

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**Monday, 16 February, 1981**

Time — 2:00 p.m.

**OPENING PRAYER by Mr. Speaker.**

**MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell):** Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees.

**MINISTERIAL STATEMENTS  
AND TABLING OF REPORTS**

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

**HON. DOUG GOURLAY (Swan River):** I wish to table the Annual Report of The Municipal Board for the year ending December 31, 1980.

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

**HON. KEN MacMASTER (Thompson):** Mr. Speaker, I'd like to table the 1980 Annual Report of the Department of Labour and Manpower.

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

**HON. JAMES E. DOWNEY (Arthur):** Mr. Speaker, I would like to table a copy of a telex that has been sent to the Federal Minister of Agriculture, Federal Minister responsible for the Wheat Board and the Minister responsible for Transportation. The issue is to do with the proposal to introduce a new marketing policy for the farmers of Manitoba.

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

**INTRODUCTION OF BILLS**

**MR. WARREN STEEN (Crescentwood),** on behalf of the Honourable Member for Rhineland, introduced Bill No. 17, The Medical Act.

**MR. JAMES R. FERGUSON (Gladstone),** introduced Bill No. 19, An Act to amend The Veterinary Medical Act.

**ORAL QUESTIONS**

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

**MR. HOWARD PAWLEY (Selkirk):** Mr. Speaker, my question is to the Deputy Premier. In view of the fact that there has been a proposal in connection with a subdivision development by an Indian Reservation near Shoal Lake in the southeastern corner of the province near the city's water intake, can the Minister advise as to what position the province has taken in connection with same?

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

**HON. DONALD W. CRAIK (Riel):** Mr. Speaker, we've been in communication with the City of

Winnipeg who are principally responsible because they own a part of the land that is adjacent to the water intake and we have encouraged the City of Winnipeg to make appropriate arrangements they can make including the purchase of more land in that area for the protection of the surroundings to the water inlet. In addition to that there has also been initiated an environmental study under the auspices of the Federal Department of Environment that will undertake an examination of the entire area, not only that which is in Manitoba but the entire Indian Bay area that feeds into the water inlet area.

**MR. PAWLEY:** Mr. Speaker, further to the Deputy Premier. Can the Deputy Premier advise whether or not the environmental impact study that he makes reference to has within its terms of reference examination of the mining developments that apparently also have commenced in the last short period of time in the Indian Bay area and its potential effect?

**MR. CRAIK:** Mr. Speaker, I don't believe so, I think it covers only the water regime, the portions of that they are undertaking to look at, but whether or not they have jurisdiction over looking at any onshore nearby mining operations, I don't believe, I can check on that though.

**MR. PAWLEY:** Mr. Speaker, can the Minister advise whether or not the Province of Manitoba intends to make a submission to the Environmental Impact Commission that will be holding hearings according to my understanding in the not too distant future?

**MR. CRAIK:** I would think so, Mr. Speaker. The Provincial Government is pretty actively involved along with the City of Winnipeg and the Federal Department, and the two Indian Bands actually that are in vicinity, No. 39 and No. 40 as I recall. They are all intimately involved in the discussions and the negotiations that are going on. I would hope that quite apart from the direction that the investigation has taken so far that the City of Winnipeg can see its way clear to coming to some arrangement to prevent future development in that area by way of inheriting, by way of purchase or whatever, an appropriate amount of land to protect their interest.

**INTRODUCTION OF GUESTS**

**MR. SPEAKER:** Order please. I wonder if I may have the indulgence of the House. I neglected before the question period to introduce to the honourable members 24 students of Grade Five standing from Varennes School in the constituency of the St. Vital under the direction of Mrs. Yamchyshyn.

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

**ORAL QUESTIONS (cont'd)**

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

**MR. WILSON PARASIUK:** Mr. Speaker, my question is directed to the Minister of Health. Can the Minister

confirm reports that negotiations between the government and the radiologists have broken down to the point where the radiologists are saying — there are three major radiology clinics in Winnipeg — that they will opt out of Medicare on May 1st? Can the Minister indicate whether this is so and can he also indicate when negotiations took place between the radiologists and the government and whether in fact there was true consultation between the government and the radiologists to prevent this type of breakdown which apparently is taking place?

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

**HON. L.R. (Bud) SHERMAN (Fort Garry):** Mr. Speaker, I wouldn't say precisely that negotiations with the radiologists have broken down because negotiations with respect to the radiological section of the MMA are carried on in fact through the MMA and through the MMA's negotiating committee which acts for all its sections. I can confirm that radiologists at three clinics in Winnipeg have now given notice — I think it was dated either January 30 or January 31 — of their intention to opt out of Medicare effective May 1st.

**MR. PARASIUK:** A supplementary to the Minister, if in fact that occurs, is the government undertaking any contingency plans to ensure that Winnipeggers will have access to radiologists without having to go to opted-out radiologists from Medicare, so that they will in fact have equitable access to Medicare practitioners? Is the government going to uphold the integrity of Medicare?

**MR. SHERMAN:** Yes, Mr. Speaker, the government is going to uphold the integrity of Medicare. I think the important thing to keep in mind here is that the radiologists have given notice of intention to opt out. They cannot under legislation opt out in less than 90 days, which makes the effective date May 1st. We are in continuing discussions with the MMA with respect to the total fee schedule and as the honourable member knows those discussions encompass the interests of the various sections in the MMA. So the whole radiological question will be looked at very thoroughly during these immediate weeks ahead in order to ensure the protection that the Honourable Member for Transcona enquires about.

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

**MR. PARASIUK:** I'd like to ask the Minister whether in fact the government can confirm that a great number of chiropractors have indicated that they will be opting out of Medicare and can the Minister indicate how many? Whether in fact there has been a process of consultation and negotiation between the government and chiropractors similar to that which the Minister has told us about exists between the government and doctors? Can the Minister indicate whether in fact there's a similar type of procedure in terms of negotiation between the government and chiropractors, and whether in fact the integrity of Medicare is being protected with respect to the whole issue of chiropractors opting out of Medicare as well?

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

**MR. SHERMAN:** Mr. Speaker, if anything there has been much broader and much deeper consultation with the chiropractors then there has been with the radiologists because the radiologists as I say constitute one section for whom a leadership acts; the chiropractors are a separate health occupation, health profession entirely, and they have been with the negotiators for the Manitoba Health Services Commission in lengthy and ongoing discussion and consultation over a new fee schedule for chiropractors. We have provided the Manitoba Chiropractors Association with an offer, a proposal, from the government that encompasses increases equivalent to those received by the medical profession. The association leadership has taken those recommendations to its membership for a ratification vote; I'm hopeful the outcome will be one of acceptance, but I must say, Mr. Speaker, that the Honourable Member for Transcona asked me about the number of chiropractors who have threatened to opt out, the total number of chiropractors in the province is approximately 65. I can't give him a figure on the number who've talked about opting out. I can say and I say without fear of equivocation, argument or debate that the negotiators on behalf of the government have acted in good faith and I think have acted responsibly in the offer that they've made to the association.

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

**MR. SIDNEY GREEN:** Mr. Speaker, I'd like to direct a question to the Honourable, the Minister for Urban Affairs. In view of the fact, Mr. Speaker, that the Council of the City of Winnipeg appears to have now denied an access route to citizens in the north end of Winnipeg, while having no assurances whatsoever that the CPR yards are going to be relocated and as a matter of fact having no possible real indication of that happening, would the Minister use his influence in consultation with the City of Winnipeg, since he says that it's bloc funds, to at least see that there is an immediate grade separation at Keewatin so that the citizens in the north end will not be subjected to the terrible hold-ups in moving traffic that they have at the present time?

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

**HON. GERALD W. J. MERCIER (Osborne):** Yes, Mr. Speaker.

**MR. GREEN:** Mr. Speaker, in view of the fact that some citizens of Manitoba were able to obtain legal assistance at the expense of all of the citizens of the Province of Manitoba relative to what is essentially a political position, namely the blocking of an access route to north Winnipeg, would the Minister give an indication that those citizens of the Province of Manitoba who are now trying to get this exit will also have available to them legal assistance at the expense of all of the people of Province of Manitoba to pursue their position?

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

**MR. MERCIER:** Mr. Speaker, certainly the same amount of assistance on the same qualifications and criteria should be available to them.

**MR. GREEN:** Would the Minister then confirm that legal aid paid for by all of the citizens of Manitoba including those who desire to have access to North Winnipeg, another one after 35 years of waiting, could the Minister confirm that the people who tried to block that access did have legal advice paid for by the Crown?

**MR. MERCIER:** Yes, they did, Mr. Speaker.

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

**MR. PAWLEY:** Mr. Speaker, further to the questions posed to the Minister of Health by my colleague, the Member for Transcona, can the Minister confirm that he has received a committee report dealing with chiropractic services that he had commissioned the Manitoba Health Services Commission to do on his behalf?

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

**MR. SHERMAN:** Yes, Mr. Speaker.

**MR. PAWLEY:** Mr. Speaker, then a further question to the Minister, is he prepared to table that report?

**MR. SHERMAN:** It's not my intention to table it, Mr. Speaker. It was an internal document.

**MR. SPEAKER:** The Honourable Leader of the Opposition with a final supplementary.

**MR. PAWLEY:** Mr. Speaker, it's interesting the definition of "internal". It's a document that certainly is of concern to the public at large dealing with the chiropractic services in the Province of Manitoba and I ask the Minister what costs were encountered in preparation of that report?

**MR. SHERMAN:** I can check on that, Mr. Speaker, but they certainly would be very minimal. It was a study that was carried out by the Manitoba Health Services Commission by those commissioners who serve on the Board of the Manitoba Health Services Commission in the performance of their regular duties for the people of Manitoba. The Honourable Leader of the Opposition is aware, I know, that they are paid a certain monthly stipend for those services. It was under that whole aegis of operation that the report was prepared.

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

**MRS. JUNE WESTBURY:** Thank you, Mr. Speaker, my question is to the Honourable Minister of Agriculture and I want first to thank him for circulating a copy of the letter that he sent to various Federal Cabinet Ministers. The question is, is the grain marketing policy to which he refers in the letter the same grain marketing policy which is the subject of the resolution on today's Order Paper from the Member for Gladstone?

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

**MR. DOWNEY:** Mr. Speaker, I would suggest that there could be some connection but until we have an opportunity to meet with those Federal Ministers I won't be able to answer that specifically.

**MRS. WESTBURY:** Mr. Speaker, is it not a fact that the grain marketing policy referred to was a proposal by an advisory board which has been appointed by the farmers of Manitoba rather than a Federal Government proposal?

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

**MR. DOWNEY:** Mr. Speaker, if we could get a response from the Federal Government then we would know exactly where the pressure is coming from for the changes that are being proposed.

**MR. SPEAKER:** The Honourable Member for Fort Rouge with a final supplementary.

**MRS. WESTBURY:** Well, Mr. Speaker, is the Minister not in touch with the advisory board that is giving advice on grain marketing proposals? Does the Minister have no contact with that advisory board? Is he not aware of what they're advising the Federal Government to accept as policy from the farmers of Manitoba?

**MR. DOWNEY:** Unfortunately, Mr. Speaker, we did some several weeks ago invite the advisor to the Canadian Wheat Board in to discuss with us some of the feed grain policies that were in fact not in favour of Manitoba farmers. We have not received the same courtesy from that particular advisory group that we extended them on a one-to-one meeting and it's an unfortunate situation.

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

**MR. PAWLEY:** Mr. Speaker, further to the questions posed earlier to the Minister of Health. The Minister of Health acknowledged that the report dealing with chiropractic services, which he is not making available to this House or to the public at large, was prepared pertaining to chiropractors without input from chiropractors, without representation by chiropractic personnel upon the commission and/or members of the public or, Mr. Speaker, the contents of that report has not been made available to the Manitoba Chiropractor's Association.

**MR. SHERMAN:** Mr. Speaker, I can confirm the last statement, that the contents of that report have not been made available to the Manitoba Chiropractor's Association but I repudiate all the earlier statements in the Honourable Leader's questions.

**MR. PAWLEY:** Mr. Speaker, then I would ask the Minister if he would name for us the member of the Chiropractor's Association that indeed did represent the chiropractic services upon that committee.

**MR. SHERMAN:** Mr. Speaker, before the work leading up to the report was even undertaken, the sub-committee of the Health Services Commission Board that headed up the exercise contacted the Chiropractor's Association for the necessary

documentation and reference points and information to enable that committee to carry out its work. That information subsequently was forthcoming from the Chiropractor's Association to the sub-committee of the Health Services Commission. It took some considerable time, but I make no case either for or against that fact. After some months sufficient information was in the hand of the committee to enable it to do its work and it was in that process that the Chiropractor's Association participated directly in the exercise.

**MR. PAWLEY:** Mr. Speaker, there is quite a distance between representation and the original source of information, some of which did come from the Chiropractor's Association. I ask the Minister how he squares his policy that has been often pronounced pertaining to continued input and consultation and openness with the medical profession with what we can clearly see here as a policy of closed-door restrictiveness and secrecy pertaining to the Chiropractor's Association?

**MR. SHERMAN:** I square it on the basis that my record and the record of my own office in this context, Mr. Speaker, and I would invite the Honourable Leader of the Opposition to ask the presidency, the executive and the legal counsel of the Manitoba Chiropractor's Association whether there has not been free and open access and communication to them with and in my office.

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

**MR. HENRY J. EINARSON:** Mr. Speaker, I direct this question to the Minister of Highways and Transportation. My question relates to railway abandonment, Mr. Speaker, and I would like to know if the Minister has had any further consultation with the abandoned railroads that were placed into the basic network to the year 2000 by the previous government, namely, the Conservative Government that was there for about seven months and with the assurance that the upgrading would be forthcoming. I wonder if the Minister of Highways could indicate whether any plans for this year are being made to upgrade those railroads. I'm thinking particularly of the Morris to Hartney line first and others that are supposed to be in the same category for the Province of Manitoba.

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

**HON. DONALD ORCHARD (Pembina):** Mr. Speaker, I had discussions with the Federal Transportation Minister in the early part of January about this very subject, and at that time the Federal Minister could not give a commitment as to whether the recently added rail lines in Manitoba would receive any substantial fundings towards upgrading them in this construction season, and those three lines, Mr. Speaker, were the Morris to Hartney, the Lyleton sub and C.P. and, of course, the Rossburn subdivision just below the Riding Mountain Park.

I did not receive any firm indication as to whether those rail lines would in fact receive upgrading money. I have since attempted further to determine

whether the Morris to Hartney will be included in this year's capital Budget and haven't received, as I say, a definite indication to this date.

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

**HON. GARY FILMON (River Heights):** Mr. Speaker, last week the Member for Wellington asked a series of questions regarding the SAFER Program in Manitoba and I have the responses to those questions.

The first question that he asked was, why is it necessary for a person between the ages of 55 and 65 to prove that some 50 percent or more of his income derives from pension sources and if over 65 why is it necessary to prove that he is in receipt of pension benefit? Mr. Speaker, as members will remember this government brought forward various programs for providing some assistance to tenants in the province. Among them were a Tenants' School Tax Assistance Program, a SAFER Program which was Shelter Allowances for Elderly Renters and the Shelter Allowances for Family Renters. They took place in a variety of steps commencing with January 1, 1980, in which the SAFER allowances were offered to pensioners over 65 and then those were later improved so that they were now available to pensioners between the ages of 55 and 65. In the interest of not duplicating this program of allowances and supplements with other programs that are currently available and a wide range of social assistance programs in the province, a definition was required to arrive at a way in which the government could decide on who were pensioners when they were not 65 years of age. The definition that was chosen was that 50 percent of the income should come from pension sources and that was the manner in which that was arrived at.

I might say as well, in response to the second question that the member asked, will the government assist the working poor of this province to provide equality as between themselves and other poor in the province? Shelter allowances are available in a variety of different programs to those who might be classified in the . . .

**MR. SPEAKER:** Order please. I realize the time is limited in the Question Period. Perhaps the Honourable Minister could convey by letter the information to the honourable member.

The Honourable Member for Wellington.

**MR. BRIAN CORRIN:** Thank you, Mr. Speaker, my question is for the Minister of Labour. Mr. Speaker, we would like to know whether the Minister plans to retroactively upgrade fire safety standards throughout the province as they pertain to hotel accommodations in order to require hotels, such as the downtown Holiday Inn, to install fully modern fire safety equipment such as sprinklers and smoke detectors and in all ways accord with the 1980 Provincial Fire and Building Code.

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

**MR. MacMASTER:** Mr. Speaker, the legislation is such and the practice is such in our province that as new codes come in they are applicable for buildings

at that day and that day forward. The procedure as I know it — now it may vary somewhat — if you wish to do something major to your existing structure, then the new codes that are in place at that particular time would apply.

**MR. CORRIN:** Mr. Speaker, in that regard if the government is not willing to require such retroactive upgrading, will then the government establish and adopt a universal rating code for hotels across the province in order that consumers can be informed to what standards, what fire precaution and safety standards, individual premises are kept and maintained? Mr. Speaker, I'm asking if they're not prepared to require the necessary upgrading, will they at least provide the information, provide it through government consumer protection law and fire inspection services to the consumer of hotel accommodation? Will they do that, Mr. Speaker?

**MR. MacMASTER:** Mr. Speaker, I don't wish to involve myself in matters that are before the court and unfortunately being investigated. Unfortunately, I say because of the seriousness of what took place, but if we can believe part of what we read and what we understand to be the case, I'm not sure if the measures that the Member for Wellington is presenting would have been in this particular case alleviated the problem.

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

**MR. CORRIN:** Mr. Speaker, I would like to ask the Minister in the House whether or not he will provide copies of the Fairlane Meadows fire report, the McDermot Report to members of the public who present to his departmental offices and request same. I do that, Mr. Speaker, because people have told me that they have been refused access to the report by members of that department. I would also ask, Mr. Speaker, in this regard whether a copy of that particular report can be tabled before this Assembly.

**MR. MacMASTER:** Mr. Speaker, reports have been tabled, reports are public, those reports are all public to the general public of the Province of Manitoba and I would appreciate it if the Member for Wellington would tell me which of my staff is refusing to permit the general public in the Province of Manitoba to view any of those reports.

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

**MR. VIC SCHROEDER:** Thank you, Mr. Speaker, I have a question for the Deputy Premier. Further to the questions asked by my Leader earlier on Shoal Lake. Has the Government of Manitoba offered to build a road from Highway No. 1 to the Shoal Lake Reserve in exchange for a transfer of some of the reserve lands and if so, has that offer been accepted and if not how are the negotiations going?

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

**MR. CRAIK:** Mr. Speaker, that possibility has been discussed among the parties, but the province is

waiting on the leadership of the City of Winnipeg to advise the province on what their negotiations have resulted in on acquiring of the necessary protective area for their water inlet and when that advice is given to the Province of Manitoba, the Province of Manitoba is prepared to look at any of the options, the road which was one of them, that has been considered in the past.

**MR. SCHROEDER:** Yes, Mr. Speaker, a further question. In coming to its decision to make that kind of an offer to the band, did the province make any studies prior to making that offer to determine how much land should be protected, in view of the fact that our water intake is close to where there is a proposal for 350 cottage lots?

**MR. CRAIK:** Mr. Speaker, I can say that the province's preference would be that all of the lands of that Indian Reserve lying within the Province of Manitoba ought to be protected.

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

**MR. SCHROEDER:** Thank you, Mr. Speaker. I have a question for the Attorney-General. In view of the recent Supreme Court decision with respect to driving offences and in view of the Attorney-General's recent failure to enforce Section 682 of the Criminal Code to declare the seat of Wolseley vacant in accordance with Section 682, can he now provide us with a list of the inoperative sections of the Criminal Code, firstly those sections which are inoperative because of their lack of jurisdiction and secondly, those which are inoperative due to the fact that the Attorney-General does not wish to enforce them?

**MR. SPEAKER:** Order please. I believe that is seeking a legal opinion. Does the Honourable Member care to rephrase the question.

**MR. SCHROEDER:** Yes, Mr. Speaker, I'll rephrase the last portion of it. In view of the fact that the Attorney-General did not enforce Section 682 of the Criminal Code, can he tell us whether there are other sections of the Criminal Code which he does not wish to enforce? And I think that's a fair question. We should know which sections are being enforced by the chief law officer of this province and which are not being enforced.

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

**MR. MERCIER:** Mr. Speaker, I think we had a full discussion of Section 682 last week when we were considering Bills 2 and 3 and quite possibly that will continue this afternoon. The difficulties involved in that section were I think pointed out to members who were present in the House, Mr. Speaker. I would say to the Member for Rossmere, Mr. Speaker, that I'm not aware of any other provision of the Criminal Code that is not being enforced, but I would not undertake to do that after the Charter of Rights is passed, if indeed it is passed.

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

**MR. J. WALLY McKENZIE:** Mr. Speaker, I have a question for the Honourable, the Minister of Energy. It relates to a document that was passed along to me on the weekend by a constituent known as the New Democratic Party Caucus, 228 Legislative Building, Winnipeg, dated February 4, 1981. Mr. Speaker, there's a statement in here that kind of concerns a lot of my constituents. In the fifth paragraph it says, "Overall economic growth and energy savings would have been aided if orderly development of hydro was not cancelled in 1978." I wonder whether the Honourable, the Minister of Energy would either clarify that or correct that statement for the public.

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

**MR. CRAIK:** Mr. Speaker, I can't correct a document, which I didn't write, but I can set the record straight and say that the record shows that the limestone project was halted under the NDP administration in 1977. I'll add, Mr. Speaker, that there never was an explanation as I recall prior to the '77 election though as to why it was halted and I haven't heard one since either.

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

Order please, order please. The Honourable Member for Elmwood.

**MR. DOERN:** Mr. Speaker, if I could follow that setup job I would like to direct a question to the Minister of Urban Affairs and ask him whether as a Minister and a former city councillor whether he is concerned about the adverse affects of a proposed fare hike in the City of Winnipeg transit system that would raise fares for children, for the elderly and for adults, and in the latter case for adults from 40 cents to 60 cents?

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

**MR. MERCIER:** Yes, Mr. Speaker.

**MR. DOERN:** Mr. Speaker, I would ask the Minister whether he would his money where his mouth is by offering the city a specific grant to hold down transit fares to prevent a loss of riders and to prevent the greater use of private automobiles?

**MR. MERCIER:** Mr. Speaker, I point out to the Member for Elmwood that this year we are giving to the City of Winnipeg in the form of bloc funding a grant that amounts to a 16.5 percent increase over last year, where it's pointed to . . . and in transmitting that information to the city, Mr. Speaker, I specifically made mention of the fact that we're attempting to recognize concerns over urban transit and the transit system.

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

**MR. DOERN:** Mr. Speaker, I would also like to ask the Minister, who didn't answer my question, as to whether in view of renewed public interest on the part of some citizens and proceeding with the construction of the Sherbrook-McGregor Overpass whether he would assure the House and Winnipeg

Council that a provincial contribution would be made available again for that specific purpose?

**MR. MERCIER:** Mr. Speaker, as I pointed out in the past with respect to urban transportation funds, we had allocated over \$7 million to the City of Winnipeg specifically for the Sherbrook-McGregor overpass. There is a problem in this fiscal year in that some \$2.3 million worth of funds under that program will lapse if not expended on an eligible project. I've for some time advised the city of my concerns over the possible lapsing of those moneys and arrangements are now being made to transfer in this fiscal year those funds to other eligible projects, I believe the purchase of buses if the City of Winnipeg Council should, in the next fiscal years decide to proceed with that project, then I would be most agreeable to then applying the further moneys unexpended from the urban transportation funds again to the Sherbrook-McGregor Overpass.

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

**MR. J. R. (Bud) BOYCE:** Mr. Speaker, I gave the Minister of Consumer Affairs notice last week. I wonder if he's in a position to respond to the question of what the government is doing to advise people as to the alternatives available to them other than bankruptcy, such as early payment of debts, in light of the ever-increasing number of personal bankruptcies in the province.

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

**MR. FILMON:** Thank you, Mr. Speaker, I would like to thank the Member for Winnipeg Centre for giving me forewarning of his question. With respect to the orderly payment of debts —(Interjection)— warning notice, I'm sure they're the same. With respect to the orderly payment of debts I might indicate that our Department of Consumer Affairs isn't ordinarily contacted by creditors in the course of discussions of this nature. If however for some reason they come across a situation that indicates that people are having difficulty in paying their debts and that might happen sometimes through the Rentalsman where a landlord is in some difficulty and it sometimes happens in other circumstances, I am advised that they definitely do advise them about the options available under the County Court for the orderly payments of debt and refer them to the Clerk of the County Court in this matter.

**MR. BOYCE:** A supplementary, Mr. Speaker. Because of the ever-increasing number and really because in many instances it's no fault of the individuals and where our society seems to be able to come up with millions of dollars for the Chryslers and the rest of it, I was wondering if the Minister would consider asking Economic Development if he would reallocate the funds of their spending at the present time on that program to convince people that Manitoba is a nice place to stay and do something meaningful, but advising consumers who are having a tough time and don't know about orderly payment of debts as an alternative to bankruptcy, if the Minister would ask to have a

comparable program to advise the people of the province what is available.

**MR. FILMON:** I would be glad to take the suggestion under advisement and discuss it with my colleague, thank you.

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

**MR. CORRIN:** Mr. Speaker, my question is for the Minister of Housing as well. Mr. Speaker, I would like to ask that Minister to advise the House why the government is treating citizens differently and differentially with respect to the SAFER program, particularly, Mr. Speaker, I am addressing myself to persons who have identical income, one such person receiving 50 percent of his or her income from pension sources, another person receiving 49 percent from pension sources; why does the government allow the person with identical income receiving 50 percent to obtain SAFER allowances and not the person with 49 percent, they're equally poor, I would like to know what the rationale for that is, Mr. Speaker.

**MR. FILMON:** Mr. Speaker, in extending those programs to pensioners under the age of 55, obviously our government is in uncharted waters and we're extending the program to try and take care of identifiable needs. In that respect there has to be a way of identifying who are pensioners under the age of 65. On the other hand I'm advised that through the Manitoba Housing and Renewal Corporation we do look into specific problems where people under the age of 65 find it difficult to obtain affordable housing and we have extended a variety of different programs both to single persons and to couples under the age of 65 where they obviously have an income deficiency and we have rental accommodation available and we are extending a variety of deep subsidy and shallow subsidy programs to them. If the member has specific cases where there is a comparison, where somebody is only getting 49 percent of their income from pension and they obviously would qualify for assistance under our programs, I'd like to be informed of them so that our department can look into perhaps redrafting the regulations and genuinely attempting to help these people.

**MR. SPEAKER:** Order please. The time for question period having expired, we will proceed with Orders of the Day.

### ORDERS OF THE DAY

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

**MR. MERCIER:** Mr. Speaker, first I'd just like to indicate to the House that following completion of the Estimates of the Department of Fitness, Recreation and Sport and Co-operative Development, the Departments of Labour and Manpower and Civil Service will follow in the Committee Room.

Mr. Speaker, I move, seconded by the Honourable Minister of Natural Resources that Mr. Speaker do

now leave the Chair and the House resolve itself into a Committee to consider and report of the following bills for Third Reading: Bill No. 2, An Act to amend The Legislative Assembly Act, and Bill No. 3, An Act to amend The Legislative Assembly Act.

**MOTION presented and carried.**

**MR. SPEAKER:** The Honourable Member for Rock Lake on a point of order.

**MR. EINARSON:** Mr. Speaker, if I could have leave here since the absence of the Whip here to make a change in the Public Accounts Committee.

**MR. SPEAKER:** I think there should be time for that to occur at another occasion.

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

### COMMITTEE OF THE WHOLE

#### BILL NO. 2 — AN ACT TO AMEND THE LEGISLATIVE ASSEMBLY ACT

**MR. ABE KOVNATS:** This Committee will come to order. Bill No. 2, An Act to amend The Legislative Assembly Act. Clause 1 pass; Clause 2 pass; Clause 3 pass.

The Honourable Member for Inkster.

**MR. GREEN:** Mr. Chairman, I regret not having been in the House when this Bill was introduced at Second Reading because, Mr. Chairman, the Bill says much more in my opinion than appears on the surface. The fact is, as I understand this bill, it is intended that because the normal pay period for a member of the Legislature begins with the beginning of the Session and because it would be unfair to certain members to have their pay starting in 1980, because of the fact that would give an unfair representation of their income in 1980 as against 1981 when the Session was to have started, that this Bill is intended to partially overcome that difficulty. Now if I'm wrong at that point I don't wish to pursue it further but that's one of the reasons that I understand that this Bill is before the Legislative Assembly.

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

**HON. STERLING R. LYON (Charleswood):** Mr. Chairman, as I indicated at Second Reading of the Bill, the main reason that I think is readily understood by the honourable member for the Bill being here at all is because The Legislative Assembly Act presumed in its present form that sessions of the Legislature for each calendar year would begin after the onset of the new year, that is January, February or whatever. The fact that we began this session in December at the tailend of the previous calendar year really causes the problem, which is being rectified by the bill, so that we can start the session in December, but not have either the benefits or the prejudices from that calendar change reflect on indemnities or anything else related to the conduct of the House.

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

**MR. GREEN:** Mr. Chairman, let there be no misunderstanding. I don't object to the fact, I think that it would be unfair to a Member of the Legislative Assembly to receive his salary as if it occurred in December of 1980 when he's doing all the work in 1981, and I think, Mr. Chairman, it would have been very simple to say so. But, Mr. Chairman, by the queer progress of draftsmanship, the bill that the government is now presenting is a stronger argument and a stronger condemnation of the Conservative Government's Throne Speech than anything that has thus far been said by the Opposition, because what the Conservative Government is saying is that it is deemed that the Session didn't start until January, and of course that's 100 percent true, Mr. Chairman. What is true is that this Bill, Mr. Chairman, gives legal effect to the fact that there was no Throne Speech.

Mr. Chairman, I am being perfectly serious. Here we spent eight days, trying to devise arguments about the Throne Speech, trying to show that it was non-substantive, trying to show that it didn't make any sense, trying to show that it didn't even exist and nobody on this side of the House could have done better than what the government is now doing. The government is saying, Mr. Chairman, that this Session shall be conclusively deemed to have started after January 1st, 1981. I'm going to vote for that because I believe it. I believe, Mr. Chairman, that this Session did not start until January 1st, 1981 and there will be nothing easier but to get my support for this Resolution. What I find, Mr. Chairman, is that the Government would do it this way. Isn't it possible, Mr. Chairman, to give your right name, to say that although the session started in December, the fact that it started in December will not result in members getting paid for the December portion, and I suppose even that would give a debating point because I'll say we don't deserve it.

But the fact is, Mr. Chairman, someone years later reading this Bill wonders why the Legislature of the Province of Manitoba, seriously assembled, decided with malice of forethought, that the Session did not start until January 1st, 1981 even though the members were here and debated for the period December 18th, till December . . . or from the period of approximately 10 days before December 23rd. Mr. Chairman, Bill No. 2 is a conclusive answer to the Throne Speech Debate. It is deemed not to have taken place. I agree with that, I will support the Bill, Mr. Chairman.

**MR. CHAIRMAN:** Clause 3 pass; Clause 4 pass; Clause 5 pass; Clause 6 pass; Clause 7 pass; Preamble pass; Title pass; Bill be reported pass.

### **BILL NO. 3 — AN ACT TO AMEND THE LEGISLATIVE ASSEMBLY ACT (2)**

**MR. CHAIRMAN:** Bill No. 3, An Act to Amend the Legislative Assembly Act, Part 2, page-by-page. Clause 1. I am sorry, did I hear somebody call Mr. Chairman?

Clause 1 pass; Clause 2. Section 19.1 pass.  
The Honourable Member for Inkster.

**MR. GREEN:** Mr. Chairman, there's been considerable discussion about this particular Bill. I've

already indicated, Mr. Chairman, my opinion with respect to this Bill. I will in due course, Mr. Chairman, be able to bring to this Legislature crimes for which a person can be convicted, for which he will not be subjected to five years imprisonment, for which he will not be sentenced to five years imprisonment, for which he will be imprisoned, for which members will say are crimes much more heinous, much more to be disapproved of, much more to be looked askance upon than other crimes for which he may be sentenced to over seven years, that this piece of legislation is born of haste, it's born of a pressure of events with regard to a single instance, has no logical form and is what's more, Mr. Chairman, a violation, in my opinion, of Civil Rights. Interestingly enough, Mr. Chairman, and the Premier will respect my view in this connection, I say that the Legislature has a right to pass this section, has a legal right to sit down and pass this section and make it stick. Interestingly enough, Mr. Chairman, if there is an entrenched Bill of Rights, which a lot of people here who are wanting to pass this Bill are in favour of, not those on that side, a member who is expelled on this rule could with a possibility of success, go to the Supreme Court of Canada and say that the Legislature had no right to dispel me, and, of course, some people over here would say, that's great, we have expelled him but he's reinstated. I say, why expel him, if your going to look for the saviour in a Bill of Rights to reinstate. So, Mr. Chairman, I am going to oppose this Bill and I noted that there were several members who indicated that they would vote against this Clause, and I want to see whether that is so.

I also noted, Mr. Chairman, a very interesting comment in the Winnipeg Free Press, that some people in the Manitoba Legislature have now adopted the illogical conclusion that they will vote the other way than the member for Inkster, and I note, Mr. Chairman, that that has now been publicly reported as coming from some people in the Legislature, I won't go further then to identify. So, I now give them, Mr. Chairman, the opportunity to exercise that logic.

**MR. CHAIRMAN:** The Honourable Member for Winnipeg Centre.

**MR. BOYCE:** Mr. Speaker, one of the disadvantages of sitting behind and slightly to the right of the Member for Inkster, is that it takes some of the steam out of your arguments, but in speaking on Second Reading, I said I would support the Bill on Second Reading so that it could come to Committee, but I would oppose this particular section. And I want to put on the record my, not chagrin really but wonderment, how this can be proposed by a government which by and large says that we should not have an entrenched Bill of Rights, that the rights of people should be protected by the legislative process, by parliamentarians. And the first time that we come up against a test of it, there is a stampede to evict the member. I know politically that some people will say my opposition to this particular section is an attempt to pay Mr. Wilson. That is the affect that we'll have if this is defeated. It's true, because I don't know how the law will deal with it, because the man did sit in December albeit under Bill 2 we have just changed it that it didn't sit so I



think that this whole thing has been badly handled. And I said in my comments and I don't want to repeat the arguments, Mr. Chairman, that it has been badly handled by all of us, because our ignorance of the law can't be used as an excuse. That we weren't aware of 568 and quo warranto and all the rest of it. And I agree with the Member for Inkster. Did we as a legislative body have the right to pass such a Bill? But that's the whole question that is before the country right at the moment, whether we should put in Bills of Rights, the protection of individuals, or whether we should rely on the traditional parliamentary protection. And I for one have been towards, leaning towards that, that in the final analysis except for some procedural processes, the Constitution should be silent and the Bills of Rights should be passed concomitantly to the establishment of the Canadian Constitution which make those things which people want enshrined somewhere, paramount in the law but subject to the review of legislative and parliamentary bodies. It takes away from my argument. It puts me in a very difficult position, because I can't support what you suggest should be the argument and here we have a manifestation of your unwillingness to support your own hypothesis that parliaments do in fact protect peoples' rights.

I said before that before, that Mr. Wilson ran against me in one by-election and my opinion is in opposition to Mr. Wilson as a person who should sit in the Legislature. I have opposed him in various spheres. So it really . . . I don't want to pay Mr. Wilson, I don't want to have Mr. Wilson sit with us, because of the events, but nevertheless, the principles which you people argue for across this country as a Conservative Party. You're putting it to test and just flaunting it, flaunting the whole process by proceeding with that particular section. You are arguing that entrenched . . . well, this is my understanding or lack of understanding of it. And I say that you, yourself, Mr. Premier, are taking steam out of my argument too, so I'm not just criticizing you, I'm criticizing perhaps my inability to convince more people that the enshrinements of rights is not going to make the inter-relationship between people one bit different.

So with this particular section, I don't know how we should deal with it, but I say in this particular procedure, it isn't the solution to the problem. You're taking steam out of the argument that the protection of individuals in our society can better be done by parliamentary process and by court processes.

**MR. CHAIRMAN:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Chairperson, I wanted to make a few short remarks on this particular section. First of all I want to say that I share the concern of the Member from Winnipeg Centre relative to the retroactive aspect of this legislation. I think that there is something, certainly something very wrong with this body exercising its right and perogatives in such a way as to retroactively disentitle somebody from a position here, which they won as a result of legally accepted processes. I think that there is something virtually repugnant about a Legislature behaving in that way. And time and time again, Mr. Chairperson, in the course of debates on various bills, we have

dealt with the subject of retroactive legislation and its effect and impact on peoples lives. And virtually all times when that has happened, Mr. Chairperson, members have generally agreed that sort of legislation is inappropriate because it works a hardship on the citizenry as a whole.

Simply put, Mr. Chairperson, if a person is not made aware and informed of the law, then how can retroactively they lose certain rights as a result of a breach of a law they were unaware of? And that is exactly what's happened here, Mr. Chairperson. It suits the government, I suppose, to move in this sort of way with some vigour on this particular subject because, Mr. Chairperson, we're dealing with something that is a political hot potato. We're dealing with a government member who has been accused by one court of dealing in drugs. Obviously this is highly flamboyant subject matter. It's the sort of stuff that makes headlines, it's the sort of stuff which the government wants to put a distance between itself from. I think, Mr. Chairperson, what we see in Section 19 is essentially a political decision. It's not a matter of principle. It has nothing to do with the government having pondered and searched its soul, but rather, Mr. Chairperson, it's a question of political expedient.

Now, Mr. Chairperson, I would suggest that I am unable to vote against the subject matter of the Bill. But, Mr. Chairperson, I can certainly condemn the government for enacting it retroactively against a member, and I certainly, Mr. Chairperson, can suggest that the idea of a five-year sentence, being the appropriate threshold is less than satisfactory. I appreciate that it's difficult to establish without equivocating what degree of wrongdoing should result in this sort of expulsion. But, Mr. Chairperson, I suggest that there are many crimes in society recognized by the Canadian Criminal Code and other pieces of legislation, which although they do not usually result in a five-year jail term, are certainly equally blameworthy and certainly severe and serious from a social point of view. The one that springs to mind is the oft accorded sentence for evasion of income tax, being usually, Mr. Chairperson, a fine. It's a financial sort of punishment usually imposed on somebody who is already in a financial privileged position. So whether or not there is any good reason why we should establish the five-year imprisonment threshold as being an appropriate degree of wrongdoing, I think is subject to serious debate. I think that the Tuxedo resident who evaded \$75,000, \$85,000 worth of income tax and was before the courts last year and who only received a fine; I think it was a fine of \$20 or 30 or 40; it doesn't matter, Mr. Chairperson. I think what that individual did was certainly as reprehensible frankly, as many other crimes which result in a five-year prison term.

Mr. Chairperson, I think that if we are going to approach this piece of legislation, we should look very seriously at what definition we will accept with respect to the degree of wrongdoing. I think what we have done is simply adopted the same provision out of the Criminal Code. I think that the same provision exists in the Code and we have simply holus-bolus embraced it to ourselves and now we are in rigid lock-step with the Federal Government. But, Mr. Chairperson, that simply won't do.

Also, Mr. Chairperson, I am not in a position to say that this sort of retroactive legislation is currently

illegal or ultra vires of the Provincial Legislature. There is an abundance of law that says that Parliament is supreme and can make whatever laws it wishes, but surely, Mr. Chairperson, if we lived in a truly democratic society this wouldn't be the case. I suppose to try and amplify and illuminate this argument, one would only on the other side, have to imagine a piece of legislation enacted by a New Democrat Government that retroactively took away property rights from a certain class of individuals. I wonder whether members would march in cadence with their leader if they were confronted with that sort of legislation. I suggest, Mr. Chairperson, we would have a very different debate and a very different factual confrontation on that sort of legislation and that sort of issue.

I think, Mr. Chairperson, that we are dealing here in expediency, practicality, not principle, and not philosophy. If there ever was an argument for a Bill of Rights in Canada, it's this sort of legislation. It's this very sort of legislation because, Mr. Chairperson, I suppose that certain members would want to protect members opposite rights to protect people from retroactive usurpation by government of their property rights. You can't have it all ways, Mr. Chairperson, you can't come at that argument from six different directions depending on the factual circumstances. It's either right or it's wrong and I suggest that in this particular situation that the principle should take precedence over the practical circumstances facing the government.

Mr. Chairperson, that's not to say that people who commit this sort of crime in the future should not be dealt with in this sort of manner. I am not arguing against the concept of the section. What I am suggesting is that in essence we are perpetrating a poor precedent and we are doing something that should be beyond our power. We are doing something that should be beyond our jurisdiction.

Mr. Chairperson, if what we did . . . there is no reason for it. It's purely cosmetic. The withholding of the member's salary, the fact is, in all likelihood, in retrospect, again if members wish to interpret this as being an admission of a mistake, they can so do it, but I have grave reserves and second doubts about the manner in which we dealt with Mr. Wilson in December. Mr. Chairperson, I would prefer to publicly state that and deal with the principle, than try and abide by a false precedent and a mistake in the judgment of this House and go sheepishly into this sort of hell, because that's what it is, Mr. Chairperson.

We in this country, Mr. Chairperson, respect peoples' rights. We do not believe in infringing on them retroactively, and I think that if the government has the courage of its convictions, it will admit that there is a bad precedent being created and that governments don't want to do that.

The First Minister suggests, Mr. Chairperson, that we can simply vote against the Bill. I have told him that I agree with the Bill. What I disagree with is the retroactive aspect of it.

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

**MR. GREEN:** On a point of order, Mr. Chairman, we are dealing with 19 (1).

**MR. CHAIRMAN:** Brackets (1).

**MR. GREEN:** Brackets (1). Perhaps I am missing it, but I would like the member to point out that retroactivity in that section. I may be missing it.

**MR. CHAIRMAN:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Chairman, the honourable member certainly knows that section is connected to Section 7 of the Act and they are irrevocably connected. The retroactivity is in Section 7 and you can't read it without it.

Mr. Chairman, I suggest it's one thing to say that you don't believe in a Bill of Rights but, Mr. Chairman, if you don't believe in a Bill of Rights . . .

**MR. CHAIRMAN:** Order please. The Honourable Member for Inkster.

**MR. GREEN:** Well, now I do have a point of order. I thought that I missed a point, but for the member to now suggest that 7, which deals with retroactivity and 19(1) cannot be passed one without the other, I do have a point of order, Mr. Chairman. You can vote against 7 and pass 19(1) and 19(1) will be given effect to, and therefore I do now ask the member to not deal with the retroactivity because that is another clause. We are now dealing with the principle as to whether or not a person who is convicted, and if this is passed and 7 is not passed, then there will be no retroactivity.

**MR. CHAIRMAN:** I am inclined to agree with the point of order, after the explanation, and I would ask the honourable member that if he does have anything to speak on retroactivity, it would be under Section 7.

The Honourable Member for Wellington.

**MR. CORRIN:** We'll deal with the principle then, Mr. Chairperson, although I think frankly, it's better to link the debate because you —(Interjection)— Well, Mr. Chairperson, I am not going to quarrel with you because the opportunity is available and I quite agree with the Member for Inkster. We will have our opportunity to participate.

Mr. Chairperson, dealing with what my honourable friend from Inkster would call the principle of 19(1), I would like to suggest that very little thought has been given by the government to this particular section. When we originally dealt with this matter, Mr. Chairperson, we heard the government proclaiming indignantly that they weren't going to be melded into federal legislation, and they weren't going to be governed by a paramourcy of the national Parliament.

Now, Mr. Chairperson, we confront a situation where they have literally adopted in its entirety the federal provision. They have made no effort whatsoever to distinguish the Manitoba approach from the federal approach. They have simply picked up the section, planted in The Legislative Assembly Act and there it stands, Mr. Chairperson. I would wonder, Mr. Chairperson, if the government can't give us some reason why they are motivated to do that, why that sort of uniformity or conformity is so important in this particular incidence. I would like to certainly know from the First Minister, Mr. Chairperson, whether he seriously thinks that a

member of this House who evades \$100,000 worth of income tax should be given the opportunity to continue his or her tenure in this Assembly. I would like to know first-hand from the First Minister, whether it's his position that that should be the case, because he'll find it very difficult to find a case where any such individual has ever been sentenced to five years' imprisonment.

There seems to be in this case, Mr. Chairperson, and I think we can say it with some degree of candour, a law for the rich and a law for the poor. There is a distinct treatment afforded people who evade income tax in this province and country. So, Mr. Chairperson, let's deal with that, let's deal with that particular issue. Which is a greater crime to humanity and society, the evasion of \$100,000 worth of income tax or perhaps the act of theft, the act of physical theft from someone's home, which often as a robbery is treated as an indictable offence and warrants a sentence of over five years? Which is the more serious in terms of its consequences? And particularly, Mr. Chairperson, remembering that when a member of this House defrauds the public purse, they perpetrate a real inequity because we are supposed to be people who respect the importance of the supremacy of Parliament and of the process inherent in the expenditure of publicly raised funds. So we're supposed to be people who have a special knowledge and a special trust position, almost what lawyers call a fiduciary position vis-a-vis the public. So, Mr. Chairperson, I would like to hear the First Minister indicate how he can distinguish the one factual situation from the other, why other than Federal-Provincial lock step, does he take this position in this section.

**MR. CHAIRMAN:** The Honourable Member for Winnipeg Centre.

**MR. BOYCE:** Mr. Chairman, it is true that we can vote against this section, but I'm still perhaps naive that by persuasion we can have the government reassess their position vis-a-vis this particular section. Last night there was a movie on Luther on television, about the early 1500's. He had some disagreement with the establishment of the day and one of the comments that he made sticks in my mind. He was being prevailed upon to change his position and he said, apparently he had trouble with his bowel, and he said if I pass wind in Whittenberg maybe they will smell it all the way to Rome. What is happening here, Mr. Chairman, we are passing wind in Winnipeg and we're expecting people in Canada to smell roses because of the position vis-a-vis the whole concept of parliamentary processes, protecting individuals' rights. This is what the problem is. I agree. I confess. I agree, getting rid of Mr. Wilson is the problem. And there are other alternatives. I would support declaring the seat vacant. Calling immediately, issuing the writs and have a by-election. Because to this principle the people who should have a choice who represents them in this House should be the people who send them to this House. That is the principle. I am against and argued against it in Committee and in the House on prior occasions, against the principle of recall. Because the problems which you create by having a process of recall when enough people in a constituency can sign a petition that you're forced to resign and have a by-election or something.

But we have had on occasions before where questions have arisen relative to members sitting in the House. And my good friend, Maitland Steinkopf in one particular case comes to mind, resigned, ran the by-election and won. The people exercised their franchise to determine, to decide who sits in this House. Every one of us and I'm jumping around I know, as I usually do. I haven't spoken that much in the last couple of years. But everyone in this House wants to get rid of Mr. Wilson. I admit that. But jimminy gosh, Mr. Chairman, we're talking about the very principle that's tearing this country apart. Who can better protect the rights of individuals? And it's not just Mr. Wilson, it's the people in the province who will determine who sits in this House, not the people who sit in the House, not the courts, but the people decide. So the government, I would even be willing to compromise, because that's what politics is, is the art of the possible and compromise, except this section being amended to declare the seat vacant; declare the seat vacant. And I think that a reasonable position should be immediately, regardless if there's an election coming up in the future, make it the principle. That if for the reasons that are stated here for proceeding to get rid of Mr. Wilson, then establish the principle that that is a serious question for us as legislators. But it should be given back to the people who put him here in the first place, not us. Number one, declare the seat vacant. Number two, declare the seat vacant for these reasons. Number two, call a by-election. It's costly. It's costly, I agree. It's costly to have established in our justice system the idea that if there is the doubt then it goes to the individual. The society shouldn't be oppressive. I've heard it expressed that 1,000 guilty men should go free before one innocent person is convicted.

**MR. ENNS:** Actually, it should be about ten.

**MR. BOYCE:** Well, whatever it is, but nevertheless the principle is there. This particular section screams out and I know my analogy is kind of crass with passing wind and the rest of it, but this is a terrible section; terrible section, and especially for people who argue that parliamentary process protects rights. Who? Mr. Wilson's rights? The people in Wolseley's rights? It doesn't. It doesn't protect either, and I think it's bad law. I know I haven't got very much support for my position, but nevertheless, this is what this process is supposed — we're in committee to hold clause by clause. So gentlemen and ladies, why can we not proceed logically in keeping with the principles that have been established in our society which we're going to destroy by this passing wind? So the First Minister, who is learned in the law, has worked with the principles of law much longer than I. I'm sure that he sees the validity of the argument. And it would be better to strike this section, have Legislative Council in the words of council draft an amendment to accomplish the getting rid of Mr. Wilson, which we all admit is the problem, declare the seat vacant, go for a by-election. I don't know how many thousands of dollars it will cost, I admit, but the principle in my mind is paramount, Mr. Chairman.

**MR. CHAIRMAN:** Clause (1) pass. I'm sorry. The Honourable Member for Inkster.

**MR. GREEN:** Mr. Chairman, I'd like to speak on it. We still have the right to speak.

**MR. CHAIRMAN:** Yes, but we'll pass a bill that's just like if you hadn't spoken.

**MR. GREEN:** Mr. Chairman, I want to indicate to members opposite, something that's very interesting. Don't you think, don't the members opposite, don't the members of this side, think that if a member of the Legislature was convicted of taking a bribe to do something in the Legislature, that he should be by law, have his seat vacant? By the way, I'm not suggesting that I would agree with that. But the members who are voting for this section, don't they agree that if a member was convicted of taking a bribe that he should be subject to at least the same problem as the Member for Wolseley? The Member for Wolseley is accused of having engaged in trafficking. He is appealing; he says he is innocent. Let us assume that another member was accused of taking a bribe to vote in a certain way, directly related to this Legislative Act. Let us assume that he was convicted and was appealing and said I am innocent. Which one should be treated worse, the Member for Wolseley or the one who is taking a bribe? Which one more affects his legislative duties and whether he should sit in the Legislature? Well, the answer is obvious; taking the bribe. But, Mr. Chairman, the Criminal Code says that every one, who being the holder of a judicial office or being a member of the Parliament of Canada or of Assembly, corruptly accepts and then I'm paraphrasing, any money, valuable consideration for himself, for another person in respect of anything done or admitted to be done, etc., is guilty of an indictable offence and is liable to imprisonment for 14 years. Mr. Speaker, when it says that he is liable to imprisonment for 14 years, it means he could get a suspended sentence. He could get one year or two years and then this section, Mr. Chairman, subject where members convicted of an indictable offence for which he is sentenced to imprisonment for a term of five years. Sentenced to a term of five years. Mark that. A member could accept a bribe, could be charged, could be convicted, could be appealing, could be sitting in the Legislature, as long as he wasn't sentenced to imprisonment for five years, he wouldn't be ejected by this section. I'm asking for the Attorney-General or for the First Minister or any other lawyer in the House to say that what I have just said is incorrect. Is it not astonishing to you? Is it not astonishing that is what is being suggested and I'm reading from the Criminal Code. That a person who accepts a bribe, the worst kind of bribe and is not sentenced to over five years, would not be treated in the same way as the Member for Wolseley is being treated and which this member did. This member after all doesn't deal with the Member for Wolseley. It says any person convicted of an indictable offence for which he is sentenced to imprisonment for a term of five years or more. He doesn't go. But if is sentenced to a period of three years his seat is vacant. No, his seat is not vacant. If he is sentenced to three years his seat is not vacant. If he is sentenced to three years . . . I hate to become emotional except that you are requiring me to; if he is sentenced to the years for the rape of a six-year-old girl, his seat is not vacated. If he is vacating his

seat —(Interjection)— Pardon me? Well, Mr. Chairman, the fact that . . . I can show, I can show the First Minister that there are sentences within the four-year limit for pretty heinous crimes. But, Mr. Chairman, he First Minister says, pretty soft sentences. He hasn't answered my argument. The Bill says that . . .

**MR. DESJARDINS:** Sure he has; he says he agrees with you.

**MR. GREEN:** No he doesn't because he's presenting a Bill that says and he knows its wrong.

**MR. DESJARDINS:** He wants the court to decide who will be elected.

**MR. GREEN:** No, Mr. Chairman. There is no minimum in the bribery section. There is no minimum in the indecent assault section There is no minimum in the rape section. There is no minimum, I don't think — we've got criminal lawyers here — in the manslaughter section. There is no minimum in the robbery section. The only place they've got a minimum is in this trafficking section. And there are reasons for that, Mr. Chairman. They know that trafficking in marijuana is something that involves so many people throughout the community in all sectors that unless there is a minimum of seven years, they feel that there would not be a deterrent. So there's a minimum of seven years. Only because more people are doing it. And it's more accepted. But bribery, no minimum, so this section says that a Member of the Legislative Assembly receives a bribe and is sentenced to three years imprisonment, doesn't have his seat vacated.

A Member of the Legislative Assembly who is convicted of manslaughter and is sentenced to over five years, and the manslaughter may be as a result of — well, let's take a perfect example. If a Member of the Legislative Assembly who has gone out with a young lady, and he's driving in Cape Cod and he drives off a pier, and the young lady winds up drowning and he winds up running away, that person may be charged with manslaughter. If he is convicted and he gets three years, his seat is not forfeited. But if he's trafficking in . . . because the judge has no alternative but to give him seven years, there is no alternative, it is a minimum. Do you know what the maximum for trafficking is? Does anybody here know what the maximum for trafficking in marijuana is? Life in prison. Absolutely. Mr. Chairman, a very serious crime and which three parties, in the Parliament of Canada, have said that they intend to take marijuana out of the realm of criminal offences, take it, but leave the trafficking there. Take the marijuana out of the Code, out of the criminal offences and leave the trafficking, knowing that people are going to have to buy it if they are permitted to smoke it.

There's something wrong, Mr. Chairman, and I find it difficult being involved in a discussion on this because of the marijuana, because it doesn't involve marijuana. This offence deals with anything which you can be sentenced to for over five years, and it excludes any terrible crime for which you could be sentenced to three years, and which you could still sit. And there are other crimes that are over five years.

I have never been an advocate of undoing the marijuana laws. I have not been in that issue one way or the other. I happen to think, from what I have been told, not from personal experience, I can't say, I've heard it said from those who have smoked it in very very high places, I think it was suggested that in some of the houses in the finest areas of Ottawa there was talk that perhaps Margaret Trudeau smoked it in the Prime Minister's house. I cannot be a witness of that kind. I have not had that experience, and I can tell you that truthfully. But the fact is that I cannot also be the hypocrite who says that it's not going to be a criminal offence but the trafficking is going to carry a minimum of seven years and a maximum of life.

That's not the issue here. The issue is whether a person who has been elected to the Legislature should be rejected for conduct of a specific kind. There could be all kinds of other conduct, some of which is pretty morally reprehensible, for which he cannot be evicted, but if he is sentenced to over five years he is evicted.

Mr. Chairman, I don't really believe I could compromise on this issue. I believe that it is not a man who still has a right to appeal. You know, I don't even know whether I could condone it if he had no right to appeal but certainly I know if he has a right to appeal, if he is professing his innocence, if he says, I am innocent, and he is free, he is out on bail, he should be able to engage in the activity. That's my thought. The First Minister says no. If he is free, he is out on bail, Mr. Chairman, if he is in jail for 4-1/2 years, the First Minister says, he can be a member. Look, look what's happening here. If he's in jail for 4-1/2 years, —(Interjection)— Mr. Chairman, then the First Minister says that at any moment, for what any of us may or may not do, the Member for Osborne, the Attorney-General, is going to get up and say, in the middle of a person making a speech, that I move that the Member for Winnipeg Centre be ejected and his seat be vacant.

Well, I'll tell you, Mr. Chairman, that's better than this. And I'll tell you why it's better. Because at least then we know that at any time it can be done. In this it's automatically done. With this particular one it's automatically done. But let's put it clearly on the record. A man sentenced to jail for 4-1/2 years, there would have to be a separate motion to get him out. And the First Minister says he would put one. I don't know why he doesn't put 4-1/2 years in, I know why he doesn't, because he knows that if he puts 4-1/2 years in, I'll get up and say four years. And if he puts four years in, I'll get up and say, 3-1/2 years. And I will win this argument, because the logic of my position is, either he does it the way he says, that they make a motion for misconduct of whatever kind he thinks is reprehensible for a person to be kicked out, or he throws this out. That is the logic of the position and you all know it. But you won't vote that way.

You won't vote that way — you know, everybody has peculiar reasons for voting. I mean I found out that people vote against something because the Member for Inkster is for it. That is one of the most illogical reasons that I've ever heard. But that is one of the logical reasons for voting.

Mr. Chairman, the fact is that I don't feel that I would compromise on this issue, but I heard

something today that was at least interesting. At least it makes more sense than what the government is doing. The Member for Winnipeg Centre said that, let the public decide. I don't know why a criminal offence should precipitate, should be the catalyst for a public decision other than maybe a vote on the subject; let the public decide. I mean, I would like the public to decide on people who vote against something before somebody else is for it, their seat should be immediately vacant and there should be an election. That might be a good reason. But, to not be facetious, the Member for Winnipeg Centre said that when there is a conviction, let there be an immediate election. Mr. Chairman, that makes more sense than what the First Minister is doing. There is a conviction of an indictable offence, carrying with it a sentence for five years. The man is free. Let there be an immediate election as to whether the public wants that man in the Legislature. (Interjection)— Mr. Speaker, the Member for Fort Rouge says, he can't afford it. That's a problem that we all have from time to time. That's one thing I can't overdo. Oh, yes, there are people now who are advocating that the public pay election expenses. I agree. I'm not going to pay — if I can help it. If there's a law, and even then, Joan Baez didn't pay income tax because she didn't like the war in Vietnam, I will not wish to pay election expenses for fascist candidates. I will not wish to do so. And I don't wish the Conservatives to pay my election expenses because they don't believe in what I am saying.

I agree with that entirely, but I will not wish to pay the election expenses of fascist candidates and if they win all the seats, which happened in the province of Quebec, not the fascists, the Liberals, I'll permit that distinction — the fact is that they won 102 —(Interjection)— I've indicated, I've permitted the distinction, 102 out of 108 seats, by the formula they get all the money. Because they give money on the basis of the number of seats, the number of votes you get, so, you will find that you are paying their expenses and them not paying yours. However, that's a different subject which probably we'll get to some day, and I hope to be here when we get to it.

But the Member for Winnipeg Centre, he said that maybe he couldn't persuade, or he doesn't give up the persuasion that maybe could change it. Why not say that if a member is convicted of an offence for which he is sentenced to imprisonment for a term of five years or more, his seat shall be made vacant, but there shall be an immediate by-election, not a 35-day by-election, not one that is at the discretion of the Premier, and the public will decide whether they want that man to sit or not because the First Minister knows that the public may decide completely contrary to him.

The court convicted Jack Davis of theft from the people. In the very next election, he was elected. There have been occasions when this has happened. Maybe that would happen — maybe it wouldn't but at least the member would have a chance to say that, I'm going to the court of last resort, that is the public.

Now, Mr. Chairman, there was an interesting remark, if what I have said sounds logical, but it's the Member for Inkster who put it, then I commend the members to these words. What I do find strange is that in the amendment which was defeated but

only a few moments ago, introduced by the Member for St. Johns, it accomplished the very same objective, it indicated withdrawal from the Chamber and remain suspended until a Court of Appeal finds him guilty of the offence. Mr. Chairman, I think that the members across the way defeated the amendment simply because it was being introduced by the Member for St. Johns, rather than dealing with the substance of the motion itself. Now who said that, Mr. Chairman? The Leader of the Opposition said that. He said that you terrible people over there defeated something merely because it was introduced by the Member for St. Johns. And that's not a sensible thing to do, is it. I agree, Mr. Chairman.

**MR. CHAIRMAN:** The Honourable Member for Winnipeg Centre.

**MR. BOYCE:** When the motion was introduced to get rid of Mr. Wilson, I said I would support it and I would be wrong, I haven't changed my opinion, I was wrong in supporting it. But I had hoped that reason would prevail in the interim, in the time that has elapsed.

Mr. Chairman, Shakespeare puts in the mouth of Mark Antony, I have neither the wit nor word to sway men's minds. But I do speak right on and say, that which you yourselves do know, and then he goes on and gives a brilliant speech — I wish I could give the kind of brilliant speech that Mark Antony gives. But it is obvious the intention of the government is to remain silent on this. Where is the fallacy of my argument? If you can show or demonstrate to me that what you're doing is not going to put in jeopardy the concept of Parliament protecting people's rights, then perhaps I could support it. But the government intends to be silent. And I speak to each individual member of the government. One of my colleagues says, it's a waste of time.

Perhaps that's one of the reasons I have been relatively silent in the last little while because it seems like you stand up and you flap your gums and it goes nowhere because in this Legislature, the 31st Legislature, it has deteriorated to the point where people are rigid in positions, they won't shift, they won't compromise, they won't discuss. I remember the former Leader of the Liberal Party giving a speech in this House before he was appointed to the Senate, Gil Molgat, and subsequent to that speech he came over and said, why can't we get together with some kind of a process where we will have more of presenting alternatives and selecting the best of the alternatives, rather than this is your position, and this is our position.

I will speak because it is the principle that bothers me. And if there is some argument to refute my argument, I would love to hear it but I hear silence. Get rid of Wilson. Get rid of Wilson. On to the next one. I would like to know how the Conservative Party who is running through the country, and I'll ask it again, Mr. Chairman, albeit at my own peril and against the rules of repetition, how can you defend your position, in Canada, vis-a-vis the Parliamentary process protecting people's rights. And there is another principle which comes into play here. When is a person guilty; when he is first convicted, let's save time and money when he's charged. It's the principle, two principles are involved and I'm sorry to

belabour this; my bank manager is going to be mad at me. Oh, no, he's collecting interest on the overdraft. He'll be happy. At these inflated rates, that's right, so there is, as I admitted the other day, a conflict of interest on this Bill. I'd like to see it get through so I can get paid. But the two principles are more important and here the government sits, and refuses to even enter into a dialogue or debate. Somebody show me where I'm wrong.

The two principles, one the protection of rights by the Parliamentary process and the second principle is, when is a person guilty. When they're arrested, when they're charged when they're convicted, or when all appeal proceedings have been exhausted? I have defended and will defend the principle that a person is innocent until all of the proceedings have been exhausted. There are systems in the world, the inquisitional kind of procedure. You know, why not have that, it's simpler, it's cheaper. Let's pass this Bill and get it out of there and let's get on with the rest of the Estimates and the other things that we're here to consider. But that is the compelling thing, Mr. Chairman, get rid of Wilson. But what you're doing in my estimation is you're creating more problems than you're solving and your silence does all members of the government benches absolutely no good or gives you no credibility whatsoever in my mind as to your position of Parliamentary process defending people's rights.

**MR. CHAIRMAN:** The Member for St. Boniface.

**MR. LAURENT L. DESJARDINS:** Mr. Chairman, there is no doubt that this is quite a difficult situation and it would be much better indeed if we could have been studying this without having to "tailor made" and have the urgency of a prevailing situation. I think, I can also without any difficulty at all, I can say that I also feel that a person should be considered innocent until proven guilty, but I think that does not prevent people from being suspended if there is cause or if there is any possibility in certain instances, for instance, if you had somebody in charge of a kindergarten, and there were people being accused and sentenced of molesting these kids and they appeal, in the meantime, I think they should be suspended. I can understand that because you know everybody has talked about the individual; we've got to think also of the people that are represented by the individual. So I think I could support the government if they say, okay, this person is suspended, we're not saying he doesn't have a chance to prove himself innocent but in the meantime, he's suspended and this is what the government is saying and if he's wrongly suspended well then, I don't like the idea, I think it's in this Bill later on, it says that the House here can decide that he should be reimbursed, he should be paid, I think that should be automatic. And also it seems to me as if it's tailor made for Wilson and the government then doesn't want to take the responsibility, they want us to say okay, he's re-established, we'll give him his money back.

What I don't like, Mr. Chairman, is the question of five years, and this government, I'd like to make the point in reverse made by my honourable friend and desk mate, that this government says no, no, we don't want an enshrined Bill of Rights, because we want the Legislature to decide, not the Courts, and

in effect by saying five years, the Courts will decide if a member in many instances when there is no minimum sentence. The Court will decide and the pressure will be on the judge. You know, it's quite possible you may have a situation where one vote means an awful lot and this person from a government or it could be from the Opposition — let's say if the Government in this instance, because that would make a difference — the government could fall if they lost the seat so therefore, you know, there's pressure and these people are human beings and I'm not accusing them of not being fair but there is a possibility that they could go, and you'll be convinced that it's for the welfare and good for the people and so on, that they will sentence these people to four or five years minus a day, so that is a possibility

But the main thing that wasn't discussed here at all, let's say that somebody is sentenced to five years minus a day. Let's say after that happens, immediately following an election, a month or so after an election, you have a situation then, the seat is not declared vacant, the person can not attend, can not represent his constituents because he's in jail, and you will have a situation that for the full term, well all right, could I then to make sure that I'm . . . the First Minister is shaking his head, I wonder if he could explain the point to me where I'm wrong, because I'd like to . . .

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

**MR. LYON:** Without wanting to interrupt my honourable friend's speech, I know he doesn't want to make a false statement, there is always the inherent power of the House to deal with any situation it wishes. This House dealt with a particular situation of one of its honourable members last December, by passing a resolution expelling him from the House. This is a general provision that is being brought into force in Manitoba, which complements the same provision that exists in the Federal House, the ability of the House to deal with any of these matters at any time is still inherently there.

**MR. DESJARDINS:** I thank the First Minister for his explanation and he's absolutely right. I don't want to introduce something in error and I want to understand it fully myself. Is the First Minister saying that the House then can prevent the person from taking a seat but could they say that the seat is vacant? Well then, if that is the case why leave it to the House? You know, it could be a situation you could have just before an election, that the Government of the Day is not fussy in seeing a by-election. That's a possibility, you know, and if this is the case, what is the point, why should the House decide and it would not be on the merit at all, it would be on just the situation, I guess, to see how long the constituents would have to wait before they were fully represented. So, if that is the case, I think that it should be spelled out, not left to the House and I think that if somebody is convicted and there is no way that he can appeal, he's gone through all that and he's still found guilty, I think the seat should be declared vacant immediately and that you should look at the interest also in the welfare of the people that he represents and can't represent from jail when

he's absent for over four years. So I think that certainly somebody mentioned that maybe we should have another look at this section and I think that I certainly, one would be willing to let the government take it back and to see if after listening to the suggestions that were made today, if they can try to find better legislation that will be fair to the constituents and also the members of this House.

**MR. LYON:** Mr. Speaker, perhaps it would be appropriate to make a few comments at this stage because I think we are dealing with really the nub of the Bill, with this particularly section. There are a few comments that perhaps have to be made even though all of the arguments that we have heard today are repetitive of those we've heard before and all of the answers that my honourable friends will hear will be answers that they have heard before and it is all rather a waste of time.

I would say, by way of general observation, that we have witnessed a number of examples this afternoon of the art of attempting to put the camel through the eye of a needle and all of the attempts have failed as they always do.

I listened with some interest to the Member for Inkster talking about the possibility of more heinous crimes carrying less serious sentences. I admitted from Day One when this matter was being addressed in the House, that it is beyond the capability of any Legislature at any time led by any government to devise a section that is going to deal with all of the individual pécadillos that individual members of this House or succeeding Legislatures may ever commit. The result, therefore, is that you attempt in a general way to deal with situation which arises extremely seldom, fortunately, in the life of this Legislature and I say that with the due regard to the member involved who's situation precipitated this debate but more particularly with due regard to the Legislature itself which is stimulated to deal with the matter as a result of that individual's situation.

May I make one comment, however, that the section that we are dealing with today, I do not think could be said to be one hundred percent tailor made for the particular situation of the Honourable Member for Wolseley. I don't believe that at all. There's one section, one part of the Bill that we are dealing with, namely, the inability of a member so convicted to draw or to receive emoluments from the Legislature and that is there for a reason that I will come to very shortly and it is a question that has not been, if I may say with respect, has not been answered by those valiant defenders of Civil Rights on the far side of the House who have not really considered the other side of the question. — (Interjection)— Well, I admit openly to the member from Inkster that the section therefore does not attempt to contemplate all of the situations that somebody with a keen debating mind such as he can conjure up. I could use my best Grade Eleven debating technique too and suggest that four years and nine months should be the period, or three-and-a-half years but really that is just, that is not doing anything or accomplishing anything or saying anything positive in the course of this debate. That's a sheer debating technique that is best left outside of the Chamber. We admit that. Any one who deals with this Bill and all in the House except the Member for Inkster have supported this Bill, the principles of

the Bill, admit, and as the proponent of the Bill, I admit that it does not deal with all of the sections that one can contemplate. It may well be unfair in parts because it is arbitrary and any Bill that you bring of this nature which attempts to impose a general disability upon members of the House is going to be subject to the criticism that it is arbitrary because you must put in a date, or you must put in a period, whether the sentence should be two years or two-and-a-half years or three years or six months or whatever. My honourable friend has practiced criminal law, I've practiced criminal law, I can tell him of cases of crimes that were heinous for which five-year sentences were not obtained, but that is all beside the point.

What we're dealing with in this particular situation is to enact legislation that is complimentary to that which is on the books of the Parliament or of the Statutes of Canada, which at least makes the situation in Manitoba insofar as there is to be an automatic reaction to convictions for indictable offences, makes it clear to one and all.

My advice, Mr. Chairman, is this, that only two other Legislatures have even only purported to try to deal with this problem. Two out of ten. I think we're the third. The Federal Parliament has purported to try to deal with it in the manner with which we are familiar, the section of the Criminal Code that has been mentioned and we are now enacting complimentary legislation in Manitoba to that which appears in the Statutes of Canada. To hear some of the arguments that was advanced today, one would think that this was the be all and the end all, and this was totally all inclusive of penalties that could be inflicted upon the ability of members of this House, present or future, to sit in the Legislative Assembly.

Nothing could be further from the truth. What we are establishing by this provision is what I said just a few moments ago, merely to enact complimentary legislation with the further addition to it with respect to the payment of indemnities.

Now, above and beyond, and surrounding all of the situation with respect to the ability of a member to sit in the Legislature is the inherent jurisdiction of the House, an inherent jurisdiction of the House, which I suggest, with respect, was utilized by this Chamber last December in a specific instance against the Member for Wolseley when he chose to appear in the House on one occasion, and the House made it clear, after a debate on a resolution moved by my colleague, the Attorney-General, that the member in question was to vacate the Chamber, and that was that. And the House acted almost unanimously, again save for the negative vote, I believe, of the Member for Inkster, and the will of the House was made manifest and was known. I suggest that power remains, for the will of the House always to be made manifest no matter how heinous the crime may be, whether the sentence is five years, four years, two years, or whatever.

My honourable friend was concerned about the offense of bribery of a member, well I think he will be aware when his memory is refreshed, that's already dealt with in The Legislative Assembly Act; has been dealt with for years, perhaps not even on the same footing as we're purporting to deal with indictable offenses, because if the offense is committed pursuant to Section 50 or 51, I think it is, of The

Legislative Assembly Act, there are a couple of prohibitions there. Section 53, sub-section 1 of The Legislative Assembly Act goes on to say, "where a member of the Legislative Assembly is convicted under Section 52, or where by resolution of the Assembly it is declared that a member thereof has been guilty of a contravention of Section 50, the seat of the member thereupon becomes vacant and the election and return of the member is there upon void". Section 53(2), "the member is ineligible to be nominated for or elected as a Member of the Assembly and is incapable of sitting or voting in the Assembly during the then existing or the next succeeding Legislature". That appears in the Revised Statutes of Manitoba. God knows how long it's been the law of the province, I dare say that my memory was just as refreshed as other Members of the House will be when they heard me read it, but it has been the law of Manitoba for some considerable time. While it doesn't meet all of the points that are mentioned by the Member for Inkster, I think the particular sections do go a long way. As I say they are not even necessarily in accordance with the methodology that is being adopted in the bill or proposed in the bill that is before the House at the present time.

I think we have dealt with those points. What we have is an automatic situation that will deal with convictions for criminal offenses where the sentence is five years, or in excess of five years, and where the appeals have been either abandoned or where the appeals have not been sustained by the Courts of Appeal. It's clear as to what action will be taken without the necessity of a special resolution of the Legislature.

I admit, Mr. Chairman, to a bit of a quandry when I hear the member, particularly I guess from Winnipeg Centre, talk about why is the member of the Legislature from Wolseley, why is the seat not vacated? And the quandry that I am in is this: That we hear members opposite say that they believe in the principle that a person is innocent until proved guilty. If that be the case, then how can a member who believes in that fundamental principle of jurisprudence in our country which has sustained our system of law in this country for 113, 114 years, and which we inherited from the British Common Law system, if one adheres to that principle, how then can one say that the idea of a conviction is, by itself, final and that once a conviction has been registered the rights of a member to be the member for a particular seat are automatically eradicated, because that's what my honourable friends across the way, or some of them who have spoken, not the Member for Inkster, but some who have spoken from the Official Opposition, have been saying. They have been saying, in effect, we believe that a person is innocent until proved guilty, but we will not give that person the right to appeal to determine whether or not the conviction will be quashed or set aside or a new trial ordered or whatever, we will declare the seat vacant immediately. I admit to being in a bit of a quandry about that because I do not think the two propositions can sit together in the same realm of thought. I do believe that if you believe in the first fundamental principle that a person is innocent until proved guilty, that then the appeal procedure should be exhausted before that person is finally denied the



privilege of representing the seat for which he was elected by the electors in this province, or indeed elsewhere.

If we recall, I think, the case of Fred Rose, the Member of Parliament who was convicted immediately after the war in the Gouzenko spy trial, it was not until 1947, it was not until the courts had dealt with the espionage charges and he had been sentenced to some sentence well in excess of five years that there was then a motion, as I recall it, by the then Prime Minister or the then Minister of Justice of the day to the House, declaring that the seat was vacant by virtue of the conviction and the sentence and either the non-appeal or the expiry of the appeal period for the member in question. Prior to that time and it's only by hearsay that this information comes to me, prior to that time the member in question, I think, was kept in custody because the habeas corpus rules were suspended at that time because of the nature of the crime, the danger to the state and so on. The member had been kept in custody before his trial; was kept in custody during his trial; after his trial; and I presume during any appeal period that there was.

And so you see that there are very very few examples, or very very few precedents that one can follow, but the ones that we do know of would seem to indicate that the course that is being proposed in this bill, namely, as the Statute in Canada says and as the Statute in Manitoba is proposed to say, namely, that a member convicted and sentenced for five years or more of an indictable offense is not able to sit in the Legislature or, as this provision says, to sit and vote in the Legislature, and that means of course committees thereof; or to, as this section goes on to say, or to draw any emolument therefore. But his final tie to the seat, that is the declaring of the seat vacant, is not made until the appeals have been exhausted, because there is an understanding I think on the part of everyone in this House, that in the system of jurisprudence that we have in this country, that individual members — and I am not speaking of the particular case at all — but individual members who may face this kind of a disability will have the right of appeal, will take advantage of that right of appeal, as they are fully entitled to do, and that the courts in their wisdom may well quash a conviction for reasons that we can't even think of, and that's what the system is all about.

I suggest, without trying to suggest in any way that the arguments that are being put forward on the other side are not strongly held or honestly held, I suggest that perhaps the fairer way of dealing with the situation, and trying to observe the different balance of rights that are available in a situation of this kind, the fairer way would be to say that when the member in question has had his conviction appealed and has gone through the process of appeals, there are no further appeals and the conviction remains as it is, then the seat should be declared vacant.

If, on the other hand, there is a new trial or other procedure and the member is found, for instance, hypothetically to be not guilty of the offence for which he was first convicted, then of course the Legislature has not taken away from him the vitality by which he derives his membership in the House,

namely, his ability to be the member for that particular seat.

While I can appreciate that other viewpoints can be held and can be argued with some force, I rather think that the course that is being proposed in this bill, while certainly not perfect, is probably the preferable course having regard to those fundamentals of our judicial system to which I believe we all subscribe.

Mr. Chairman, there is very little else that I can say usefully at this stage with respect to the bill. It's been suggested that retroactivity can be dealt with when we come to that section so I will spare the House any further remarks on retroactivity until we come to that section but I think that there is a case to be made in this particular instance for the retroactivity section which I am the first to say is tailor-made, but I will be happy to explain that when we get to it.

**MR. CHAIRMAN:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Chairman, I want to deal solely now with the aspect of the debate which the Premier has characterized as that dealing with inherent jurisdiction of the Legislature.

Mr. Chairman, I say to members that if the Premier is right and, Mr. Chairman, I have already admitted that I feel that I was guilty, if one can call it that, of a lack of judgment in December when I voted with the government to support the removal of Mr. Wilson, summarily as it was and as it took place. Mr. Chairman, I want to say, and I am willing to put it on the record that I do not feel that this Legislature has any inherent jurisdiction. I do not want to live in a country where any Parliament, where any government, has an inherent jurisdiction, because, Mr. Chairman, I believe it is the right of the people to elect the members. —(Interjection)— Mr. Chairman, that is the way they operate in Russia; that is not our tradition.

Mr. Chairman, what the First Minister of this province is saying is quite simply that the government should have the right to exclude any member that deviates from their idea of what appropriate conduct is. Mr. Chairman, basically what the member is saying is that government should have an inherent jurisdiction to dictate to the public as to who should be allowed to sit in this forum. That, Mr. Chairman, of course is the very nub of the current Constitutional debate and the Bill of Rights, and that is why, Mr. Chairman, some people believe that a Bill of Rights is a better safeguard, a better protection for democratically-premised government and society than the so-called revered parliamentary monarchical system that my honourable friend purports to always support.

What he really means, Mr. Chairman, is that as long as he is in that seat he is supreme and, Mr. Chairman, there is no distinction between that position and the position that pertains in the Soviet Union today. He says that he can remove members that offend his eye, using his inherent jurisdiction, the venerable right of Kings, Mr. Chairman. If they blight your eye you remove them.

Mr. Chairman, there is no question but that is what we are debating when we talk about inherent jurisdiction; the question of how the rights of our people are better protected. I do not believe, Mr.

Chairman, that anything that is not written in a law, that is not subject to review by the courts, should stand as a guiding principle by which society is governed. In other words, it's either done democratically or it's not done at all.

Mr. Chairman, if a member of this House, as a result of speaking conscience, should offend the members opposite, I do not believe that there is any inherent right to remove that individual from this place. Mr. Chairman, without equivocation that is precisely what the Honourable First Minister is suggesting; he suggests that we have that special inherent right to do that. What I fear, Mr. Chairman, is that he may be correct, and that perhaps, Mr. Chairman, is why other countries around the world have adopted charters of rights, because they realize that even in the federal confederate system that there has to be some basic level beyond which government cannot infringe, that there have to be laws to protect against retroactive legislation, and we'll deal with that when we get there, Mr. Chairman, and there have to be laws to deal against arbitrary despots. And Mr. Chairman, it suits his suits his purposes because we're dealing with somebody who's alleged to be a drug dealer. And Mr. Chairman, isn't that always the way? Deal with the homosexuals first. Oh, yes, deal with all those who are different. Deal with all those who are different. — (Interjection)— Yes, that's the question, who's next. And will there be anybody left after they get through as Hitler did, first the homosexuals, then the trade unionists, then the jews, then the coloured people, will there be anybody left when they come for the last person, Mr. Chairman?

Mr. Chairman, we make light of this and we laugh and we pretend that we have these special rights and that we accord our people special stature in this country. But Mr. Chairman, it's a fool's paradise. It is a fool's paradise. These rights are not recognized in our law. They're not, Mr. Chairman, because of the positions taken by those who would draw us back atavistically and regressively into the 19th century.

Mr. Chairman, if there is an inherent jurisdiction, then it should be recognized that certain members in this House will stand and fight and will oppose that inherent jurisdiction and will not abide with the divine right of kings. Mr. Chairman, society has gone much further now; we've gone into another age. It's one thing to talk about the principles upon which our government and our governing processes are founded, but Mr. Chairman, my honourable friend, when he stands up before his British compatriots, and when he tells them that the provinces don't want a charter of rights, he should know, Mr. Chairman, that even the House of Lords in Britain, even the House of Lords has now passed a resolution calling for a bill of rights for that part of the commonwealth, the United Kingdom. Even the stodgy, reactionary House of Lords. Where has he been?

Mr. Chairman, what was the rationale for that? What did those peers of the realm argue and debate when they stood in their places and voted for that? And I should say it's the current Conservative government that's been resisting that particular movement, Mr. Chairman. They base their argument on the common charter of rights that has been adopted by all the European nations, virtually all the European nations in the Common Market. It was a

compact made in Brussels in the very early part of the last decade; they believed, as a unit, a governing body dealing with the lives of hundreds of millions of people in a western civilized context, they believed that it was time for all of them to advance the cause of human rights. And they didn't mind entrenching it. It didn't bother them, Mr. Chairman, that the people should have that sort of supremacy over the divine right of kings. They didn't believe that there should be an inherent jurisdiction simply vested upon an individual or a group of individuals as a government because they happened to win a tenuous majority in an election. They believed that certain rights were inalienable, and that certain rights were truly God given. And that every person, regardless of who that person is, or what their persuasion might be, in terms of religion or the colour of their skin, in terms of their political belief and matters of conscience, all those people stood and they stood in support of a system that would entrench fundamental freedoms. But not for Manitoba, Mr. Chairman, no, indeed not.

Manitoba is going to stay in the burgeon past, we're going to sit in this murky swamplike, regressive throwback that is described by the First Minister as endowing certain inherent rights in jurisdiction on elected members. Well, no, Mr. Chairman, this bill, as I said, the retroactivity, the inherent jurisdiction he refers to, these are all signs of his true political stripe. It's not a matter of conscience, Mr. Chairman, it's a matter of pragmatic political consideration.

Mr. Chairman, it's time that members on that side of the House . . . and I'm sure there are those who feel strongly about this, there have to be some Diefenbaker Conservatives left in this province. There have to be some that would stand to be counted on this issue. I can't believe that we've come so far that the Conservative Party is actually regressing backwards now. And Diefenbaker fought, he tried to entrench his bill of rights. He would have if he could have. He tried. It was a series of compromises that drew him back.

But, Mr. Chairman, with that sort of experience, why can't Manitoba stand and be counted. I would challenge the Premier to explain then what he means by inherent jurisdiction. If this is not what he means, he should explain to us what precisely it is that he refers to. And he still has seven minutes to do it, Mr. Chairman.

**MR. GREEN:** Mr. Chairman, I wish to use some of the seven minutes. First of all because I do believe in the inherent jurisdiction, but that's not what I'm being asked to vote on. The Premier has said that at any time, a parliament can pass a law ejecting a member. I believe that that is true. I believe that that's what the Member for St. Johns said when he voted for it. I believe that that's what all the New Democrats said when they voted for that inherent jurisdiction. And when the member says that people should stand up and oppose that inherent jurisdiction, the fact is, I did. And that's what I said at the time, has to be done in order to maintain freedom. That you cannot maintain freedom by enacting a charter, that you have to maintain freedom by, every time you see somebody trying to take it away, to get up and impose it. But that's not what the member did. That's not when the member did. But now that's not what we're voting on. We're voting for a charter.

The Premier has said that we've got the inherent jurisdiction. I believe that. And I believe that's the best way. What does he need this section for? This section is the rule of law as opposed to the inherent jurisdiction. If you're talking about definitions, this section is the rule of law. This section says that if a person is convicted for which he has to serve a sentence of over five years, he doesn't sit. And the Premier says that in addition to that he's going to have his inherent jurisdiction. I say that if the greater is the sum of its parts, you don't need this section, because you've got the inherent jurisdiction and I say, every time you want to use it, stand up against the people of parliamentarians who say that you're not going to do it because we won't let you. And the problem in Manitoba, in December of 1980, was not that a government was using an inherent jurisdiction, it's because the people who are supposed to oppose the government did not say, we won't let you do it. And if they did say, we won't let you do it, they wouldn't have been able to get away with it. That's what would have happened.

And that's why I say that eternal vigilance is the price of liberty and an entrenched charter is an erosion of that liberty. And if you tell me that the House of Lords is voting for an entrenched charter, I, who happen to know something about the English constitution, want to know how they're going to prevent the next House of Lords from passing a motion objecting to that charter and revising it. And that's the difference. The House of Lords in Britain is supreme, and Parliament is supreme. They can both pass anything they want to.

What we are having in Canada is a government that goes to parliament that's supreme, says, pass laws that nobody else will be able to undo in the future. That's what we're getting, Mr. Chairman. So the member who says, who turns this into a debate, on an entrenched charter of rights, I say, with the greatest of respect, knows not whereof he speaks. Great Britain has had inherent jurisdiction to remove members of parliament; Canada has had inherent jurisdiction to remove members of parliament; Canada for 100 years, Britain for many more years. They have never removed any. But go to the countries that have bills of rights and you will see that they have arrested members of parliament and put them in jail. Go to India, go to those countries, the hundred countries, they say a hundred emerging nations have enacted bills of rights. Many African countries, see whether they have taken members of parliament and thrown them in jail.

All of those countries. See whether Russia, which has a bill of rights, has not shot in the head parliamentarians, indeed, Mr. Chairman, those who perpetrated the revolution. See whether that has not happened in countries that have had bills, but show me in Canada. Yes, I will show you an occasion. In December of 1980, they did it. And it was acquiesced and agreed and voted for by the Member for Wellington and all of the members of the Opposition. That's the problem.

Mr. Chairman, I thank my honourable friend for bringing to my attention the bribery provisions of the provincial Act. But that doesn't answer the argument, and he knows it. I merely showed you the bribery provisions to show you that there are worse things that can happen for which this bill does not allow

and that has not been taken away. And the thing that my honourable friend cannot answer is, I say, if he's got the inherent jurisdiction, if he's willing to have the courage to get up and use it when he thinks it's necessary, he doesn't need 19(1). 19(1) is less than the inherent jurisdiction. And I believe in the inherent jurisdiction. I believe that it is possible that some day, some member of parliament, for reasons which I cannot speculate, should be removed by all of the members. I also believe that people should fight it when they see that it's being abused.

In December of 1980, the problem was not inherent jurisdiction. It was the failure to fight an abuse.

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

**MR. LYON:** Mr. Chairman, I want to thank the Member for Inkster for a ringing endorsement of the position that the Government of Manitoba is taking vis-a-vis the Bill of Rights. I'm not entirely certain that I can reciprocate, by endorsing his position on all things, but I do wish him to know that we appreciate his words on that topic; distant as it may be from what is under discussion before us at the present time.

Mr. Chairman, perhaps I could enquire if there is a disposition on the part of the committee to carry on with the — not carry on beyond 4:30 but to deal rapidly with the bill; if not, I'll say a couple of words and we'll be moving that the Committee rise.

Mr. Chairman, my only response, additional to that which the Member for Inkster has made to the member who took his seat immediately prior, the Member for Wellington, is to say this, that I make it a habit, so much as possible, in this House, I think most members on all sides of the House do, not to respond to nonsense, and I've never heard a greater declamation of nonsense or ignorance of the parliamentary system than I heard from the Honourable Member for Wellington.

**MR. BOYCE:** I wonder if there isn't a disposition of the House to waive Private Members' Hour, — well, I'm asking — if there is a disposition, it would take unanimous consent of course to waive the rules and proceed with this particular debate. (Agreed)

**MR. CHAIRMAN:** (1) pass — The Honourable Member for Burrows.

**MR. LYON:** Move the Committee rise, Mr. Chairman.

**MR. CHAIRMAN:** Committee rise. Call in the Speaker.

The Chairman reported upon the Committee's deliberations to Mr. Speaker and requested leave to sit again.

## IN SESSION

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

**MR. KOVNATS:** Mr. Speaker, I beg to move seconded by the Honourable Member for Dauphin that the report of the Committee be received.

**MOTION presented and carried.**

**PRIVATE MEMBERS' HOUR**

**MR. SPEAKER:** The first order of business for Monday. Resolution No. 5. Resolution for the Honourable Member for St. Matthews dealing with Assistance to native people, Winnipeg's core. The Honourable Member for Roblin has 20 minutes.

**RES. 5 — ASSISTANCE TO NATIVE PEOPLE**

**MR. J. WALLY MCKENZIE (Roblin):** Well, Mr. Speaker, I welcome the opportunity to offer a few comments and remarks regarding this resolution which I feel is a timely one and one that certainly deserves the attention of members of the House. I don't profess in any way, shape or form to be an expert on Indian affairs or Indian matters. In fact, where I was born and raised in Saskatchewan, I believe the closest Indian reservation was some 90 to 100 miles away. However, after discharge from the air force and migrating to Manitoba I became fairly closely related to a lot of Indian people and over the years some of them became very close friends of mine; I have also had the honour to represent some Indian bands in the Legislature since I was first elected in 1966.

Mr. Speaker, I did during those intervals have the opportunity and the privilege and the honour to attend band meetings on the reservation. I did have the opportunity to sit in with band councils to discuss their problems and over the years I gained a great deal of respect and a great deal of knowledge from having had that experience. Up until the early sixties the reservation system, as I saw it, was working reasonably good and reasonably well. Naturally the urban shift that took place in that interval starting in the 60s, the early 60s, not only happened on the Indian reservations, it happened in towns and villages all across this province where in the municipality in which I reside over half the people of that municipality in the ensuing years have seen fit to migrate to the larger urban centres.

I find the Indian people, in my experience with them, a very proud race of people; I find them very proud of their heritage and their ancestors; proud of their culture; proud of their family and a very closely, tight-knit group. Mr. Speaker, as I've said the 20 to 25 years in the post-war period there was not that much unrest or unhappiness with the reservation system, it seemed to be working reasonably good. The chief and his council had what I would consider to be reasonably good control over the happenings on the reservations. The hunting, the policing, the goodwill, family relations, etc., etc., and the system did provide a fairly reasonable, stable government for our Indian friends.

But since then that interval and, of course, the resolution that's before us presented by the honourable member certainly brings out some of the problems that we face today and we are certainly — I'm not, as I say, an expert nor do I have all the answers as to how we can resolve some of these problems — but I certainly am prepared to offer what little wisdom I have on the subject matter.

The one matter that seems to come to light in speaking with our Indian friends, the one that seems to concern them the most is the fact that the courts of our province and the courts at the Federal level

don't, for some strange reason, seem to have an understanding of what the Indian people are thinking or how they interpret the law or how they interpret their rights. The Indian is a different person than a white man; I don't think anybody will disagree with that. The Indian people in my experience are sort of a nomad type of race and are now caught in this urban shift, which is pointed out in the resolution that's before us.

And, Mr. Speaker, it's quite evident today when these people have migrated to the urban centres, that the reserve system that did stand the test of time for a while is certainly not working at all, working well, in fact it's not working at all. In my opinion we can certainly use hindsight; we can look back and say, especially the Indian people who were much better off back in the 30s and 40s than they are in these days.

I wonder, Mr. Speaker, what has happened during this urban shift, not only to the Treaty Indians when they started their migrations to the larger centres, but people from nearly all the municipalities in my jurisdiction as well who have seen to shift to the urban centres, they have experienced problems in many cases that are very similar to the Indian people. While the Indian people's skills were basically hunters, fishermen, trappers, and they were well skilled in those arts, the people that came in from my constituency in many cases had no skills and were not able to fit into the labour force. But if there were provisions for hunting, if there were provisions for fishing or for trapping within this urban centre that we are residing in here in the City of Winnipeg today, I'm certain that a great number of the Indian people would be able to fit into that way of life very quickly and adapt very easily, but unfortunately that is not the case.

So, Mr. Speaker, we have a different problem facing us — housing, education. Those are problems that come up almost every day in the urban centres today. Very little or no employment for people with low skills is another problem that faces us on a daily basis. Back on the reservation today, in most cases, the reserves have similar problems that they face if a Treaty Indian was to migrate back to the reservation. The school has gone in most cases from his reserve; the church has gone from the reservation; there is no trapping left on the reservation; there is no fishing left on the reservation; and basically, there's no hunting left on the reservation in the areas that I'm familiar with.

So the problems are there. Where do these people go? In many cases some of them have tried to assimilate into the farming industry and that had some merit and yet right away the Treaty Indian faces the problem, when he delivers his first load of grain, he is classed as a Treaty Indian and he's not allowed to sell the grain. In fact I had a case in my area where this very enterprising Treaty Indian was a very progressive farmer; he tried to deliver his grain to market and found out that he couldn't deliver it in his own name, the cheques had to be made out to the Department of Indian Affairs.

So, Mr. Speaker, there have been many, many problems that are escalating and growing every day. So again, I say the resolution is one that certainly deserves the attention of the House.

I note in the last issue of the — I forget the name of the Indian paper that comes out of Thompson.

Anyway, in matters related to the Federal Government in their jurisdiction with Indian affairs, I notice here where Chief Constant has expressed great concerns over the matter of budgets; their budgets that they had prepared in good faith for the August deadline were sent down to Ottawa and of course the policy come out of Ottawa that unless all the budgets for all the Treaty Indians bands across the country are tabled before the August deadline then chiefs such as Chief Constant and the other chiefs from the north, who had their budgets tabled in good time and before the deadline, they were ruled out and placed in the same category as those that hadn't filed them on time.

So, Mr. Speaker, there is the other problem of the jurisdictional problem as to what happens. The Federal Government has had the responsibility of the Indian people for all these years and yet the Federal system has failed them miserably in many, many ways.

And then of course, Mr. Speaker, we refer to the agreement that was drawn up between Canada and the provinces, the Province of Manitoba in the 14th of December, 1929. The government of the day in Ottawa, McKenzie King was the Prime Minister and the Minister of Justice was the Honourable Ernest LaPointe and Mr. Charles Stewart was the Minister of the Interior and of course they sat down in their agreement with the Premier of this province of the day, Bracken and his Minister of Mines and Resources would have to be the name of Donald G. McKenzie, which is rather a coincidence in many ways, one that I didn't know I don't think, nor is he related to me. But nevertheless, in that agreement it's spelled out the rights of the provinces and resources and of course in the one section, I think it's section 11, it brings in the agreement between Canada and the provinces as far as Indian reserves are concerned. And section 13 of that agreement is one that has caused a great deal of controversy over the years and still is today and of course that's the hunting rights between the Indian people in the provinces. The agreement, as it's spelled out, says: "in order to secure to the Indians of the province the continuance of a supply of game and fish for their support and subsistence Canada agrees that the laws respecting game and forest in the province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right which the province hereby assures to them of all hunting, trapping, fishing, game, fish for food, at all seasons of the year, on all unoccupied Crown lands and at other lands to which the Indians may have a right of access." And there is another matter, Mr. Speaker, that has created problems. Who's right and who can do this and who can do what?

So, Mr. Speaker, the power of interpretation of the courts which I raised earlier is one that has seemed to cause many, many problems with our native friends. In many cases our natives feel that their aspects or their understanding of the law is in a certain position, whereas the courts see it in a different light. And that one section that I raised is one that has still raised controversy today.

The other matter, Mr. Speaker, if we go through the records of the province, we can see that today in the Province of Manitoba the number of hospital

days that the Indian people are making use of the hospitals in our province has seemingly stayed about equal or even maybe decreased the number of hospital days.

The school-age population is reasonably stable or steady which is certainly a very encouraging sign and one that I think is very important and maybe have a lot of solutions to the problems which is brought forth in the resolution. The enrollment at the universities is certainly encouraging, as I understand it, I believe there's some 400 people of native ancestry attending the universities in our province today and that is certainly an encouraging sign and will be helpful as these people develop the university training and will help to lead and guide the Indian people in these difficult times.

In reviewing some of the social services costs that the province has involved with our Indian friends, it appears that the costs have stabilized and in fact I think I'd be fair in saying that the off-reserve migration to the urban centres in our province has stabilized somewhat, although it's not easy to gain data on the off reserve shift as far as I was able to determine.

Mr. Speaker, what has happened in the interval that I'm familiar with is of course the Federal White Paper that was proposed, I believe, in June when members opposite were government, I think it was June of 1969, a White Paper that was, I think, chaired by the office of the Privy Council. That paper spelled out legal administrative structures which governed the Indian people and they were . . . as far as discrimination, I maybe should say was concerned. The paper also said, as I understood it, Mr. Speaker, the special status of our Indian friends should be set aside and similar to the experience which the Indian people found in the United States, the policy was terminated, it became a disaster when the Americans terminated that particular policy.

The White Paper also said as I understood it, Mr. Speaker, that to remove discrimination that was at the legislative and constitutional levels, if I remember it correctly, was an answer to the problem.

**MR. SPEAKER:** The Honourable Member has five minutes.

**MR. MCKENZIE:** Thank you, Mr. Speaker. The other point that I think the White Paper pointed out, that the services were to come through one channel or from the same government agency for all Canadians which included our Indian friends. I think the central control at the Federal level was to be transferred to the Indian people themselves.

Of course the Federal Government were ready, I think, and prepared to repeal The Indian Act and the provinces assumed that they were going to take over responsibilities for the Indians the same as any other citizen within the boundaries of a province and to set up an economic development fund for the development of the Indian skills and projects that they had in mind.

Of course, Mr. Speaker, right away the Indian groups from coast to coast became verily vociferous and denounced and rejected this new policy which was proposed. In fact I dare say if there's anything that united the Indians across Canada, I don't know of anything that brought them together as a group more than their stand against that White Paper that was proposed in those days.

And then of course, Mr. Speaker, I believe it was the late '60's or maybe 1970 the Indian Bands across Canada themselves came up with what was known as a Red Paper to bring out their side of the management of their affairs and they said some of the things that, as I recall them, that Indian status was essential for justice in our country. They felt that they were protected by the Federal Government and the BNA Act which is being debated in Ottawa today because that was where their responsibility and their trust lay as far as their lands and the sale of the lands. Of course the other thing was that they violently opposed the elimination of The Indian Act.

So, Mr. Speaker, the feds scrapped the White Paper proposals and promised the Indians that unilateral decisions would not be imposed upon the Indian people without their wishes. That of course, Mr. Speaker, is where the blueprints were set up and terms of reference were established to negotiate with our Indian friends; those negotiations of course are proceeding today.

I certainly hope that our educational system will develop more and more to accommodate our Indian friends. I think that's one of the answers to their problem. I think that it's going to take generations, if ever, that they will assimilate with the white man. In fact I have grave doubts that they ever will. They are different type of people. They have their own heritage, their own background which is so different from the white man and they certainly have a lot to be proud of as citizens of this country, and I find it very difficult for us to try and motivate them without their permission and without their consent.

With those few remarks, Mr. Speaker, my time is up but I certainly welcome the resolution that's been brought forth by the honourable member and I hope that continued discussions and debate by this Legislature will maybe come up with some solutions and answers to this most difficult problem.

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

**MR. HARVEY BOSTROM:** Thank you, Mr. Speaker. I intend to move an amendment to this resolution which I will move at the end of my remarks. I would hope that you could indicate to me, Mr. Speaker, when my time is almost up so that I may have adequate time to move the amendment.

The resolution as it now stands is certainly one which reveals the ignorance of members opposite when it comes to matters dealing with Manitoba's native population. I have listened carefully to the remarks of the Member for Roblin who just sat down. He, I believe, is sympathetic in his approach to the problem but in his remarks, I believe, he reveals also his lack of knowledge of the situation facing native people, and generally, I think, there is a lack of interest on the part of members opposite to deal with matters that relate to Indian people, and certainly it's compounded by their lack of knowledge about the problems which face people of native ancestry. This is brought out, Mr. Speaker, even in the wording of the resolution. The honourable member is referring to native population, native peoples of Manitoba, without defining who exactly he is talking about. There are different status people in Manitoba. Some native people in Manitoba are of Treaty status that have a certain particular

relationship with the Federal Government of this country because of treaties that they have signed with the Federal Crown. There are people in Manitoba who regard themselves every bit as much an Indian person or Indian people as the status people except they don't have the benefit of having had the Treaty status with the Federal Government. People in that category often refer to themselves as non-status Indians. Another category I would think that is commonly used is that of the non-treaty or Metis people in Manitoba who have had their problems over the past few years with this government as well.

Mr. Speaker, in this resolution the member seems to be talking, I believe, about Treaty Indian people but he refers to all the native people in Manitoba, the way in which he words the resolution, and then he concludes in his resolution by saying that the government of Manitoba should urge the Federal Government to fully accept its constitutional responsibility by providing native people with opportunities to acquire marketable skills and other forms of assistance.

Mr. Speaker, there's a large percentage of native people in this province that this government can't in any way absolve themselves of the responsibility for, and that is the group that are not in any way connected with the Federal Government in any formal way; the non-status Indians and the non-Treaty people of Metis origin. These are citizens of Manitoba without any argument. Mr. Speaker, I would argue that the Treaty Indian people of this province are citizens first of the Province of Manitoba. They may have a particular arrangement or status with the Federal Government because of contracts or treaties which they have signed many years ago with the Federal Government, but, Mr. Speaker, that's very much like someone who takes out a title on a piece of land. They have a particular formal arrangement with the government. When you have a title to a piece of land, that does not mean that you as a person does not have the opportunity to operate as a citizen in the Province of Manitoba if you have a title to a piece of land in Manitoba.

Mr. Speaker, the Treaty Indians in the Province of Manitoba should have every right to the goods and services and the rights of citizenship in this province as any other citizen in Manitoba, and unfortunately if this is the government opinion that's expressed in this resolution which is brought forward by the Honourable Member for Wellington — sorry, St. Matthews. My apologies to my colleague from Wellington. I believe that it's an unfortunate situation when you have a government in Manitoba, a Conservative government, that does not understand and appreciate the problems of native people. And Mr. Speaker, they do not attempt to overcome their ignorance and learn about the problems of the people of Manitoba.

I, for one, Mr. Speaker, am saddened by this situation, because you have a situation where you have a government that will be in power for perhaps another year and certainly will have a term of office ranging anywhere from four perhaps to four and a half years depending on when they call the election, and over that period of time, Mr. Speaker, the native people of Manitoba have had a most difficult time dealing with a government that doesn't understand

or appreciate their problems. Mr. Speaker, it's certainly evident from the way in which this government has operated. I must point out that they are not the only one that has failed in their responsibility. I think the Federal Government that has a direct responsibility to Treaty Indian people in Manitoba also have failed in their responsibility in terms of assisting the people on the reserves to have an opportunity for economic development on their reserves, and to have an opportunity to migrate from the reserves with the necessary skills to be able to function effectively in an urban setting.

Mr. Speaker, I intend to point out in my amendment to the resolution that the Manitoba and Federal Governments have failed in their responsibility to provide education and training in marketable skills to native people in Manitoba — and I am talking here about people that live on reserve and off reserve. The educational situation of native people generally is not that good; Mr. Speaker, all we have to do is look at the educational statistics to be able to determine that there are not that many people of native ancestry that make it through the school system and that graduate from high school; the percentage is very small. Mr. Speaker, the governments both provincial and federal seem to be ignoring that problem. If we look at the actual statistics, Mr. Speaker, the Indian retention rate was 11 percent in 1976 compared to 75 percent of all Canadian students; 11 percent made it through to the high school level.

Mr. Speaker, this has serious implications for the employability of young people who are coming into the labour force in large numbers at the present time and something must be done about this situation. Mr. Speaker, the Manitoba government, in opinion, is in the driver's seat when it comes to these kinds of problems. They have to take the initiative. If the Federal Government is not taking initiative in areas where they have a responsibility, then I say the Provincial Government should be pointing that out to them and they should be providing leadership in developing programs and opportunities for people to provide an incentive to the Federal Government to do something.

Mr. Speaker, when we were in government we did that kind of thing. We developed special programs, innovative programs to assist people in the area of education, and some of those are still on the books; but this government has done nothing new. They have produced no new innovative programs in the area of Indian and native education. We brought in programs like New Careers. We brought in programs like the Brandon University Training Program for native teachers. We brought in the program like the special mature students program, which at least, Mr. Speaker, dragged the Federal Government in by cost-sharing on these programs to do new and innovative things for native people. At the present time, Mr. Speaker, there are quite a good number of native teachers in the Province of Manitoba that are graduates of those programs, that would have never had that opportunity if the Provincial Government had not provided the leadership to bring in those kind of programs. That is something that this government has failed dismally in its responsibility to the Indian people of Manitoba, they have not provided any leadership in that area of education,

they simply continued some of the programs that we had had on the books and they've watered them down over the years. Mr. Speaker, those programs should have been enhanced and there should have been new programs, new innovative programs brought in.

The other area which I'm critical of both levels of government, Mr. Speaker, is their failure to provide economic development opportunities to native communities and reserves in Manitoba. Here again, Mr. Speaker, I think it's a responsibility of the Provincial Government, because it's here, it's closer to the people of Manitoba, it's closer to the remote communities and the reserves in Manitoba than the Federal Government, far removed in Ottawa is. Mr. Speaker, the Provincial Government has the responsibility to provide programs, to develop programs, and to offer programs for cost-sharing to the Federal Government, to drag them into assisting native people, whether they're on reserve or off reserve, to assist them in economic development and resource development, to provide jobs for people, to give people the opportunity to live and work where they want to live and work.

Mr. Speaker, there's untapped resources in our remote areas, there's untapped resources on the edge of Indian reserves that could be developed if they had the technical and financial assistance of a government that had the initiative to assist them. This government has simply taken the programs, some of those that we already had on stream and they've continued some of those; some of the more innovative programs like those that were developed through the Provincial Job Office, the Special Northern Employment Program and so on, have been just cancelled out.

Mr. Speaker, their policies towards native people are bordering on racist, when you see the program of the Communities Economic Development Fund, which was established by the New Democratic Party government to provide funding assistance to people in remote areas, funding assistance that they couldn't get through the regular financial system. This government has now placed a restriction on that program to discriminate against Treaty Indian people, they have put a policy in effect, which is right in the report to the Legislature here, which states in effect that Treaty Indian people can only get assistance if they have a government contract which can be assigned to the government, if they have a job or enterprise that is off reserve. Well, Mr. Speaker, why are Treaty Indian people singled out like this? Why are not all people in the Province of Manitoba treated equally? This is blatant discrimination.

Mr. Speaker, in addition to that the Communities Economic Development Fund has been restricted in its activities, and here again there has been no opportunity, there has been no innovative programming by the Provincial Government. There have been no new programs developed in the area of economic development. When we get into the Department of Resources I want to point out that that department generally has regressed to being a policing department rather than a developmental department. This, Mr. Speaker, is a step backwards because there are resources in Manitoba, there are natural resources that can be developed, there are

unused, underutilized human resources that can be tapped in terms of developing the natural resource.

Mr. Speaker, the people that are in the remote communities are a human resource that the government should be looking at along with the natural resource and providing the technical and financial assistance to put those two together, to develop the natural resource and at the same time employ the underutilized human resource. That's something both provincial and federal governments have dismally failed to do, and in particular, Mr. Speaker, this government is not taking any interest in that.

Mr. Speaker, I would appeal to them to look at this very carefully because in the long shot that they may happen to be the next government in Manitoba, if they do happen to continue in government in Manitoba, which is indeed a long shot, but Mr. Speaker, as a member of the Legislature who has had the honour of representing a northern community for the last seven years, I would think a government that's duly elected in Manitoba should have the interests of all the people at heart. They should be looking at the Indian people, they should be looking at the Metis people as well as all the rest of the people in the Province of Manitoba and they should be responsibly attempting to provide the kind of programs that meet the needs of these people in Manitoba.

There is a need for economic development programs. There is a need for special efforts in the area of education to assist people. Mr. Speaker, a government that is not doing that, that ignores that entire area, is not a government that's acting responsibly; the people that are living in these communities are suffering as a result of the government having those blinkers on. If they need to know what the people in those areas think of them, all they have to do is look at the election results in the north over the last couple of Federal elections.

In the first Federal election when Cecil Smith ran in northern Manitoba, Mr. Speaker, he swept the seat. He was a well-known person in northern Manitoba, well liked, did very well in the election, and I'm sure he would have continued to be the MP for that area except for one single fact, and that is that there was a Progressive Conservative Government elected in Manitoba provincially and they had an opportunity to see how this kind of a government would ignore their needs, would ignore them as a people, and Mr. Speaker, they turfed out Mr. Smith, he was an innocent victim of this government; not only did he get turfed out but in the last election he ran a poor third. This was a seat that the Conservatives used to hold in northern Manitoba. So it's an indication of what the people in northern Manitoba think of Progressive Conservative policies — or I should say lack of policies.

Mr. Speaker, because of the failures of the Manitoba and Federal governments to assist people in northern communities, these remote community people have to migrate to urban centres. They look to the urban centres for opportunities that are unavailable in their remote areas. Many people would migrate in any case because of the natural migration trend from remote areas and rural areas to the city; but, Mr. Speaker, many of these people are really forced to go. There is absolutely no opportunity at

the local level because of the failures of provincial and federal governments. They don't have even the opportunities they could have there in terms of resource development and economic development.

Mr. Speaker, as I say, they're forced to move and when they do move they are not provided with the kind of assistance they need to make that successful transition from the rural, remote community, to the urban centre. Both levels of government are failing in this task of preparing people for that move and assisting them when they do make the move so they can incorporate themselves, integrate themselves successfully into the urban setting.

Mr. Speaker, special efforts have to be made in that regard because people who are moving to the City of Winnipeg, many of the native people that move, are forced to live in economic and social conditions here that are just as bad if not worse than the reserves they have left in looking for better opportunities. All we have to do is look at the statistics for unemployment in the city core and we see that there's 45 to 50 percent unemployment in that area. Many of the native people are forced to move into that area because of the poverty conditions they find themselves in.

Mr. Speaker, I believe that the Manitoba Government should accept its responsibility to the native people in Manitoba and it should urge the Federal Government to accept its responsibility; but the Manitoba Government must accept its responsibility first and provide the leadership that's necessary to provide the way in which the Federal Government can work in the Province of Manitoba. The Manitoba Government can provide leadership in developing programs and putting forward the ideas, in working with the native people to develop ideas and bringing the Federal Government in to assist in that regard.

Mr. Speaker, in the minute that I have remaining, I would move, seconded by the Honourable Member for The Pas, that the resolution be amended by omitting all the words after the first whereas and substituting thereafter the following words:

AND WHEREAS the Manitoba and Federal governments have failed in their responsibility to provide adequate education and training in marketable skills to the native people of Manitoba;

AND WHEREAS the Manitoba and Federal Governments have failed in their responsibility to provide economic development opportunities to native communities and reserves in Manitoba;

AND WHEREAS because of the failures of the Manitoba and Federal governments, native peoples are forced to migrate to urban centres in search of employment and improved living conditions;

AND WHEREAS Manitoba and Federal governments have failed in their responsibilities to provide adequate assistance to native peoples to make the transition from native communities and reserves to the urban centres of Manitoba;

THEREFORE BE IT RESOLVED that the Manitoba Government accept its responsibility to the native people of Manitoba and urge the Federal Government to accept its responsibility; and



FURTHER BE IT RESOLVED that the Manitoba and Federal governments establish programs to deal with the needs of native people in the native communities and reserves, and the needs of native people migrating to urban centres.

**MR. SPEAKER:** I notice in the resolution, motion put forward by the Honourable Member for Rupertsland that there would be, under his resolution, a cost to the Government of the people of Manitoba and I would have to rule the motion out of order on that basis.

The Honourable Member for Rupertsland.

**MR. BOSTROM:** Would it be acceptable to the Legislature if the wording were changed to "that the Manitoba Government consider the advisability of?"

**MR. SPEAKER:** Is there agreement on the part of the honourable members to have that change put in the resolution? (Agreed)

If the honourable member wishes to put that in Be It Further Resolved — then the amendment as proposed by the honourable member, and I'll just wait for the change in wording.

The resolution be amended by omitting all the words after the first WHEREAS and substituting thereafter the following words:

AND WHEREAS the Manitoba and Federal governments have failed in their responsibility to provide adequate education and training in marketable skills for the native people of Manitoba;

AND WHEREAS the Manitoba and Federal governments have failed in their responsibilities to provide economic development opportunities to native communities and reserves in Manitoba;

AND WHEREAS because of the failures of the Manitoba and Federal Governments, native people are forced to migrate to urban centres in search of employment and improved living conditions;

AND WHEREAS Manitoba and Federal governments have failed in their responsibilities to provide adequate assistance to native people to make the transition from native communities and reserves to the urban centres of Manitoba,

THEREFORE BE IT RESOLVED that the Manitoba Government accept its responsibility to the native people of Manitoba and urge the Federal Government to accept its responsibility; and

FURTHER BE IT RESOLVED that the Manitoba and Federal governments consider the advisability of establishing programs to deal with the needs of native people in the native communities and reserves and the needs of native people migrating to urban centres.

Are you ready for the question? The Honourable Minister of Finance.

**HON. BRIAN RANSOM (Souris-Killarney):** Mr. Speaker, I think that the Honourable Member for Rupertsland is really trying to oversimplify a situation which does not lend itself to oversimplification. First of all, Mr. Speaker, I think it was evident from the

resolution that the Member for St. Matthews was in fact speaking about status Indians because his resolution deals with on-reserve native populations as the starting point. So I think we should dispel any indication that he was dealing with a broader segment of the population than that in speaking about the Federal responsibility. And I believe it is clear enough for anyone who examines the BNA Act and the Indian Act and such that the responsibility for status Indian people does in fact lie with the Federal Government. And what the Member for St. Matthews has been saying is that the Federal Government has in fact failed to live up to its responsibility to status Indian people over the decades and that that has resulted in some undesirable situations from the point of view of the well-being of the status Indian people.

The Provincial Government has been urged in the amendment to the resolution to accept their responsibilities. Well, Mr. Speaker, I believe that the Provincial Governments have accepted their responsibilities towards status Indian people, in fact, they have gone far beyond accepting their responsibilities to those people because they have delivered services to status Indian people that they are not required to deliver, it is not our responsibility to deliver. But yet this province and other provinces have delivered them and continue to do so because we believe that there are certain services — this is what we might loosely call a social service — that should be delivered to all citizens of the province. And the members opposite, when they were in government, participated in tripartite discussions with the Federal Government and with the Indian people of the province and came to the conclusion, I believe in 1975 or 1976, that the cost of services for which the Federal Government was responsible, but which the province was delivering, amounted at that time to some \$35 million, and of course with the increased numbers of people to whom those services are being delivered and with inflated rising costs, I'm sure that that figure is very much greater than the \$35 million that it was at that time. And the government of which the Honourable Member for Rupertsland was a member agreed that indeed those services were being delivered by the province, even though they were the responsibility of the Federal Government, and he urged that the Federal Government compensate the province in turn for delivering those services.

I find it difficult now to understand him to be taking the position which he is taking. He seems to be saying now that the province should simply go ahead and deliver services to Indian people, to status Indian people, without regard for the responsibility which the Federal Government has. I cannot accept that position, Mr. Speaker. I think it is most unfortunate for the Indian people that they are in the position that they are in, with respect to the jurisdiction between the province and the Federal Government; but it happens to be a legal position that exists now and has existed for a long period of time and it is one which the Indian people do not wish to see broken or changed.

I think the Honourable Member for Inkster spoke the other day about the 1969 White Paper which the Federal Government was proposing then; and apparently the Member for Inkster, who was also at

that time a member of the Provincial Government, urged the Federal Minister to proceed with the implementation of the White Paper; and he said that he would have stood beside the Federal Minister at that time to fight against those that opposed the White Paper. Now I'm not sure whether that was a policy of the government or whether that was an individual — the Member for The Pas says that was an individual position that the Member for Inkster took. But as we all know at that time the Indian people had extreme reservations about that White Paper and what it might lead to; that it might, rather than lead to improvement of the position of the native people, they felt that it might lead to the deterioration of their situation and so they opposed the implementation of the White Paper.

Now I have had an opportunity to read that paper on occasion and I must say that I could certainly appreciate the logic that went into the drafting of that paper because I feel that there should really only be one class of Canadians and I think that that was one of the things that the White Paper proposals were intended to achieve; that it was intended to allow Indian people eventually to take their place, especially in the economic spectrum of things within the country, and still at the same time allow them to retain their cultural identities. Now apparently the Indian leaders have rejected that position, I understand, because they fear for the implications of it on their cultural heritage, in particular.

Now the situation we, therefore, find ourselves in today is that the Indian people don't wish to pursue the White Paper policies; they insist that the Federal Government accept its responsibilities; and therefore, if they insist upon the Federal Government accepting their responsibilities, then we really are in the position of asking for the same thing; that we do not wish to go against the wishes of the native people, of the status Indian people. And so we also are saying to the Federal Government you must accept your responsibilities for the status Indian people, which really is the same position that the previous government took by saying to the Federal Government pay us the \$35 million that we now deliver to status Indian people.

What the present policy leads to is that the provinces deliver services off the reserves; they deliver services to status Indian people that move off the reserves and go into the towns or into the cities because we do not wish to deny those services to any Manitoban but the line has generally been drawn at the reserve boundary and the province has not gone to the point of providing services on the reserves because both the province and the Indian people themselves clearly say that that is the responsibility of the Federal Government. And that is where a lot of the failures have occurred, on the reserves where the Indian people, the focus of their existence is located on the reserves. There have been failures in the educational system and in the economic development system and I must say that the position that our government takes is really no different than the position that's taken by all of the western provinces, where the western provinces have agreed. The Ministers having responsibility for matters relating to Indian people have met over the course of the past few years, I believe, starting when the members opposite were still in government, and

the Ministers came to a set of conclusions which they subsequently forwarded on to the western Premiers. They said, No. 1, that the Federal Government has a clear legislative responsibility to provide services to status Indian people. We said that that responsibility cannot be unilaterally transferred to the provinces, but that individual provinces may wish to enter into agreements with the Federal Government for the delivery of services to Indian people, with the concurrence of the Indian people, because they think that the province is in the best position to deliver the services; but always acknowledging the responsibility of the Federal Government to pay for those services. That is a position that was being worked towards while the honourable members were still in government; I can't say of course that they would have adopted that position. The Government of Saskatchewan, which is of a similar political stripe to the members opposite, has adopted that position and accepts it.

There are problems with that of course and one of the problems is the second point which I mention which refers to the unilateral transfer of responsibility to the provinces, one that the Indian people and the provinces are concerned about because it seems to be an implementation of the White Paper via the back door. As I mentioned earlier I see a great many advantages in the White Paper, myself, but I don't believe that those policies should be implemented through the back door. I think that they are policies that have something to commend them but they need to be met head on and accepted by all governments involved so that we can say this is the direction that we're going and we'll work towards it. In the absence of that kind of agreement, Mr. Speaker, then I don't think that the Federal Government should be moving to unilaterally pass those responsibilities off to the provinces.

One of the proposals that they have made in recent years is something they call the Alberta formula, whereby they would agree to undertake economic development on the reserves if the province was to deliver what we might call social services. Well, Mr. Speaker, in my view, the Federal Government is simply trying to bargain away a responsibility that they have and somehow get credit for assuming half of the responsibility which they initially had and thereby get the province to pick up a very large and growing and expensive area of responsibility. And the end result of the difficulties, the uncertainties between the provinces and the Federal Government and the Indian people is that the status Indian people, I think are not getting the sorts of services . . .

**MR. SPEAKER:** Order please. When this subject next comes up, the honourable member will have six minutes.

The Honourable Government House Leader.

**MR. MERCIER:** Mr. Speaker, just for the information of the House, it will be the intention of the Government to go into consideration of the Estimates this evening and tomorrow afternoon and tomorrow evening before returning to Committee of the Whole on Wednesday to consider Bills 2 and 3.

**MR. SPEAKER:** The hour being 5:30, I'm leaving the Chair to return at 8:00.