

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, 24 June, 1982

Time — 2:00 p.m.

MR. ACTING CLERK, G. Mackintosh: It is again my duty to inform the House that Mr. Speaker is unavoidably absent and would ask the Deputy Speaker to take the Chair in accordance with the Statutes.

OPENING PRAYER by Mr. Deputy Speaker.

MR. DEPUTY SPEAKER, J. Storie: Presenting Petitions . . . Reading and Receiving Petitions . . .

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. DEPUTY SPEAKER: The Honourable Member for Ellice.

MR. B. CORRIN: Yes, Mr. Deputy Speaker, I beg to present the second report of the Standing Committee on Statutory Regulations and Orders.

MR. ACTING CLERK: Your Committee met on Thursday, June 24, 1982, and appointed Mr. Scott as Chairman in the place of Mr. Fox, formerly a member of the Committee.

Your Committee has considered:

Bill (No. 2) - The Residential Rent Regulation Act.
Loi sur le contrôle du loyer des locaux d'habitation.

Bill (No. 19) - An Act to amend The Landlord and Tenant Act.

And has agreed to report the same with certain amendments.

All of which are respectfully submitted.

MR. B. CORRIN: Mr. Deputy Speaker, I move, seconded by the Honourable Member for Dauphin, that the report of the Committee be received.

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. DEPUTY SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, I would like to advise the members of the House that, as requested, I'm tabling the guidelines on the Program of Capital Recreation Facilities, the Department of Fitness, Recreation and Sports with the revenue from Lotteries. These brochures will be distributed immediately to all municipal towns, villages, LGDs and Indian Band offices, as well as all northern community councils and committees. Workshops will be held in all regions and the Department of Labour will provide guidance regarding building regulations.

MR. DEPUTY SPEAKER: Notices of Motion . . . Introduction of Bills . . .

MOTIONS OF CONDOLENCE

MR. DEPUTY SPEAKER: The Honourable First

Minister.

HON. H. PAWLEY: Mr. Deputy Speaker, I have three Motions of Condolence that I would like to make right now, one by one.

The first, Mr. Speaker, is one dealing with the honour and the memory of a man who helped to shape the history of this province and I refer to one Berry Richards who served as a member of the Legislative Assembly for The Pas from 1943 to 1949. Mr. Richards served as a CCF member, as an Independent CCF member, and then later as an Independent member. He was elected at the age of 28.

He quickly demonstrated himself to be an individual of very deep conviction and principle, great energy, great dedication. He worked towards the improvement of the lives and the working conditions of men and women not only in his community, but throughout the province as a whole. He was elected at a time of great hope and expectation in Canada. He believed in a particular vision of the future, in Canadians' desire for then economic and social change and that recognition was well known; at that particular time was demonstrated in Manitoba in that general election of 1945 which saw the CCF gain more votes in that particular election in Manitoba than any other political party in Manitoba, more votes than it was to receive in any other general election until the year 1966.

Berry Richards was a man who best personified that fresh new spirit that was indeed swept into our province, swept through our province at that time and demonstrated itself in respect to some of the members that were elected in that '45 election. That spirit and that dedication made it very difficult for him to accept the compromises which were demanded of him from time to time within the basis of our political parties and within our parliamentary system and he left the CCF twice.

In between the two departures and to demonstrate the strength of the individual, he came within I believe it was one vote of being elected by his Caucus colleagues, the Leader of the CCF in the Province of Manitoba and the Manitoba Leader.

Sometimes, those who have been involved in controversy lose the respect of their colleagues and their constituents, but I can speak from personal experience that indeed was not the case with one Berry Richards.

I campaigned in the constituency of The Pas some 10 years after the eventual defeat of Berry Richards in 1949. I found during that campaign that Berry Richards was still remembered in The Pas with very deep respect and a fondness by the residents in The Pas; a respect and a fondness which had quite an impact upon me at that particular time, that 10 years after a member's representation and after he had moved from the community, there was still a memory of the individual.

He was remembered within the CCF at the time for his organizational skills. I can remember having an opportunity to look at some organizational records of the time that he was a member of the Legislature and the number of meetings. The miles that he travelled within the province was such that in fact it exceeded

by far the meetings and the mileage that was covered by any other member of the then CCF Caucus.

He was a geologist by training, worked in mining exploration in Manitoba, Saskatchewan, British Columbia and in Mexico. Some might believe that this is a profession that is reserved only for rugged individualists, yet I was happy to hear since the announcement of Berry Richards' death that he had worked until just days before his death to help others to organize, to help others achieve human and social progress.

As a resident of Prince Albert, Saskatchewan - he moved to Saskatchewan after 1949 - he helped to organize a Community Health Clinic so that, as a private citizen, he continued building upon that record of public service that he had first commenced in Manitoba and what he helped to establish while he was a member of this Chamber.

Canadians owe a great debt to the efforts of Berry Richards and to all those who do not hesitate to take up the cause of their fellow citizens despite the particular cost, and for all those horizons indeed that he represented at that time which were broader than personal interests and affairs. In some ways, he was an individual that was just a little ahead of his time, but it is with such individuals indeed that society progresses and moves forward. They truly have, such individuals, and always will have a tremendous role to play to be at the forefront of improvement in our economy and our society.

Therefore, I move, seconded by the Honourable Member for The Pas that this House convey to the family of the late Beresford Robert (Berry) Richards, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful life of active community and public service, and that Mr. Speaker be requested to forward a copy of this resolution to the family.

MR. DEPUTY SPEAKER: The Member for The Pas.

MR. H. HARAPIAK: Mr. Speaker, it is an honour and a privilege to rise and second the Motion of Condolence with our Premier. Beresford Robert Richards was born on August 26, 1914 in Weymouth, England. His family moved to Canada in 1921. He was educated in Alberta; he received his university education in Edmonton where he received a degree in Mining Engineering. He was first elected to the Legislature on August 17, 1943 and re-elected in 1945. He was the first CCF member elected from Northern Manitoba. In 1945, Mr. Richards was one of the members who led the fight to give the Treaty and non-Treaty Indians their right to vote in municipal, provincial and federal elections.

Berry Richards truly believed in the potential that exists in Northern Manitoba. He never tired of promoting the Hudson Bay Railway and Churchill as a natural seaport. As a member, Berry Richards, fought hard and long to make improvements in the traditional means of livelihood for northerners. As a member of the Opposition, he made positive suggestions as how the fishing and the trapping industries could be improved. He also recognized the potential that agriculture had for Northern Manitoba; he realized that it would be a stabilizing effect on the area. He worked

many long hours to improve the lot of farmers in the Carrot River Valley.

Berry Richards resided in The Pas for 20 years where he is remembered as a man of great principle who continually fought for the rights of the underprivileged. He was known by his friends as a loving father and a strong family man. While he was a resident of The Pas, he managed a Co-op Store and he was an agent for Investors Syndicate. He was extremely well liked and respected and is fondly remembered by many friends he has left behind in The Pas. After moving to Prince Albert, he was very active in the community until the time of his death. Berry Richards completed one novel and was in the process of writing a second one which will be completed by a friend.

After a lengthy illness, Berry Richards passed away on May the 18th. He is survived by his wife, Verna, four children, six step-children and five grandchildren.

I join with the Premier and this Assembly in conveying sincere sympathy to his family.

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

HON. S. LYON: Mr. Speaker, the Official Opposition would, of course, wish to be fully associated with the motion moved by the First Minister and seconded by the Member for The Pas commemorating the memory of Berry Richards.

He was not a man whom I knew personally but, as a young law student, I used to come to the gallery occasionally and Berry Richards was a person that I saw in action in this House, little realizing that perhaps nine years later, I would be in action in the House for somewhat the same purposes as he was at that time. He was, as the First Minister has said, one who caught your eye. He was vivid in debate, vivid in his descriptions of his causes; he fought his causes hard and he fought them well according to his lights. Even within his own chosen party, there were not too many who always agreed with him or, perhaps conversely, he did not choose to agree necessarily with them. He was an individualist. His strengths, as the First Minister and the Member for The Pas have pointed out, were apparent to all and he served his constituents well. He deserves this mark of respect and his family certainly warrant the motion that this House traditionally passes for all members.

It is a shame, in a way, that he left our Manitoba community and went to Saskatchewan, but I know from what has been said and from my own knowledge that he continued to serve his adopted province of Saskatchewan exceedingly well.

So we join in this Motion of Condolence to Mrs. Richards and to the family with full heart.

MR. DEPUTY SPEAKER: The Honourable Member for Minnedosa.

MR. D. BLAKE: Thank you, Mr. Deputy Speaker. I, too, would like to add my word of condolence to the Richards' family. I knew Berry Richards personally in my years spent in the North. In those days, politics didn't mean as much to me as it does today. Berry Richards was a customer of mine and a warm, friendly person who I had very very many interesting visits

with. He had a keen abiding interest in the North. I had gone up there about the time that he'd got into politics and the North was booming in those days. He used to travel from Prince Albert back to The Pas on many occasions in the line of work that he pursued after he had left the political arena.

So I just wanted to add my word of sympathy to the family because he was a man that you immediately took a liking to. He was a warm, friendly person, very very interested in his fellow Manitobans and his fellow Canadians and especially what was going on in Northern Manitoba and what was happening to northerners. When you're in Northern Manitoba and are part of it, that becomes very very important to you. So I appreciated the fact that I had some years of personal acquaintance with Berry Richards and regret that I was absent from the House last week and did not know the condolences were coming up or I might have gone back into my memory and some of my notes and gathered up some other points of interest on Berry Richards' life and service to Manitoba. But I did want to add my word of condolence to the family on this motion.

QUESTION put, MOTION carried.

MR. DEPUTY SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: I rise now to present to this Chamber a Motion of Condolence to honour the memory of Ernest Newburn McGirr.

Ernest McGirr was a distinguished Manitoban who served as a Member of the 23rd Legislature from his election in 1949 until the general election of 1953. A Progressive Conservative, he served as a member of the coalition which was led by Premier D.L. Campbell.

Mr. McGirr was born in Emerson, Manitoba, and educated in this province. In 1914, he moved to Dauphin, joined the long-established firm of Campbell and Simpson. Ernest McGirr became a partner in 1916 and practised law until he sought election to a seat which was vacated after many years by Robert Hawkins. He was 52 at the time, a man who had established a place in his community and achieved substance in his career as a lawyer. In this, he reflected quite well a tradition which has declined as government and public affairs become more and more complex. His service in the Legislature was an extension of his service to the community. His interest in politics was not an occupation or necessarily a preoccupation. It was overall a concern for Dauphin and for Manitoba as a whole.

Ernest McGirr was a constructive and far-sighted member of the Legislative Assembly. None who sit here today were his colleagues at the time that he sat in this Chamber, but I want to note that in the Throne Speech Debate in 1953, Ernest McGirr suggested that municipalities had a right to participate in the income tax fields. It was some 22 years later when indeed such a system was introduced to some extent in the Province of Manitoba and Manitoba became the first province to share in growth taxes with the municipal level of government. The times were such that Ernest McGirr was not in a position to turn his ideas and his suggestions into government programs, yet his sug-

gestions bore fruit and he, himself, survived this defeat by many many years, living to the grand age of 95.

In recognition of the contribution to this Chamber and to our province, I move, seconded by the Honourable Member for Dauphin, that this House convey to the family of the late Ernest Newburn McGirr, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to duty in a useful line of active community and public service, and that Mr. Speaker be requested to forward a copy of the motion to the family.

MR. DEPUTY SPEAKER: The Honourable Member for Dauphin.

MR. J. PLOHMAN: Mr. Deputy Speaker, I am honoured to be able to second this motion in honour of the memory of Ernest Newburn McGirr.

It is a special privilege for me to recognize this former member for Dauphin, who was elected in 1949, when I was but one year old. Now, 33 years after his election, many of the words he spoke in this Chamber, many of the principles he stood for, remain issues of concern to many of us. Time marches on, but change comes very slowly. I have great respect for this person I regretfully never knew.

Ernest McGirr was born in Emerson, Manitoba in 1887 and received his education in Morden and Winnipeg. He and his wife, Elizabeth, had two daughters, Nora and Kathleen. He was a person actively involved in minor hockey in Dauphin, a lawyer well respected in municipal law, a former solicitor for the Town of Dauphin and an honorary life bencher of the Law Society.

I find a kinship with the memory of Mr. McGirr, the sacrifices he and his family made for Manitoba under trying conditions during those days of the early '50s. I find a kinship, as well, with many of the issues he raised. He believed in fairness in exercising the powers of government. He said here in 1951, "The people of Manitoba look to the Legislature to be fair, particularly when taking something by the exercise of the sovereign powers of the Legislature. If the supreme body of the province did anything unfair, it would be giving lead to moral laxity."

Also in 1951, Mr. McGirr called on the government to quit temporizing and reorganize the whole education system in Manitoba. He said, "Form larger school areas wherever possible." He urged the government, "Act boldly and with vision. The public will not damn you for so doing, but will rise up and call you blessed." Some honourable members may recall that in 1946, the Dauphin-Ochre School area was the first large school area formed and led the way for a consolidation that followed across Manitoba. Mr. McGirr was obviously a supporter of that move.

He had other beliefs about education that many of us hold as priorities. He said, "The fairest way to levy education costs is by province-wide levies, so that the burden will be shared equally by all citizens." He insisted, as well, that some way must be found to make people who do not own property, but who make comparatively large incomes bear their share of the cost. "The system of levying taxes on real estate," he said,

"was archaic and outgrown. We should provide for all the children of Manitoba an equal chance and we must make all bear an equal burden." As we look at that statement today, we realize that we indeed have come a long way to achieving this ideal that Mr. McGirr stood for. Great strides have been made, but I'm sure we would all agree that we still have a long way to go.

Mr. Speaker, with those few reflections on and words by Mr. McGirr, I respectfully join my condolences to his family with those of the Honourable First Minister to honour the memory of the former Member for Dauphin, the late Ernest Newburn McGirr.

MR. ACTING DEPUTY SPEAKER, H. Harapiak: The Leader of the Opposition.

HON. S. LYON: Mr. Speaker, again, we of Ernie McGirr's Party would associate ourselves fully with the words spoken by the First Minister and seconded by the Member for Dauphin.

Ernie, whom I knew well, was first and foremost a great Tory. I'm proud to say that, because he would want me to say that, because that's what he wanted to be known as. He was a good Tory and, at the risk of becoming a little political which he wouldn't mind in the least, Ernie, who's probably watching over these proceedings at this moment, would say that those progressive ideas that I had back in the '40s and the '50s about school costs and about larger school districts and so on had to wait until a good Tory Government was elected in 1958 before they could be brought into being. That, in fact, happened as well.

He was an imposing man, imposing in appearance. He was a man of about my height and it's difficult for people of my height to be imposing in appearance, Mr. Speaker, but Ernie was an imposing man, somewhat solid in appearance and not the kind of a person that you would gladly run up to or quickly run up to and grab by the arm because he looked like a very solid citizen, which he was, but behind that facade of solid appearance was one of the warmest hearts and one of the men who enjoyed life as much as anyone that I have known.

He was a lawyer and he made his living by being a well respected lawyer in the Town of Dauphin and for many clients in the surrounding district, not only of the constituency of Dauphin but indeed in the whole of the northwest of Manitoba. Beyond that, beyond the people that he saw in his office day by day and to whom he gave legal advice and so on, he was more of a friendly counsellor to many many others who never received a law bill from him but who knew that they could always go to Ernie McGirr for good advice.

I think many Members of the Legislature found him to be that way when he was in the House. He said wise things because he thought wise things. Individual members of the House, I know have told me, contemporaries of his day here, that Ernie was the kind of man to whom you could go and seek advice and very often that advice was the best that you could obtain.

His interest in politics continued after his retirement in 1953. I used to see him on different occasions as a young lawyer. He would go to the Bar Association meetings. He was an honorary life bencher of the Law Society. He continued all of his community inter-

ests in the Northwest area of Manitoba. As a young Attorney-General, I remember going to Ernie McGirr for advice on appointments in that area and the advice that he gave in those days was as good as he would have offered if the present Attorney-General had gone to him for advice, because he thought well of Manitoba and he would always try to give advice based upon his idea of what would serve the public interest the best.

I used to call in to see Mr. McGirr whenever it was possible to do so when I was in Dauphin. My last memorable visit with him was just before he had to leave his home. He was a widower and he continued to live on in his home with some neighbours helping him to carry on and then he had to go into a personal care home because of some illness that he had. He was the kind of man who would welcome you very warmly into his home, any company that chose to come and see him, and he would certainly not try to monopolize the conversation but he was himself a mine of great anecdotes about this Chamber, about the people with whom he sat, about earlier politicians ranging back to the time of Sir Rodman Roblin, who was a predecessor of the present First Minister and myself and so on.

He was a joy to be with. He enjoyed good times, good company; he was a great conversationalist and he enjoyed a good glass of whiskey. He wouldn't mind my saying that either, because when I called on him when I first became the leader of our party in Dauphin, he said, you're about the fourth leader of our party that's been a guest in my home. He said the first thing a Leader of the Tory Party has to do in my home is have a glass of Scotch whiskey, and that's what we did.

So that was the kind of man to whom we pay tribute today. He was spared by the good Lord to live well into his nineties. His mind remained very active; he continued to be active insofar as his physical ailments permitted him to be in the community. He was, all in all, one of those fine citizens that any community in this province, indeed in this country, would be proud to have and to recognize as a great contributor not only to the community, but to the province and to his country which he loved so dearly.

So we on this side of the House, Mr. Speaker, join unreservedly in the warm comments made by the First Minister and by the Member for Dauphin in the sympathy to his surviving daughters.

QUESTION put, MOTION carried.

MR. ACTING DEPUTY SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I wish now to present to this Chamber a Motion of Condolence in honour of the memory of Thomas Aidan Barrow.

Mr. Speaker, in respect to this motion, of course, it differs from the others to the extent that most of us in this Chamber have sat with Tom Barrow over the past number of years. Tom was, first and foremost, a worker and a fighter. He contributed a great deal of organization and backbone to our Caucus from 1969, when we were in government, right on to the time that we were in Opposition. I can recall very well, especially in the period 1978-79 into 1980, the pain that

Tom Barrow would suffer. He would suffer pain when he would be sitting in on committee meetings and some of us would urge him to go home, go back to his hotel room, and he would insist on staying on. He continued throughout that pain, which at times was quite intense, to be a very capable and a very effective representative from Flin Flon.

He was always very true to his principles and spoke out quite frequently in Caucus, very strong in respect to his principles, to his support of the labour movement, which was very dear to his heart, and to his party. He will be missed very very much. I can remember specifically Tom Barrow's anguish any time that a miner would be killed or a miner would be injured. I am sure we can recall the debates that took place repeatedly in this Chamber, both during the times that we were in government and when we were in Opposition, in connection with the pain that we all felt Tom Barrow was suffering from whenever there was a miner who was killed from a mining accident in Flin Flon. He never ceased to point that out to his colleagues in his own party and to other members of this Chamber.

He loved people and he had quite an experience with boxing. In some ways, his experience as a boxer in his younger days carried on through to his experience as a fighter in this Chamber because he believed in the hard battle. Whether it was in boxing or whether it was in politics, he was prepared to punch out effectively and forcefully for what he believed in.

One of the human areas that I always found Tom in my own memories to be most in respect to was his love for children and for storytelling. I remember bringing by daughter, Charysse, into the Legislature at different times when she was six, seven years of age, take her up to my office and my goodness, she would disappear and I wouldn't be able to find her in this building. Sometimes a couple of hours would pass by before I would find out where she would be. She would be next to Tom Barrow somewhere and Tom would be telling her stories about his own childhood, about his experiences in Flin Flon. It reached a point, Mr. Deputy Speaker, whenever I would bring Charysse to this Chamber, she didn't stay around where I was very long. She would head off to find Tom Barrow. I have spoken to others who indicated that they can so well recall the love that Tom had for storytelling and for children. He loved people and that always came through so very very well, entrusted by his constituents.

I can remember one very difficult meeting in Snow Lake in 1976, while I was Minister of Municipal Affairs. We were trying to convince very dubious residents of Snow Lake that it would be better to move from a system of an Advisory Council in local government to one of a duly elected Municipal Government. There was a lot of hesitation. In fact, on the part of some, there was some degree of hostility to the idea. I remember speaking to the issue, but it was when Tom Barrow spoke that swayed the audience of some 150-200 residents of Snow Lake that the move would be a good move for the people of Snow Lake. Why was he able to do that? Because people trusted Tom Barrow. They knew he was honest. They knew that Tom called the shots as they were and that he wouldn't mislead them.

Tom Barrow is remembered in our Caucus very

much for his untiring work as Whip over the years and we all know how difficult it is for a Whip to carry on one's responsibilities. Tom certainly demonstrated great patience, great endurance, in ensuring that we were there when we were supposed to be and we voted as we were to vote. Even when he was suffering some pain, he continued on with those duties and those kind of responsibilities.

Therefore, Mr. Deputy Speaker, I beg to move, seconded by the Honourable Member for Flin Flon, that this House convey to the family of the late Thomas Aiden Barrow, who served as a Member of the Legislative Assembly of Manitoba, its sincere sympathy in their bereavement and its appreciation of his devotion to a duty in a useful life of active community and public service and that Mr. Speaker be requested to forward a copy of this motion to the family.

MR. ACTING DEPUTY SPEAKER: The Member for Flin Flon.

MR. J. STORIE: Thank you, Mr. Deputy Speaker. It is indeed a privilege and an honour to be able to rise on this solemn occasion to support this Motion of Condolence and pay tribute to the late Tom Barrow.

Thomas Aidan Barrow was born on October 7, 1916, and he lived most of his working life as a citizen of the Province of Manitoba and he worked as a miner, first in Nova Scotia and subsequently in Flin Flon. Until his death on June 14th of this year, he had served as a responsible member of the community and served in many capacities throughout his life to the betterment of individuals in the community.

He was first elected to the Legislative Assembly of Manitoba in the general election held on June 25, 1969, as an NDP representative from the Flin Flon Constituency. He was reelected in the following general elections; the first one being on June 28, 1973, and again he was reelected in October, 1977.

It is unfortunate in many respects that Thomas Barrow did not have the time to enjoy the retirement that he so richly deserved. I said in my opening remarks to the Legislative, in my inaugural address, that it was an honour to follow in the footsteps of a man like Tom Barrow. I said it then and I say it with more conviction now, that he was an honourable member and a dedicated representative.

He spent 12 of his 65 short years serving the people of the Flin Flon Constituency. He spent 12 of his 65 years working, travelling and making personal sacrifices to do what he saw as his duty. He was a tireless defender of the rights and an encourager of the development of Northern Manitoba and northern people.

Mr. Speaker, Tom Barrow will be sadly missed by all who knew him. He will be missed by his many friends that he made during his tenure in this Legislative Assembly. He will be missed most sadly by his family—his wife Hazel, and his sons, Bob and Tom and their families. He will be missed by them because they were as dedicated to him as he was to his constituents and to the people of Northern Manitoba.

Mr. Speaker, I will miss Tom Barrow not because I had known him for as long as many of you in this Chamber had known him, but because in the few short years that I had gotten to know him, I could see the humanness, the honesty and the down-to-earth nature

which made everyone who knew him like him. I would say as well there was something about the man that attracted you to him and it is certainly true that children were attracted to him. I know my own two young children, when we visited Tom and Hazel, could be found on his knee more often than not. He seemed to have an affinity for them and they certainly liked him. It is sad that they will not have the opportunity to get to know him better as they grow up in their life.

I will miss him also because he won't be there to talk to and to get advice from. He won't be there when I need his wisdom and his own inner strength.

Mr. Speaker, it is most unfortunate that this man could not stay longer to enjoy his retirement. His passing will not be forgotten. He was a man of principle and he never wavered from those principles and because of that, he will be long remembered by those he served and those who knew him.

I would certainly like to express my deepest sympathy to Hazel and Tom's family. Their loss is our loss as well and we will certainly all mourn his passing.

Thank you, Mr. Speaker.

MR. ACTING DEPUTY SPEAKER: The Leader of the Opposition.

HON. S. LYON: Mr. Speaker, all members of the Progressive Conservative Party join with the First Minister and the Member for Flin Flon in expressing tribute to a man who was not only a colleague of ours - most of us in the Legislature - but a man who had become a friend to most of us on this side.

As the First Minister has said, Tom was a doughty fighter. He never left you in any doubt as to where he stood on any particular problem. He was a strong member of his party. He believed in its principles, yet he was not doctrinaire. He was a humanist. He believed in doing things for his fellowman and he thought that through his membership in the New Democratic Party was the best way to accomplish that, and that was that. If you chose to disagree with him, why, you could go to the devil. That's just about the way Tom would put it.

The other side of Tom was the friendly side that has been spoken of by the First Minister and by the Member for Flin Flon. He did have many friends on this side of the House. I remember meeting him for the first occasion to spend time with him in the Constituency in Flin Flon and hearing from him the story of how his father had come from Scotland from a mining background in experience, and how Tom in turn had worked in the mines in Nova Scotia, then had come and worked in Flin Flon. From the generational experience, he had come to have very firm views about mine safety, as the First Minister has said, about the working condition of his fellowmen and so on; and how he had a responsibility, as he saw it according to his lights, to better that condition according to the elected responsibility that had been given to him by his fellow citizens in Flin Flon Constituency.

He was a good member of the House. He served his constituents very very well and at the same time he contributed to that spirit that sometimes is unfortunately missing in the House of goodwill that we do have here, notwithstanding our sometimes sharp partisan differences. Tom was able to bridge that gap and

able to establish warm friendships on all sides of the House. Indeed, he sat in the House when there was party representation from the Social Credit, from the Liberals, from his own party and from the Progressive Conservative Party, so he had a wide spectrum of party people that he could make friends among.

We remember him fondly. I know that many members of this Caucus tried to make contact with him from time to time as they passed through Cranberry Portage, just to say hello. We all knew of his declining health in recent years and we knew very well, as the First Minister has pointed out, the kind of pain that he endured quite silently and without any complaint while he continued as best he could to serve his constituents here. There were long periods when he was not able, because of his health, to be in the House and we all understood because we knew that he was with us here in spirit and he was certainly doing everything he could for his constituents, even though he was disabled as he was by his final illness.

We on this side of the House, Mr. Speaker, would join wholeheartedly in the sentiments of expression that have been made today to Mrs. Barrow and to the members of his family. He will be missed by all in this House.

MR. DEPUTY SPEAKER, J. Storie: The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, in 16 years as a member of this House, I have only spoken on one previous condolence. That was for my predecessor, Steve Peters, who was the MLA for Elmwood for the New Democratic Party.

I sat in front of Tom Barrow for eight years when we were the Government of Manitoba on this side of the House and then for another four years on the other side. I think all of us remember him well. He had sort of a soft speaking voice and a rapid delivery, curly hair and a very boyish face. He had a personal charm which was obvious to everyone who knew him and worked with him and he was immensely popular with not only his colleagues, but our staff and our secretaries, in particular.

He had a very good sense of humour and I wish I could repeat some of the jokes that he used to tell in our Caucus and in this Chamber, but it doesn't seem to be appropriate at this time. He also had, of course, an immense physical courage which came from his days as a miner. He was not only a miner; he was a Springhill, Nova Scotia miner. He was of course a boxer and he carried himself in the manner of a former athlete and a former boxer. I might say in that regard that on a number of occasions in this House, I've seen some very heated words and I have seen occasions where I've thought some punches would be thrown. Fortunately, that never occurred; but I recall on one occasion being in Law Amendments and some very hard words said very late at night between members of the Conservative Party and members of the New Democratic Party. Finally, the foremost among the Conservatives, big Jim Ferguson, said something to somebody on our side. Fergie was of course a man who looked like a block of granite. Tom Barrow on our side, on behalf of some other colleague, said something back which was quite forceful. Although the

outcome of that exchange would have been uncertain, nobody doubted that Tom Barrow had the courage and the guts to execute something like that, should he be driven that far.

Mr. Speaker, he had a love of sports and a love of boxing in particular. Those who knew him know that he closely followed the sport of boxing. I myself always have and spent many a time talking to him about the heavyweight division.

His last years were very difficult, a lot of pain and a lot of suffering. He had to confront a very terrible thing on one occasion when it was recommended to him by his doctor that both his legs be amputated. He declined and decided to proceed without that terrible operation. I think part of his decision was undoubtedly influenced by the fact that he was an athlete, he was a boxer and he didn't care to take that particular way out.

He continued to demonstrate his courage and his inner strength in his last years in this particular House. Mr. Speaker, Tom Barrow was a quiet man. Not everyone knew him, but I think it is true to say that to know him was to love him.

MR. DEPUTY SPEAKER: The Honourable Member for Virden.

MR. H. GRAHAM: Thank you, Mr. Deputy Speaker.

I had the privilege of knowing Tom all through the period of his service in this House and I think there was one little anecdote that perhaps some members are not aware of.

There used to be a fair number of rural members of the Legislative Assembly that for many many years stayed at the St. Regis Hotel. When I first came into this Legislature, I stayed there along with some 13 or 14 other members. When Tom Barrow was first elected in 1969, for a short period of time Tom also stayed at the St. Regis; so we had the privilege on this side of the House, together with the Social Credit member and some of the Liberal members, to get to know Tom a little better in the after hour portion of the Legislature than we did some of the other members of the House.

Perhaps that was the reason why Tom Barrow held a particular position with many members of the Conservative caucus. He was very forthright and straightforward and we on this side of the House were always privileged to talk to Tom and reminisce with him at times, because you knew that whatever you did with Tom was very honest, very forthright and would remain in confidence. His morals and his political allegiance were beyond reproach, and for that and his integrity in that respect, we all appreciated, as he did, for our political beliefs. On that basis, we could have a very warm and lasting friendship and I would like to personally associate myself with this motion before the House.

MR. DEPUTY SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Thank you, Mr. Speaker. As a member of the class of '69 who came into this Legislative Assembly with Tom Barrow, albeit on opposite sides of the Chamber, I would like to add a word or

two, Sir, in final salute to our friend Tom.

Tom, as has been pointed out, was a man of the people. He was a man of the mines, a man of toil, but essentially a man of the people, and I think that's why everybody on both sides of the Chamber liked him so much.

I think that the Honourable Member for Elmwood touched a note to which I wanted to refer when he made mention of the fact that Tom had a great sense of humour. Tom did, and I think that even he would see and desire a note of lightness even on such a solemn occasion as this because he earned many of his friends and his lasting friendships on both sides of the House through his sense of humour and his ability to get along with everybody. Those of us who worked with him in committee, and many of us did for many long strenuous periods, came to enjoy Tom, his sense of humour and his friendship very much.

I recall one time just a few years ago when I was occupying the seat and the office that the Honourable Member for St. Boniface now occupies, and we were having some difficulty with the finances of the province. Tom was a great worker for the Flin Flon Personal Care Home and desired very desperately that personal care home proceed, be built, be finished, which it now is, thanks in a large part to Tom's efforts, but at that point in time, it was on a temporary hold, Mr. Speaker. Tom rose in his place in the Chamber in Question Period - he sat just back here I recall - he directed a question to the Minister of Health and he asked me if I could confirm that somewhere back in my lineage I was related to the Sheriff of Nottingham.

I caught up with Tom an hour later in the hall, Mr. Speaker. I said I'd been on the phone and I'd checked; I had no success in tracing my lineage back that far, but would he settle for a first cousin who was a state trooper in the Pennsylvania Highway Patrol. Tom said, I knew it, I knew it; I knew you had flint in your heart and he chuckled all the way down the hall. With a glint in his eye, he went off laughing and chuckling and we maintained that rapport that we had always had together. I think all of us who have been in the House with Tom would say the same of him.

So I wanted to say from one classmate to another, hail and farewell and we shall miss Tom Barrow.

MR. DEPUTY SPEAKER: The Honourable Minister of Northern Affairs.

HON. J. COWAN: Thank you, Mr. Deputy Speaker. Well, as the Member for Elmwood said, it's not very often that we rise in this House to speak on a Motion of Condolence. I do so today because Tom Barrow was not only a colleague and a friend as he was to most in this Chamber, but he was a mentor to me. He was someone to whom I could look up to as an example of a working person who brought to these Chambers a perspective which is so very necessary if these Chambers are in fact going to provide the type of legislation and the type of leadership which we know we all want to do.

People talked about Tom as a boxer and I remember him speaking not all that often in the Chamber, but when he spoke, he spoke like a boxer. I can remember him standing in his seat, he'd throw a few jabs and then he'd come around with a roundhouse punch and

make his point and that's how Tom was. He didn't waste energy when he boxed; he didn't waste energy when he talked. He made his point; he made it well and as everyone knows, he told you exactly where he stood.

I spoke to Tom in Cranberry a few months ago. We sat and we talked about the Session that was ongoing now because he still had that interest; he still cared. We talked about the Sessions that had been in the past, the things that had happened and the things he wanted to see done; and as we talked, it became very apparent to me and to others in the room that he missed us, that he missed being here with his friends. It became apparent as well that he never forgot, and I know that he's missed by all of us and I know that we'll never forget him.

During that conversation, he was telling us a story about some of the things he'd accomplished and mine safety was dear to his heart, labour relations were dear to his heart, but there were two constituency items which he was especially proud of. One was a stack at Flin Flon and he never missed an opportunity to point that out when we were in that community; and the other was a straightening of the road to Flin Flon and he told us how he had that happen, because Tom was in large part responsible for that straightening of that road.

He did it in typical fashion. He had to pick up the Premier of the province at that time - Premier Schreyer - from the airport and those of you who've been there know that it's quite some distance into the community from the airport. That was when the old road was there with curves, bumps and hills and it was quite a dangerous trip at the best of times. Tom didn't pick up Schreyer with his own vehicle. No, he went out and he borrowed a friend's vehicle. Now most of us would go out and borrow a new vehicle if we were going to do that, but Tom went out, found the rattiest old, most decrepit car that he could find that didn't have a shock absorber left on it, the tires were about to fall off, and he had Premier Schreyer sit down to him next in that car and off they went. The farther they went, the faster they went, and the faster they went, the more Premier Schreyer looked over to him. Finally, Tom had made his roundhouse punch once again and Ed said to him, "Okay, Tom, you win," and the straightening began shortly thereafter. —(Interjection)— As the Member for Elmwood says, a TKO indeed.

So I, too, am privileged to be able to stand here today and extend not only my sympathy, but I think the sympathy of all those who worked in this building and knew Tom, who can't be in the Chamber with us today, extend our sympathy to his wife Hazel, whom I have come to know and to honour, and to his sons Bob and Tom and to their families.

One of the first times I met Tom was in a union meeting and I think it's only fair that I use a union phrase when speaking to this motion and that's "Well done, brother, well done."

QUESTION put, MOTION carried.

ORAL QUESTIONS

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

HON. S. LYON: Mr. Speaker, I have a question for the First Minister. Sharing, as we all do in this House, the blow of the announcement that was made yesterday by International Nickel about the two-month compulsory layoff of practically all personnel located at their mine operations in Thompson and that number of course now swelling, the number of Northern mine employees on layoff, to something in the area of 5,000 people, can the First Minister advise what actions he and his government are able to take in concert with the Federal Government or on their own initiative with respect to these unfortunate layoffs and what action, if any, can be taken to ameliorate the hardship that is obviously going to be suffered not only by those who are the direct victims of the layoff, but the business community in the Town of Thompson and all aspects of the economy of that city which will suffer from this unfortunate announcement?

MR. DEPUTY SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I thank the Leader of the Opposition for this question because of the very scope of the impact that this could have on so many families in the Thompson area.

A meeting was under way this morning between federal officials and provincial officials - I believe the meeting is still continuing - as to what steps can be undertaken in regard to minimizing some of the effects that this closure would have upon Flin Flon and Thompson and the families therein.

Secondly, Mr. Speaker, the Minister of Labour is examining the question of the notice period pertaining to the statutory requirement of, I believe it is 16 weeks, and to ascertain because of an interest on the part of those that would be most gravely affected, the miners and those in the Thompson business community, that if a layoff must take place because of the recessionary situation, that it take place at an earlier time space than November and December because we are informed that would be the worst of time spaces for the layoffs to take place in Thompson. The Minister of Labour is examining at this present time as to whether a waiver can be provided insofar as a normal notice period in order to permit the layoff, if indeed one is to take place, to take place at an earlier point.

Mr. Deputy Speaker, thirdly, I still hope in view of the very timing of the announcement in it not to take place till November 1st, that indeed the layoff will not be necessary because of the extent of time which still is to take place prior to the notice on the part of the company for the layoff in question.

HON. S. LYON: Mr. Speaker, I thank the First Minister for that information and for the knowledge that he conveys that his Minister of Labour and other Ministers are working in concert with the Federal Government and on their own initiative to allay as much as possible the effects of this startling announcement.

Mr. Speaker, I wonder if the First Minister could give us some indication as to what conversations he or his government have had with management, not only of International Nickel, but of the Hudson Bay Mining and Smelting and indeed Sherritt Gordon, who are the

three principal mine operators in the North. I know there are others and I'm not purposely leaving them out, but those three in particular, because one of the senior officers of Hudson Bay Mining and Smelting is reported as saying today, and we know it to be the case, that companies in the North are not only fighting to maintain their payrolls, they're fighting for their very survival.

That unfortunate state of affairs being the case, can the First Minister indicate what conversations he or his Ministers have had with officers of the companies to see in what way within reason the province can ensure that all of the resources that we have are brought to bear in this fight for survival, which means so much not only to the economy of the North, but indeed to the whole economy of our province.

HON. H. PAWLEY: Mr. Speaker, first, I'm not certain as to whether the Minister of Mines had discussions with the Inco representatives prior to the announcement of the layoffs or not. It is my intention to contact the heads of Inco as well as the municipal officials in the City of Thompson and the union leadership in Thompson for discussions upon the return of the Minister of Mines, who this afternoon is in Northern Manitoba, in order to further discuss these matters.

I've had some discussion with Hudson Bay Mining and Smelting personnel as to the outlook insofar as their particular mining industry is concerned not only in Manitoba, but worldwide. They'll be continuing meetings and discussions pertaining to that and the Minister of Mines just the other day had meetings with the Sherritt Gordon people.

HON. S. LYON: Mr. Speaker, because of the unprecedented nature of these now-growing-to-be massive layoffs in the mining industry in Manitoba, and I realize that layoffs are occurring in other parts of the country as well, may I first of all assure the First Minister that he has the support and he is free to call upon any Members of the Opposition for any advice or any help that we can offer in the circumstance, and ask him if he has given consideration to having a joint meeting with all of the senior officers of the major mining companies operating in Manitoba in order that the resources of the province, such as they are, can be brought to bear as quickly as possible upon this problem before it slides even further. Would he be willing to contemplate that kind of a meeting?

And second, because I ask that, Sir, because secondly his Minister of Mines and Energy has indicated that there will be a meeting of the Mines Ministers later on in the late summer, might I suggest to the First Minister, Sir, that something before the meeting of the Mines Minister would be necessary, and would he contemplate a round-table meeting with the leading officers of the major mining companies to see what can be done to help them in these unprecedented circumstances?

HON. H. PAWLEY: Mr. Deputy Speaker, I believe that is quite a worthwhile suggestion insofar as bringing all the companies together at the same time. There have been individual meetings involving the Minister of Mines with individual companies, but I certainly will take that suggestion under consideration and discuss

it with the Minister of Mines upon his return.

HON. S. LYON: Mr. Speaker, another question to the First Minister. In view of the fact that we have now received an opinion from R.H. Tallin, the Deputy Minister and Legislative Counsel, with respect to the constitutionality of the proposed tax imposed under Bill 47, The Health and Post-Secondary Education Tax Levy Act, wherein Mr. Tallin gives the opinion that in this case, "I think that the Act is valid and enforceable against ordinary residents and businesses in Manitoba, but it would not create an enforceable obligation on the Government of Canada to pay the tax." In view of that opinion from Mr. Tallin and his further opinion, of course, that it's up to the Federal Government as to whether or not it voluntarily wishes to pay a tax which Mr. Tallin feels is unconstitutional, could the First Minister give assurance to the House that he or his Minister of Finance will be in touch immediately with the Prime Minister or with the Minister of Finance in Ottawa to ascertain what the attitude of the Government of Canada will be toward the payment of this tax, presuming that the Legislature chooses to impose the tax on the Federal Government, and will that opinion from the Federal Government be made available to this Chamber before we're asked to give third and final reading to Bill 47 which is before us, I believe, for Second Reading today?

HON. H. PAWLEY: Mr. Speaker, I certainly won't commit myself to a meeting prior to the passage of this legislation. At some appropriate opportunity in the not too distant future, it will be discussed. Needless to say again, to the Leader of the Opposition, that this levy is not different from that levy which has been imposed in the Province of Quebec, and the Federal Government has consented to pay the tax in the Province of Quebec. They have not challenged Quebec's right to impose the tax in the courts and we assume that indeed the same application will be provided by the Federal Government insofar as Manitoba is concerned, as is the case in Quebec.

HON. S. LYON: Mr. Speaker, can the First Minister confirm that the Prime Minister of Canada has called a First Ministers' Conference for Wednesday, June 30th?

HON. H. PAWLEY: Yes.

HON. S. LYON: Mr. Speaker, will the First Minister prior to June 30th, because there is some expectation if not hope that this House may have concluded in an orderly way its business by that time, can he give the House some undertaking that he will enquire prior to that meeting from the Prime Minister or from the Minister of Finance with respect to their intention concerning Bill 47, keeping in mind the opinion of Mr. Tallin, which I'll table as part of the records of the House, Mr. Speaker, and I quote from his letter of June 24th: "In several instances in similar circumstances, the Federal Government has chosen to comply voluntarily with provincial legislation even while it maintained it was not bound to do so. Presumably the Government of Canada may choose to comply with a provincial Act as though bound, even if it has no legal

obligation to comply." Will the First Minister, in the light of this opinion from our Legislative Counsel, seek that advice and seek that assurance immediately from the Prime Minister or from the Minister of Finance in order that the House will know what the exact status of federal payments will be before we are asked to pass the bill?

HON. H. PAWLEY: Mr. Speaker, I do believe that if there is a concern on the part of Federal Government and it has been brought to the attention of Mr. MacEachen through questions in the House, that the Federal Government would have conveyed any concerns to the Minister of Finance. To my knowledge, there has been no concern expressed to the Minister of Finance in respect to the imposition of this tax in Manitoba and if, indeed, there was to be a refusal on the part of Federal Government, then that would not be a matter of them simply conveying that to the Province of Manitoba; it certainly would have to include Quebec and I say, Mr. Speaker, if that was indeed to be the case, they would have to consider whether the B.C., the Alberta and the Ontario premium system was as well applicable.

MR. DEPUTY SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: Mr. Deputy Speaker, I have a further question for the First Minister in regard to the shutdown announced by Inco yesterday.

In view of the fact that a shutdown will take place in November/December, which the First Minister indicated is perhaps the worst time for any shutdown; in view of the fact this is a time when the cost of living is highest for most people in the City of Thompson and a time when many small businesses receive their critical pre-Christmas business, I was wondering if the First Minister could undertake to review the 16-week notice period required for layoffs, particularly in view of the fact that both parties are willing to discuss having an earlier shutdown date, a fact that I can confirm from my own discussions with representatives of Inco and the union this morning?

HON. H. PAWLEY: Mr. Speaker, it's certainly my view that if there is a joint request to the Government of the Province of Manitoba to waive the 16-week period, the Government of the Province of Manitoba should concur in a joint request of this nature if both the union and Inco together request such waiving in the interest of ensuring that the impact in Thompson will be lessened by so doing.

MR. S. ASHTON: As I mentioned, Mr. Speaker, the matter is as to whether that offer is available. So if that would, indeed, be made public to both parties, I believe they're willing to discuss the matter with each other and with the government to determine whether some arrangement could be made for an early shutdown date.

HON. H. PAWLEY: Mr. Speaker, I certainly would undertake to the Member for Thompson that a meeting will be arranged with both parties in order to discuss their desires in respect to such a request and if

there be such a joint request that we would accede same.

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

MR. W. MCKENZIE: Mr. Speaker, I have a question for the Honourable First Minister. Mr. Speaker, I ask the Premier, after reading today's front page story in the Winnipeg Free Press, "Milk dumped in Rossburn fields; dumping going on up to eight weeks," and as a result of the many questions that I've raised in this House since the Manco plants at Rossburn and Pilot Mound were allowed to lay off their employees and thus allow what we hear today, some 85,000 to 90,000 litres of milk to be dumped in farm fields, are you prepared today, Mr. Premier, to fire or change the Minister of Co-op Development who has turned out to be a disaster, an albatross around the necks of the dairy industries, the creameries and agriculture, our No. 1 industry in this province?

HON. H. PAWLEY: Mr. Speaker, the question of dumping in Rossburn and in fact anywhere where milk is dumped today in times of deep economic distress to so many families is a serious one and it being a serious one, I do not believe that we should attribute the fault for same to the wrong parties. The Minister responsible for Co-operative Development is not accountable.

MR. W. MCKENZIE: Mr. Speaker, I wonder if the Premier and his government recognize the unbelievable and the negative impact and the black mark that'll be spread all across Canada today as a result of this news item and the news releases going out on radios and television and statements such as milk being dumped in Rossburn fields or cheese plants closing forces use of excess milk for fertilizer and pig feed due to the inept, idle and inactive Minister he's got sitting over there as Minister of Co-op Development?

HON. H. PAWLEY: Just so there be no misunderstanding, because I wouldn't want the newspaper or the reporter to be reflected upon, I don't believe that which the member was quoting from indeed was from an article. I think that's his own words. I don't find that reference. The Minister of Agriculture is prepared to make a statement in respect to this.

MR. DEPUTY SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: The Member for Roblin-Russell, in his questions with regard to the dumping of milk, there is no doubt that at any time any food commodity that is being dumped is a regrettable situation.

The honourable member should well know, and probably knows, that over supply of milk in this province and indeed in many provinces does occur annually at certain periods of production in terms of milk supply. The situation in this province has been increased by the closing of those two plants with respect to the disagreement between The Manitoba Milk Marketing Board and the Management and Board of Directors of MANCO. An appeal was held to the

Natural Products Marketing Council; both parties appeared, and the Council made its ruling insofar as the prices of milk, as they relate to the farmer's cost of production. There was no change.

The responsibility for diverting the milk and handling milk in this province is under the jurisdiction of The Manitoba Milk Marketing Board. We are very concerned with this. We have been very concerned with the situation with MANCO in those two plants. We have met with them on numerous occasions. At a recent request of the new Board of Directors of MANCO, at a recent meeting, they have asked that a review be done of their operations and of the entire milk industry in this province. We are undertaking both a two-pronged review, one is virtually complete, and that is with respect to the operations of MANCO, its structure, its Board of Directors, its management and its entire operations. That, of course, does not settle the situation that nevertheless that milk is being dumped in the province.

The milk is being skimmed and the best use of it is being made that can be made in these circumstances. As a result, as I say, it is very unfortunate. We are attempting, with the Board of Directors of MANCO, to resolve their problems internally and to see whether or not, as well, have an overview of the entire dairy industry in this province in co-operation with The Milk Marketing Board so that we can for the long term achieve some solution and some long-term stability in the industry in this province.

MR. DEPUTY SPEAKER: The Member for Roblin-Russell.

MR. W. MCKENZIE: Mr. Speaker, I have another question for the Honourable First Minister.

MR. DEPUTY SPEAKER: Order please, order please. The Honourable First Minister.

HON. H. PAWLEY: Mr. Deputy Speaker, on a matter of privilege. I think it's important insofar as not only a member of this Chamber, the Minister of Co-ops, but also the reporter, one Alice Krueger, and I assume that's the article the member has been reading from. I have gone through this article - I admit very quickly - just now, but there's no reference in the article to the Minister whatsoever. When I questioned the Member for Russell, as you recall only a few moments ago, he waved again the article at me as though it was confirming his earlier comment that there's some reference to an inept Minister. Unless due to the speed of my reading through this article, I find no reference to the Minister of Co-operative Affairs at all, and I find indeed that, Mr. Deputy Speaker, there ought to be no question that the member should not only withdraw, but should apologize to the Minister of Co-operative Development for misleading this House as to this article.

MR. W. MCKENZIE: Mr. Speaker, I am making the charge in this House that Minister is inept and not doing his job and the Members of this Opposition are making the charge.

Can you, Mr. First Minister, give me one just reason why that member over there . . .

MR. DEPUTY SPEAKER: Order please, order please. The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, again to the point of privilege, and I'm not going to leave that point of privilege until we realize some determination. If, indeed, my recollection of the question and answer period cause any doubt on your part, Mr. Deputy Speaker, as to accuracy, I would ask you to take it under review, because it certainly was the impression that not only I shared but I believe every member on this side, that the member was reading and quoting from an article when indeed that quote does not exist.

Mr. Deputy Speaker, I had that very clear and distinct message from the member, which is misleading this Chamber, and I ask you to make a ruling or to take the matter under review.

MR. DEPUTY SPEAKER: The Honourable Member for Virden on the same point of order.

MR. H. GRAHAM: Mr. Speaker, speaking to the point of privilege raised by the Honourable First Minister, I believe the Honourable First Minister may have misinterpreted the words of the Honourable Member for Roblin-Russell. The Honourable Member for Roblin-Russell made reference to a report that milk was being dumped; that's the only reference he made to the newspaper. The rest of what the honourable member said were his own remarks.

MR. DEPUTY SPEAKER: The Honourable Member of Municipal Affairs.

HON. A. ADAMS: Mr. Deputy Speaker, the Member for Roblin-Russell has made a charge that the dumping of milk in the province, in the Rosburn area, was because of the Minister's actions in some way or another.

Mr. Deputy Speaker, I want to advise the honourable member that this does take place from time to time at peak periods of production. I would further advise the honourable member that it happened last year in Rosburn when he was on this side of the House. —(Interjection)— Mr. Speaker, the Member for Sturgeon Creek says, "It makes it right." It doesn't make it right, but it just makes the Member for Roblin wrong, because he was here when milk was being dumped in Rosburn last year and it happens from time to time, Mr. Deputy Speaker.

What is happening? The article leaves the impression that we're dumping whole milk. It is not whole milk that's being dumped, Mr. Speaker; it's milk that the butterfat has been extracted therefrom; it is skim milk. The butterfat has been removed from the milk. It's not 2 percent milk; it's skim milk.

What can you do? Mr. Speaker, at this time of the year the production in Saskatchewan is high, the production in Manitoba is high; some of the milk that is surplus in Rosburn is being diverted to Saskatchewan. They have had to cut back because their production is increasing, which makes it a higher production here in Manitoba.

MANCO is trying to do the best they can with the surplus production. They are removing the butterfat and there is a surplus of skim milk. What can you do

with the skim milk, Mr. Deputy Speaker? You can make whey with it and there is very little demand for it, Mr. Speaker. There is very little demand for whey at the present time.

What is the other alternative, Mr. Speaker, if you have surplus milk? Mr. Speaker, you could have a freeze-drying plant and MANCO is considering that at the present time for Winkler. But that is a very costly operation; it can't be done overnight. It may not even be economically feasible, Mr. Deputy Speaker. There are things happening at MANCO; they are ahead in sales at the present time over last year on cheese sales.

At one point in time, Mr. Deputy Speaker, they had intended to sell the Rossburn plant. They have changed that decision. They intend to retain it for possible reopening at a later date when the economic situation straightens out in the production of cheese in this province. Mr. Speaker, they have done a lot of work in MANCO and they are addressing the problems and we are working very closely with them and . . .

MR. DEPUTY SPEAKER: Order please, order please. On the matter of privilege raised by the Honourable First Minister, given the advice that I have been given from some honourable members, I would give the Member for Roblin-Russell the opportunity to clarify his remarks.

MR. W. MCKENZIE: Thank you, Mr. Speaker. On the newspaper article I quoted, "From the milk dumped in Rossburn fields, dumping could go on to eight weeks." That's the only reference I made to a newspaper article.

Mr. Speaker, back to the business of this House, I have been asking this First Minister and this government for weeks to do something about Rossburn. They have done nothing for the dairy industry; they've done nothing for the co-op movement; they've done nothing for those people that are laid off and this First Minister is going to allow those kind of Ministers to sit over there and look after the business of this province. I think it's a disgrace, absolute disgrace.

MR. DEPUTY SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I don't know whether or not you consider that as a question or a statement. If it's a statement, then . . .

MR. DEPUTY SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, it's interesting that the Minister of Agriculture decided to get into it. It's unfortunate and I'll ask him a question.

How many meetings has he had with the Dairy Producers' Marketing Board and with the MANCO people, the Department of Consumer Affairs and Co-op Development? How many meetings has he had, Mr. Speaker, and how many times has he suggested that this issue has to be resolved? - because he is misleading the House. Will he correct a statement that there is not dumping of milk taking place all over Canada? Would he confirm, Mr. Speaker, that there is not milk

being dumped all over the rest of Canada; that Manitoba is the only province that is in fact taking place under his leadership as Minister of Agriculture? Will he, in fact, confirm that?

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: On a point of order, the Member for Arthur accused another member of the House of misleading the House. There has been rulings in this House, in this Session. That is an unparliamentary expression and I would ask that he withdraw that expression.

MR. DEPUTY SPEAKER: I do find, on the Honourable Attorney-General's point of order, that the word "mislead" is quoted many times in Beauchesne on page 109 as being an unparliamentary expression and I would ask the member to withdraw it.

The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, I will withdraw that statement and I would ask the Minister of Agriculture if, in fact, he has met with the Producers Board and he has met with MANCO, when those meetings had taken place, and did he instruct those people to resolve the issue because it is a very serious nature when we see skim milk which the Honourable Member for Ste. Rose tried to say is valueless? A lot of people in this province, Mr. Speaker, have been raised on skim milk and he knows very well that he's not in fact telling the people what they should hear.

Mr. Speaker, did the Minister meet with them and did he tell them to resolve it? His review is not good enough and will he resolve the issue?

MR. DEPUTY SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: Mr. Speaker, here is the Honourable Member for Arthur again voicing - at least, now confirming - what he would like this Minister of Agriculture to do, as he has accused me before, to have a hands on, to have the heavy hand of the Minister of Agriculture in the Province of Manitoba; that agriculture cannot move without the heavy hand of the state on their industry. That's the way he would want this government to operate, Mr. Speaker.

Sitting down and talking, Mr. Speaker, for the sake of sitting down and talking isn't good enough. It isn't good enough. I agree with the honourable member. But, Mr. Speaker, the industry has to resolve its own problems with the help of government, as much as we can give it. It cannot be done by the heavy hand of government and I, Mr. Speaker, am not going to move in that direction, as has been suggested by the Member for Arthur. I don't intend to operate in that fashion.

Maybe, the Member for Arthur doesn't realize that the authority for milk and the distribution of milk in this province lies by a producer-operated Milk Marketing Board. We have had meetings with that Board; we've had correspondence with that Board. In fact, we are undertaking a review of the entire milk industry and where we go in this province as they request us.

Mr. Speaker, the problem in MANCO did not occur overnight; it has not happened in the last two or three months. Where has the Honourable Member for Arthur been, Mr. Speaker, with respect to their financial difficulties and the situation in the milk industry? Did that happen overnight, Mr. Speaker? It did not happen overnight. The fact of the matter is this industry and this former Minister of Agriculture, really, if anyone can accuse anyone of anything, Mr. Speaker, was his lackadaisical attitude to the whole industry in terms of milk and milk distribution in this province, because we are now faced with a crisis situation that didn't occur overnight. It occurred over the last number of years, Mr. Speaker.

MR. J. DOWNEY: Mr. Speaker, is the Minister of Agriculture admitting that his government is literally helpless to help starving people, babies who need milk, people who are being laid off in this province? Is his government helpless in resolving the current conditions of layoffs, of dumping of milk when needy children could in fact drink that milk and use it, Mr. Speaker? How much money, Mr. Speaker, directly to the Minister of Agriculture, is it costing the dairy industry in the Province of Manitoba to have this very irresponsible action taking place under his leadership as Minister of Agriculture?

HON. B. URUSKI: Mr. Speaker, the Honourable Member for Arthur has gone a bit too far in his accusations. He should well remember that the situation that we have with milk in this province, Mr. Speaker, is not a new one. We went through that same situation in the early '70s. We did assist MANCO with respect to their operations and the problems they were having.

Mr. Speaker, if the honourable member was so concerned, he had four years to set the dairy industry straight in this province. In fact, Mr. Speaker, while he stood up in this Chamber and denied that we should go back to the separate pools in terms of milk rather than to the pooling of milk, he allowed with his blessing . . .

MR. DEPUTY SPEAKER: Order please, order please. The Honourable Minister has been asked a question. I believe we all look forward to the answer.

The Honourable Minister of Agriculture.

HON. B. URUSKI: Mr. Speaker, I said this before and I'll say it again, it is always a regrettable situation when food is being dumped as in the case of milk. Mr. Speaker, milk has been dumped in this province at peak periods over the last number of years. Mr. Speaker, the member for Orchard - the Member for Pembina - by those words one could almost say the member by that description is elsewhere, but there is always a concern when food is dumped. —(Interjection)— Well, there always is and there has been and there will be during peak periods no matter how the industry is structured in this province or anywhere in this country from time to time unless you have such capacity in this province, even excess capacity, to be able to handle milk in peak periods, Mr. Speaker, to be able to handle no matter what volume there is. But, Mr. Speaker, the question still has to be resolved with respect to that Co-operative.

We have, as a result of their request, which I must say did not come for several months when we had discussions with them, a request for assistance. When we received a request for assistance we went ahead and set up a study with them to see how that plant can be restructured, to see how that whole operation in terms of Manco can be assisted and now we are embarking to see how far with their blessing, Mr. Speaker, not with the heavy hand of government as the Member for Arthur would like us to do.

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, the Minister did not answer my question . . .

MR. SPEAKER: Order please. The Honourable Minister of Municipal Affairs on a Point of Privilege.

HON. A. ADAM: Yes, Mr. Deputy Speaker, a few moments ago the Member for Arthur, the former Minister of Agriculture, when he was asking his question said that I had said that skim milk was valueless. I wish to indicate to you, Sir, that I did not make that statement and I would kindly ask you to ask the Member for Arthur to withdraw those comments. I did not make those statements and he should have more respect for the House and members of the Assembly not to try and put words in their mouth or to try and misrepresent what they have said.

MR. SPEAKER: The Honourable Member for Turtle Mountain on the same Point of Privilege.

MR. B. RANSOM: Mr. Speaker, the Minister for Co-op Development speaks about tending to misrepresent his remarks and abusing the privilege of the House. He knows that a Point of Privilege requires that it contain a substantive motion and he has risen to interrupt the questioning on a supposed Point of Privilege and clearly does not have one, Sir, and he should be ruled out of order.

MR. SPEAKER: The Honourable Member for Springfield.

MR. A. ANSTETT: Yes, Mr. Speaker, very briefly on the same Point of Privilege, I concur with the point made by the Opposition House Leader that the member did not move a substantive motion. It's unfortunate that we have had Points of Privilege raised that way when, perhaps, they should be Points of Order, but we did have a Speaker's Ruling some short time ago that where a member felt the kind of misrepresentation or misconstruction of his statements had occurred in the House, that member should be able to ask the member who made the statement to clarify it. Sir, I think with all due respect although there may not be a Point of Privilege, the member has every right to ask for that clarification.

MR. SPEAKER: The member has clearly put his position forth on the record and that should suffice.
The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, directly to the Minister

of Agriculture, I ask him specifically how much money is it costing the dairy industry for the dumping of milk in Rosburn?

HON. B. URUSKI: Mr. Speaker, I will have to contact the Milk Producers' Marketing Board to ascertain that advice from them.

MR. SPEAKER: The Honourable Member for River East.

MR. P. EYLER: Mr. Speaker, I have a question to the Minister of the Environment. The residents of McIvor Avenue in North Kildonan have formed a residents group to investigate the dangers and combat the causes of a heavy dust cover along McIvor Avenue. Can the Minister tell me if the province is doing anything to help alleviate the problem of dusty streets and roads?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. J. COWAN: I wish to thank the member for the question. As well, I thank him for the opportunity to prepare for the question, he having given me some notice in this regard. The Province of Manitoba, through the Environmental Management Division, is participating in a joint federal-provincial study entitled "Road Dust Suppression in Northern and Western Canada" which is sponsored by the three Provincial Governments and Environment Canada. This report consists of two self-supporting documents, the first which is entitled "Review of Alternatives and Existing Practices" and describes the principles of dust formation, the dust of dust suppression and the effects of dust suppressants on the environment. We are now participating in that study, there will be a further study following that which will be designed to assist those directly involved in dust suppression control such as the Province of Manitoba and the City of Winnipeg. We were prepared at the staff level and as well at the ministerial level to meet with the residents of the McIvor Avenue area to discuss this study and also their specific problems if they so wish.

MR. SPEAKER: Order please. The time for Oral Questions having expired, Orders of the Day.
The Honourable Member for La Verendrye.

COMMITTEE CHANGES

MR. B. BANMAN: Mr. Speaker, a couple of changes on the Statutory Regulations and Orders Committee. I'd like to replace the Member for Tuxedo and put in the name of the Member for Fort Garry. I'd also like to substitute the Member for Swan River for the Member for Kirkfield Park.

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, before asking you to call on Orders of the Day I would also like to announce a committee change again with respect to Statutory Regulations and Orders substituting the Minister for

Community Services for the Member for Brandon West.

I would also like to announce, Sir, that in accordance with the Speed-up Motion adopted yesterday, there will be sittings of the House this evening, tomorrow afternoon, tomorrow evening, Saturday morning and Saturday afternoon if necessary, and I've discussed this with the Opposition House Leader. We'll see what progress we're making with the business of the House. It may not be necessary to in fact hold all of those Sessions, but we'll call them as we go along.

ORDER FOR RETURN - NO. 11

MR. DEPUTY SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Thank you, Mr. Speaker. I move, seconded by the Honourable Member for La Verendrye, that an Order of the House do issue for a Return showing the following information:

1. The names and addresses of persons hired as inspectors under the Critical Home Repair Program since November 30, 1981.
2. The annual remuneration of persons hired.
3. The procedure used to recruit persons hired and the terms and conditions of their employment.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, would you please call Second Readings on Bills No. 45, 46 and 64.

ORDERS OF THE DAY SECOND READING - GOVERNMENT BILLS BILL NO. 45 - THE STATUTE LAW AMENDMENT (TAXATION) ACT (1982)

HON. V. SCHROEDER presented Bill No. 45, The Statute Law Amendment (Taxation) Act (1982), for second reading.

MOTION presented.

MR. DEPUTY SPEAKER: The Honourable Minister of Finance.

HON. V. SCHROEDER: Thank you, Mr. Deputy Speaker. Bill 45 is the traditional omnibus bill dealing with most of the tax changes announced in the 1982 Manitoba Budget. However, authority for the Manitoba levy for Health and Post-Secondary Education is included in a separate bill, Bill 46.

In general terms the Bill contains provision for the selective tax adjustments outlined in the Budget and I'd like to make some comments on each of the major provisions.

First of all, the insurance premiums tax. The insurance premiums tax rate on insurance other than sickness, accident and life insurance will be increased from 2 percent to 3 percent effective for the 1982 taxation year, and will increase revenues by an estimated \$2.8 million this year. This change brings the

Manitoba rate on such insurance to the same level as Newfoundland, Nova Scotia, New Brunswick, Quebec and Ontario.

As members are aware, such levies are a deductible expense for income tax purposes for the companies involved. Thus, for national insurance companies, Manitobans have been bearing a portion of the costs of the higher rates in effect elsewhere through reduced provincial income tax payments by the companies here.

As well, the Quebec Minister of Finance noted in one recent Budget, residents of provinces with lower rates actually paid part of the costs of other provinces' levies directly, since insurance rates are generally set on a national basis. Thus, the change, in addition to being modest and reasonable, will result in resolving some of these intrinsic inequities.

On the capital tax, this Bill includes provision for an increase in the special capital tax rate applicable to banks from 0.8 percent to 2 percent for taxation years ending between July 1, 1982 and June 30, 1983. In our view, the proposed special rate will ensure a fairer contribution from the banking community to the costs of public services in Manitoba.

The banking community declared provincial income tax payable of \$2.2 million to Manitoba for the 1981 taxation year. This represents a decrease from 1977 when they declared \$3.8 million in provincial income tax payments. In constant dollar terms, the 1977 payment translates into about \$5.2 million in 1981 dollars. Thus, in constant dollars, the banking community is estimating its 1981 Manitoba Income Tax payments to be about \$3 million less than in 1977. The increase in revenues arising from the special capital tax rate estimated at \$2.6 million will bring the banks' contribution to Manitoba more in line with their 1977 contributions.

It is our intention to review the application of this special rate prior to the 1983 Manitoba Budget. That review will, of course, take into account the report of the parliamentary committee currently investigating bank profits.

Technical changes in the definition of the tax base for banks to agree with recent amendments to The Bank Act of Canada are also incorporated in the Bill. The changes do not affect the base itself, but simply bring the corporation capital tax wording into accord with The Bank Act wording.

The Bill also proposes a one-third increase in the small business exemption allowed under The Corporation Capital Tax Act from \$750,000 to \$1 million, effective for taxation years ending after June 30, 1982. Small businesses are expected to save an estimated \$400,000 annually as a result of this provision and capital tax liabilities will be eliminated for approximately 300 small Manitoba enterprises.

Next comes the fuel levies. As members are aware, prior to 1980 Manitoba, like most provinces, applied a higher tax rate to diesel fuel than to gasoline in recognition of the higher energy content of diesel fuel. The Bill proposes to reinstitute this differential to ensure that comparable taxation levels apply to both fuels. As a result, the price of diesel fuel is set at 115 percent of the average price of gasoline for purposes of establishing the tax rate. The effect of this change is to increase the diesel fuel tax rate from 5.7 cents a litre to 7.3 cents a litre, effective June 1, 1982. With the

increase, the Manitoba rate ranks seventh in Canada. As well, the litre rates will be frozen at the June 1, 1982 levels for the remainder of this fiscal year, in contrast with the ad valorem system in effect in other provinces, which entails automatic increases in litreage rates each time the retail price of the product increases. Manitoba's favourable competitive position therefore will be preserved.

The Bill also includes comparable increases for off-highway uses and diesel locomotive fuel, effective June 1, 1982.

Under The Gasoline Tax Act, the gasohol exemption will be set at four cents per litre effective September 1, 1982. This change restores the gasohol preference to the same level provided in 1980 and was proposed after consultations with the industry. Manitoba remains the only province to provide such significant preferential treatment for gasohol. Manitoba's general gasoline tax rate of 6.4 cents per litre also ranks seventh among the provinces. Our government proposes not to increase the litreage rate automatically under the ad valorem system for the remainder of this fiscal year. In revenue terms, the diesel fuel tax adjustments are expected to increase revenues by \$6.5 million this year, while the limitation on the gasohol exemption is expected to increase revenues by an additional \$500,000.00.

In contrast, the freeze on gasoline and diesel fuel taxes is expected to reduce revenues by \$7.1 million. Thus, the combined effect of the changes proposed for this year is a net revenue reduction of \$100,000.00.

As members know, the Saskatchewan Government abolished its fuel taxes on May 9th, two days prior to the 1982 Manitoba Budget. Our government was conscious of the potential difficulties that the abolition of those taxes could have for the Manitoba retail fuel dealers. Accordingly, the bill proposes action on two fronts to protect the competitive position of Manitoba retail dealers.

First, as I announced on May 14th, our government will provide competition assistance grants to Manitoba retailers who were selling fuel within a distance of 60 kilometres from the nearest Saskatchewan competitor. These grants involved assistance equal to 100 percent of the Manitoba taxes in the case of operators in the same community with Saskatchewan competition, as is the case in Flin Flon, ranging downwards to 25 percent of the Manitoba tax in the case of service stations operating between 40 and 60 kilometres from the nearest Saskatchewan competition.

Secondly, a number of regulatory and enforcement amendments are included to discourage persons from importing bulk fuels into Manitoba without paying the tax imposed under The Gasoline and Motor Fuel Tax Acts. In essence, these provisions are intended to discourage a few dealers who might otherwise attempt to acquire bulk fuel in Saskatchewan and import it into Manitoba without paying Manitoba tax, thereby undermining the competitive position of legitimate Manitoba dealers who report provincial taxes on the product they sell.

The next change is with respect to mining taxes and administrative changes proposed to provide additional flexibility in the issuing of assessments under the two mining tax Statutes.

Then there's a change with respect to tobacco tax.

Under The Tobacco Tax Act, the tax rate applicable to cigarettes is increased from 1.4 cents per cigarette to 1.8 cents per cigarette effective May 30th, 1982, with comparable increases applicable to other tobacco products, for an increase in revenues of \$7.5 million for this fiscal year.

Prior to the Budget, the tobacco tax applicable to cigars averaged 45 percent of the pretax retail price, to a maximum tax of 25 cents applicable to cigars retailing at more than 48 cents, exclusive of tax. As a result, the tax applicable to more expensive cigars represented a decreasing percentage of the retail price. In response to this problem our government proposed to align taxation of more expensive cigars in Manitoba with the rates currently applicable in British Columbia which involved a 55 percent tax rate on more expensive cigars.

However, in light of representations from tobacco retailers, I will be proposing an amendment to this provision at the Committee stage, with a view to extending the effective 45 percent tax rate applicable to cigars under 48 cents, to the most expensive cigars. For administrative reasons and ease of taxpayer compliance, we are also proposing an upper limit on the tax of \$1.15 on cigars retailing at a pretax price of \$2.25. The previous upper limit was a 25-cent per cigar tax.

Sales tax changes. The Bill proposes a number of changes in the sales tax. First, the restaurant meal exemption will be increased by 50 percent, from \$4.00 to \$6.00. This measure is expected to reduce annual revenues by about \$1.4 million.

Other changes include extending the exemption for fire trucks and related equipment to all purchasers; extending the exemption for wood used for heating purposes, to all users; broadening the sales tax refund provision on transactions involving highway vehicles and clarifying the application of the sales tax to advertising brochures, sample products and giveaways. This latter change is largely intended to protect the sales tax base by eliminating any uncertainty with respect to its application to such items. The clarification is required in light of recent judicial decisions in other provinces.

A number of changes have been made by regulation. These include an increase in commissions payable, designed to assist small vendors under the sales tax, and the broadening of the exemption for thermal insulation materials to include insulated doors and loading dock door seals.

Income taxation. We have decided to implement a surtax on higher incomes effective with the 1982 taxation year. That will raise \$16.2 million, approximately, this year. As members are aware, Manitoba's personal income tax is levied at a flat percentage of basic federal tax.

The federal tax rate has been changed and that has had the effect of reducing the maximum combined federal and provincial marginal income tax rate from 66.22 percent in 1981 to 52.36 percent in 1982. At most, the Manitoba surtax will add 3.672 percent to the top marginal income tax rate. As a result, the maximum marginal income tax rate in Manitoba will be 56.032 percent but will remain lower than 1981 when, again, it was at 66.22 percent. In our view the surtax will result in high income Manitobans paying a

fairer share of the required additional revenues and thereby improve the overall fairness of Manitoba's tax structure.

The second major income tax change proposed is a 9.1 percent reduction in the small business corporation income tax rate from 11 percent to 10 percent and that's at a cost of \$3.5 million and is intended to provide additional support to Manitoba enterprises.

The third change is intended to fulfill our government's election commitment to provide farmers with rebates of the provincial income tax arising from eligible, taxable, capital gains. The maximum eligible taxable capital gain will be \$100,000 in Manitoba, implying a total capital gain of \$200,000 compared with the current Saskatchewan maximum eligible capital gain of \$100,000 or a taxable capital gain of \$50,000.00. The measure is effective on all land dispositions after December 31st, 1981 and involves potential benefits to Manitoba farmers in the order of \$1 million annually.

In addition, a number of housekeeping amendments are proposed. The most important of the housekeeping amendments is the broadening of the benefits of the small business corporation income tax rate for credit unions to include income eligible for the reduced federal rate under Section 137(3) of The Income Tax Act (Canada).

The next item is Pensioners School Tax Assistance measures. We have previously announced those measures. Those are the more significant changes proposed in this bill.

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

MR. B. RANSOM: Mr. Speaker, just a question on order to the Minister of Finance. I wonder if he would be prepared to make his detailed notes available to us and perhaps if he has any more detailed notes on the separate clauses of the bill, we might have an opportunity to study those prior to the bill being considered in the Committee as a Whole later on.

HON. V. SCHROEDER: Yes, I would certainly agree to make the speaking notes available and that might shorten my next one and, as well, I'll take a look through the other material. I don't see any reason why I shouldn't be able to provide that to the members as well.

MR. B. RANSOM: I move, seconded by the Member for Morris, that debate be adjourned.

MOTION presented and carried.

HON. R. PENNER: Call Bill 46, Mr. Speaker.

MR. DEPUTY SPEAKER: Call Bill No. 46. The Honourable Minister of Finance.

BILL NO. 46 - THE HEALTH AND POST SECONDARY EDUCATION LEVY ACT

HON. V. SCHROEDER presented Bill No. 46, The Health and Post Secondary Education Levy Act, for second reading.

MOTION presented.

MR. DEPUTY SPEAKER: The Honourable Minister of Finance.

HON. V. SCHROEDER: Well, Mr. Deputy Speaker, I would point out that members are already well acquainted with the circumstances which gave rise to the levy — (Interjection) — That's right, we needed the money. It's as simple as that. I don't think that one could get a better explanation than that. So that eliminates three pages of my speaking notes. But I do have that material available and I'm sure that members of the Opposition will be reading it over most carefully again.

I should, in fact, make some comments with respect to the enforcement provisions which some individuals have recently commented on - I don't think anyone in the House has - because I'm sure that people here probably have compared those provisions with other Acts of the Legislature, including The Sales Tax Act and The Income Tax Act and a variety of other Acts. I would like to make a few comments on that issue and assure all honourable members that enforcement provisions included in the proposed legislation are patterned after the provisions in other provincial taxation Statutes. In fact, most of the provisions are contained in the majority of Manitoba's taxation Statutes and are also similar to those in place under the taxation Statutes of other provinces.

In the same vein, the provisions are quite similar to those included in The Income Tax Acts of the Federal Government as well, as I said previously, the Provincial Government. I'm sure that will alleviate some concerns that might have been out there on the other side of the House.

I think those are the comments that I will make on introduction. I will make the speaking notes available to members opposite.

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

MR. B. RANSOM: Mr. Speaker, I move, seconded by the Member for Morris, that debate be adjourned.

MOTION presented and carried.

MR. DEPUTY SPEAKER: Call Bill No. 64, An Act to Amend The Elections Act.

BILL NO. 64 - THE ELECTIONS ACT

HON. R. PENNER presented Bill No. 64, An Act to amend The Elections Act. Loi modifiant la Loi électorale, for second reading.

MOTION presented.

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, as members will have seen in reading the bill, it's an amendment which is just consequential on The Legislative Assembly Management Commission Act and just proposes a change

where The Elections Act, I think, mentions the Board of Internal Economy to replace it with a reference to The Legislative Assembly Management Commission Act. That's all there is to that bill. I haven't got a copy of the bill in front of me, but that's all there is to it.

MR. DEPUTY SPEAKER: The Honourable Member for Virden.

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

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Yes, Mr. Speaker, would you please call the adjourned debates and second reading firstly on Bill No. 23?

**ADJOURNED DEBATES ON
SECOND READING
BILL NO. 23 - THE LEGAL AID SERVICES
SOCIETY OF MANITOBA ACT**

MR. DEPUTY SPEAKER: Adjourned debate on Bill No. 23. The motion stands in the name of the Honourable Attorney General.

The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, I'm rising to conclude debate on the second reading on Bill 23. Mr. Speaker, I feel it necessary to address some of the concerns which members opposite have raised with respect to Bill 23, being An Act to amend The Legal Aid Services Society Act of Manitoba.

Listening as I did very carefully and rereading speeches of the members opposite, I believe there has been quite clearly a misapprehension or misunderstanding of the bill itself. I believe moreover that there's been a misunderstanding, at least, of the concept which the bill addresses, namely, the notion of public interest advocacy.

Mr. Speaker, all this bill seeks to do is to regularize what has been the practice for 10 years. Legal Aid Manitoba came into existence in February of 1972 and, in fact, began to deliver services in the fall of 1972 - it will be celebrating its 10th anniversary this year - and through four governments, two under former Premier Schreyer, one under the now Leader of the Opposition and again under this government, the board of Legal Aid has in fact been issuing certificates to groups so that the bill is not initiating something new. The bill is not authorizing some significant departure. One would have hoped when addressing fairly significant matters of public policy that the members opposite would have taken the time to find out what, indeed, the facts of the situation were.

The fact of the situation was and is that Legal Aid, as I say, has been giving out such certificates but the last board, the board that was headed by now Provincial Court Judge Frank Allen and appointed by the last government, while issuing such certificates raised some questions as to whether or not the Act was clear

enough as to the authority of the board to do it. So the bill is brought in to make it clear that the board has such authority.

The Member for Virden, in his remarks on the bill, raised the following question. Well, he said, Mr. Speaker, and I'm looking at Hansard for Wednesday, the 2nd of June, 1982, "The more I look at the bill, the more concerned I become about the intention of the Attorney-General when he brought this in." Well, I hope I've clarified that. "I know his history of intimate relationship with Legal Aid," - well, a close relationship rather than intimate - "I know his activities in the start-up of Legal Aid," - indeed, Sir, I was the first Chairperson of Legal Aid and continued to be so through till 1978 when I resigned. "I know his activities in the start-up of Legal Aid in this province. I would like to ask the Attorney-General if his intentions were as strong at the very start of Legal Aid to fund certain groups in society for public legal activity or has that belief grown later on?" And I can say categorically that the Legal Aid plan in the Province of Manitoba was specifically designed to provide what is called "Community Legal Services."

When the task force went out to look at various models of Legal Aid, The English Legal Aid Act as administered by the Law Society in England, the examples in the United States and the example of the first modern Legal Aid Statute in Canada and Ontario, it came in with a strong recommendation that while we do have what is called a *judicare* component, that is, regular legal services required by individuals delivered by members in the private bar, it also provides community legal services.

So this is not something new. This is something that has been an integral part of Legal Aid Manitoba from the beginning and, in fact, this juxtaposition or combination of what is called *judicare*, the Ontario and English model, with community legal services developed particularly from 1964 in the United States during the war on poverty, this mix has now become virtually pervasive throughout Canada, spoken of as the Canadian model and it was started here in Manitoba.

When I spoke about history I want to tell the House, Mr. Speaker, which groups and for what causes or purposes have received group Legal Aid certificates. This should have been known to the members opposite, it should have been known to the former Attorney-General, it should have been known to the Leader of the Opposition. A certificate was granted to the Society of Seniors with respect to gas rate increases and they were partly successful in having the Public Utility Board modify the application of the gas utility at that time.

A certificate was given to the Associated Tenants Action Committee with respect to hydro rates - and I'm going to amplify that example shortly - a certificate was given to the Health Action Committee with respect to milk prices. A certificate was given to the Anti-Sniff Coalition to make representations to the City of Winnipeg and to the province on the very difficult question of glue sniffing. A certificate was given to Rossbrook House with respect to the Sherbrook-McGregor Overpass and that was given during the last administration by the board appointed by the then government and the Leader of the Opposi-

tion and the Member for Lakeside couldn't even remember the name of it. A certificate, most recently, was given to the Logan Community Committee on the Core Expropriation.

Now, what is the significance? These are the examples of certificates which actually have been given out during the history of Legal Aid, a history which should have been and was in fact available to the members opposite. There are five points I want to make about these examples.

First of all, I give these examples to answer what, I think, must be categorically said to be the miserable attempts to scandalize the concept, particularly by the Leader of the Opposition. What example could he think of? Pornography - he's talked as hypothetical about giving a certificate to a group to promote pornography. What occupies his mind? What occupies his mind is a question of public interest? Could he not have gone to see the actual examples of groups concerned about hydro rates, about gas rates, about milk prices, about kids sniffing glue? No, he had to come up with the example of a group to promote pornography.

Secondly, I give the examples of what has actually taken place - we should deal with reality from time to time - to show the range of interests which are intended to be encompassed and to show that you cannot confine, or ought not to confine, the way in which such certificates are given purely to consumer and environmental groups, because you will see. Take for example the certificate given to Rossbrook House, with respect to the Sherbrook-McGregor Overpass, you cannot neatly pigeonhole some of these matters or the certificate given with respect to the problem of glue sniffing, you cannot neatly categorize public interest matters in that way.

The third reason why I give the examples is to show the effectiveness of such group certificates. When the Tenants Action Committee was given a certificate with respect to hydro rates, and the Leader of the Opposition should have remembered this, they were successful in effect because it was the first time historically that some countervailing evidence and opinions had been brought before the Public Utilities Board. They were successful in reducing the effect of the rate application by \$11 million. The consumers of Manitoba were saved \$11 million by the activities of that group, given a certificate by Legal Aid and, indeed, —(Interjection)— Well, you were in office. You should have known this, and in fact the activities of that group and the evidence that they brought forward led to the then government, under the now Leader of the Opposition, bringing in the rate freeze.

Again, in terms of effectiveness, the work that was done by Rossbrook House with respect to the Sherbrook-McGregor Overpass led to that very questionable, or at least questionable proposition being withdrawn so that one could in some perspective look at the whole question of rail relocation. Again with respect to the latest group certificate given; namely, to the Logan group, the Logan area residents; the story was in Saturday's paper - not referred to when they talked about pornography - but it was a Legal Aid certificate plus other resources given to a group of citizens who otherwise were not represented, who otherwise would have been disenfranchised effec-

tively, led to a substantial victory for a group of concerned citizens to protect their neighbourhood. Why couldn't those examples have been thought of by the members opposite when they chose to discuss this matter?

Fourthly, Mr. Deputy Speaker, I bring these examples to show the general importance of such advocacy in society. In expanding what I mean by the effectiveness of such advocacy, I would like to put it in context particularly with respect to what happened in Logan. Mr. Deputy Speaker, the then government, under the now Leader of the Opposition, waived a public enquiry. They prevented effectively the citizens of the affected areas from being able to bring forward concerns about the future of their communities. They actually disenfranchised them completely by a waiver of enquiry. That was the effect of the action taken by an Order-in-Council —(Interjection)— I've done the research, that's exactly what happened. Section 9 of The Expropriation Act, which requires the Lieutenant-Governor-in-Council to dispense with an enquiry, was passed in May of last year by that government and it was only the notion that's accepted fully on this side of the House that citizens have a right to be heard and be represented, which led to the Commission of Enquiry and to representation being given to that group.

Now also, Mr. Deputy Speaker, the example of Logan and the other examples I've used represent something else that is very important; namely, the multiplicity of interests that are pervasive throughout society and not the least of which is the interests of the residents or the consumers affected by one policy or another, one rate proposal or another.

Finally, I think these examples demonstrate, given the fact that there are a multiplicity of interests, that the view of the Leader of the Opposition that there's some kind of unitary or monolithic public interest, there is one public interest, is totally wrong. In fact, . . .

MR. DEPUTY SPEAKER, H. Harapiak: Point of Order. The Member for Virden.

MR. H. GRAHAM: I raise a matter of order. If the Honourable Attorney-General would speak into the microphone, we might be able to hear him, but when he turns his back on us, it's difficult to hear.

MR. DEPUTY SPEAKER: Thank you for that information. The Attorney-General.

HON. R. PENNER: The Leader of the Opposition proposed - which shows a somewhat distorted concept of how public policy is formed - that it was wrong to think of there being any adversarial character about representations about such things. Clearly, what he was propounding was the big brother notion. He was talking in the language of 1984. He was saying, we somehow in this House, in fact were the words, we know what is best for the public, we have the Public Utility Board, we will identify public interest, we don't have to hear from these funny little groups, and that is totally wrong. The Logan experience, the experience on Hydro rates, the experience on gas rates shows

that in a pluralistic society there are varying interests and it's in the clash of these interests, which is not wrong, it's good, it's in the clash of these interests, when they can be heard, that something emerges to help form public policy in a better way.

Now, as I say there is represented in the speeches of the members opposite, I think, a complete misconception of this basic issue of public interest advocacy and how it fits into the formation and formulation of public policy.

There fortuitously has just appeared in the last issue of the Canadian Bar Review, which is dated March, 1982, a lengthy article on financing public participation in environmental decision-making. It's a 40-page analysis of this field. I'm just going to refer to it very very briefly from time to time.

Mr. Deputy Speaker, as long ago as 1954 analysts recognized that the natural consequence of the massive planning by municipalities and by governments, of the massive industry regulation by administrative agencies, that in that context, in the absence of countervailing views, the decisions of such agencies would reflect the views of public interest that essentially were asserted by the regulated parties; that is, the regulated parties, let's say, a gas utility or a hydro utility, would in effect capture as it were the regulating agency. The regulating agency would defer to this public utility or that utility because that was the only evidence they were hearing. The phenomenon of what has been called capture and deference was well-known. The problem of what has been called the empty environmentalist chair; that is, at such hearings there is no one to represent those affected by the smokestack or the emission or whatever it is, is simply that governmental agencies rarely respond to interests that are not represented in their proceedings. How could they? The mere setting up by governments of regulatory agencies is contrary to what the Leader of the Opposition was saying, insufficient to protect the public interest.

Let me quote from that article: "In those cases where protest has been organized within the neighbourhood, there is no funding to enable the residents to oppose the experts; to oppose the high-priced engineers; to oppose the real estate dealers. The government, in effect, has all the power on its side when it's a government regulatory agency. It sets up a public hearing format" - and this is what the Leader of the Opposition was propounding when he spoke about the virtues of the Public Utilities Board - "It sets up a public hearing format and says, now look, here you are, a fair deal, a public hearing. We're going to hear from both sides and deliver our verdict on the merits." That is exactly what the Roman Emperors used to say to Christians when they invited them into the lion's den. One lion, one Christian and may the best lion win. That's exactly the kind of thing that was suggested by the Leader of the Opposition. In fact, that kind of view represents much of what might be said about him, having refused, in effect, to look at the history of public interest advocacy, he is in effect an ideological caveman. He sits with his back to the fire and watches the flickering on the cave wall and imagines that that's the sum total of reality.

He refuses to look at the light. He refuses to look at experience other than that which takes place in his

mind. He thinks of public interest advocacy and what jumps to his attention, pornography. What are the benefits, Sir, which accrue from increased public participation? I think it's important to identify them because I think we'll be hearing more about the issue of public interest advocacy in this House from time to time.

Increased public participation provides decision makers with a greater range of ideas and information on which to base their decision. Take the Logan example. I just want to show the members of the House who may not have seen it, the kind of data that was produced by the Logan residents with the help of experts, to identify much more than the city planners had done - in fact they had done virtually nothing - what the neighbourhood really looked like, what it could look like, what kind of mix there could be of light industry and residential areas surrounding it, that kind of input is what can be done when citizen groups are represented and properly supported.

What other benefit accrues? It enhances, Sir, public acceptance of administrative decisions, because if the public has been represented rather than excluded, then they say, "Well, okay, we were part of the decision-making process."

Thirdly, Sir, increased public participation requires the agency or administrative body to be more thorough in its analysis and it requires the agency to articulate more clearly and precisely the reasons for their decisions. In fact, one of the best examples we've had nationally of the effectiveness of citizen participation at a high level was in the Mackenzie Valley Pipeline Inquiry, and I commend that example to the members opposite for their consideration.

Having said that, this leads me, Sir, to the kind of criteria we would expect when we move very broadly to the general question of public interest advocacy. I think these are the criteria which one would want to establish over time, that there should be a clearly ascertainable interest that ought to be represented at the inquiry. It should be clear that separate and adequate representation of that interest will make a necessary and substantial contribution to the inquiry. Those seeking funds should have an established record of concern and should have demonstrated their own commitment to the interests they seek to represent. It should be shown that those seeking funds do not have sufficient financial resources to enable them adequately to represent the interests and that they will require funds or representation to do so.

Finally, as one of the criteria, those seeking funds should have a clear proposal as to the use they intend to make of the funds and the representation and should be sufficiently well organized to account for the funds. And indeed, on that last point, when certificates were granted on two separate occasions to the Associated Tenants Action Committee, Legal Aid assisted that group to be incorporated so that it could have an appropriate structure for accountability and representation.

There has developed in the last few years the notion of what is called, "The Public Interest Advocacy Centre." One has recently been established in B.C. There are Public Interest Advocacy Centres in Ottawa and Toronto. There is a Public Interest Advocacy Centre nationally in Ottawa as well. The goals of such public

interest advocacy centres are to back groups before boards where the decisions affect the nature and quality of life; to promote, protect and preserve the environmental and natural resources; to promote law reform through test case litigation, through research, through brief writing; to provide advocacy training to assist citizens to be able to represent themselves. These are marvelous goals and they ought to be encouraged. Here, the approach that had been taken is far far more modest than that.

I was approached shortly after taking office with a proposal, a request that there should be government funding of an independent Public Interest Advocacy Centre and I think the notion essentially is a very good one, but these are times of restraint and that kind of money was just not available. So Legal Aid was asked to establish within its infrastructure a Public Interest Advocacy Office, because they were already paying rent and they have the staff and so on.

Secondly, this Bill is brought in to regularize what in fact has been done for 10 years, so that is a very modest proposal indeed. There was an alternative suggested by the Leader of the Opposition and he referred me and the House to Section 34 of The Public Utilities Act dealing with the Public Utility Board. But Section 34 of The Public Utilities Act requires and says in effect, "that the Chairman of the Board may, with the sanction of the Attorney-General, appoint someone to represent" and so on.

Now you see, think about that for a moment. That's the wrong model. That then makes representation depend on a political person. It doesn't matter who the Attorney-General is, whether it's me, the former Attorney-General, the Leader of the Opposition when he was an Attorney-General, it requires someone who is a politician primarily and has to make a political decision. Would the then Attorney-General have granted, in effect, a certificate - not a Legal Aid certificate but through the Public Utilities Board - to the Tenants Action Committee to come before the Public Utility Board and oppose a hydro rate increase when it was the government's hydro in effect which was applying for an increase? No, I don't think that would have happened. But Legal Aid, sure, the government appoints the board but I'm surprised, to put it mildly, the way in which Legal Aid was misrepresented because, surely it should have been known when the question was raised about the independence of Legal Aid, that four of the eleven members on the Board of Legal Aid must be chosen, from a list of seven nominees, by the Law Society. That was put in by an NDP Government to guarantee the effective independence of Legal Aid; four of eleven on that board are in effect the nominees of the Law Society. That is far more of an independent and non-political body than the kind of mechanism provided under Section 34 of The Public Utilities Act where the Attorney-General can say aye or nay.

I chaired Legal Aid for the first six years of its existence and I know in fact how independently that body acted, how we came and fought with government over many issues including funding. The possibility of the Board of Legal Aid being, as was suggested, a political patsy is so remote as to be ridiculous. The suggestion that it has been at any time in its past is unacceptable in the light of its history.

The Leader of the Opposition might have asked someone who has acted as lawyer for the Conservatives when they were in government - Dick Scott, who served with me on the Board of Legal Aid right from the beginning as to whether or not there was any question about the independence of the way in which the Legal Aid Board functioned. It functioned as a fully independent entity at all times and it will continue to do so.

Reference was made incidentally to the Spivak Report of 1977. I want to tell you the way in which sometimes these conclusions are drawn. The Leader of the Opposition referred to pages something or other, some few pages in the inquiry report. No one from that inquiry ever came down to the office of Legal Aid. No one from that inquiry ever spoke to myself, who had been Chairperson of Legal Aid for six years. No one from that inquiry spoke to the Executive Director of Legal Aid and then you have conclusions. That's the effectiveness of that kind of inquiry.

Mr. Speaker, I think that what we're proposing to do here is, as I say, to regularize what has taken place effectively and well over 10 years. Like any other Bill, no doubt there are ways in which it could be improved. I was encouraged in Committee during consideration of my Estimates when the former Attorney-General and I dialogued on some of the details which surely are the kinds of things we would want to address, but when I came into this House to listen to debate on second reading and heard the ramblings of the Member for Virden, the complete misunderstanding of Public Interest Advocacy by the Leader of the Opposition, the misunderstanding of the history of Legal Aid and of Public Interest Advocacy by the Member for Tuxedo, I was more than somewhat disheartened.

The Leader of the Opposition raised a question and I think one or two others of the members opposite did as well, as to whether or not the Bill as worded dealt with the question of public interest. Well, in Section 3.1(2), what is mentioned as a criteria is that it should, in addition to being an interest common to members of the group, be an interest relating to an issue of public concern. I would be quite happy at committee stage to change the words "public concern" to "public interest." In my mind they mean the same thing, but if the members opposite will be happier with the Bill if it says "public interest" instead of "public concern," why sure, by all means. I mean, this is the way we can dialogue constructively and perhaps arrive at a better bill.

Similarly, the Member for St. Norbert made a very good point in committee with respect to the wording of 10.1(2) when it talked about the discretion of the society in issuing certificates and determining income eligibility. So, with respect to 10.1 Sub. 2 in committee, I will be proposing an amendment to accommodate the views expressed by the Member for St. Norbert. That's the way one dialogues to arrive at a better bill, but when the fundamentals of what is being done were attacked in such an incoherent and reactionary way in this day and age when Public Interest Advocacy is recognized far across this land, —(Interjection)— Well, the Dark Ages, when they're completely black, it's a little bad.

Mr. Speaker, in summing up, let me just say this. It has been said and I think appropriately, that the poor

are not just the rich without money. The poor are powerless, basically. That's what really poverty is all about. It's about powerlessness; about the inability to change the course of one's own life; about being effectively disenfranchised because of lack of knowledge of your rights and lack of ability and resources to bring your interest to bear. That's what poverty is all about and to the extent that we can, those of us who are middle class and affluent and sit here in the House to make law, bring a measure of power and a balance to these people so that they can not only be represented, but can learn how to represent themselves and flex their muscle and play an integral part in the society which they have done so much to create by their labour when they had the opportunity to work. That's the way we should go.

To denounce these moves in some kind of paranoid vision of some kind of maneuver to replace my concept of public interest with the Leader of the Opposition's concept of public interest is ridiculous. What we want is that those who are affected by a rate matter, by an environmental matter, by a consumer matter, anything of that kind, should have the opportunity to be represented. That's all to the good. Let's do it.

QUESTION put, MOTION carried.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, would you please call the adjourned debate on second reading on Bill No. 51. No, I understand that's going to be stood.

Would you please then, Mr. Speaker, call the adjourned debate on the proposed resolution of the Honourable Minister of Municipal Affairs.

MR. DEPUTY SPEAKER: The resolution is standing in the name of the Honourable Member for Swan River.

MR. B. RANSOM: Stand, Mr. Speaker.

MR. DEPUTY SPEAKER: It will stand in the Honourable Member for Swan River's name.

The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, would you please call the third readings on Bills 15, 22, 26 and 37, in that order?

THIRD READING - AMENDED BILLS

BILL NO. 15 - THE MARITAL PROPERTY ACT

HON. A. ADAM presented Bill No. 15, An Act to amend The Marital Property Act, for third reading.

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

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

MR. DEPUTY SPEAKER: I would accept that motion

as soon as I finish.

MOTION presented.

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

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

MOTION presented and carried.

**BILL NO. 22
THE MANITOBA LOTTERIES
FOUNDATION ACT**

HON. R. PENNER presented Bill No. 22 Loi sur la Fondation manitobaine des loteries. The Manitoba Lotteries Foundation Act for third reading.

MOTION presented.

MR. DEPUTY SPEAKER: The Honourable Member for Virden.

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

MOTION presented and carried.

BILL NO. 26 - THE HUMAN RIGHTS ACT

HON. A. ADAM presented Bill No. 26, An Act to amend The Human Rights Act, for third reading.

MOTION presented.

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

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

MOTION presented and carried.

Bill No. 37, Loi sur le Conseil de la Recherche médicale du Manitoba. The Manitoba Health Research Council Act was read a third time and passed..

HON. R. PENNER: Mr. Speaker, would you please call the Third Readings on Bills 20, 28, 42 and 47?

**THIRD READING
BILL NO. 20 - THE CONDOMINIUM ACT**

HON. R. PENNER presented Bill No. 20, An Act to amend The Condominium Act, for third reading.

MOTION presented.

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

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

MOTION presented and carried.

BILL No. 28, An Act to amend Various Acts relating to Courts of the Province, was read a third time and passed.

**BILL NO. 42
THE EDUCATION ADMINISTRATION ACT**

HON. R. PENNER presented Bill No. 42, An Act to amend The Education Administration Act, Loi modifiant la Loi sur l'administration scolaire for third reading.

MOTION presented.

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

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

MOTION presented and carried.

Bill No. 47, An Act to amend The Fisheries Act, was read a third time and passed.

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, would you please call the adjourned debate on Second Reading with respect to Private Bills, Bill No. 24, appearing on page 8 of the Order Paper?

**ADJOURNED DEBATE ON
SECOND READING
PRIVATE BILLS**

**BILL NO. 24 - AN ACT
TO GRANT ADDITIONAL
POWERS TO F. G. HOLDINGS LTD.**

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Member for Inkster, Bill No. 24, An Act to Grant Additional Powers to F. G. Holdings Ltd.

This bill stands in the name of the Honourable Member for Assiniboia.

MR. R. NORDMAN: Mr. Deputy Speaker, it's my pleasure to add a few words in support of this bill which is an Enabling Bill that would enable the Fort Garry Holdings to make a few changes in their corporation. This would allow them to charge a holding fee for holding their shares. It also authorized an assessment on the share which apparently they have approximately 600 shares on their books, but of the 600 shares there are only 435 that have been sold, and of the 435 there are still about 200 shares that they don't really know the whereabouts of these shares and in order to hold proper meetings and so on, they really have to get to the point where they know what the

situation on their shares are.

The corporation, in effect, all they're asking for is the power to levy an assessment that will enable them to carry on their business as best they possibly can. The Act will grant the shareholder a one-year period for the company to find out where the shares are and all this will do is just enable them to carry on their business. It's a nonpolitical issue and I think that I'd urge all members of the House to support this Bill.

QUESTION put, MOTION carried.

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Member for River East, Bill No. 35 - An Act to amend an Act to Incorporate the Mennonite Brethren Church of Manitoba. It stands in the name of the Honourable Member for Niakwa. (Stand)

On the proposed motion of the Honourable Member for Elmwood, Bill No. 34, An Act to Incorporate the Menno Simons College. This Bill stands in the name of the Honourable Member for La Verendrye. (Stand)
The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, please call proposed Private Members' Resolution No. 8.

PRIVATE MEMBERS' RESOLUTION

MR. DEPUTY SPEAKER: Call Private Members' Resolution No. 8 - Federal Report on Wife Battering. The Resolution stands in the name of the Honourable Member for Fort Garry.

The Member for Springfield on a point of order.

MR. A. ANSTETT: Mr. Speaker, I don't believe the Member for Fort Garry had commenced his remarks, so if another member wishes to speak it would not deprive the Member for Fort Garry of entering debate.

MR. DEPUTY SPEAKER: Is there another member wishing to speak on this Resolution? Hearing none, are you ready for the question?

The Honourable Member for St. Norbert.

MR. G. MERCIER: Well, Mr. Speaker, I hadn't anticipated that this Resolution would be called at this particular stage of the proceedings in view of the business that is before the Legislature on the Order Paper at this particular time, and I don't have the report and the detailed recommendations with me at this particular time. I believe, Mr. Speaker, there would appear to be agreement to allow this Resolution to stand in the name of the Member for Fort Garry.

MR. DEPUTY SPEAKER: With that understanding, this Resolution No. 8 will stand in the name of the Honourable Member for Fort Garry.

The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, when the Member for Swan River was out of the House, the Resolution standing in his name was called and stood. I don't know if he would wish to speak to it at this time. We would call it again if he did.

MR. DEPUTY SPEAKER: The Honourable Member

for Swan River.

MR. D. GOURLAY: Mr. Deputy Speaker, I was prepared to speak on this Resolution; however, I happened to be out of the House at the time it was called and I understood that the Resolution remains standing in my name and I'm not sure whether it's in order to proceed.

MR. DEPUTY SPEAKER: If it is the will of the House, if the House will give leave, the Honourable Member for Swan River could make his comments at this time. Does he have leave? (Agreed)

The Honourable Member for Swan River.

HON. L. DESJARDINS: Mr. Speaker, I think it should be that, by leave, the House revert back to that Bill or we can have a problem.

HON. R. PENNER: Mr. Deputy Speaker, I agree with that, but I wouldn't want the record of the House to show that we revert back. There's no such thing as reverting back.

MR. DEPUTY SPEAKER: The Honourable Minister of Health.

MR. L. DESJARDINS: (French)

RESOLUTION - MANITOBA ASSESSMENT REVIEW COMMITTEE

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

MR. D. GOURLAY: Thank you, Mr. Deputy Speaker, I have a few comments to make with respect to the Resolution presented yesterday by the Minister of Municipal Affairs and I would just like to comment that, in my opinion, there is no point in trying to reinvent the wheel with the Legislative Committee in going over the work that was already undertaken by the Assessment Review Committee, which was appointed back in 1979. I would just like to quote a few paragraphs from the summary of the report of the Manitoba Assessment Review Committee: "Submissions were requested from the public and public hearings were held in 13 communities throughout the province during 1980" and then later on "additional public hearings were held in 13 communities in 1981 to ensure that all who desired to do so had an opportunity to make their views known to the committee."

Many meetings were held and briefs received by the Committee. In addition, numerous discussions were held with a variety of officials and individuals. Many individuals wrote to the Committee to explain their particular assessment or taxation problem and to provide advice. As I mentioned on a number of occasions, the Assessment Review Committee has completed their work and I've just mentioned the number of meetings they held and the people that submitted submissions to the Committee. This final report was presented to the Minister of Education more than two months ago and, from the explanation that the Minister gave yesterday, was to establish a Legislative Committee to go back to hear further views from indi-

vidual people as well as municipal officials. I cannot understand why the Minister would want to do this when that work has really already been done and presented to the government to take a firm position on. The recommendations are contained in this book, some 162 recommendations, and I feel that the onus is on the government now to take a firm position with respect to those recommendations and certainly I could see the merit in a Legislative Committee going back out following a White Paper position taken by the government based on the recommendations that have been submitted after over two years of effort by the Assessment Review Committee.

As I say, Mr. Deputy Speaker, I could see the merit in a Legislative Committee following up, after the government has established a firm position in the way of a White Paper or whatever, then there would be some merit for this Committee to go about and try and achieve something. But just to re-invent another assessment review report for the government does not make sense at this time, so I really cannot support the Minister's resolution that would have the government spend quite a bit of money and effort in having a Legislative Committee go back throughout the province again.

Those are some of the comments that I wanted to put on the record. To sum up my remarks I would like to say that the government should now have provided a White Paper or a firm position on the assessment review. The municipal organizations have certainly offered to assist the Minister and the government in establishing recommendations that would be suitable to them. Based on the contents of the White Paper, a Legislative Committee would then have some justification in soliciting reaction from the people throughout the province as well as municipal people.

Mr. Deputy Speaker, I cannot support the Minister's position for establishing an Intersessional Legislative Committee to do what, basically, has already been done.

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

HON. A. ADAMS: I'll be closing debate unless someone else wants to speak.

MR. DEPUTY SPEAKER: The Honourable Member for Virden.

MR. H. GRAHAM: Thank you, Mr. Speaker. You know it's encouraging to see the Minister is actually eager to do something, even if it's close debate. He's had this report now for three months and done nothing, absolutely nothing —(Interjection)— certainly it's true. The Honourable Minister has done absolutely nothing with this report. He doesn't know what to do so he says, well, I'll get a committee; I'll get all members from this Assembly to try and help me figure out what to do. I have never heard of anything like that in my life before, Mr. Deputy Speaker. The Minister doesn't know what to do. He can't even put a position forward to give to a committee to look at. He can't even give a position.

This report, Mr. Speaker, has a very significant impact on the people in this province and I would

hope that the Minister would have some ideas. He has the report; he's had it for three months; he's done nothing with it; maybe he doesn't know what to do with it. But he has gone ahead and put an indefinite freeze on assessment, the inequities that exist on Portage Avenue in assessment, he has frozen those indefinitely. It's going to cause further damage in the City of Winnipeg by his sitting on his thumb and doing nothing; sitting on his thumb.

Mr. Deputy Speaker, this resolution is probably one of the weakest actions that any Minister of Municipal Affairs could ever take. He can't even prepare a paper or put forward a position before he goes out to see the people. He says, I want to go out and talk to them. He doesn't know what he wants to talk to them about. He told us quite some time ago that he hadn't even read the full report yet and this was six weeks after he had received it. Maybe he has finished reading it now; I don't know, he didn't tell us that yet. Somebody told me he may be a slow reader, but I'll tell you his reading ability is far faster than his thinking ability. I think that he is a very slow learner. I think he must be, Mr. Speaker, because the people have waited for something to be done in assessment in this province for a long long time.

Mr. Deputy Speaker, when I first came in this Legislature in 1969, one of the first points that I raised was I felt there had to be a review of assessment practices in this province. I was successful in getting a caucus, a special caucus meeting of the government of that time, to talk about assessment. We were successful in getting some general consensus that there should be something done. The government changed hands and through eight years of the Schreyer Government I have, when the occasion arose, expressed my concerns about the assessment, the review that was necessary - nothing was done in those eight years. In the last government, unfortunately, I did not have the opportunity to stand on the floor of the House and express those concerns in this Assembly but the previous administration did commission a study on assessment and that study was an extensive one that covered almost three years. It has been to the people twice. The people, the municipal people, anyone could appear before that commission not only once, but they could have done it a second time. Many of them did, and many of them even came back and made personal submissions after that. So for the Minister to say that he has to go to the people again on the basis of the assessment review is purely ludicrous.

We've reached the point now where there has to be something done, either a White Paper, a bill, something concrete has to be put forward so that the people can take a look at it. And this Minister is sitting doing nothing, asking the people of Manitoba what to do. Mr. Speaker, he was appointed - whether or not it was a wise choice time will tell - to show leadership of the municipal affairs of this province; he has failed to do that. I would suggest that if he wants to go to the people, to consult with the people, he should resign and run and that way he can consult with the people. I would think that would probably be the best way, the most positive action that he could make for the municipal people in this province. If he wants to go and consult with the people, let him do it in the ballot box; that's the way to find out. The people then would tell

him about the great leadership he has shown us in municipal affairs.

Mr. Speaker, it's taken a long time. I've been in this Assembly over 13 years; my concerns for a review of assessment and the changes in assessment are just as great now as they were 13 years ago and I become very offended when I see a Minister taking action such as this Minister is doing. It is time now to make some concrete positive steps. Let him put them forward in a White Paper if he wants, but to go to the people with nothing in your hand but your hat isn't the way to run the Department of Municipal Affairs.

So, Mr. Speaker, I rise at this time to express my indignation at the inactivity and inept manner in which this Minister is conducting the affairs.

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

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

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable Member for Springfield.

MR. A. ANSTETT: Mr. Speaker, if there is agreement on the other side perhaps we could call at 5:30 and return at 8:00 for a second sitting today.

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

HON. S. LYON: Mr. Speaker, before the House adjourns to resume, I take it, again tonight, can I, as sincerely and as nonprovocatively as possible, ask the members of the front bench if they will please try to get some order out of the chaos that we've seen this afternoon in the operation of the business? We stand ready to co-operate fully with the government in moving bills ahead but, Mr. Speaker, if we're faced with darting from Third Readings to Private Members' Resolutions without any consultation from the House Leader with the Opposition House Leader, that only leads to confusion and chaos which is what we've seen this afternoon. So we stand ready to co-operate with the front bench, with the government, if we can only get some order worked out in the manner in which this Order Paper is worked on. We want to co-operate.

MR. DEPUTY SPEAKER: Is it the agreement of the House . . .

HON. S. LYON: Mr. Speaker, with respect, the House has to adjourn. This is the end of a sitting.

MR. DEPUTY SPEAKER: The Honourable Minister of Health.

COMMITTEE CHANGE

HON. L. DESJARDINS: Before we adjourn, Mr. Speaker, can I suggest that the name of the Honour-

able Member for Wolseley replace the Member for Kildonan in the Standing Committee on Statutory Regulations and Orders. I might say to the Leader of the Opposition, we will do our utmost to keep on with his co-operation and to be as efficient.

I move, seconded by the Honourable Minister of Government Services, that the House do now adjourn.

MOTION presented and carried and the House adjourned and stands adjourned until 8:00 p.m. this evening.