Minister can indicate whether the western provinces are paying a disproportionately higher share in the buy-out arrangement.

**HON. E. KOSTYRA:** The shares are being paid on an equitable basis between all the provinces in Canada that are party to that agreement with the Federal Government.

**MR. G. FILMON:** Does the Minister, therefore, disagree with Ernie Epp, the New Democratic MP for Thunder Bay-Nipigon, that the west will be the biggest beneficiary and should, therefore, pay the biggest share?

**MR. SPEAKER:** Order please. The agreement of a Minister is not a suitable subject for Oral Question period. Would the honourable member wish to rephrase his question?

**MR. G. FILMON:** Thank you, Mr. Speaker. I won't rephrase that question. I will raise another matter with the Premier, Mr. Speaker.

### **Community reception, Isaac Brock Community Club - west end residents**

**MR. G. FILMON:** I have a copy of an invitation that has been delivered in west end Winnipeg indicating that the Premier, the Minister of Labour, and the Member for Wolseley are going to be hosting a community reception on Thursday, June 13th at the Isaac Brock Community Centre. It's sent out on the Premier's letterhead and in an envelope from the Premier's Office, but there is an indication that refreshments will be served. I am wondering whether these will be paid for by the New Democratic Party or by the people of Manitoba.

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

**HON. H. PAWLEY:** Mr. Speaker, I can assure the honourable member the coffee and donuts, likely, and the same kind of refreshments that have been served ever since I believe my first tour took place in Melita or Boissevain, and it is paid for by the province, as it is a government tour.

### **Manitoba Hog Stabilization Board - discontinuance by provincial government**

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

**MR. J. DOWNEY:** Thank you, Mr. Speaker. My question follows on my leader's question dealing with the tariffs, the non-tariff trade barriers that were imposed by some states in the United States. In view of the fact that the First Minister has made the decision to get into the Beer War, Mr. Speaker, the First Minister took the decision to ban chloramphenicol by Order-in-Council so that our harvest could enter those states.

In view of the fact that yesterday there was imposition of an increased tariff imposed on hog producers in Manitoba costing an additional millions of dollars to our producers, will the First Minister be taking action to replace the Provincial Hog Stabilization Program and moving to a federal program, Mr. Speaker? Will he be immediately striking out the Manitoba Stabilization Program?

**HON. H. PAWLEY:** Mr. Speaker, the action that I'll be undertaking - and I would hope it would not be necessary - we saw some two or three months ago a great deal of what I thought was harmony at the Shamrock Conference between President Reagan and the Prime Minister of Canada, Brian Mulroney, which was to establish new harmony insofar as trade relations were concerned, U.S. and Canada. Subsequent to that was the imposition of the duty affecting the importation of Canadian hogs into the United States and unfortunately, yesterday we see the continuation of that duty on an increased basis.

Mr. Speaker, the only action that I'll be undertaking is to do all that I can including visiting Ottawa to see the appropriate Ministers, to insist that there is strong firm action on the part of the Minister of Agriculture, the Minister of External Affairs and any other Minister to ensure that there is the removal of this unfair duty that is going to cost the hog producers right across Canada including those in the Province of Manitoba, hundreds of millions of dollars.

**MR. J. DOWNEY:** Mr. Speaker, the First Minister must not have heard the question. The question was: will he be taking any action to change the Manitoba Hog Stabilization Program as it is indicated by the Commerce Department in the United States that it's the stabilization programs in Canada, provincially and as a country, but it is costing their producers lost market opportunities? Will the First Minister of this province be taking action with the Provincial Hog Stabilization Program and when he does, will the producers be forced to pay back approximately \$8 million that they now owe the stabilization program?

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

**HON. B. URUSKI:** Mr. Speaker, I regret that an honourable member of this House would put the interests of the producers, as soon as another country is putting pressure on this country, you'd put the interests of our producers on the line, Mr. Speaker. I regret that we have a statement from the honourable member such as that.

Mr. Speaker, if ever there was a time that stabilization of incomes were required for producers, it is during these difficult times of an international trade warfare.

Mr. Speaker, let the Honourable Member for Morris - he called it a trade war, yes - what is happening is that farmers in the United States are going bankrupt, and the national government of the United States says we will not protect you but we will put barriers and protect you in this way, so we will not put in any income. Ask any governor in the United States, Mr. Speaker, who is not a Republican and he will tell you that.

The Governor of Nebraska told us that and 40 percent of their farmers are in financial difficulty, so one can see what these actions are leading to.

Mr. Speaker, what we should have had in this country is national tripartite stabilization. I recommended to the Ministers of Agriculture in July of 1984 when the hog producers of this country were prepared to sign a national tripartite stabilization for hogs. The other provinces, who were signatories to that proposal, said it's all or nothing, beef, hogs and sheep or nothing, but we could have moved with hogs, Mr. Speaker, and today we have no program in place.

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

**MR. J. DOWNEY:** Mr. Speaker, in view of the fact that there are some 30-some hundred hog producers in the Province of Manitoba of which only 900-and-some are members of the Stabilization Program and over 2,000 hog producers are not being protected by stabilization or supported by that program, what is the Minister of Agriculture going to do on their behalf? What is he going to do on their behalf, those producers who are not getting support from the province or from the country, Mr. Speaker?

I ask him, Mr. Speaker, if he and his First Minister will take the same kind of action dealing with the unfair trade barriers, dealing with the penalties imposed on Canadian pork, as he was to take action on the chloramphenicol issue, or will he just continue to play politics as he has done in the last week?

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

**HON. B. URUSKI:** Mr. Speaker, what we have attempted to do is protect the interests of Manitoba farmers. I heard the honourable member opposite several weeks ago ask for action on behalf of Manitoba hog producers to protect them against U.S. interests.

Mr. Speaker, we moved; we didn't dilly dally like our federal counterparts. We didn't say we will look and we will study; we moved. The honourable member, if ever the honourable member made a case for our position that stabilization was not the cause of any hardship to the U.S. people, he just answered that very point. That's what we've been saying, Mr. Speaker. The case can readily be made that any of the hogs that have been exported from this country have not been stabilized because the entire hog industry is not stabilizing. He just made our case.

Mr. Speaker, we have assisted the Federal Government and the hog producers in putting our case forward to the International Trade Commission and people investigating this area. Those are precisely the kind of factors that we have put forward. The honourable member, by his actions, is undercutting the

work that his own Federal Minister of Agriculture is attempting to do, to put forward clearly the weaknesses in the American arguments in terms of indicating that stabilization is causing the problem of this countervailing duty. He is just undercutting his own federal colleague.

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

**MR. J. DOWNEY:** Thank you, Mr. Speaker. A final supplementary to the Minister of Agriculture.

If Manitoba were to join, which they've signed an agreement to do, the Federal Tripartite Stabilization Program which he says he agrees with, how much money will the producers of hogs and the producers of beef cattle in this province owe the Province of Manitoba on the joining up of that national program?

**MR. SPEAKER:** Order please. The honourable member's question is hypothetical.

**MR. J. DOWNEY:** Mr. Speaker, how much money do the hog producers and the beef producers of Manitoba owe the stabilization program and will have to pay back to the province on joining of the stabilization program?

**HON. B. URUSKI:** Mr. Speaker, it is very hypothetical, the question, because one doesn't know what the form of the new stabilization plan will take. One has a lot of negotiating, as I told the honourable member in Estimates; one could take whatever assumptions he wants at the time the plan is implemented.

Mr. Speaker, what the honourable member is pointing out in his question is that the free and open market that he supports has not worked and stabilization monies have had to be paid out to assist producers in riding out these very difficult times. That's what he is acknowledging.

So, Mr. Speaker, one at the point that a federal plan - and we don't know when that will take place - we had an agreement last year but we don't have one today. Whenever that will take place, Mr. Speaker, those negotiations will of course deal with that question.

**MR. J. DOWNEY:** Mr. Speaker, can the Minister of Agriculture confirm that the province has loaned through stabilization to the hog producers approximately \$8 million and to the beef producers in excess of \$13 million that will have to be paid back to the province? It is not a gift; it is strictly a loan to the producers.

**HON. B. URUSKI:** Mr. Speaker, again he has answered the question about the removal of stabilization. That's precisely the kind of answers and information we were giving to the U.S. officials, that a large portion of the stabilization plan is an advance to producers when market prices fall below the cost of production that is there. We have never denied that and that will have to be repaid.

Mr. Speaker, I see honourable members arguing against income stabilization. Again, they are undercutting the producers of this province, Mr. Speaker. Clearly they are undercutting their own federal colleagues who are trying to assist in this whole matter and they are also undercutting the incomes of producers in this province.

### Temporary Absence Program - violation of terms

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

**HON. M. SMITH:** Yes, Mr. Speaker. Yesterday the Member for St. Norbert alleged that we had a 20 percent failure to comply on our Temporary Absence Program in the correctional system and asked for statistics for the previous years. I don't have the comparisons for pre-1984, but I do have an update on the 1984 experience.

As well, Mr. Speaker, I have the criteria which are used in the Temporary Absence Program. These are available to the inmates. The member opposite has already been given a copy of these.

Mr. Speaker, far from the alleged 20 percent non-compliance, the experience in 1984 of 3,096 temporary absences covering over 63,000 days has been a failure to comply of 4.2 percent of which only 1/2 of 1 percent were due to criminal reinvolvement.

Mr. Speaker, I think if the member opposite has any specific case that needs attention, I would appreciate it if he would make that information known to me instead of making sweeping denunciations of an entire system.

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

**MR. G. MERCIER:** Mr. Speaker, this was a question which the Minister yesterday would not reply to.

My question to the Minister is this, Mr. Speaker: is it the practice of the department to issue temporary absences for periods exceeding 15 days which contravenes the legislation under which her department operates?

**HON. M. SMITH:** Mr. Speaker, I should just remind the member opposite that the questions he asked me were specific data on three past years, and that is not the type of detail that a Minister can reasonably be expected to reply to without prior notice.

Mr. Speaker, with regard to the 15-day limit, there is the possibility of another temporary absence being given, but the process is reviewed and it is never extended without a review, following again the same criteria that are outlined in great detail in these papers.

**MR. G. MERCIER:** Mr. Speaker, I take it that the Minister is indicating that no temporary absences are given for periods greater than 15 days at one time, because it would appear that there are many many exceptions to that.

I would ask the Minister this: could she indicate to the House how many persons who have been authorized on temporary absence are unlawfully at large in each of the past 12 months?

**HON. M. SMITH:** Mr. Speaker, again, I repeat the answer I gave before. The temporary absence is given for a maximum of 15 days at which time the performance of the inmate is reviewed. Since, Mr. Speaker, the intention is to reintegrate the inmate back into the community in the most responsible and effective

way possible, the intent of the whole program is not to punish people who have satisfactorily completed their temporary absence but, in fact, to recognize good behaviour and facilitate their re-entry.

I must recall that we are only dealing with people who have sentences of two years less a day and on down and they are going to return to the community. It is in all our interests to see that they are assisted to do that in the most constructive way possible.

### Prejudgment interest - introduction in House

**MR. G. MERCIER:** Mr. Speaker, a further question to the Attorney-General.

The Attorney-General indicated last Friday that he would inform the House today as to whether or not he would be introducing a bill dealing with pre-judgment interest.

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

**HON. R. PENNER:** Notice of First Reading will be on the Order Paper either tomorrow or the day after.

### Violence in schools - concern with

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

**MR. C. MANNES:** Mr. Speaker, I address my question to the Minister of Education.

For the third day in a row, headlines in the paper point out matters of violence in Winnipeg School Division schools. The Minister on Monday, when I first posed the question, indicated that she would look into the matter and report. I'm wondering if she has any information to disclose to the House at this time.

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

**HON. M. HEMPHILL:** Yes, Mr. Speaker, I have had discussions on this matter with both the parent involved, who is raising the issue and is very concerned, and with members of the Winnipeg School Division Board who have been meeting and discussing this issue.

I think there are two things that are happening here: one is that it's my understanding that the Winnipeg School Division now has a much better reporting mechanism than they had before, and although it appears as though there might be an increase, what they tell me is that, in fact, there isn't a substantial increase in the number of cases reported, but there is much more information about the cases. Instead of just hearing that somebody has been disciplined in the school, they now have information on what it is related to. So they are getting more information at the school board levels through the reports that are coming from the principals and this may appear to look like there is a higher incidence.

Secondly, there are a number of parents who are raising specific issues of what they considered to be violence in the schools to their children and their concern that the discipline is not adequate. There is a meeting going on - I believe it's this afternoon, Mr.

Speaker - between some of those parents and members of the Winnipeg Trustees Board. I expect that they will be looking into it, as they are, and providing me with information when they have it.

**MR. C. MANNES:** Mr. Speaker, the Minister takes great delight in talking about introducing curricula to the public school system that will deal with respect, reason, responsibility and also peace in all its forms.

I am wondering if the Minister will be taking a lead in developing policies with respect to discipline and suspension in these violent matters when detected.

**HON. M. HEMPHILL:** Mr. Speaker, I think it's very important that you not make major pronouncements before you know what you are talking about, and before you have enough information on which to make a decision. There is some information that there is some concern; the school board is looking into it. If I do receive information that suggests this is a widespread problem that goes beyond a couple of schools, or a school division, then certainly I will be sitting down with my colleagues, school trustees, principals and superintendents, and looking to see what we should and can do about it. I wouldn't expect to come out arbitrarily with a plan of action and lay it on principals and teachers in schools without really knowing how big the problem is, how serious it is, and what they are doing at the school level to manage it.

### **Grasshopper infestation - help re spraying**

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

**MRS. C. OLESON:** Thank you, Mr. Speaker. My question is to the Minister of Highways.

Since many municipalities in southwestern Manitoba are faced with the necessity of immediately spraying for grasshoppers, and since they have been told by the officials of the Highways Department that they may not be reimbursed for the cost of applying spray to ditches and provincial roads and provincial trunk highway ditches, can the Minister tell this House and the rural municipalities why his department will not help these people with this expense?

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

**HON. B. URUSKI:** Mr. Speaker, the honourable member should be aware that the cost of chemical on public roadways is being paid for by the Department of Agriculture and they will be reimbursed.

**MRS. C. OLESON:** My question was not with regard to the chemicals, it was with regard to the application of the chemicals. The officials of the R.M.s are being told that the Highways Department will not be paying for the expense of applying the chemical.

**HON. B. URUSKI:** Mr. Speaker, the policy is consistent, not only for highways, but for all public lands within a municipal district. The province does reimburse the full

cost of the chemicals. Any spraying that is to be done on Crown land, or in areas within the municipalities and the rights-of-way along highways, is the responsibility of the municipality in this instance.

**MRS. C. OLESON:** Mr. Speaker, can I get back to the Minister of Highways on this? Will he change the policy of not paying for the application costs of spraying ditches on provincial roads and provincial trunk highways for grasshoppers? I know they pay for the spraying for weed control. I am talking about for grasshoppers.

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

**HON. J. PLOHMAN:** Well, Mr. Speaker, I understand that this is a long-standing policy that has been in place for many years and the criteria has not changed. — (Interjection) — Yes, it was in place when the previous government was in place, and I don't know that they made any exceptions. I can certainly find out.

I think if there is an exceptional case where there are extensive costs involved and in a major emergency we would certainly look at some special arrangements, but I am not certain that that is the case at the present time, Mr. Speaker. My understanding is that this policy has been in place, as I said, for many years and there have not been exceptions made to it.

**MRS. C. OLESON:** I wonder, would the Minister undertake to look into this immediately and consider changing the policy.

### **Hog producers - countervailing duty**

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

**HON. B. URUSKI:** Thank you, Mr. Speaker. I wanted to provide a bit more information to the Honourable Member for Arthur on the whole matter of the countervailing duty. I want to reiterate to him, Mr. Speaker, that we continue to hold the view that the countervailing duty was very ill-conceived and is really not in the interests of Canada-U.S. relations.

The claim by the United States, by their decision, that we are in fact causing injury to American hog producers and the pork industry, Mr. Speaker, is without substance. Sir, the Canadian pork and hog supplies represent no more than 1 percent of U.S. consumption.

**MR. SPEAKER:** Order please.

The Honourable Opposition House Leader on a point of order.

**MR. H. ENNS:** Yes, Mr. Speaker, I simply want to indicate to you, Sir, and through you to the Honourable Minister of Agriculture, that the opposition is quite willing to grant leave to revert to ministerial statements if it is the desire of the Minister to give us a statement with respect to tariffs on hogs, etc.

But my colleague, the Member for Gladstone, was asking a question that also has some urgency and was hoping that that perhaps could be answered.

**MR. SPEAKER:** Order please. Supplementary answers are not in the usual practice of Oral Question Period.

I would hope that members would not wish to take up an undue amount of time of question period. There are at least two other members wishing to ask questions and the time is rapidly running out.

### Beaver damage - Swan River

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

**MR. D. GOURLAY:** Mr. Speaker, I direct a question to the Minister of Natural Resources.

In view of the continuing and, in fact, increasing problem of beaver damage with landowners in the Swan River constituency and, in fact, with the municipalities, my question to the Minister is: will he be attending the Union of Manitoba Municipal Meeting to be held in Swan River on Tuesday, June 25th?

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

**HON. S. USKIW:** Mr. Speaker, I have not yet made that determination. My hope is that I would be able to do so, but I have not yet cleared my way to attend.

### Old age pensions - de-indexing of

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

**MR. R. DOERN:** Mr. Speaker, I would like to direct a question to the Minister responsible for MHRC.

Bearing in mind that the Provincial Government has been attacking the Federal Government in regard to the partial de-indexing of federal pensions, can the Minister confirm that when there are increases in federal pensions to elderly persons who are under the Shelter Allowances Program, that the Provincial Government reduces its support by that exact same amount?

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

**HON. J. BUCKLASCHUK:** Yes, Mr. Speaker, I presume the Member for Elmwood is referring to the SAFER Program. The SAFER benefits have not been changed or have not been indexed in the past number of years simply because of the fiscal restraints that the province has been experiencing.

**MR. R. DOERN:** Mr. Speaker, I'm simply indicating to the Minister, on the basis of a complaint that I had, that is it not the case that the Provincial Government is not allowing senior citizens to improve their position when the Federal Government does make increases in pensions and therefore there is no improvement in their standard of living because the province is taking away that gain or benefit.

**HON. J. BUCKLASCHUK:** Mr. Speaker, I am not too clear. If it's with respect to our rental in our MHRC owned units that the question is being raised, the fact is that whether it be a senior citizens' residence or a family residence, there is a fairly high subsidy that is being borne by both the Federal and the Provincial Governments.

If there is an increase in, let's say, the old age pension for the seniors, then a part of that increase is recovered in the form of an increased rent. Despite that, the tenant retains 75 percent of that increase and only 25 percent goes towards an increase in rent which then lowers the amount of subsidy which is fairly substantial, incidentally, on the part of the Federal/Provincial Governments.

**MR. R. DOERN:** Mr. Speaker, I'd ask the Minister whether he intends to review the policy in view of recent developments on the federal scene or whether he intends to continue it?

**HON. J. BUCKLASCHUK:** Well, I fail to see what a review would do. As I indicated, the rents are based on income. If the income doesn't increase, the rents don't increase, and that is by agreement between Canada Mortgage and Housing and Manitoba Housing Renewal Corporation. So, if there is no indexing, there will be no increase.

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

The Honourable Member for Emerson.

**MR. A. DRIEDGER:** Thank you, Mr. Speaker, I wish to raise a point of order and depending on how the Minister of Education responds, I am fully prepared to move a matter of privilege supported by the required motion.

On Monday, during question period I asked the Minister of Education the following question on Page 2760 in Hansard: "Can the Minister indicate whether the parent group that is supporting the 50-50 language program in St. Pierre have asked officially for a meeting with the Minister of Education? And her reply was: "No, they have not."

Last evening, when confronted with a parent group from St. Pierre the same Minister acknowledged that she had, indeed, received a request to meet with them.

Mr. Speaker, in view of the Minister's answer, as recorded in Hansard that I just referred to, I believe the Minister owes myself, this House, and the parent group from St. Pierre an apology.

**MR. SPEAKER:** The Honourable Minister of Education to the same point of order.

**HON. M. HEMPHILL:** The behaviour of this House is a bad example to set for school children.

**MR. SPEAKER:** Order please.

The Honourable Minister of Education to the same point of order.

**HON. M. HEMPHILL:** Yes, I think perhaps what is required is an explanation. I did not say that the parents had not asked for a meeting, the parents had phoned on a number of occasions and asked for a meeting. What I did say when I stood in the House is, that I was referring to the fact that they were reported as meeting with me on Tuesday night; and what I said was that there had been no request for a meeting on Tuesday night.

**HON. G. LECUYER:** That's what the question was.

**HON. M. HEMPHILL:** Yes, it was.

**MR. SPEAKER:** Order please, order please. Order. There is no point of order. There was a simple misunderstanding between two members as to the facts.

The Honourable Member for Emerson.

**MR. A. DRIEDGER:** Thank you, Mr. Speaker. I now wish to raise a matter of privilege and I will follow it with a motion, properly required. I would like to raise the issue that there was not a misunderstanding and I want to once again indicate to the House, I want to read again the question that I raised: "Can the Minister indicate whether the parent group that is supporting the 50-50 language program in St. Pierre have asked officially for a meeting with the Minister . . . ?" And the Minister, with no hesitation said: "No, they have not, . . .;" and the clarification that the Minister has presented is not acceptable. There was no misunderstanding, and I believe she deliberately misled this House; and last night when the group of parents from St. Pierre confronted the Minister in front of her office . . .

**MR. SPEAKER:** Order please.

**MR. A. DRIEDGER:** When the Minister was confronted by the parents' group in front of her office she apologized to the group and indicated that she had received various requests for a meeting, but she wouldn't tell that to the House and to the people and myself.

Mr. Speaker, it is for that reason that I feel I have the right to raise a matter of privilege because it is this kind of thing that has helped create the kind of confusion between the people in St. Pierre, and it is a very emotional issue out there, and it is this kind of a statement by the Minister that has helped aggravate the situation, Mr. Speaker.

Therefore, I move, seconded by the Member for Morris, that the conduct of this Minister on this subject matter be referred to the Rules Committee of this House.

**MR. SPEAKER:** Order please.

Under the circumstances and the noise existing in the Chamber, I intend to take the matter under advisement to peruse Hansard to see what, in fact, was said. Does any member wish to advise the Chair before I do so?

The Honourable Opposition House Leader.

**MR. H. ENNS:** Mr. Speaker, I noticed that, whether you, Sir, or I believe further distributed just today some further notes with respect to the very matters that we are dealing with, matters of privilege, points of order, and I just simply cite from this piece of information that you distributed. On the declarations with respect to . . .

**MR. SPEAKER:** Order please. Is the honourable member referring to something distributed today?

**MR. H. ENNS:** Pardon me. This is material I have had for some time. But it comes from your office, Mr.

Speaker. It comes from your office, as you from time to time distribute to all members, information that is of help to us in arriving at what constitutes a point of order, what constitutes a matter of privilege.

Mr. Speaker, allow me to refer to it. "Contempt of Parliament is closely related to and is dealt with as a matter of privilege. Contempts, while not breaches of specific privileges, are offences against the authority or dignity of a Legislature." I suggest to you, Mr. Speaker, that what seems very obvious, to us at least, and certainly should seem obvious to you, Sir, when you have the opportunity to peruse the Hansard, what was indeed acknowledged by the Minister, when confronted by the people involved, for what other reason would she have apologized to them; that she did indeed show contempt to my colleague, the Member for Emerson, and contempt to this Legislature when she flatly denied the question that was being asked by the member.

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

**HON. A. ANSTETT:** Thank you, Mr. Speaker. I wish to advise you, Sir, that it is my considered opinion that there is not a matter of privilege here. I would suggest, Sir, that if the Member for Emerson wished clarification of the Minister's comments, he could certainly have asked a question for clarification during question period today.

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

**MR. SPEAKER:** Order please.

**HON. A. ANSTETT:** I submit, Sir, that the record on Page 2760 of Hansard for Monday, June 10th, is very clear in that regard. Although, Sir, I will certainly agree that the Member for Emerson could misinterpret what the Minister said and if, after hearing further statements last evening, had misinterpreted it - I'd certainly be the first to admit the Member for Emerson is capable of doing that, not intentionally but quite, Sir, out of mistaken impression about the facts. Sir, I make no allegations, as he did, about anything having been deliberately done, and I hope, Sir, he'll consider withdrawing that.

Sir, I think it's very clear that, had the Minister done what he said the Minister had done deliberately, to mislead a member, in the context of the outline of matters of privilege which you submitted it suggests that "any act or omission which obstructs or impedes the Legislature in the performance of its duties, or which obstructs or impedes a member," I suggest that a member's right to ask questions should not be impeded. But the member is suggesting, I believe, that his right to ask questions was impeded by, in some way, a false response.

Sir, let's examine the record. In the bottom of the first column where this line of questioning was pursued on Monday, the first question was directed to the Honourable First Minister. That question, Sir, asked whether or not, as a result of a meeting in Vita last week, a group of parents had served notice on the Premier that they planned to meet with the Minister



of Education at 7:00 p.m. yesterday. The Honourable First Minister advised that he didn't know if the Minister would be having that meeting and that was a matter for the appropriate school division, the Red River School Division. The Member for Emerson followed up, again to the First Minister, but the question was answered by the Minister of Education.

And here, this is the relevant question, Sir, in terms of whether or not there was any misleading, deliberate or otherwise: "Well, to the First Minister then. Is he indicating that the Minister of Education will not be meeting with this group tomorrow when they come into the House at 7 o'clock?" The Honourable Minister of Education: "Thank you, Mr. Speaker. I heard about the meeting I was having with the parents in the newspaper. When people want to meet with somebody, they don't inform a third party of a time and a date they are coming for a meeting without knowing that the person that they want to meet is going to be there and is available. As it happens, I will not be available at the time they have chosen at 7 o'clock tomorrow night. However, I am prepared to meet with the parent groups, and I will be communicating this to them."

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

**MR. SPEAKER:** Order please.

**HON. A. ANSTETT:** Mr. Speaker, for the benefit of the Leader of the Opposition, I hope he'll recall that I afforded his House Leader the courtesy of listening to his remarks on this matter.

Sir, the Minister goes on to say that she would meet with both sides in the dispute, not as an adjudicator or arbitrator, but to meet with them, so she was aware of their concerns, and says: "So as long as everybody understands that if I meet with parents, I will meet with all parents, and will meet with parents on both sides of the issue. I am prepared to set up a meeting with them at a time that is mutually acceptable to both of us, and I will be communicating that to them."

Now, the Member for Emerson read the next question, okay? - which very clearly asks if the parent group has asked officially for a meeting with the Minister of Education. The Minister replied: "No, they have not, but that doesn't take away the concern that I have, that in a very sensitive issue like this that is by law in the hands of the school division to decide when there is a fair amount of controversy and concern in the community and there are groups of parents on both sides of the issue . . ." She goes to say she'll be communicating with both sides to indicate that she will meet with them.

Mr. Speaker, clearly the focus of the Member for Emerson's questions were on a meeting at 7:00 p.m. last night. The Minister had never had, or agreed to, a specific request - or a demand as it turned out - for a meeting at 7 o'clock last night advising the Minister people would be here. Requests for meetings and the setting up of a meeting, the Minister has advised the House she received. They are two different things and very clearly two different things.

Now, Mr. Speaker, what is the issue here in terms of privilege? Those are the facts. Do the facts, Sir, support a case, a prima facie case of privilege? I submit,

Sir, they do not. I would support the Member for Emerson in agreeing that a question of obstruction of the House, by any member, is a case of privilege. But, Sir, I submit that the facts, as presented, do not provide a prima facie case of privilege because, Sir, they do not suggest that the Minister in any way obstructed the House. The member had an opportunity, both that day, to continue his line of questioning - he did not pursue it; he had an opportunity today to continue that line of questioning - he did not pursue it.

We were in the Minister's Estimates Monday and Tuesday, and last night, and the member did not pursue it. Sir, I suggest - well, the Member for Morris from his seat suggests we were not in the right line. We were on Public Schools Assistance last night, which is the exact line under which the Red River School Division comes. Not only were we on the right line, but we were in the appropriate area of the Estimates of the Minister.

I suggest, Sir, that this is not a matter of privilege; that the member has no grounds, as well, because there is no prima facie case; that the member has no grounds for alleging that the Minister in any way deliberately misled the House and for that, Sir, I believe he should apologize to the Minister.

**MR. SPEAKER:** Order please, order please. There should not be a debate on this matter before it has been judged that there is, in fact, prima facie evidence of the matter. I've heard from two members and I believe that is sufficient. I have said that I will take the matter under advisement and I will do so.

## COMMITTEE CHANGES

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

**MR. D. SCOTT:** Mr. Speaker, I have a couple of committee changes. On the Committee for Public Utilities and Natural Resources, I would like to change it so the Member for Inkster substitutes for the Member for Churchill, and the Member for St. Johns substitutes for the Member for Thompson.

## ORDERS OF THE DAY

### PROPOSED MOTIONS

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

**HON. A. ANSTETT:** Thank you, Mr. Speaker. I would ask the House for leave to move the procedural resolution, which stands on Page 6 of our Order Paper, respecting Their Excellencies' visit next Monday.

**MR. SPEAKER:** Is there leave to introduce the resolution? Leave having been granted, the Honourable Government House Leader.

**HON. A. ANSTETT:** Thank you, Mr. Speaker. I beg to move, seconded by the Minister of Health,

WHEREAS Their Excellencies the Right Honourable Jeanne Sauvé, the Governor-General of Canada, and the Honourable Maurice Sauvé will visit the Legislative Assembly of Manitoba on the morning of Monday, June 17th; and

WHEREAS it is most desirable to convene this Legislative Assembly to receive Their Excellencies;

NOW THEREFORE BE IT RESOLVED that when this Legislative Assembly is adjourned on Friday, June 14, 1985 it shall stand adjourned until 10:00 a.m. on Monday, June 17, 1985;

AND BE IT FURTHER RESOLVED that this Legislative Assembly shall be convened on the morning of June 17th for the exclusive purposes of welcoming Their Excellencies and being addressed by Her Excellency the Governor-General;

AND BE IT FURTHER RESOLVED that this Legislative Assembly shall stand recessed on the morning of June 17th, from immediately after the departure of Their Excellencies, until 2:00 p.m. on that date, when the sitting shall be resumed for the conduct of the business of a regular sitting in accordance with the Rules and practices of this House.

AND BE IT FURTHER RESOLVED that this Legislative Assembly shall stand adjourned at 5:30 p.m. on June 17th.

**MOTION presented and carried.**

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

**HON. A. ANSTETT:** Mr. Speaker, I would ask for leave to move Third Reading on Bill 2.

**MR. SPEAKER:** Does the honourable member have leave? Leave has been granted.

### THIRD READINGS

#### BILL NO. 2 - AN ACT TO AMEND THE HEALTH SERVICES INSURANCE ACT

BILL NO. 2, by leave, was read a third time and passed.

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

**HON. A. ANSTETT:** Thank you, Mr. Speaker. Would you please call bills on Second Readings in the following order: on motion for Second Readings, Bill No. 16 followed by Bill No. 54; on Adjourned Debate for Second Readings, Bills No. 11, 15 and 26.

### SECOND READINGS

#### BILL NO. 16 - THE HERITAGE RESOURCES ACT

**HON. E. KOSTYRA** presented, by leave, Bill No. 16, The Heritage Resources Act, for second reading. (Recommended by Her Honour the Lieutenant-Governor)

**MOTION presented.**

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

**HON. E. KOSTYRA:** I have copies of my speaking notes for distribution, Mr. Speaker.

The Heritage Resources Act, introduced for second reading today, represents the government's response to a growing public concern about the preservation and interpretation of this province's rich history. People are becoming more aware of the value of our history and much more aware of the loss of sites, buildings and artifacts associated with our past. This concern is partially due to the pace of change in modern society.

In the past, change was slow and gradual; but now, because we are more dependent on technology, and because we value speed, change comes quickly. Our world is radically different from that of our parents, and the world of our children will be radically different from our own. These rapid changes, however, have often resulted in the needless destruction of those fiscal remnants of the past such as building sites or artifacts which we collectively know as heritage resources. This destruction is becoming much more visible, and more and more Manitobans are becoming deeply concerned about it.

When visible reminders of our history are in danger, we invariably hear a public outcry. There is real grief and outrage when public landmarks or sites, having an association with events or people who shape this province, suddenly disappear. This is not simply an emotional objection to change; it is a demonstration of a growing recognition that our community identity is rooted in our understanding of our history and preserving it for the benefit of present and future generations.

It is our past that gives us the sense of values: our sense of direction, our sense of what is just or equitable, our sense of who we are. For example, in 1916, Manitoba granted the women of this province the right to vote. We were the first province in Canada to do so; that is something to be proud of. It demonstrates a tradition in this province of equality; it is not just something that happened long ago but represents a value that is just as important today.

The public concern for preserving our history and the progress made in the rest of Canada compels us to reassess our stewardship over heritage resources. Manitobans require revised legislative procedures that will allow Manitobans to identify, preserve and enhance these resources. We require a planning process so that the sites, buildings and artifacts of historical value will be given their proper weight in planning and development decisions.

In order to enhance our capacity to protect such resources, in order to provide for their proper planning and management, and in order to encourage greater community involvement in preserving the visible reminders of our past, the government is introducing this Heritage Resources Act. I would like to briefly outline the steps that have led us to this new legislation.

In 1967, the Legislature passed The Historic Sites and Objects Act of Manitoba. After 18 years of administering the act, a number of problems were identified. First was the need to improve planning at all levels. Ad hoc approaches to managing heritage resources leads to misunderstandings, hard feelings and a sense of uncertainty to government, developers and the general population alike.

People need clear and predictable criteria and processes for preserving sites, buildings or artifacts so that they can take them into account in their plans.

We must eliminate the crisis approach and replace it with planning and clearer processes. We need to begin to assess in advance what is important. For example, by reviewing all railway stations, it can't be decided from a provincial perspective which ones are the most outstanding examples that should be protected. The resultant study will also allow communities to assess the importance of their own railway buildings. This allows people to plan for their preservation before the crisis arises. It also affords us the opportunity to make choices when such are necessary.

Another thing that has become clear is the need for the management of heritage resources at the local government level. My department has been co-operating with municipalities forming local planning districts by advising on the assessment of heritage resources in the development plans and doing special field surveys on historical, architectural or archaeological sites.

Experience in other jurisdictions has shown that the preservation of such heritage resources at the municipal level can yield significant results and community cohesiveness. It also becomes clear that the use of designation powers require a positive environment in negotiation with the owners.

To date, all designations are privately-owned land have been done with the consent of the owner. Yet, Manitoba has fewer buildings designated than any other western province, despite efforts to designate such resources have increased some 366 percent in the last few years. Without the City of Winnipeg record of 74 designations, there would be only 14 buildings protected in Manitoba, compared to 186 in Alberta; 360 in British Columbia and 325 in Saskatchewan. Of the 360 designations in British Columbia, 305 are municipal designations; and of the 325 in Saskatchewan, 303 are municipal designations. Local involvement is clearly a key to saving our historic buildings. Other Manitoba municipalities outside of Winnipeg, can creatively use this power, as well, and it is a significant reason for introducing this new legislation.

As the department was gaining this experience, other things were happening. Other jurisdictions also began to revise their legislation to achieve more effective policies. British Columbia, Alberta and Saskatchewan, all took new initiatives in the area of preserving heritage resources. They have had the experience with new planning tools, such as impact assessments, and have made new initiatives in expanding the powers for municipal designation. There were some experiences of great success; some mistakes which we can avoid, and also some experiences of what these measures are likely to cost.

At the same time, public concern for our history was growing. The Canadian Centennial of 1967 was soon followed by Centennials for the province, the City of Winnipeg, and many of the towns and villages in Manitoba. The Historic Sites Advisory Board accepted my request to review the need to revise the act and, in consultation with the Historic Resources Branch, began to prepare recommendations for change in the legislation.

In June 1984, it was decided to consult with outside groups to obtain their opinions on the issues under consideration. The consultation entailed the production of a discussion paper, an audio-visual presentation and

a discussion. Four main groups were identified for consultation; municipal governments, commerce and construction interests, heritage organizations and the general public.

In September of 1984 the discussion paper, New Heritage Legislation, was prepared. This discussion paper was printed and widely distributed. In October of '84, I began a tour throughout the province meeting with the general public in the communities of Brandon, Morden, Arborg, Flin Flon, Oakbank and Dauphin.

Separate meetings were also held in each region with municipal officials. Copies of the discussion paper were mailed out along with the invitation to the meeting. Copies were also sent to a broad range of interested individuals and organizations, including government departments and Crown corporations. All of the meetings were held with representatives of the Union of Manitoba Municipalities, the Manitoba Association of Urban Municipalities, the Winnipeg Chamber of Commerce, the Mining Association, the Prospectors and Developers Association of Canada, the Manitoba Historical Society, the Winnipeg Real Estate Board, the Manitoba Association of Architects, Urban Development Institute, the Association of Manitoba Archaeologists, Société Historique de Saint Boniface, Manitoba Chamber of Commerce, Manitoba Home Builders Association, the Manitoba Association of Landscape Architects, the Brotherhood of Indian Nations, and the Historic Sites Advisory Board of Manitoba.

Hundreds of people attended our meetings and many responded to the questionnaire. Responses came from a cross-section of the province; responses were primarily from people in the 35 to 64 age bracket. The response to the proposals was overwhelming positive; 97.3 percent were in agreement with the need to revise the legislation. On specific issues the response was just as overwhelmingly positive. I have tabled the summaries in committee Estimates ranging from 83.8 percent to 98.8 percent in favour.

Those attending the six regional meetings were very much in favour of increased attention to Manitoba's heritage. Many local examples of their need for heritage preservation were cited.

In the meetings with the different interest groups, many different points of view were expressed; municipal councillors, industry representatives and heritage groups were all supportive of the goal preserving our heritage resources. Throughout the whole process, the Historic Sites Advisory Board has been involved and has given strong support to the proposed legislation. In summary, the results of our consultation indicated strong support for preserving our history and for the proposals that are embodied in this act. Responding to the questionnaire, in talking at public meetings in small groups, the people were agreed that the heritage resources of this province are an important asset that has to be preserved, protected and enhanced. The public expects stronger action to protect our heritage. As a result of this consultation, the act is being presented. It is based on the following three principles: improve powers to protect historic resources; improve planning; and increased community involvement.

In order to protect our heritage resources, the powers of designating authorities needed revision. Powers are offered to the municipal level and had been balanced by the introduction of public hearings and appeals upon

objections. Under the existing act, only the Cabinet may declare a site as a designated heritage site. The necessary powers to prevent damage from recurring and to inspect, where warranted, have been introduced in case they are ever needed. But these additional powers are not nearly as important as the need to put heritage resources into the planning framework. This will reduce the number of crises and allow for reasonable protection and development.

One of the most useful planning tools is the impact assessment. Manitobans have been accustomed to them, in protecting our natural environment, and they have proven to be an effective tool. Heritage resources are also an important part of environment and also require the use of effective planning.

The legislation proposes the establishment of impact assessments where required. The Minister will be empowered to require heritage resources impact assessment for any development deemed likely to have a major affect on heritage resources. Guidelines will be produced for developers, local governments and others interested. Any major development will be assessed during its planning stages as to what its effect will be on heritage resources, and how that effect might be mitigated, if necessary. The guidelines will help proponents to predict the likelihood of such an occurrence. Early discussion will prevent unnecessary delays. Initially, provincial departments and Crown corporations will be called upon to comply, followed by the private sector.

The previous act gave ownership of archaeological objects to the landowner. Subsequent legislation in Western Canada recognized the problem inherent in such a provision. It has become clear that archaeological objects and prehistoric artifacts are the inheritance of all Manitobans and not just of the landowner. The knowledge which can be passed on by the studies is what government wants to ensure. The concept of Crown ownership is also important in dealing with the problem of trade in heritage objects. Trade and prehistoric objects results in the pillage of sites and export for sale of these specimens.

The previous act prohibits the export of these objects without a permit, but it is clear that it is virtually impossible to seriously affect this trade until it is emphasized that the ownership of these objects is with the Crown. It is now, however, the government's intention to take possession of all artifacts, or even to discourage the careful local collection of them. No existing ownership rights will be disturbed. As well, all collections made, after the date of the act, can be held by their finders in trust, for the people of the province. The interests of the local collectors will be protected and it is our intent to ensure that the communication between these finders and the government remains as strong as it did in the past.

This act makes the designation process a much more accessible process. As a designation at the provincial level is being considered, the owner will notified and have the right to appeal and to have a public hearing by the municipal board should his concerns remain. The board's recommendations are then to be provided to the Minister. If there is a decision to designate, in spite of the objections, the conclusions of the hearing will be sent to the Cabinet for consideration. Once a site is designated as a heritage site, future buyers will

be forewarned by the recording of a notice on the land title. Even after a designation, the owner or any interested party has an avenue of appeal.

Not only will the process of provincial designation become more open, but the powers of designation are also extended to municipal governments. Local government is responsible for land use planning and is often closer to the particular heritage concerns of their area and the values that local people place on their environment. They too need powers to protect heritage resources. This act will give them the authority to enact a by-law for the purposes of designating sites. It will also enable them to establish a local advisory committee in order to broaden the local involvement. This will enable a two-step process where provincial designation is reserved for sites of particular provincial significance.

The ultimate goal of preserving the physical reminders of our history is for the education and information they contain and the sense of community pride, an identity that they can foster. Thus, an important part of this act is the increased emphasis on programs of public information and awareness. It is the intent of this act to make Manitoba's history more known to Manitobans and to encourage greater community involvement.

This legislation is only a first step in the process of protecting the sites, buildings and objects important to our history. Government can and must provide leadership in this area, but ultimately the support and re-expression of the values of the public is essential for the success of any efforts in this field.

Our consultative process has demonstrated quite convincingly that there is strong local support for such action. The principles embodied in this legislation have received widespread acceptance and there is a strong concern that this legislation be effective; and it will be effective because its main emphasis is in development, its provisions and its implementation is on co-operation. It is the co-operation between government, community groups, municipality and businesses that will make it a success.

This new legislation is a major step forward and should be responsive to new outlooks. There is a growing sense that our history is no longer something that is concerned solely of specialists. History belongs to everyone and it is shaped by everyone.

We have realized that the official histories of the past had a tendency to neglect certain themes or groups of people and their dreams, hopes and achievements in society. It was the history of the big person and the big event, based on the premise that only the actions of the dominant and prominent in society were worth recording. But as our society becomes more and more democratic, people are not willing to be ignored and demanding a rightful place in our history.

This can only happen as our understanding of history becomes more dramatic. Not only must we emphasize those themes that have been neglected, we must also empower those groups who have been neglected to define and express their own sense of identity and achievement within society.

Local community groups must be enabled to initiate, participate in and create new understandings of their history and culture. It is not so much the government's role to write history as it is to stimulate, support and encourage people in the interpretation of the heritage they have and are creating.

The role of government is as a keeper or trustee of heritage resources for the people. We must provide the planning frameworks that protect heritage resources for future generations. We must provide for the collection and interpretation of the basic data of our history so that they are available for all Manitobans to ponder, to learn from and to cherish as part of their identity. That is what this act sets out to do and I believe that it is a major step forward in the preservation and protection of our heritage.

In conclusion, Mr. Speaker, I would recommend Bill 16 to the honourable members for their consideration and eventual adoption.

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

**MR. H. GRAHAM:** Thank you, Mr. Speaker. I wonder if the Honourable Minister would submit to two or three questions.

On Page 8 of his speaking notes, he notes in September of '84, the discussion paper on New Heritage Legislation was prepared. In October of '84 he toured the province in communities of Brandon, Morden, Arborg, etc. When the Minister was in Brandon he also indicates he met with the municipal officials. At that time was any discussion held about a proposed water slide on an archeological site in Grand Valley? Was that discussed at that time?

**HON. E. KOSTYRA:** No, it wasn't, Mr. Speaker. It was not raised by the municipality nor by me. The second point I would just correct the member's statement. To my knowledge, there is no development of a water slide on an archeological site.

There is a slide being developed in the Brandon area, in the Grand Valley area adjacent to a declared archeological site. In fact, there has been impact assessment work done through Natural Resources with professional staff who have found no artifacts, no remains in the site that's being developed for the water slide; and there is, at the present time, an archeologist on site during the construction of that water slide.

**MR. H. GRAHAM:** A supplementary question. When the Minister of Natural Resources, in unseemingly haste, approved that project, did he have the approval of the Minister of Cultural Affairs for that as well?

**MR. SPEAKER:** . . . of the oral question period. Are you ready for the question?

The Honourable Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Speaker, I move, seconded by the Member for Virden that debate be adjourned.

**MOTION presented and carried.**

### **BILL 54 - AN ACT TO AMEND THE HEALTH SERVICES INSURANCE ACT (2)**

**HON. L. DESJARDINS** presented, by leave, Bill No. 54, An Act to amend The Health Services Insurance Act (2), for second reading.

**MOTION presented.**

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

**HON. L. DESJARDINS:** Mr. Speaker, I wish to introduce for second reading legislation which provides for approval to operate personal care homes and approval to operate diagnostic laboratories under The Health Services Insurance Act.

Presently, regulations under The Public Health Act provides for personal care home standards and licensing. These provisions are now outdated. The proposed legislation consolidates approval to operate personal care homes under The Health Services Insurance Act with other aspects of the personal care home program such as definition of insured benefits and personal care services, etc., etc.

The proposed bill will provide the legislative authority under The Health Services Insurance Act for all the related personal care home program services.

With respect to approval to operate diagnostic laboratories, in 1983-84 the Manitoba Health Services Commission paid private medical laboratories more than \$17 million for 2,776,000 tests. This compares with payment of \$4,133,000 for 1,494,000 tests, 10 years earlier or in 1974.

Other private diagnostic services such as X-ray and nuclear medicine add to the figure by approximately \$8 million annually.

Applications are frequently made for expansion of the present private diagnostic facilities and the establishment of new facilities and/or services. It is in the public interest to prevent an uncontrolled proliferation of new or expanded facilities.

With the advice of a standing committee on diagnostic services for the past year, the Manitoba Health Services Commission has been carefully reviewing requests for new or expanded diagnostic facilities and those considered to be unnecessary are not approved as insured services.

The proposed legislation will provide the legislative authority to ensure that new and/or expanded diagnostic facilities will be approved on the basis of meeting the needs for residents of Manitoba.

Thank you, Mr. Speaker.

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

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

**MOTION presented and carried.**

### **ADJOURNED DEBATE ON SECOND READINGS**

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

**MR. SPEAKER:** On Adjourned Debate on Second Readings, on the proposed motion of the Honourable Minister of Culture, Bill No. 11 - the Honourable Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Thank you, Mr. Speaker.

I want to make it very clear that this side of the House, and I believe all members of the House, are in favour of the principle of this bill — (Interjection) — and in favour of - well, Mr. Speaker, I hear some approval from the Member for Inkster. I have my doubts if he is for it. But, Mr. Speaker, I would say that the people of Manitoba generally are looking for some guidance as to what they should be using or buying in the shops in Manitoba that are selling the videotapes.

Quite frankly, the industry, which I had the opportunity to meet with on Tuesday morning, are looking forward to having some classification; in fact, they are in favour of some classification or type of classification. There are some considerable loopholes in this bill, but certainly they have been making presentation from a national point of view to having this Legislature having some type of legislation that will help their industry to be in the same agreement with most of the people in the province as to what should be sold in Manitoba, or putting it in a better perspective, that the people of Manitoba should know what they are buying when they go into their stores and that they will have some guidance as to what labels they should have on the videotapes.

Mr. Speaker, the bill does set out a classification. There is no question that the new classification that is in there, dropping the age from 18 to 15 on specific types of videos and movies, is probably a step in the right direction. I personally believe that young people over the age of 15 do have some responsibility and should be able to make up their own mind, but I'm sure there are people in Manitoba who believe the age should be left alone, in other words, that they would have to have parental guidance from 18 years down. I'm sure there will be presentations made to the committee when this bill goes to Law Amendments.

Mr. Speaker, the problems with this bill, though, are that it does not do what the government wants it to do. It basically is, other than the classification of videotapes, a political window dressing by this government because they know the feeling of the people and they come forward with this bill that will make a step towards making things better, but quite frankly will do absolutely nothing - absolutely nothing to keep hard core porno out of the — (Interjection) — Province of Manitoba.

So, Mr. Speaker, I hear the member yelling "censorship" over there. I make it very clear to him right now that I do not believe in censorship. I do not believe in the act completely - as Saskatchewan has just passed theirs which gives them the right of censorship - but I do say that this bill does not keep hard-core porno and hard-core videotapes that are undesirable out of this province. It doesn't do that at all, Sir.

Mr. Speaker, the Minister, when he introduced this bill, said in October of 1984, when the Legislature provided the Manitoba Film Classification Board with the authority to clarify publicly exhibited videotapes in order to provide consumers with same information available to them with respect to films, we now propose to make such information regarding the nature and content of videotapes to the distributors for home use available to the public.

I don't quite know why the Minister believed that he had done something in 1984, in October of 1984, but

I refer to a letter from National Video. This is an answer to a letter from Mr. Ray Boehler of National Video. Mr. Boehler, on November 1, 1984, wrote to the Film Classification Board. He said, "As indicated to you, during my phone call Tuesday morning, it is National Video's policy to voluntarily classify all videotapes and not carry anything that might violate obscenity laws. You stated that your office might be able to provide classifications if I provided you with the lists of our titles.

"Enclosed is a list of titles which we have handled. We would appreciate receiving classification as soon as possible. Please advise where we may obtain information on an ongoing basis as to classification of videotapes in order that we may continue to display only those movies which are acceptable to local standards."

Now that letter was written on November 1, 1984 to Mr. Rooswinkel - I believe I'm pronouncing that right - of the Manitoba Film Classification Board and it was written after October, 1984, and the answer he received was, "Dear Sir, I have been instructed by Miss Donner, the chairperson of the board, to inform you that we regretfully are unable to fulfill your request for putting classification on your catalogue. This has come about from a number of incidents where we know videotapes to be different in content than the theatre version. Therefore, until the province becomes involved in viewing tapes for home use, all tapes must be considered as unclassified by the province."

Yet the Minister in his statement a week ago today on Wednesday, said in October '84, "When the Legislature provided the Manitoba Film Classification Board with the authority to classify publicly exhibited videotapes," so that's the first place where the Minister has made an error regarding his presentation on videotapes in this province.

He says, "This government is committed to make Manitoba a safe and healthy place to live." Well, as I said earlier, Mr. Speaker, this legislation does not stop hard core pornography from coming into this province in any way, shape or form. It has a classification and it is going to cost every man in the videotape business about \$3,500 extra a year, which I'm sure he will pass on to his customers because he is going to have to buy all the certificates and all of the labels that go on the particular videotapes, and that's fine; but he is still going to be able to put it on his shelf and somebody comes in and they buy it, but they will have a classification. You can have anything you want on that shelf but it'll be classified and people will know what they are buying, Sir.

At the present time, what we have in Manitoba is a classification board for the movies and they put a little ad in the paper and they write on it, "Mature." They tell you who's acting in it and a couple of comments about the particular movie that's going to be put on in the theatre. Mr. Speaker, at the present time, the videotape box gives you more explanation of what's in that movie than we presently get from the papers when we look up a movie at the present time. That box tells you more what's in the movie on the videotape than we get at the present time in the papers; but I still say that we are not opposed to having a classification. There is already a classification on that box that maybe comes from another jurisdiction, and

I say, Mr. Speaker, that the Saskatchewan Government with their legislation has used some common sense when they're talking about classifications of other jurisdictions, whereby this government hasn't and I will elaborate on that a little more.

But I see some interest from the Member for St. Johns on this subject. When I say that there's absolutely no protection and it does not stop pornography or hard core pornography from coming into this province, I would say, I will give these examples, Sir.

This little letter that looks like a letter arrives in people's homes or it arrives in people's business says, "A sexually oriented ad - for Adults Only; do not open unless you are at least 19 years of age," and this arrives in a home, and it says, "We make a reasonable effort," and it says, "Read this before opening," and you open this particular document and all of the other documents and you get an order form. This is the smart-alec Minister from Flin Flon who thinks everything's a joke in this House, but I can assure you, this is no joke. I wonder if he would like this to arrive in his home and his children, who might just be a little bit mischievous and open up something like this. It isn't addressed to anybody and they open it up, or his students that he used to teach, and they find this particular ad in it, hard core porno with an order form and can be shipped into the Province of Manitoba by courier and there is nothing to stop it and there is no law to stop it. I wonder if the member really appreciates having that, but he jokes about it.

Mr. Speaker, I wonder if the Minister agrees with Master Video Limited, Triple X Rated Movies, right on the front here and when you open it up it has the list of movies and illustrations of porno within it saying, "Place your order; here's the order form. Send us the order; we'll send you the porno movies." There is no classification or anything on them coming into the Province of Manitoba.

This bill does not stop that. The video retailers of Manitoba had a meeting with the Women's Rights organizations and the Women's Rights organizations says that this bill is welcome but it doesn't do anything to stop what we really believe is downgrading women, as far as videotapes are concerned.

Mr. Speaker, we have also coming in new, it's called Night Magic Video and your order form. You've got toll free orders, we've got toll free orders for them and now we want to know what's happened. I have heard . . .

**MR. DEPUTY SPEAKER, P. EYLER:** Order please. Is the member ready to proceed?

The Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Speaker, it's typical of a marxist that when they're in trouble they start yelling, so I would only say the comment that I heard is, what do we do about it? I heard him say, by me bringing it up, I'm advertising it. Mr. Speaker, he's a member of the government. Does he believe a government telephone book should be advertising it? Maybe we could have an answer to that. He could let us know if he believes that telephone books should be advertising adult videotapes from Red Hot Video. It would be interesting. You see, when you finally put him in a corner he shuts up.

Mr. Speaker, the Minister is here now and I want to say to the Minister, and he can read my remarks, that we are in favour of his bill, the videotape people, although they were never consulted until last Wednesday night, are not completely in agreement with the way it is structured, but they want to see some guidance in classification. But it will not stop porno, lousy videotapes, from coming into this province because they're coming in on these order forms and these mailings without any problem whatsoever. They can be purchased through a wholesaler in Manitoba; they can be put on the shelves in the Province of Manitoba; they'll only be a classification, and did you know that those men have them on shelves will have them classified? But, did you know that the federal vice squad can still walk in and charge them; buy a videotape and view it and, if they don't like it, they can charge them under the Criminal Code of Canada, but they can still be on the shelves?

We have only placed the classification, we have not really stopped videotapes of porno, hard core porno, from coming into this province. And I think that's what the Minister is trying to do. So let me, Mr. Speaker, tell the Minister that the videotape industry has made representation nationally to try and have some national type of guidance on this type of literature.

Let me read to the Minister what the Minister from Saskatchewan said when he presented his legislation, which is quite similar but has some differences. "About 80 percent of the video material available here comes into Saskatchewan from Ontario and is subject to a classification there. Because we have no intention of creating a massive bureaucracy . . . and Manitoba is going to create one, you cannot help but create one. The Minister may say that's not correct, but I don't know how he is going to, by July 1, which is what they say they're going to have this in place for, have his group classify 20,000 videotapes that are presently sitting on the shelves in the Province of Manitoba. And he says: "Because we have no intention of creating a massive bureaucracy to view every single film or video, we will take advantage of classification work done elsewhere by provinces and perhaps the industry.

"I emphasize, however, that we will continue to review, approve and classify ourselves by working with Ontario and other provinces and the industry, we will be able to minimize duplication. Distributors should not be forced to deal with multiple inventories and consumers should not face the additional confusion which wholly different systems of classifications bring. We do want some uniformity and some sort of national standards when considering film and video classification. Each province may not place the same restriction on each classification or use the same name, but we can work to develop shared criteria and guidelines. Saskatchewan standards will be reflected at all times and our goal is to establish clear classification in consultation with other provinces and the industry which will ease some of the current confusion, for parents in particular."

Mr. Speaker, if you take a look at the Saskatchewan bill, and the principle regarding their bill and ours, they have the power to approve or disapprove and the word "disapprove" means they have the power to censor or have to take the power to censor. As I've said, we have not to agreed with the censoring part of it, but they have the power to approve. But the board also has the



power to approve the classification of another jurisdiction. If they, in their wisdom, according to the bill, and that allows them to do that, believe that another jurisdiction has the same standards, or close to the same standards, or even better standards than Saskatchewan, they will agree to using that standard as far as their classification is concerned. And, Mr. Speaker, that makes sense. We are now starting to see the co-operation that we need nationally in this country or in North America to have some national standards so that we can work to them.

Well, Mr. Speaker, I happen to know that in Manitoba, at the present time, if he wants to argue about North America, there are standards in the United States that are accepted by the Province of Manitoba in electrical, in mechanical or many other places of jurisdiction. If the member would stop closing his eyes to the word "United States" and hollering every time we mention it because he dislikes them, we'd be a lot better off. So, Mr. Speaker, I'm saying to you, Sir, that the more we have as far as standards throughout Canada and North America and the world, as far as this junk is concerned, the better off we'll be.

So, Mr. Speaker, I believe, Sir, that I quite frankly am not a person that believes in censorship, but when it comes to this type of material going into children's hands, I say, I would censor it if it's going to go to children's hands. I can tell you sincerely I think it's a rather disgusting situation, Mr. Speaker. The children can order it; they can buy it; they can bring it in, as a matter of fact, somebody can bring it in and copy it and sell it in this province if they want to go to the trouble of the undercover type of operation, Mr. Speaker. Well, I hear the words "illegally." What are we doing to stop it? What are we coming forward with? Are we putting in procedures to stop the illegal acts? No, Mr. Speaker, that's why I say that this bill is just a little bit of window dressing to let the people think that something is being done to stop pornography, and it isn't, it's only classifying it because it's still going to be here.

Mr. Speaker, I just read out a proposal that was put forward by the Saskatchewan Minister when he introduced his act, would be better than what we have here. That's moving along.

Yes, I recommend that you do use standards of other classifications in other jurisdictions in Canada if they come up to your standards; I recommend it.

**HON. A. ANSTETT:** You recommend the Saskatchewan bill.

**MR. F. JOHNSTON:** Mr. Speaker, I recommend the Saskatchewan bill from the point of view of allowing their board to make a decision on standards throughout the country, and that's what I've said. If that little twerp over there tries to put words in my mouth, he's got another think coming.

So, Mr. Speaker, I say to you that this classification, Sir, this classification system is something that we agree with; we know that it's going to cost the men in this business \$3,500 more a year, at least, with all their labels, etc.; we also know, Sir, that the largest sales of videotapes is in the "B" class type movies, Sir. That's the horror movie, the western, etc., and that is the largest sale of videotapes.

Mr. Speaker, the distributors of the movies have informed us, or myself, or three of our caucus who had met with them, that the real good movies, the general movies, the wholesome movies, are not the biggest seller. The western is and the horror movie is and some of the mature movies are the biggest videotape sellers.

So the person who owns the rights to the movies, if he has one that is a wholesome type of movie, and we haven't got that big a market in the Province of Manitoba, he is not going to submit it to our Classification Board for classification unless he feels there are enough sales because the Classification Board will charge them \$1.68 a minute for the classification of a movie. If they feel that their return is not going to be there on that particular movie, they are not going to bring it into this province. That means we'll get less of the good movies.

So you see, Mr. Speaker, that is another good reason for taking advantage of other classification boards that may have done the classification on the movie. They have felt, say in Ontario, where the market is much bigger - it has been submitted for classification in Ontario - and if the Manitoba and Saskatchewan Governments feel that the standards of Ontario are up to the standards, their standards, why would they have to do it again? Why would they have to put the people to all this expense? Then we would certainly have a situation where we would have the more wholesome, the more general movies, and more of them on the market than they will have under this particular legislation.

Mr. Speaker, as I said, I am disappointed that this legislation does not go far enough. I'm disappointed that the Minister has not really been working with other provinces to try and have a standard across the country. I believe that the Minister should be meeting nationally on this subject. I think the Federal Government, if the provinces can't solve it among themselves, will have to put a standard which is national for this country. Because, quite frankly, Sir, this type of material that arrives at your home and says on it, "Please don't open unless you are 19 years old," you open it up and it comes — (Interjection) — unsolicited. That's correct. There is an order form in there and this is the type of movie that you can order from them.

Mr. Speaker, I really don't care what the House Leader says. If he doesn't want to take this as a serious situation in the Province of Manitoba, that is up to him and that only proves where his mind is and how he thinks. So, Mr. Speaker, I would say, Sir, that the Minister, does he approve of just this? You know, somebody gets a little machine that can run off reams of this type of stuff on a copy machine, have it arrive in people's homes and say that type of stuff is available to you in Manitoba, you can get it. It arrives in Manitoba, this catalogue that is sent out to people, sent out to businesses, etc., telling you what is available in porno and hard-core porno in the Province of Manitoba.

Mr. Speaker, this act, as I said, we are pleased that it is here because we've now got classification. We have not stopped the porno from being — (Interjection) — Mr. Speaker, I said it before. I've had respect for many House Leaders in this province while I've been here for 16 years, but I have never and could never have any respect for this House Leader because he has no respect for this House or people who are speaking. Mr.



Speaker, the classification is going to help; there is no question.

Mr. Speaker, my colleague from Fort Garry, told of a story that happened at his own son's birthday party. A 10-year-old group of boys and girls had gone down and picked a videotape off the shelf. There they were at the birthday party, all viewing this. The children really didn't know what they had bought . . .

**A MEMBER:** There was no classification.

**MR. F. JOHNSTON:** I'm saying that the Minister has missed what I said. This is what it is going to stop.

There was that group of young people saying to my colleague from Fort Garry's son, "You know, your mom and dad are real great people. These are real great movies." And that's not good. He was pretty embarrassed with the other parents and he felt badly that it was shown in his home, but they didn't know.

Classification will help that situation, but classification will not stop the porno coming into this province. We will not stop the degrading sex, 3-X, adult movies coming into this province and we won't stop it from getting into the young people's hands unless we take stronger action than we are taking at the present time.

Mr. Speaker, we support this bill. We make a suggestion, though. We make a very sincere suggestion that this bill is going to require a whole bunch more of NDP appointments to view videotapes.

Strangely enough, Mr. Speaker, around election time, to give you an example of what may happen with this legislation - in the Housing Department, in August of 1977, the NDP Government hired 32 employees on term employment just before the election. They wondered why the Critical Home Repair and all those things up there, they were running around with applications all through the province and putting up signs and everything else. They were all there; the record will show it.

All of a sudden, just before an election, we have a piece of legislation that is supposed to take effect in July, Sir, and it can't. It has taken Ontario two years to do something with theirs and they still haven't got it the way they want to have it.

There are 20,000 videotapes in stores in this province right now - different movies, and you mean to tell me we are now going to close the stores while we have them all viewed. Well, that's fine. — (Interjection) — No, I didn't tell them anything, Mr. Speaker. They are asking these questions. Mr. Speaker, would you ask that twit to shut up?

I have said that I haven't told them anything. They are asking that question. Mr. Speaker, the other side of the coin is, they're saying, how long will it take us to have this done? When a movie comes in and it's popular, it's being advertised throughout the country and what have you and they want to get it to their customers, are they going to have to wait three weeks, a month before it's classified, and after the month's over, the sales are not there but they've spent all this money for classification? They want answers to those things.

Mr. Speaker, the industry is a business in Manitoba employing people in Manitoba, paying taxes in Manitoba, paying payroll taxes in Manitoba, there's

sales tax on every one that's sold and rented and, quite frankly, they're in business to make a profit and when they do the government has their tax income; but they are going to be in a quandary.

I would say if this is to come in - I know the bill says, by proclamation. When it's proclaimed it will have to be a decision of the government, but I can assure you that we are going to have to hire another great big bunch of NDP people appointed to this board because 16 people will not be able to do it; 16 people will not be able to do it and 16 people will have to have added to them many many more people who will be put on boards and strangely enough it happens just before an election.

So, Mr. Speaker, we thank the Minister for this bill. We think that it should have a section like Saskatchewan's which gives his board the opportunity to work with other boards throughout the country or accepts standards that they believe are the same as theirs so that they won't have to have a big bureaucracy.

I read the comments of the Minister from Saskatchewan which I'll send to the Minister because he wasn't in the House at the time and I will send him a copy of the Saskatchewan bill if he doesn't have one and also send him the Video and Cassette Classification Fact Sheet that was put out by Saskatchewan regarding that; and I would implore him to work very closely with the industry before he makes proclamation of this bill because he has a problem. He has a problem because his staff did not discuss it with the industry. There is a Videotape Association and the people that were invited last Wednesday night to the gathering that the Minister had, that his staff was at - the Minister wasn't at it - was taken from the old yellow pages.

Do you know, Sir, that the number of video stores in Winnipeg has doubled since that has come out? They have a different association or a newer association. — (Interjection) — They have three wholesalers within this province, within the business and none of them, after they've all been just discussing with one another, can find anybody that was consulted for discussions regarding this act.

**MR. SPEAKER:** Order please.

**MR. F. JOHNSTON:** So, Mr. Speaker, in the Minister's statement he said that he consulted with the churches and the ladies' groups, all of those, that's admirable. But you know, the Manitoba group of Status of Women who have been talked to by the video association have had them say that this bill does not do what we want it to do.

If they'd talked to the industry they probably would have found a way to really have the bill the way they want it and the way the people of Manitoba want it, but they just went ahead and said, classification; and we're fully aware that the criminal code is the one that will get into censorship and the government is not wanting to have any part of that. That's what the Federal Government and the Provincial Government will classify. But there certainly is not any effort in this bill, the same as the Saskatchewan bill has, to have any real co-operation with other jurisdictions who are trying to do the same thing. Obviously, if they all work together it will be a better situation for all of us in Canada and

certainly for the Province of Manitoba and maybe there'll be a way to stop this junk from coming into the province and getting into the hands of our young people.

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

**MR. D. SCOTT:** Thank you, Mr. Speaker. I find it somewhat strange having sat here over the last half hour now and listening to the dear Member for Sturgeon Creek who started off saying he was in favour of the legislation; and then he spoke for half an hour against the proposed bill and then he closed up saying, somewhat cautiously, that he was in favour of the bill, implying I guess that the bill did not go far enough; that the bill that he was, in essence, calling for was censorship. He did not say censorship, Mr. Speaker, but that's what he implied in his words. That's what he spoke of when he says, when you cannot stop it, that if something is to come into the province and you cannot stop, that means censorship.

When you replace classification with a system where a provincial level of government decides that a certain film is not fit for their residence that they are going to censor it so that it cannot be seen. Mr. Speaker, the purpose of the bill is to classify films that are being distributed on a very wide base to the many video shops which are sprouting almost in corner stores now. Seven years ago this wasn't even an industry in the province to speak of and now there are dozens, even I believe getting into hundreds, of places which service the public desire for videos, with the almost explosion of the video recorder industry into North America and into the Province of Manitoba in the past few years.

So what we have the Member for Sturgeon Creek criticizing the bill for is that the bill did not try to replace the Criminal Code of Canada. That's what he was asking in essence. He's saying that something that is already illegal, he wants to make it illegal again. When it's already illegal under the Criminal Code; it's already illegal under The Canada Post Act to send through the mails pornographic materials, materials that in a court's interpretation and the decision of what is pornographic is left up to the courts for a very good reason, because the courts are seen as the mediators in this instance to determine what a community's and a society's values are.

It gives a court a fair amount of leverage, I guess, in making that decision. It allows for people of different persuasions to be able to argue what are community standards and what are not community standards. It would appear from the comments that we have had in the last over half an hour from the Member for Sturgeon Creek is that that's not good enough, that he wants provincial legislation to not only supplement but to supplant the federal Criminal Code.

He talks about it getting into children's hands. Well, that's the precise reason that we have this legislation is to try and prevent it from getting into children's hands, so that they cannot at a retail level sell or rent a tape to a person other than is provided for in the classification.

The classificationers have tried to simplify the classification because the classification before was quite confusing to a lot of people. Then the classification

providing for a general classification, which is suitable for all, which children can go and can rent at the local corner video store; a mature classification, which would only be rented out to an adult, and if an adult wanted to show that to their children, then they have that discretion, for the parent's discretion, not for one adult to show it to other children that he is not responsible or she is not responsible for; and the same thing with the next one of parental accompaniment. It is a guide to the consumer so the consumer does not go and buy a film which has maybe a title which seems quite innocent as far as the title goes, but then when you find out what is happening in the film, when you see the film, you are absolutely shocked at what the contents of the film are. Then, of course, the final one is the restricted category which is only adults.

So, Mr. Speaker, that is basically as far as the province, I believe, is able to go. Especially now with the Charter of Rights, I question very strongly whether a province has the legal right to actually get into censorship, which is the only alternative to a system of classification. If you want to argue that you are for censorship, get up and argue that you are for censorship, but don't get up and argue for a classification and censorship because you can't have it both ways.

I don't know what it is with the opposition these days. In discussion in the committee on Bill 2 yesterday, the Minister of Energy put it very clearly; they are trying to sit on both sides of the fence at the same time on all kinds of different issues to try and I guess diffuse what their real feelings are to the public. So they don't reveal their true feelings on how they vote. They get up and they talk all over an issue instead of in addressing the issue, I can grant you, but let us have some honesty from the members opposite. If they agree with the legislation, to support it; and if they disagree with the legislation, to vote against it.

So, Mr. Speaker, he talks of co-operation. One of the hallmarks of the members opposite, I suppose, is their constant cry for co-operation, but what co-operation do we see from them in the legislation they wanted to bring forward? When they were in office, we had their infamous legislation on energy conservation where they wanted energy policed, to be able to enter premises without having even court permission I believe through a court, to walk into people's front premises to see if they were wasting energy.

Mr. Speaker, they certainly don't consult, and their record of consultation is pretty darn poor when they have been in office. The same crew, virtually all of them, there were only four or five members who weren't sitting in this House in the last Session of this Legislature when they were in office.

Mr. Speaker, we have the constant cry for consultation and for co-operation with other provinces. Well, we work with other provinces, and we have been working with other provinces and finding what they are doing in other jurisdictions on this, but you can't wait forever.

You wanted to wait on pensions. You wanted to wait on pension portability and pension security for the working people of the province so that they could be guaranteed that when they retire they have a pension. You said no, no, no, we are going to fast.

The Leader of the Opposition a little while ago was condemning that legislation on television, in the free-

time broadcast on the CBC, saying that we had gone too far too fast, that we should be doing it with the rest of the provinces, that they want to do the same thing here. They want to slow us down till the last possible province is onside. That's wrong; it's irresponsible. In your provincial jurisdiction, you have a responsibility to move ahead with legislation and with government practices as well that are in the best interests of the people of your province.

We have attempted to do that in this legislation, and I think that legislation does it very well. It goes, I believe, as far as provincial legislation is possible to move, and that is in regard to improving the classification system so that when people are purchasing from a local video shop a film, it's already been classified, they know what they are buying.

To respond to the member's comments about having to reclassify 20,000 films, all films that have already been classified, they just have to verify that it's the same film as was classified previously by the board. That's the vast majority of the films that are out there, I am sure.

So, Mr. Speaker, I commend the Minister of Culture for bringing this legislation in. I certainly can't take credit for the legislation, although I have been bugging him on it for about almost two years now to try and get moving on the legislation to start to cover the corner video shops as well as the main cinemas in the city and throughout the province. I am most pleased with the result that he and his department, in working with members of the public who are concerned of this as well, and the legislation that they have come forward with. I think it's most commendable, Mr. Speaker.

Thank you very much for my having an opportunity to participate in this debate, Mr. Speaker.

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

**MR. R. DOERN:** Thank you, Mr. Speaker. — (Interjection) — No, my speech isn't over yet; that was just the introduction.

Mr. Speaker, I wanted to also rise to support this legislation in principle. I am a keen movie goer and theatre goer like some of the other members in this Chamber. It seems that this is only a logical step and logical evolution in terms of the classification of movies and then, of course, since inevitably the same product is sold for video cassettes, that the classification should just be simply transferred over and extended. I mean it's obviously something that would appear to be logical and practical. Now maybe there are other video cassettes which are not released in the theatres themselves which will also have to be classified by the board but that is something I think they can easily handle.

Mr. Speaker, as a person who occasionally rents video cassettes and owns a VCR, I found that this was in fact a serious problem in relation to renting and showing movies to children. I have a 12-year-old daughter and she has friends and cousins and so on and on occasion it presents a real problem. I can think of the one instance which really irritated and angered me and that was when I went with my daughter and her friend from school and rented a movie starring Mr. T. and although he's a sinister or a tough-looking character, he has a

great appeal to children and I simply assumed that if he was in the movie it would be all right, in terms of suitable for young children.

That movie, Mr. Speaker, was called D.C. Cab, as in Washington, D.C., Cab, sounds harmless, and I was told that many of the 11- and 12-year-old girls had seen this movie before and that it was something that nobody would have any trouble with so I rented it and took it home. I guess after it had been going for a little while, I sort of stepped in and listened to what was going on and I think both my ears just burned, with truck-driver ghetto talk from the depths of the slums in Washington. That's very interesting and we're all big boys and big girls, but when you come to young children listening to this kind of stuff and possibly thinking that this is hep or hip talk and that this is appropriate and that this is how people talk, either in the United States or people who are with it anywhere, then I think it's harmful.

So there's not only the pornographic material that the member from the Conservative party spoke about, but there's also a great deal of foul language and it's certainly isn't appropriate in the home. I think a lot of us can make a distinction between the home and outside the home, etc.

So, Mr. Speaker, that was sort of the last straw for me and I wrote the Minister at that time, and I think that was many months ago. I think it was, if I'm not mistaken, maybe almost a year ago and I think it took four to six months to get a reply; it's a very slow system and a slow response from the Minister. It's probably when my office facilities were being downgraded. So, Mr. Speaker, that's true. They probably couldn't get a letter into my office, the letter was larger than the space provided.

So, Mr. Speaker, I'm simply saying that I think a lot of parents will be relieved at this legislation and will in fact be appreciative of this first step that is being taken. There are many bugs to be ironed out; there are probably many defects in the legislation that were pointed out by the Member for Sturgeon Creek, but it nevertheless is a step in the right direction.

Mr. Speaker, this doesn't solve the problem, however, and I don't know how we are ever going to tackle the entire problem because now we're also getting into a situation where there are many films being shown on television - and I don't know what percentage of them are classified - but I know on satellite television which I've seen and which is becoming more and more common in both Winnipeg and the North and other parts of the province - there are more and more dishes being seen - those movies are certainly not going to get a general approval from the Minister. In fact he won't even be asked about it and they of course will just simply circumvent the entire system and when it comes to language that many people consider unacceptable or behaviour that many people feel is pornographic or obscene, they will certainly be in that particular area. So I just wanted to rise in support of this.

I also want to say that the Member for Sturgeon Creek I think was right when he said that this is a government that is focussing on images; that the government is more concerned with image than substance and we see that every day in the Chamber. Pass something and do it because it looks good or do

it because it might fly or do it because there might be a vote or do it because there might be somebody out there who will appreciate it.

Mr. Speaker, in the Chamber the government is very very concerned about images and impressions. The Ministers probably have a long check list of old Hollywood suggestions for actors; like face the camera at all times; never look at the opposition; clap for the camera; don't pound your desk. We have to get trendy and clap; it sounds better on television and smile for the camera and all the rest, Mr. Speaker.

So we're glad that the Minister of Cultural Affairs is there because he's a counter to that pretty boy image and we do in fact commend him on this first step and hope that he also will turn his attention to some of the other problems that will arise out of this bill and some of the other problems which are going to be confronting us in terms of all these massive technological advances that have occurred in regard to television, satellites, cable companies, super channels and all the rest. I hope we will also attempt to address some of those problems because otherwise we will simply be dealing with an ever shrinking, less important area and this other area will grow and it will be unsupervised by the government.

Thank you, Mr. Speaker.

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

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

**MOTION presented and carried.**

### PRIVATE MEMBERS' HOUR

**MR. SPEAKER:** The time being 4:30 and Private Members' Hour, the first item on the Order Paper is Proposed Resolutions, Resolution No. 2.

The Honourable Minister of Government Services has four minutes remaining.

The Honourable Government House Leader.

**HON. A. ANSTETT:** Yes, Mr. Speaker, there may be a predisposition to dispense with Private Members' Hour so we can continue debate on bills. I'm not sure whether or not there is. Perhaps we could ask if there is leave to continue debate on bills.

**MR. SPEAKER:** Is there leave to dispense with Private Members' Hour today? Leave has not been granted.

### PROPOSED RESOLUTIONS

#### RES. NO. 2 - ABOLITION OF THE SENATE

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

**HON. M. SMITH:** Mr. Speaker, I have concluded my comments.

**MR. SPEAKER:** Are you ready for the question?

**HON. M. SMITH:** Eat your heart out, Clayton.

**MR. SPEAKER:** Are you ready for the question? The Honourable Minister of Employment Services.

**HON. L. EVANS:** Thank you, Mr. Speaker. I'd like to add a few comments to the debate on this interesting resolution which has a bearing on our Canadian Constitution, namely, the role of the Senate of Canada, an institution that has been under considerable public view for some many months, particularly I guess since the present government, the present Prime Minister Mr. Mulroney, had some difficulty in getting certain money legislation through the Senate in an expeditious manner.

Of course there have been many many reviews of the Canadian Senate in its role over the years. As a matter of fact, I was doing a little bit of research and it's quite easy to find numerous reports of special committees, task forces, commissions that have been set up over the years to discuss reform of the Canadian Senate, to examine the role of the Senate in the Canadian Constitution.

Of course, this particular institution has also been the subject of much analysis, discussion and review by learned people in political science, people learned in law, people who are concerned with parliamentary procedures and organizations, and such organizations as the Parliaments of the Commonwealth - or pardon me, such journals as the Journal of the Parliaments of the Commonwealth titled "The Parliamentarian" - does from time to time, I note, have articles on reform of the Canadian Senate or examines the future role of the Canadian Senate, whatever it might be.

The most recent review, I would gather, has been the Special Joint Committee on Senate Reform which was set up in December of 1982 whereby the Senate and the House of Commons adopted identical motions constituting the joint committee, which was to consider and report upon ways by which the Senate of Canada should be reformed. That report has been received and there are various recommendations put forward by that particular committee.

Let me go on, however, before I dwell on those proposals, to indicate that ever since I had any views of the Canadian Constitution and had some understanding of the government in Ottawa that I've always held the view that the Senate, as it has been constituted for some many years now, is really a useless body.

**A MEMBER:** Hear, hear!

**HON. L. EVANS:** It is useless; it is a place where patronage can be exercised to the nth degree and I'm sure, for the average Canadian, it's considered to be a waste of money. It represents no one and indeed it is quite an undemocratic portion of our governmental system and frankly we would be better off with no Senate whatsoever, Mr. Speaker. There's no question in my mind that the proposed resolution is right on when it suggests that this Legislative Assembly requests the Government of Canada and the governments of the provinces to act as expeditiously as possible to abolish the Senate of Canada.

I appreciate this may not be easily accomplished, mainly because of the way our Constitution is now established. Our Constitution, as it is now written, does require considerable support of the provinces and of the House of Commons to have certain, even minor or various kinds of changes made in the position of the Senate or indeed any changes in the Constitution, I suppose.

My understanding is, to have a change in the Senate there has to be a motion passed by the House of Commons and there must be support of seven provinces equalling over 50 percent of the Canadian population. At that point, the Senate could even suspend that resolution for 180 days, but if the House of Commons passes a resolution a second time, then it becomes effective.

As I said, this is a current problem because the present government has felt great frustration only a few months ago when the Liberal dominated Senate exercised its rights and held up, for some period of time, some necessary money legislation, supply legislation, I suppose - Capital Supply, pardon me, I'm corrected - so I guess this current problem that is now facing the present Federal Government and in particular the Minister of Justice, the Honourable Mr. Crosbie, is addressing this.

Mr. Crosbie has brought in a motion, or has at least made public the Federal Government position as to how it would amend the Senate's powers and, specifically, they would remove the right to veto Federal House of Commons legislation. More precisely, a 30-day limit would be imposed on money bills. Mr. Crosbie suggests a 45-day limit on non-money bills and a 15-day limit for the House of Commons to consider amendments which might originate in the Senate on bills that they deal with and if the 15 days lapses without the House of Commons dealing with it, that legislation originally passed by the House of Commons shall stand.

However, as I said, even for these changes that Mr. Crosbie is suggesting, he still has to get seven provinces representing over half of the Canadian population, so I don't know how successful he will be in bringing that kind of reform.

The commission that I referred to earlier, or the committee that I referred to earlier - the Special Joint Committee on Senate Reform - outlines the original role of the Senate which is a rather interesting role, indeed, and a role that was established in 1867 based on decisions and recommendations by the Fathers of Confederation, and one very important role was to protect and represent regional interests. In particular, at that time, there was concern that Quebec and the Maritimes might not be adequately represented in a Canadian Government and it was felt that a Senate could protect regional interest.

The question we should ask ourselves is whether the Senate has indeed played that role of protecting regional interests over the years and, I think, Mr. Speaker, as the role of the Senate has declined, the answer would be, no, the Senate of Canada has not protected regional interests.

Secondly, and you can see where this idea certainly originated well over 100 years ago - 125, maybe 150 years ago when we talked about second chambers in this country of ours before confederation - the thought was that you should have an Upper House to provide

some kind of counterweight to the popularly elected lower legislative body, in this case the Senate was to play the role of a counterweight to the popularly elected House of Commons. In fact, the role was reflected in the way that senators were chosen shortly after confederation. They were appointed from among citizens who were at least 30 years of age and who possessed property worth at least \$4,000.00. I'd suggest that, when you are talking over 100 years ago, \$4,000 would have been a lot of money at that time.

But this counterweight role, of course, was the so-called sober second thought that the non-elected chamber could give. To me, it is clearly undemocratic and knowing how difficult it is at times to get legislation through the House of Commons today, how laborious a procedure it can be, it seems to me that what is needed in Ottawa is procedures whereby legislation can get through much more quickly and much more expeditiously. We don't need to slow it down in any such way.

There was another role that the Senate was supposed to play and that is the role of protecting minority rights. At that time it was thought that the French rights, in particular, had to be protected; that was the original thought. Over the years, again, I would submit, Mr. Speaker, I do not believe that the Senate has shown any ability or demonstrated any particular interest in protecting minority rights in this country, whatever or whoever those minorities may be.

Interestingly, the Joint Committee on Senate Reform in its report, which only was released within the past year or so, looked at four alternatives to reform the Senate. One was a reformed appointment, that is a second chamber whose members would continue to be appointed but possibly in a different way and that would undergo various reforms to improve its effectiveness. But, nevertheless, it would still not be a democratically elected body under that particular alternative.

A second alternative was what is referred to as the Bundesrat, a term taken from West Germany, where a council or second chamber would be established whose members would be chosen by the provincial governments and who would vote according to their instructions. I tried to imagine how this might work in Canada if such were ever to come about. I can't for the life of me see where provincial governments would want to delegate to their appointees certain powers in a Bundesrat. I can't see how that might happen. Maybe it can work in West Germany. I just cannot see how it would be acceptable here.

As a matter of fact, I would suggest, Mr. Speaker, that probably the best way that we get the interests of the provincial governments represented is in the way that it is done now and that is in the various federal-provincial conferences that are held whereby each province has a delegation, a Minister or the First Minister or some Minister of a department and matters are discussed and hammered out and all the views are put forward on the table. To me, that has become part of our system of government in effect in this country. It seems to work to some large degree whereby we make decisions on major health matters, welfare matters, agriculture and so on, by means of these federal-provincial conferences.

A third reform alternative proposed by the committee was that of indirect election, members of the second

chamber would be elected by a two-tier process, that is, they would not be elected by the people of Canada but by Members of Parliament or perhaps by provincial legislators from the different federal and provincial parties. Again, Mr. Speaker, I can imagine various difficulties that that could lead to. Indeed, the committee didn't recommend that alternative, nor any of the other two that I mentioned.

What they did suggest, their preferred solution or alternative, was direct election, that is, the senators would be elected by the people of Canada and they'd propose a number of seats that there would be - 144 - with, incidentally, 12 coming from Manitoba. That was their conclusion, that only direct election would give the Senate sufficient political authority to effectively protect and represent regional interests.

Mr. Speaker, I would reject also, that particular option. I think that, as I said earlier, a Senate has the ability to slow down decision-making. I think it indeed would slow down decision-making. It could also lead to a lot of confusion in decision-making and as I said, also, I don't see even with direct representation, how it would necessarily overcome the problem of regional representation because I don't see the way the seats are distributed where Manitoba would necessarily have any more power defacto in that kind of an organization than it would have in the House; and certainly not as much as around a table of Provincial and Federal Ministers where, indeed, we would be one of 10 provinces or one of 12 provinces and territories.

So I refer to this particular report. As I said, there have been many other suggestions and discussion papers. There was a Reform of the Senate discussion paper published under the Honourable Mark MacGuigan also a few years ago and, again, looking at the problems of Senate Reform and there have been other studies in the past, and so on. It is a subject that has been well studied.

I suggest, Mr. Speaker, that none of the studies, including this very latest one from the Special Joint Committee on Senate Reform, have satisfactorily proposed a solution to the so-called problem of the Canadian Senate.

I believe the Senate should be abolished. As I said before, for some obvious reasons as it stands now, it is certainly a useless body and it is, unfortunately, a haven for persons who are there simply because they are recipients of political patronage. Now, of course, that doesn't have to be. You could argue that you need not appoint people from your party who have served you in whatever capacity, you could have others - and indeed, I guess from time to time others have been appointed to the Senate - but even if you did have some other people I would still suggest, Mr. Speaker, that we are wasting money because these people really don't represent anybody.

If we need additional information and additional advice on matters, we have a technique or an instrument that has evolved over the years; that of setting up task forces or the technique of setting up a Royal Commission to look at major problems. So we have many many ways and many many devices to take a second look to investigate matters of state in great detail if we don't believe it can be done within the House of Commons.

I think we do need in this country a system of recognition and a system of rewards. The Senate

appointment can be a type of a reward and recognition, and I am not taking that from anybody. I mean there is room to reward people and there is room to give some recognition for public service. But I think that we could evolve that system without utilizing the Senate.

I think those who would argue, well, it's ridiculous to talk about the abolition because we will never get agreement, I would suggest there are other things we can do. I think what I would recommend short of abolishing - I would like to see it abolished - but if we can't abolish it quickly or easily, then we can do other things like reducing the amount of money being made available to the Senate. Let's eliminate the salaries or provide a small expense allowance for them to get there or to vote once a year or twice a year, whatever they have to do to fulfill their requirements under the Constitution; it certainly would keep the attendance down, I am sure of that.

Or another alternative, the government can leave a number of vacancies; we'll save a few dollars that way. So I would say, let's abolish it. But if it's not easy to abolish it, then, because we can't get agreement or whatever, let's do whatever we can to ensure that it carries on in the direction that it has carried on for the past 100 years plus, and that is to become an even more insignificant body, and please stay out of the way of the democratically elected Government of the Day, whichever party is in power, I say that. Stay out of the way of the democratically elected people and let those people, namely the House of Commons, the Cabinet they are in, carry on fulfilling the mandate that they have been given by the people of Canada.

I suggest that there are various other ways that we could achieve the objectives that we're originally concerned with by the Fathers of Confederation. We have ways and means of protecting minority rights. We have ways and means of having regional representation by, I suggest, federal-provincial conferences. We have means and ways of getting sober second thoughts by setting up Royal Commissions or task forces and so on. We can achieve all those original objectives without a Canadian Senate.

So I leave those thoughts with you, Mr. Speaker, and the members of the House, and look forward to any comments or suggestions that members opposite might have on this particular subject.

Thank you.

**MR. SPEAKER:** Are you ready for the question? The question before the House is the proposed motion of the Honourable Member for Riel, Resolution No. 2.

The Honourable Member for St. Johns.

**MR. D. MALINOWSKI:** Thank you very much, Mr. Speaker. I would like to first of all congratulate my colleague, the Honourable Member for Riel, that she brought that resolution which we have before us concerning our Senate.

Mr. Speaker, there is no doubt in my mind that I can agree in many cases with the argument which I have from the other side of my colleagues, from the Conservative Party. I understand them very fully why - maybe I will explain a little later - and the same thing, Mr. Speaker, like with the Liberal Party. If I would say that they like the Senate I won't be far wrong. You



know, they love it, they adore it. And, Mr. Speaker, I don't blame them. Because if somebody will be getting approximately \$60,000-some, all kinds of privileges, why not? Why not have a free ride?

On top of it, Mr. Speaker, they are not an ordinary hard-working people who work for a minimum wage. No way. They get a pension already, and a good one, Mr. Speaker. I am not talking about the old age pension which, of course, now they would like to come to our pensioner's pocket and they would like to do something because probably maybe they have in mind that they will raise their salary or maybe some more privileges. It looks like to me that probably for them it's not enough.

Mr. Speaker, in the interests of a government and in the interest of saving some \$35 million annually at the federal level, I think it would be an excellent start to find this \$35 million - in fact, maybe honourable members will agree with me, from the other side - will be much more useful spent in the Province of Manitoba making up for some of that transfer payment that we haven't received yet. The Canadian Senate has been a costly waste of taxpayers' money for over 100 years.

Mr. Speaker, I am not saying this because I am in opposition to it, but my logic is telling me. Mr. Speaker, as a little portion of the whole universe, I would be ashamed to take a piece of bread for which I didn't work. — (Interjection) — It's not tough, some member said tough. — (Interjection) — The Honourable Member for Elmwood said sausage. Well, I heard, Mr. Speaker, that recently when the honourable member had a piece of sausage after as a result, he has for three days diarrhea; so don't recommend to anybody. Mr. Speaker, I can't accept by any way to just sitting and watching those gentlemen who are sitting down there and collecting money from us, as I said for nothing. They don't have any power.

As a matter of fact, Mr. Speaker, I don't know even myself how many Senators do we have in Manitoba. I don't know how many. I don't even know their names. Well, maybe two or three I can name, two for sure, the former Premier, Duff Roblin, and I believe that fellow who was sitting on this side when I came in 1969, Mr. Speaker, was I believe, Honourable Mr. Gil Molgat. The rest of them I don't know them. But, Mr. Speaker, I'm 16 years already here in this Chamber and I'm representing people in the north end of Winnipeg and even once, any call whatsoever didn't come to me as a representative from a Senator and asked me, Father Don, how are your people doing in Point Douglas or in St. John's, nothing at all.

**A MEMBER:** I guess they went to a higher authority.

**MR. D. MALINOWSKI:** Well, I don't know what my honourable member from across the way has in mind, what kind of authority. But, Mr. Speaker, if I'm just watching closely their "so-called" responsibilities, so I don't know for God's sake, our taxpayers' money are giving to them, for what?

As an example, Mr. Speaker, when our beloved Premier of Canada, I said our beloved Premier of Canada — (Interjection) — well, of course, not second. Thanks for correction. Mr. Speaker, when he was in trouble, he had problems, because he has to have a legislation or bill to pass which they call a capital-

borrowing authority and the Senate said, no, we won't do it. We have to know exactly where that money will go and this kind of a thing. They were putting so many questions and they are holding. Mr. Speaker, the whole Federal Government of Canada was in real trouble at that time, because they didn't have the authority for capital borrowing. They couldn't borrow the money to run the country.

So as a result, Mr. Speaker, to show it exactly what kind of authority the Senate has, our Prime Minister stood up, when he had an interview before the cameras, and he said well, after all, they are not elected; they have nothing to say. We are taking the responsibility, we, not the Senate. So if this were the case — (Interjection) — The Honourable Member for Port Arthur, I am not speaking against, Mr. Speaker, I am speaking about. And it happened that that fellow is my Premier, the Premier of Canada. Mr. Speaker, it proves right on the spot and who did that. The Prime Minister of Canada, he said well they don't have any authority; they don't have any power; they have to do whatever we want, whatever the House of Commons - you know if it were passed here, the bill has to go through and no question about it. It means that they are nothing but a rubber stamp. And, Mr. Speaker, I can buy a rubber stamp for 25 cents, not \$65,000; not only one, but I am talking about quite a few of them. So in my personal point of view, Mr. Speaker, we are just wasting money; of course we're just looking for decorations, because that's what it was.

Mr. Speaker, I may say something about the history. I know how it happened when the Senate started, Mr. Speaker. I remember from history, Mr. Speaker, that at the creation of the Senate, it was decided that appointees had to possess \$4,000 worth, not the big pensions which we have right now, but \$4,000 of real property or be above any debts or liabilities; net assets, Mr. Speaker, of at least \$4,000 and be at least 30 years of age. I'm talking about 100 years ago. Actually, the Senate in 1867 was not meant to be either democratic or to represent Canadians from all walks of life.

Other things have changed since 1867, Mr. Speaker. Women now have the vote finally. After nearly 100 years they were asking, fight for it, for that rights. No, it was not allowed for them, but after 100 years finally they can now vote and I'm so pleased to see them not only as an MLAs, but as Ministers and good ones. Right now we have not only in the Chamber a Minister, but also an Acting Premier. I would like to congratulate her for it.

Also, Mr. Speaker, Natives have the vote and here in our Legislature we have the first Treaty Indian elected to the Manitoba Legislature, the Honourable Member for Rupertsland.

Mr. Speaker, we now have 104 Senators whose fortunes have raised their salaries as I mentioned before, \$63,000 per year. If the honourable members from the other side, from the Conservative Party, in this Chamber, if they can't see that, so it means there is something wrong with their sight and they should go and see the doctor or change their glasses or see maybe other doctors who will give them a little brain to find out that they can really see what is really right, what is wrong.

Mr. Speaker, when the Leader of the Federal New Democratic Party in Chamber when he was trying to put the resolution to abolish a Senate, he noticed that

the Liberal Party also was going in the same direction. So they were attacking the Prime Minister, Honourable Brian Mulroney. Mr. Speaker, what he said straight, "I will put such a resolution; I will agree with such a resolution if the honourable Leader of the Opposition will second it. Mr. Speaker, you think that Leader of the Opposition Party, the Honourable Mr. John Turner - no, he just turned away. He didn't agree. Why? Because so many of them, so many Liberals, naturally right now we have a majority, right now is a majority. In the Senate we have the Liberals. That is why they have that problem. They will have a problem, Mr. Speaker, there is no doubt.

But, again, I am asking my honourable friends on both sides, that we are paying a little too much for the rubber stamps, because we may get them much cheaper right here.

Mr. Speaker, I can understand the hesitation of members opposite to criticize the Senate. Of course, it is understandable for me, because many of them have dreams of being appointed to the Senate. I believe it was the Member for Lakeside - is that what you have in mind, my honourable friend for Ste. Rose? No, I think the Honourable Member for Lakeside, actually, he said it in this Chamber that he wants to be appointed. Probably there is nothing wrong. — (Interjection) — I have only five minutes. Thank you, Mr. Speaker.

Probably there is nothing wrong with it. That is fine. This is the answer, which I'm just putting, to my mind I said why. They are all the time so afraid when we were just talking about abolishing them. No, we want them because - I remember the Honourable Member for Roblin Russell, he said, "Listen, we can learn something from them. This is very good." I don't know what we can learn from them if they are doing nothing. Of course, he is entitled to his own opinion, Mr. Speaker.

But, Mr. Speaker, at that time when the Federal Conservative Government is cutting old age pensioners' pensions, the member, probably for Lakeside, wants the Federal Conservatives to appoint him as a Senator - probably that's his intention, I don't know, I don't have any idea. If the Honourable Member for Lakeside spoke already or not; if he did, of course then, he is against our resolution. What a shame, what a shame!

Mr. Speaker, — (Interjection) — the Honourable Member for Arthur is saying "destroy." This is not destroying. This machine doesn't work; we don't need them because we're paying them the money. I don't want to destroy. Do you know what? I have a suggestion, Mr. Speaker, that maybe I should put an amendment instead to abolish the Senators, put them on welfare. Let them find out.

**A MEMBER:** De-index them.

**MR. D. MALINOWSKI:** Whatever. That's right - and give them a raise of five cents or something a month. That's what they are doing. — (Interjection) — No, no. I can't buy something like that, Mr. Speaker.

Mr. Speaker, the Federal Conservative Government is obsessed with image better than substance. Look at all the money they spent advertising the Budget of theirs; huge advertisements in the newspapers all over the country. They are saying in those advertisements, just phone and find out. Mr. Speaker, many of my

constituents are asking me what kind of power they have, what do they do, not only for St. Johns constituency, but for Manitoba. Finally, I didn't even get the answer, because I said, I'm confessing, I don't know how many Senators exactly we have in Manitoba. I just counted three of them.

But I think, Mr. Speaker, if I ask my honourable friend across the way, the Honourable Member for Sturgeon Creek, for names, I doubt very much if he could give them to me because he, himself, doesn't know either. The only thing we know is that we are paying them \$65,000.00. People in St. Johns, they are in pension and they're paying. They are unlikely, the Conservative Party, to believe in universality now and in the future, not just at election time. They know that the Senate will not protect them now, in the future, nor did it in the past.

Mr. Speaker, if the Conservatives need to save money, abolish the Senate right now.

Thank you.

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

**MR. C. SANTOS:** Mr. Speaker, I'd like to contribute to this debate by speaking in favour of the resolution of the Member for Riel. It is all right to have dreams. Some people are dreaming of being appointed to the Senate. Dreams are part of life; it is part of reality. It makes life interesting. It gives us some motivation to achieve and to do something which is fruitful and useful to society and to our fellow man.

Indeed, we have developed historically, an institution which is a place where we put all our politicians who have devoted the best of their lives in public service as a form of reward in their old age. They have accumulated so much political wisdom and experience that they can contribute, supposedly, to the process of public policy making.

The Senate had been devised initially to be a place where wisdom shall be so that through their appointed role in the parliamentary system, our senators will be able to help in contributing to the formulation of better public policy.

The only trouble with the Senate is that although it has been an essential part of our parliamentary set of institutional government and has been most productive and fruitful in the past, the only problem with it is that it has already outlived its period of usefulness.

It has no power, effectively, to counteract the decisions and policy choices that are being made in the House of Commons which is the duly legitimate and elected body to represent the people of Canada. They have the democratic mandate from their constituents to rule and govern this country. The members of the Lower House of Commons who have the power of the purse, the budgetary power to appropriate and spend money, are the ones who are actually elected by voters of this country to represent them in government and to make decisions for them.

The senators are appointed; they are not elected democratically. The Senate indeed represents an aspect of elitism in our society, a sort of a version of the aristocracy of England in Canada, transported to this country. That's alright in the development of our



institution in the historical past. Yet, at the present time, it would seem that they have become so ineffective in that Upper House that they no longer can be said to be a partner in the governance of this country.

Originally, the powers and privileges of the Senate in legal terminology is co-extensive with the powers and privileges of the House of Commons except, of course, with the power of appropriation being primarily lodged in the Lower House as stated in the British North America Act now known as The Constitution of 1867, Section 18. The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons and by the members thereof respectively, shall be such as are from time to time defined by the Upper Parliament of Canada, but so that any act of Parliament in Canada defining such privileges, immunities and powers shall not confer any privileges, immunities or powers exceeding those at the passing of such as held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof. Legally and constitutionally, the power of the Senate is supposed to be co-extensive with the powers of the House of Commons. Legal authority is not co-extensive without quality of power. Actually, it could happen in the world of reality. The Senators, they can talk all they want about policies, but it is the House of Commons that makes the decisions.

It follows that the Senate is very ineffective as a segment of the institutions of government of this country, not because there is lacking some constitutional mandate - there is according to the constitutional provisions - but because of the reality of the fact that they are not elected by their constituents. They are there through the appointment power. They represent no one except the country as a whole; perhaps the region or the province from which they came. Indeed, that was one of the schemes originally for the establishment of the Senate. The so-called regional representation in the House of Parliament of Canada. The senators are supposed to represent the geographical region from which they come, so that the region will be represented in that single body, a bicameral body in Ottawa, consisting of a Senate, an Upper House, style a Senate and a Lower House called the House of Commons.

If the Senate is ineffective, it is not because of a lack of legal or constitutional authority. It is because of the actual political fact that they do not have electoral mandate from any constituency that they are supposed to represent. *Vox populi, vox dei*.

If there is a power of government, it's the power of the voice of the people which is supposed to be the voice of God in the governance of a country. If they do not represent the voice of the people, then the Senate, the senators do not represent any power at all to govern, because the power to govern in a democratic system derives from the voice of the people.

The Member for St. Johns had alluded to the fact that in all the 16 years he has been sitting as a member of this Legislative Assembly, not one senator even consulted him or called him about the concerns or welfare of the members of his constituency.

**A MEMBER:** A bigger question is, have you ever consulted with the Member for St. Johns?

**MR. C. SANTOS:** The bigger question is whether I, myself, have consulted with the Member for St. Johns. Yes, I have. We have been consulting one another, because we have been sitting together in this House of Assembly.

It is a fact of our relationship of members of this House that we should be in constant communication with one another, so that we can share the common concern of our constituents. The legitimacy of our power and our role and influence in the policy process in the legislative process ultimately has to be justified by the fact that we have the mandate, that we were elected by the people in our constituency. I repeat, the vote, the popular vote, the popular voice of the people is the source of the political power to govern legitimately.

If any set of people or any group of men or women tries to govern without the mandate of the people, of the country they represent, then we either have a dictatorship or we have a despotic government that is not responsible at all to the people that they represent.

While I am not claiming that the Senate is such a form of despotism, all I am saying is that the Senate is not the recipient of the voice of the people that gives them the power to govern. They lack the power and effectivity as a political force in the country because they do not have a source, the voice of the people to govern the people.

Moreover, although some of the senators really deserve the appointment that they receive after a number of years, sometimes decades of public service, they already - by reason of schemes in our pension system as legislators - they have probably satisfied the minimal requirement of number of years of service in the provincial legislative bodies they have served, that they already qualify for pensions. But at the top of that they are receiving enormous amount of salaries in the role of senators in addition to the pensions that they have already received.

In the meanwhile the senior citizens of this country, whose only source of income are the old age pension, have received a serious blow to their security by a measure of the present incumbent government in Ottawa, that had proposed and had passed the indexation of their source of livelihood and source of security.

So what we see here is the most inequitable, most uneven distribution of resources. The majority of the senior citizens of this country, who have a very meagre pension to rely on in order to live in their old age, are being deprived of the ability to cope with the ever escalating cost of living; and yet, the senior citizens sitting in the Senate are all the time receiving increments, year after year, of their amount of salaries. I say they deserve it, but compared to the inequities that result to the other senior citizens in this country, that is almost immoral and unconscionable and cannot be justified.

Not only is the Senate ineffective, it is also very expensive to maintain as an institution because of the number of senators sitting in the Senate. Not only is it ineffective, but the so-called purpose of representation is not equitable either. Quebec and Ontario had a large number of senators compared to the other provinces. One of the reforms being proposed is that those provinces, other than Quebec and Ontario, should receive greater representation in the Senate in order

to equalize the power of the various representatives of the various regions in Canada - but that is only a proposal.

There have been other proposals such as, for example, making what they would call a "House of Canada" with all the members sent by election through the electoral mandate. That is a good proposal. The only trouble is that there will be a competition with the House of Commons. Which one shall be the legitimate government if both of them are elected and they are two separate, quite distinguishable bodies of elected people of this country, represented to govern this country?

There will be competition between the Lower House and elective Upper House, if they ever become elected, because both of them will be deriving their mandate from the people, and when there are two masters in a house, there will be confusion. It has been written a long time ago, "No one can serve two masters; for either you hate the one and love the other, or hold to the one and despise the other." There should be unity of command. There should be a single source of governmental authority, a single source of the power to govern.

Mr. Speaker, I say that the Senate is a good institution. It has withstood the test of time. It had its own period of utility of usefulness to our history, but it is now becoming old like a part of the ship of the state - it is full of barnacles. And the barnacles are so clinging to that ship of the state called the Senate that pretty soon the Senate will sink. Instead of making the Senate sink, we might as well abolish it now.

Thank you, Mr. Speaker.

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

**MR. PEYLER:** Thank you, Mr. Speaker. — (Interjection)  
— 5:30? Mr. Speaker, do I have leave to call it 5:30?

**MR. SPEAKER:** It is the pleasure of the House to make it 5:30? The honourable member will have then 20 minutes to speak on this matter when it next comes before the House.

The time being 5:30 and the hour of adjournment having arrived, this House is adjourned and will stand adjourned until 2:00 p.m. tomorrow (Thursday).