

## LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, 25 July, 1980

Time — 10:00 a.m.

**OPENING PRAYER by Mr. Speaker.**

**MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell):** Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

### ORAL QUESTIONS

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

**MR. SAUL CHERNIACK:** Thank you, Mr. Speaker. To the Attorney-General, I think about two days I addressed a question to him and, in his absence, I think it was the Minister of Government Services replied, relating to the apparent practice of the City of Winnipeg Police — well, let me use the vernacular — to rent out a uniform and a gun along with a police body to private individuals or organizations for patrols, and whether it was government policy to agree with that type of procedure and whether you, the Attorney-General, would be prepared to have it looked into by the Manitoba Police Commission or within the department itself. Has the Minister been given notice of that and can he respond?

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

**HON. GERALD W.J. MERCIER (Osborne):** Yes, Mr. Speaker, I'd be prepared to have the Manitoba Police Commission review that matter.

**MR. CHERNIACK:** Does that indicate that there is no present policy position of the government of Manitoba on this question?

**MR. MERCIER:** I don't believe so, Mr. Speaker. I think this has been part of the working arrangement between the Winnipeg Police Force and their employer.

**MR. CHERNIACK:** Mr. Speaker, since Hansard isn't available for awhile yet, I would repeat to the Attorney-General my request that inquiries be made of the RCMP and other police forces in Manitoba to see whether this practice extends beyond the city of Winnipeg.

**MR. MERCIER:** Yes, Mr. Speaker, we can do that.

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

**MR. WILSON PARASIUK:** Thank you, Mr. Speaker. My question is directed to the Minister of Highways. I have a letter from Peter Dygala, the Assistant Deputy Minister of the Department of Highways for the Motor Vehicle Branch, to a person indicating that "until such time as I receive instructions from the

government to provide bilingual licences to all drivers or to those wishing to obtain such licences, I will not be able to comply with your request." I ask the Minister is it the Minister's decision or the government's decision not to provide bilingual drivers' licences to those people requesting them.

**HON. DON ORCHARD (Pembina):** Mr. Speaker, that decision is part of the overall compliance package that we are in the process of making.

**MR. PARASIUK:** Mr. Speaker, a supplementary to the same Minister. Since I have information to the effect that the Motor Vehicle Branch after the Supreme Court decision in fact did develop a computer program and the facilities to provide bilingual licences, can the Minister then explain why the Motor Vehicle Branch has not been allowed by the Minister to provide bilingual drivers' licences to those people in Manitoba who have requested the same after the Supreme Court decision regarding the language law?

**MR. ORCHARD:** Mr. Speaker, I think the Member for Transcona would admit that compliance with the Supreme Court Decision involves a major undertaking on behalf of the government of the province. You don't move in ad hocery and do one thing here, one thing there, it has to be a co-ordinated and collective program amongst all departments, and that is what is currently being done, Mr. Speaker.

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

**MR. PARASIUK:** Mr. Speaker, I would ask the Minister if he can indicate to us how much money the Motor Vehicle Branch spent on developing the computer program and the facilities which are already in place, which would enable the government at no additional expense at present to provide bilingual drivers' licences to those people who request them.

**MR. ORCHARD:** Mr. Speaker, without at all accepting the premise that it would be at no additional cost to the government, I will attempt to find that information for the member.

**MR. SPEAKER:** The Honourable Member for Transcona with a fourth question.

**MR. PARASIUK:** Mr. Speaker, my question is directed to the Acting Premier. In view of the fact that Manitoba has the capacity already in place to provide bilingual drivers' licences to those Manitobans requesting them, and in view of the fact that the Premier has said that it is possible to provide a number of courtesies to Francophone Manitobans, in order for them to feel more at home in Manitoba, and also to show the rest of Canada that Francophones in Canada have a place in Canada outside of Quebec, can the Minister then . . .

**MR. SPEAKER:** Order please. Can the honourable member present his question, please.

**MR. PARASIUK:** Mr. Speaker, this is a very important issue and I'm just at the stage of presenting the question, now that I've been given the opportunity of presenting the preamble. I'd like to ask the Acting Premier why the government is turning its back on this very simple request, which would in fact be one of the courtesies that the Premier talked about earlier this year.

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

**HON. DONALD W. CRAIK (Riel):** Mr. Speaker, without accepting the member's ad lib statement as a fact, I'll take the question as notice.

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

**MRS. JUNE WESTBURY:** Thank you, Mr. Speaker. My question is addressed to the Deputy Premier. In view of the commitment made by the federal Indian Affairs Minister to the effect that participation by Indians in constitutional talks will be a top priority of his department, can the Deputy Minister reconsider, or will he tell us whether the First Minister is reconsidering his position on allowing native Canadians to participate in these constitutional discussions?

**MR. CRAIK:** Mr. Speaker, I'll have to take that question as notice and refer it to the Premier.

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

**MR. HENRY J. EINARSON:** Mr. Speaker, I direct this question to the Minister of Agriculture. I'd like to ask the Minister if he could inform the House whether or not he's had any discussions with the Canadian Wheat Board as to whether the information is correct or otherwise that the possibility of a 50 cent reduction in the new crop year for wheat is a reality.

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

**HON. JAMES E. DOWNEY (Arthur):** Mr. Speaker, I haven't had any direct communication with the Canadian Wheat Board in regard to the new crop price of wheat. However, I would think that with the price of grains increasing in general in the international market, that we should be able to see a stable price held in the initial payment. However, that would be the decision of the Canadian Wheat Board, which falls within federal jurisdiction.

**MR. EINARSON:** I wonder if the Minister would be prepared to put this important matter on his agenda when it comes to a discussion with either the provincial Ministers of Agriculture or the federal Minister responsible for this particular matter.

**MR. DOWNEY:** Mr. Speaker, not only would I put it on my agenda, but I would be prepared to contact

the Canadian Wheat Board directly to see what their intentions are in this regard.

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

**MR. EINARSON:** No, Mr. Speaker, this is another question I would like to pose to the Minister of Agriculture, and ask the Minister if his office has had any consultation with the federal government in regard to the losses that farmers have realized because of the embargo that the United States have placed on the Russian grains last year. I wonder if the Minister could indicate, by way of information to members of this House, whether or not the federal government made some compensation to farmers because of that action taken by the President of the United States.

**MR. DOWNEY:** Yes, Mr. Speaker, that was one of the items on the agenda of the Agriculture Ministers' Conference in Toronto over a week ago, that we were requesting the federal government to live up to their commitment to reimburse farmers for any losses incurred because of the embargo. The federal Minister of Agriculture assured us that the assessment would be made at the end of the crop year, which is the end of July of this year, to see what in fact the losses were and would indicate further what the payments to the farmers may be.

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

**MR. VIC SCHROEDER:** Thank you, Mr. Speaker. A question to the Minister of Urban Affairs. Can he advise as to whether he's been contacted by the city of Winnipeg to assist the city in the purchase of some land, known as the Bergen cut-off, from the CPR, and if so, how are those negotiations going?

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

**MR. MERCIER:** Mr. Speaker, I haven't caught up on all my mail from this week. I don't recall, prior to this week, receiving any correspondence from the city with respect to that matter.

**MR. SCHROEDER:** Could the Minister advise as to whether there is funding available should the city apply?

**MR. DOWNEY:** Mr. Speaker, I'm not aware of the request in the first place, but I'll undertake to review that matter and advise the member shortly.

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

**MRS. JUNE WESTBURY:** Thank you, Mr. Speaker. My question is addressed to the Honourable Minister of Urban Affairs. In view of the long delay in answering priority calls by District 6 police, Mr. Speaker, and the fact that that one district has almost twice as many square kilometres as the next largest district, will the Honourable Minister of Urban Affairs be considering providing more assistance to

the city of Winnipeg for police protection for the citizens of Winnipeg?

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

**MR. MERCIER:** Mr. Speaker, I have no reason to believe that the premise of the question is correct but I can undertake to review that matter with Mayor and the city's official delegation.

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

**MR. PARASIUK:** Thank you, Mr. Speaker, my question is directed to the Minister of Highways. A couple of days the Minister took as notice a question of mine pertaining to the licensing requirements, drivers and vehicle licensing requirements of electronic wheelchairs and electrical tricycles which are used by physically handicapped people and people suffering from long term illnesses like cerebral palsy. Has the Minister been able to determine for us what the licensing requirements for drivers and vehicles are?

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

**MR. ORCHARD:** Mr. Speaker, I haven't got any information from the Motor Vehicle Branch on electric wheelchairs per se, but the department has for several months now been negotiating or reviewing the licensing requirements of a self-propelled three-wheeled vehicle called The Happy Wanderer, which is designed, Mr. Speaker, to provide a mode of transportation for handicapped people in particular. To date, Mr. Speaker, we haven't come to a decision on that because there are some unique considerations in arriving at the proper registration which these vehicles may require.

**MR. PARASIUK:** Mr. Speaker, a supplementary to the Minister. I can appreciate the difficulty in coming up with the requirements, but in the meantime a police spokesman has indicated that . . .

**MR. SPEAKER:** Order, order please. I would like to draw to the honourable member's attention, rule 359(2). A question must be brief. A preamble need not exceed one carefully drawn sentence. A long preamble on a long question takes an unfair share of time and provokes the same sort of reply. A supplementary question should need no preamble.  
The Honourable Member for Transcona.

**MR. PARASIUK:** Mr. Speaker, I think you'll be able to deduce from my question that a preamble is necessary. In the meantime, since the police department has said that people using electronic wheelchairs will be subject to fines, can the Minister please investigate this matter and in fact instruct the Police Department to withhold imposing fines on people using electrical tricycles or electronic wheelchairs until such time as the government develops a policy with respect to this matter?

**MR. ORCHARD:** Mr. Speaker, first of all let me clarify for the Member for Transcona, the Motor Vehicle Branch has had this three-wheeled self-

propelled vehicle under active consideration for several months now. Secondly, Mr. Speaker, I cannot, in the interests of the people using those vehicles, give the kind of assurance or the kind of request to the police that he desires. The reason why we do not have a policy developed on the registration of these vehicles is because along with registration comes the requirement by law of driver licence. Both of those subjects may or may not be available to the people using those vehicles, and, Mr. Speaker, it is not through any other consideration than for the safety of those people who are using those vehicles that we are very carefully trying to decide what is a proper method of procedure in handling the requests to operate these vehicles, not just only on city streets, Mr. Speaker, but on highways where general traffic speeds can approach 100 kilometers per hour and these vehicles are capable of achieving somewhere between 10 and 14 miles per hour, Mr. Speaker. The consideration that we are giving . . .

**MR. SPEAKER:** Order, order please. I would like to refer the honourable member to citation 359(2). The question must be brief. A long preamble to a long question takes an unfair share of time and provokes the same sort of reply. I would suggest to the Honourable Minister that his reply should be brief and to the point as well.  
The Honourable Minister.

**MR. ORCHARD:** Mr. Speaker, we are not dealing with a cut and dried black and white situation with the registration of these vehicles. We have to very carefully consider the safety aspects, and as I was pointing out, Mr. Speaker, these vehicles, should they be registered as for instance a moped is registered, they have full and complete access to every highway and street in the province of Manitoba, wherein they are going to encounter traffic conditions where vehicles may achieve 100 kilometres per hour when they have a vehicle speed of 10 to 15 miles per hour. We don't want to bring those vehicles into the general traffic stream unless we are assured that the safety of the operator is supreme, Mr. Speaker.

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

**MR. PARASIUK:** Mr. Speaker, to the Minister, what would he suggest that the people who have owned these electronic wheelchairs from some two or three years now and who have been driving them or taking them around the city under the assumption that this was perfectly legal, without anything being done to them in previous years, what should these people do in the meantime now, while the government is developing its policy on this, granted, tricky manner?

**MR. ORCHARD:** Mr. Speaker, might I make the suggestion that those vehicles are not restricted or prohibited operation on city sidewalks.

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

**MR. RONALD McBRYDE:** Mr. Speaker, my question to the Minister of Health. On July 11th, he issued a press release about a grant to the Swampy Cree Tribal Council to provide dental services to non-treaty people in remote communities. I wonder if the Minister could indicate whether or not this grant is just a continuation of last year's agreement and whether it only covers children up to age 8 years old.

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

**HON. L. R. (Bud) SHERMAN (Fort Garry):** Mr. Speaker, I believe that's correct.

**MR. McBRYDE:** Mr. Speaker, in this case, by admitting some of those facts, the Minister has made it look as if there is a new program in existence and I wonder if he would be willing to issue a new press release explaining the details of the program, as the Swampy Cree Tribal Council is now getting calls from these various communities from the non-treaty people expecting an increased service or a new service because of this press release.

**MR. SHERMAN:** Mr. Speaker, the situation with respect to that particular press release has already been brought to my attention. The misunderstanding from it has been brought to my attention and the situation is being corrected. The grant does not reflect an expansion or an extension of the program; it's simply a continuation of what has been in place and that matter is being addressed, Mr. Speaker.

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

**MR. SCHROEDER:** Thank you, Mr. Speaker, a question to the Minister in charge of parks. Several months ago he had advised us that he was monitoring the situation at the Birds Hill Tree Nursery for this year. As this season is about half over now, could he advise as to whether it is the intent of the government to continue that operation next year?

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

**HON. BRIAN RANSOM (Souris-Killarney):** Mr. Speaker, my Deputy Minister has been out and viewed that situation and I really can't make any definitive statement at this point as to what sort of rationalization of our nursery set-up will take place before the end of next year, but I can assure him that every consideration will be given to continuing to operate the Birds Hill one providing that it fits into the overall objectives of the department.

**MR. SCHROEDER:** Yes, a further question to the Minister. Could he advise as to whether the proposed alternate site is in the vicinity of Headingley, Manitoba, and as to whether the existing employees would be entitled to continue with their employment, should there be a move?

**MR. RANSOM:** No, Mr. Speaker, I cannot advise on that. I have no knowledge at this point of any contemplated move to Headingley. Certainly I will

take the question as notice and keep the honourable member advised as to what our plans would be.

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

**MR. SCHROEDER:** Thank you, Mr. Speaker. The question had a second part to it. Could the Minister advise as to whether he can confirm that even if there may be a move, that the employees who are currently working at the Birds Hill Tree Nursery will be entitled to continue their employment with the province?

**MR. RANSOM:** Mr. Speaker, I think that the honourable member is moving ahead of events. There is no question at the moment about the employment of those individual people. It's a hypothetical question, but naturally, as in all other situations, when it's necessary to rationalize the operations of the department, we make every effort to find employment for those people that are already working.

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

**MR. JAY COWAN:** Thank you, Mr. Speaker. There were several complaints emanating from the Manitoba Indian Brotherhood meeting yesterday in regard to Treaty Indian people being asked for licences when fishing for food. I'd ask the Minister for Natural Resources if there's been any change in his department's policy, or in the province's policy, in regard to the application of Treaty rights to Treaty Indian people in the province of Manitoba who are angling for food purposes only.

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

**MR. RANSOM:** Mr. Speaker, that is a most interesting question, because it so happens that over a year ago I and the First Minister made a commitment to the Indian people of the province to review the regulations which previous administration had brought in, which in fact took away, or what we thought took away some of the rights that the Indian people should have. We undertook to review those regulations and to make recommendations to the federal government to change them. In fact, we did that. We consulted extensively with the executive of the Manitoba Indian Brotherhood. We recommended to the federal government that the changes be made. The federal government responded to us and suggested some alteration in the regulation. Those alterations were approved by us again, after discussion with the Manitoba Indian Brotherhood. We continued to urge the federal government to pass the regulations and then the Interim Committee Chairman, Mr. Okimaw, Chief Okimaw, wrote to the federal government and demanded that they not pass the regulation, claiming that there had not been adequate consultation, even though there had been extensive consultation with the executive of the Manitoba Indian Brotherhood.

Mr. Speaker, we have done everything we possibly could to correct the injustice that was brought about by the previous administration and the —

(Interjection)— Well, Mr. Speaker, the Honourable Member for Inkster says, baloney. The fact is that the changes were brought in in 1972 by the previous administration, which took away rights that the Indian people had under the treaties. We attempted to restore those rights, Mr. Speaker, but the Manitoba Indian Brotherhood themselves interceded and prevented that from happening.

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

**MR. SIDNEY GREEN:** Mr. Speaker, I heard a question asked by an honourable member as to whether an Indian angling for food is now being prosecuted or harassed by the administration. I wonder if the Minister will answer that question. It has nothing to do with regulations; it has nothing to do with the fact that regulations are passed by the federal government; it has nothing to do with the fact that the provincial government cannot alter a treaty  
. . .

**MR. SPEAKER:** Order, order please. The honourable member, I think, has been in this Chamber long enough to know that no member need answer a question. A question had been asked of him and it is the Minister's responsibility of whether or not he chooses to reply.

**MR. GREEN:** Mr. Speaker, I think that it is perfectly in order for a Minister to refuse to answer a question. That is not what the Minister did. The Minister got up and started to pontificate about abuses committed by the previous —(Interjection)— I am now speaking on a point of order — started to pontificate about abuses committed by the previous administration against treaties. If he's not clever enough to know that is impossible, he should ask the Attorney-General, who will tell him that the province cannot alter treaties, cannot take away rights that are conferred by treaty. And now, having enlightened him to that effect, I wonder if the Minister will answer as to whether his administration and his officers are now harassing Indian people who are angling for food, something which could not be done under the previous administration and should not be done under his administration.

**MR. SPEAKER:** The honourable member had no point of order.

The Honourable Minister.

**MR. RANSOM:** Mr. Speaker, I'll respond to the question. The honourable member should be aware that in fact the answer which I gave had everything to do with the situation as it exists, because . . .

**MR. SPEAKER:** Order, order please. Is the honourable member rising on a point of order?

**MR. RANSOM:** No, Mr. Speaker, I'm responding  
. . .

**MR. SPEAKER:** Order please. The Honourable Member for Inkster rose on a point of order, not to ask a question. If the honourable member wishes to ask a question. Order please.

The Honourable Member for Churchill on a point of order.

**MR. COWAN:** Mr. Speaker, I believe I sat down when the Member for Inkster rose on a point of order and I was in the process of asking the Minister a number of questions. I should have two supplementaries, by my count. I was wondering if I could take those now.

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

**MR. COWAN:** Thank you, Mr. Speaker. I would ask the Minister of Natural Resources if it is a policy of the government to direct its officers to harass or to stop Treaty Indian people from exercising their treaty rights by angling for food in the province of Manitoba?

**MR. RANSOM:** Mr. Speaker, of course we're not directing our staff to harass anybody. What we are doing, Mr. Speaker, is enforcing the regulations which the previous administration in 1972 requested the federal government to pass under the federal Fisheries Act.

**MR. COWAN:** Mr. Speaker, well as it is obvious from a former president or representative of the MIB, the Manitoba Indian Brotherhood, that the Manitoba Indian Brotherhood did not feel that there was proper consultation, and as it is a common practice when operating in a consultative manner to have all parties agree that there is proper consultation, is the Minister of Natural Resources prepared to go to the Manitoba Indian Brotherhood in order to sit down in meetings to develop, in a consultative manner, policies and practices in regard to this very important problem which faces the people of the province, the Treaty Indian people of this province, today and needs to be rectified immediately.

**MR. SPEAKER:** Order, order please. Obviously, the honourable member did not hear me when I read Citation 359(2). I wish the honourable member would read it.

The Honourable Minister.

**MR. RANSOM:** Mr. Speaker, the Honourable Member for Churchill is attempting to give the impression that we have not consulted with the Manitoba Indian Brotherhood. Mr. Speaker, what we did was consult extensively with the duly elected executive of the Manitoba Indian Brotherhood. If the Manitoba Indian Brotherhood chooses to remove that executive subsequently, then I cannot be responsible for that. We conducted extensive consultation with them. We had agreement with their duly elected representatives. We asked the federal government to pass those regulations. The Manitoba Indian Brotherhood has not, to my knowledge, communicated with us at all; they have simply intervened with the federal Minister and alleged that there was no consultation, which is totally false.

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

**MR. J. WALLY MCKENZIE:** Mr. Speaker, I wonder can I get leave to make a non-political statement this morning?

**MR. SPEAKER:** No, I'm sorry, the honourable member does not have leave.

The Honourable Member for Churchill.

**MR. COWAN:** Thank you, Mr. Speaker, I would ask the Minister of Natural Resources, as there has just been duly elected a new executive of the Manitoba Indian Brotherhood, is the Minister prepared now to immediately begin consultations with that new executive for the purpose of clarifying this situation to which there seems to be apparent disagreement between the MIB and the province of Manitoba?

**MR. RANSOM:** There's no disagreement, Mr. Speaker, on the procedure that the province has followed. We initiated the consultation with the Manitoba Indian Brotherhood and we are prepared to talk further, but what assurance do I have that when we arrive at a conclusion and at a agreement, after extensive consultation, what assurance do I have that that is going to be accepted? We've done it before. We've been that route. We arrived at a workable conclusion and now I think that the onus rests with the Manitoba Indian Brotherhood to approach the government.

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

**MR. CRAIK:** Mr. Speaker, I received a question that had been taken as notice on my behalf from the Member for Ste. Rose. It was in relation to a federal government report which I guess was in the former Liberal government over a year ago, an in-depth report, apparently, on the oil industry, done by the government, and he asked if we could provide information on it. We have been unable to identify any such report and, therefore, I can't give him a positive answer. If the member could provide us with more detail on it, we can look into it further on his behalf.

### MATTER OF PRIVILEGE

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

**MR. A.R. (Pete) ADAM:** Thank you, Mr. Speaker. I want to say that after question period is over, we would be very happy to give leave to the Member for Roblin to make an unpolitical statement but, Mr. Speaker, I'm rising on a matter of privilege.

**MR. SPEAKER:** Order, order please. The Honourable Member on a matter of privilege.

**MR. ADAM:** Mr. Speaker, I'm rising on a matter of privilege. We would be very happy to hear the Member for Roblin's non-political statement after the question period. The matter of privilege is what I believe to be a serious breach of a privilege of the House, Mr. Speaker. On Monday, the 21st of July, I asked the Minister of Highways point blank, a question whether they were proceeding with charges against Mr. Kreutzer of Plumus, and the Minister

replied, no — categorically, no. Yesterday, I asked the Minister again if he could give me assurance that they were not, in fact, proceeding with claims for damages. He would not give me that assurance, Mr. Speaker, and I believe that is a breach of the privilege of this House.

I also asked the Minister if he could confirm if a letter had been sent out to Mr. Kreutzer demanding payment for damages. Again, the Minister answered categorically, no. Mr. Speaker, I mentioned yesterday that I had a copy of the letter dated July 15, in fact, claiming damage from Mr. Kreutzer for trying to plow a road to dry it up, or whatever he was trying to do, because it was impassable, Mr. Speaker. There was no road, and the department is now claiming damages for trying to dry up a road, or whatever he was attempting to do. There was no road; it was impassable and had been impassable for almost a month, Mr. Speaker. I ask you to rule on . . .

**MR. SPEAKER:** Order, order please. Order please. If the honourable member would stick to the matter of House privileges, I believe he is straying from the facts. The honourable member.

**MR. ADAM:** Mr. Speaker, in his answer to me on Monday, the Minister misled me and this House in his reply. I did not qualify my question to him. I asked him specifically if there was any claim damages proceeding against Mr. Kreutzer and his answer was categorically, no. Now I have a letter here — I can table it — that they are in fact attempting to claim damages.

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

**MR. ORCHARD:** Mr. Speaker, the Member for Ste. Rose yesterday, asked those questions, to which I gave him answers. What he asked me on Monday was, was my department proceeding with charges? There were criminal charges against the man he refers to. They were dismissed in court and we were not proceeding with any further charges. We were not appealing that. That is the answer to the question which I answered no, which was correct, factual and true.

The Member for Ste. Rose then asked me on Monday at 10:00 a.m., approximately, whether at that point in time I could confirm if my department had sent out a letter. At that point in time I could not confirm that, Mr. Speaker. That question I answered, no, which was correct, true and factual. Mr. Speaker, what the Member for Ste. Rose is having a problem understanding, is that there is a difference between a criminal charge brought before the courts of this province and a claim for damages issued by my department. I attempted to explain that to him yesterday and he hasn't the ability to understand what I was telling him, Mr. Speaker, and I submit he has no matter of privilege.

**MR. SPEAKER:** Order please, order please. I refer to Citation 322 of Beauchesne. It has been formally ruled by Speakers that a statement by a member respecting himself, and particularly within his own knowledge, must be accepted, but it is not unparliamentary temperately to criticize statements

made by a member as being contrary to the facts, but no imputation of intentional falsehood is permissible. On rare occasions this may result in the House having to accept two contradictory accounts of the same incident. Therefore, I rule there is no matter of House privilege.

### ORAL QUESTIONS (CONT'D)

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

**MR. LEONARD S. EVANS:** Mr. Speaker, I'd like to address a question to the Minister of Community Services responsible for Corrections in the province of Manitoba, and ask the Honourable Minister whether he or his department had any plans for the utilization of the old Brandon Jail, a building which is over 100 years old and, of course, which is now not used for that purpose because of the construction of a new facility.

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

**HON. GEORGE MINAKER (St. James):** Mr. Speaker, as the Honourable Member for Brandon East fully realizes that the responsibility of the use of government-owned facilities is the Minister of Government Services, so I will take that question as notice for the Honourable Member of Government Services.

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

**MR. COWAN:** Thank you, Mr. Speaker. I would just like to ask the Minister of Natural Resources to clarify a statement he made earlier, in that it is up to the Manitoba Indian Brotherhood to approach the provincial government in regard to consultative talks on matters of interest to the Manitoba Indian Brotherhood, and I would hope, to the provincial government. I'd ask the Minister if by that he means that he is not prepared on behalf of his government to go to the Manitoba Indian Brotherhood, to seek opinions from them, to seek discussions with them and to call for meetings of consultation on those issues.

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

**MR. RANSOM:** Mr. Speaker, I hate to have to repeat myself, but I will have to because of the repetitive question that the honourable member has asked. I outlined to the House the procedure that we had followed in attempting to make changes in the regulations which we have to do by asking the federal government to make the changes. Before we ask the federal government to make any changes to restore some of the rights that were removed from them in 1972, we sat down on several occasions with representatives of the Manitoba Indian Brotherhood and worked over an extended period of time to arrive at a mutually acceptable recommendation for changes in the regulations. We put that forward.

Subsequently, Chief Okimaw, as head of an interim committee for the Indian Brotherhood wrote directly to the federal Minister, sent a copy to us and said that the changes were totally unacceptable; there had been no consultation, which is completely false; there had been extensive consultation. As far as I am concerned, the province made a very positive effort to work with the Indian Brotherhood to arrive at a satisfactory solution. If the Indian Brotherhood believes that that recommendation and solution was not satisfactory, then my door is always open for them to return and discuss with us what they think might be better changes.

**MR. COWAN:** Thank you, Mr. Speaker. Well, we have heard that the Minister will meet with the Manitoba Indian Brotherhood upon their request. I'm asking the Minister if they will extend their hand to the Manitoba Indian Brotherhood and to this new executive, in specific, in regard to developing a consultative methodology that will suit both the provincial government and the Manitoba Indian Brotherhood in regard to discussing matters that are of interest to both parties.

**MR. RANSOM:** Last time the hand was extended, Mr. Speaker, it was bitten, and I say that we are always prepared to consult with anyone who wants to discuss questions that are within the jurisdiction of the department. We made a very positive move to change those regulations which the previous government had altered, and I continue to be prepared to discuss it if the Indian Brotherhood feels that the present executive, the present administration, which is now different than the one that was headed by Chief Okimaw, which was different from the one that was consulted with, which was a duly elected one then headed by Lawrence Whitehead. We have another change that is taking place now, and I would be quite prepared to meet with them to discuss the issue at their request.

**MR. SPEAKER:** Order please. The time for question period having expired, the Honourable Government House Leader.

### REPLY TO LETTER OF CONGRATULATIONS

**MR. SPEAKER:** Order please. I, once more, have some other business to do before we proceed to Orders of the Day. I received a letter yesterday from the private secretary to Queen Elizabeth, the Queen Mother, who wants to express her appreciation, and I should read it to you.

"I write to thank you for your letter with which you enclosed a copy of the address adopted by the Legislative Assembly of Manitoba extending good wishes to Queen Elizabeth, the Queen Mother, on her 80th birthday. I have handed this to Her Majesty and I write at the Queen Mother's bidding to convey her warmest gratitude for this very kind tribute paid to Her Majesty. Queen Elizabeth is greatly appreciative of the honour and is most touched by the sentiments contained in the address."

And this is signed by the private secretary to Queen Elizabeth, the Queen Mother.

**ORDERS OF THE DAY  
ORDERS FOR RETURN**

**MR. SPEAKER:** The Honourable Member for Fort Rouge, I took the Order for Return under advisement, and I refer the honourable member to Citation 48(1) of our Orders forms. "Questions may be placed on the order paper seeking information from Ministers of the Crown relating to public affairs." It would appear to me that the information sought by the honourable member extend beyond the realm of public affairs. Therefore, I rule the Order for Return out of order.

**BUSINESS OF THE HOUSE**

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

**MR. WILLIAM JENKINS:** Thank you, Mr. Speaker, I'd like to make a change on the Committee for Privileges and Elections. I'd like to move the Honourable Member for Lac du Bonnet in place of the Honourable Member for Seven Oaks.

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

**MR. JAMES R. FERGUSON:** Yes, Mr. Speaker, on a point of order, I was trying to catch your eye. The Member for Ste. Rose had signified that he would table the letter he had from Mr. Kreutzer. I would ask if he would do so.

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

**MR. ADAM:** Mr. Speaker, I said that I had a letter from the department to Mr. Kreutzer claiming damages, and despite the fact that the Minister said there no letter had gone out. I am prepared and happy to table the letter that the department sent to Mr. Kreutzer claiming damages.

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

**MR. FERGUSON:** I had some changes on committees, Mr. Speaker. Mr. McGregor for Mr. McGill on Statutory Regulations; and Mr. Mercier for Mr. McGill, Mr. Enns for Mr. McKenzie on Privileges and Elections.

**MR. SPEAKER:** Are the changes acceptable? (Agreed)

The Honourable Government House Leader.

**MR. MERCIER:** Mr. Speaker, perhaps I could first of all indicate that this afternoon we will call the Private Bills Committee and the Privileges and Elections Committee. Prior to the end of this morning's session, I will indicate the business for this evening and tomorrow.

**MR. CHERNIACK:** Mr. Speaker, I'm sorry, some of us can't hear.

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

**MR. MERCIER:** Mr. Speaker, I indicated that we will call this afternoon Private Bills Committee and Privileges and Elections Committee, and prior to the end of the session this morning I would indicate what the order of business would be for tonight and tomorrow.

Mr. Speaker, I would now move, seconded by the Minister of Finance, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider and report of the bills referred for third reading.

**MOTION presented and carried,** and the House resolved itself into a Committee of the Whole House, with the Honourable Member for Radisson in the Chair.

**COMMITTEE OF THE WHOLE HOUSE**

**MR. CHAIRMAN, Abe Kovnats (Radisson):** This committee will come to order. Bill No. 48, An Act to amend The Legislative Assembly Act, Section 1(1)(a) pass; (b) pass; (1) pass; Section 1 pass; Section 2 — the Honourable First Minister.

**HON. STERLING R. LYON, Premier (Charleswood):** There's an amendment that's been distributed on Section 2, reading, and I would move, seconded by the Minister without Portfolio, that Subsection 59(4) be amended as follows: 2.1 Subsection 59(4) of the Act is amended (a) by striking out the word and figures "and (3)" in the 1st line thereof and substituting therefor the words and figures "(2.1) and (3) and section 59.1"; and (b) by striking out the words and figures "(3), (6) and (7)" in the 4th line thereof and substituting therefor the words and figures "(2.1), (3) and (6) and section 59.1".

The effect, Mr. Chairman, of this proposed amendment would be to insure that in special sessions of the Legislature the Speaker, the Deputy Speaker, and other officers of the House who receive special remunerations would not receive the full amount. As the act is presently drafted that interpretation might be made. It would permit their additional stipends to be adjusted in accordance with that which is received by the members.

**MOTION presented and carried.**

**MR. CHAIRMAN:** Section 2 as amended pass; Section 3 pass. Page by Page? I'm sorry, on Page 2, Section 7, the correction will be that Section 7 will be Clause 64(1)(b). Is it the pleasure of the committee to accept the correction pass; Page 2 as amended or as corrected pass; Page 3 pass — The Honourable First Minister.

**MR. LYON:** On Page 3, Mr. Chairman, there is another proposed amendment which we can have distributed.

**MR. CHAIRMAN:** Page 3 pass; Page 4 — the Honourable First Minister.

**MR. LYON:** Mr. Chairman, this amendment when it is moved, is preceded by a message from His Honour because of a possible additional financial



obligation over and above that covered by the original message which accompanied the bill.

The suggestion in the amendment that is now before members of the House is this. The present clause Section 68, Subsection 2, says that a member's pension rights do not cease when the writ is called except where that member ceases to be a member after the ensuing election. Then his pension rights cease the day the writ was called if he is not elected in the subsequent election. A member or Cabinet Ministers duties do not cease when the writ is issued, as we all know. He or she continues to represent his or her constituency until he or she ceases to be the member, which is the day of election, when the member is either defeated or does not seek election for another term. This amendment proposes that for the sake of pensions only, a member is a member from the day of election to the day of election. It involves a matter of weeks difference in the eligibility. It doesn't matter if he runs or not, it's election to election. As it now is, there's an anomaly. If the member is elected then it is a writ to election . . . Or it is election to election. If a member is not elected or does not run, it is election to date of issue of writ, and this would correct that matter of a three-week hiatus or 35 day hiatus in the formula.

**MR. CHAIRMAN:** The Honourable Member for St. Johns.

**MR. CHERNIACK:** Thank you, Mr. Chairman. I premise my remarks on the basis that I have no objection to what the intent of this section is, although I am not happy with the concept. I think the First Minister said that a member continues to be responsible for his constituency even after the election is called and I didn't think that was the case. I thought a member ceases to be a member because when there's — is the word dissolution? — dissolution he ceases to be a member. He loses all his rights as a member and he is just not a member. And this, the wording says that he will be considered a member for pension purposes only, but it still is to say that what isn't the case shall be considered to be the case for this purpose.

Mr. Chairman, I make the point, I have no objection to the purpose at all but I want to make a suggestion which I think makes more sense. It might even reduce the period of time on the calendar basis to less than the eight years less a few weeks, but I think it makes more sense. Since we still consider that the indemnity is paid per regular session and not an annual indemnity, and there's been debate as to whether or not it should be, but under the Act, the indemnity comes once a year at the regular session and any other mini-session only counts for purposes of time calculation and not for pension purposes, I'd like to suggest that it would accomplish the same purpose and be more understandable and straightforward if we said, having completed eight regular sessions. Now the wording I don't play with, I mean I don't suggest, but I think that if we describe that since a session, a regular session, and we know what that is, I'm sure that's described in the Act, and if we say, having completed, to me completed means from the first day to the last day, which is still the

intent, eight regular sessions, I think it accomplishes the purpose and actually says what we mean.

I admit, Mr. Chairman, that if there were an election, let us say, in the fall, when normally we have elections in the spring, if we had an election in the fall in the three and a half years, which may yet happen this year, Mr. Chairman, it's conceivable, then this should not accomplish what I think this is intended to, because then there will only have been seven regular sessions. But if there's a regular session next year, and let's say, that the business of government is such that they can call the regular session late in December or early in January and finish the business of the House in March, let us say, and the election is called for April, then I think that this would not accomplish a purpose with which I agree, because from the timing it might well be that an April election will still not give you a full eight years, even with this section. I wonder if I'm making myself understood.

I would like to suggest, Mr. Chairman, just offhand, and let me say clearly this has not been discussed in our caucus and I think ought to be, that the Minister withhold this and consider my suggestion and possibly redraft it, and I would think that if it said that, having completed eight regular sessions, as they are described in the Act, that that would, for the purposes of this part, be compliance, I think it's better. That's my suggestion.

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

**MR. LYON:** Mr. Chairman, I think the honourable member's suggestion is certainly worth consideration but, at this point in time, all that is being sought is to change that hiatus period of about 35 days, and that would be sufficient for this session. But I think that if we were to give consideration to this, over the adjournment period, before the House next meets, that might well be an amendment that could be considered next year, because it would, of course, potentially increase the eligibility for a number of members of the House beyond what this amendment does, and it's certainly worthy of consideration. But I would suggest, without in any way demeaning or negating the suggestion of the member, that we proceed with this amendment and if, on reflection over the summer, before the next session we think that should be done, we can do it next year.

May I say, Mr. Chairman, I hesitate to hold and redraft, even though we have our competent Legislative Counsel with us because, as honourable members will notice, we are re-enacting Part II which we amended last year, because it is a very complicated section and there were anomalies which crept into the amendments last year and rather than do a more substantive amendment, such as is suggested by the Member for St. Johns, from our standpoint we'd be happy to see this one pass and give consideration to his worthwhile suggestion before the next session.

**MR. CHERNIACK:** Mr. Chairman, I just want to point out that the possibility that I suggested, of an election being — I think that the 1973 election was held at the end of June, let's say June 30, I'm not sure when it was held. And I think that the time for an election call is the minimum of some 35 days, I

think I'm right about that. It then means to me that the election would have to be called after, let us say, May 20, in order to accomplish the intent. And I am saying that if the election were called, let us say May 19, then I think all of this would go by the way as having been of no assistance to what I think is worthwhile, because I think an election could be called for the beginning of May and this would not help one bit. Because if the election is held, let's say the end of May or beginning of June, then the eight years would not have been accomplished. That's one point, Mr. Chairman.

I don't think that the principle or the validity of it is being assisted. It even hampers a Premier . . . Let me suggest this, although I don't think any Premier would be influenced by it and some of his caucus or other members might be upset with him, if he called an election for a date prior to the date when this would work out, and I don't think he should be influenced by it.

Second point, Mr. Chairman, the desire to be accomplished will have no effect or no use until the end of the next session and I think that it makes more sense to bring this in, when we're ready to deal with it properly and there's no damage done if it's not dealt with until the beginning of the session. I know Ministers dislike very much opening up an Act just to make a correction because it opens up an Act and there can be all kinds of debate again. Nevertheless, I'd like to suggest that this defeats its purpose and if it could be changed now, it should be, so that we — I don't know, I'm certainly not arguing on my behalf or anybody that I'm aware of, Mr. Chairman, but I know that there are people that would be affected and I don't think you're going to accomplish your purpose unless the Premier, in making a decision, when to call an election, makes very sure that the election is held, I think it has to be eight years plus a day from the date of the last election, and I think that's a pity.

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

**MR. DESJARDINS:** Mr. Chairman, I don't really know if I understand what the Honourable Member for St. Johns is saying. He seemed to think that the only concern here is that people will qualify for a pension. But I think there's more than that because once you have qualified, the pension is not so much a year as many people believe, it's every day; every day is calculated when you calculate your pension, by day. It's not on the amount of money that you receive; you receive a lump sum and you say, if I finish the session today, if we were going to finish today and get our cheque, and that's it. It doesn't matter. If you're in, every day counts to calculate your pension. So there's more than just deciding how long have you got to qualify.

I have a few questions here to ask the Minister, and I'm not arguing one way or another, I just want clarification. First of all, is this just starting as of now, or is the intention to correct and make it retroactive to members of this House or not. It means a lot of difference. For instance, if it's 35 days, I've had seven elections; figure it out, it gets me quite a while, number one. Number two, as I say —(Interjection)— I know I've reached the maximum

but what if I hadn't? I'm just saying it's important, if it's 35 then it's a month and then if you've had five or six elections, it's counted. But, as I say, I'm not arguing for or against that. I want clarification, and I think I better pause here a minute because I won't get the information if they don't hear me. I was just saying that I am not arguing one way or another, I want clarification if that is done.

Secondly, what is the case — I was only reminded of that when the First Minister spoke — of somebody that contested an election and it's declared null and void? So there hasn't been an election in that constituency, such as was in my case, and then there is a controverted election and I was returned, but what happens in this case? It's a difficult case because you had the person sitting in the session but the election, for all intent and purposes, was declared null and void, so there is no election. That's another question.

The third question and just for clarification, I think the First Minister said we are now dealing only with MLAs. Now the Ministers, it is the time that they're in office, to calculate that portion of it. They cease to be an MLA on the day of the election, but they stay as a Minister and that part will be whatever they're entitled to, it's calculated for the pension, the part as a Minister. (Interjection)— For the Minister, too, because the Minister said that the Minister remains, and I like that better, because I think that if you're not an MLA, Minister or not, you don't qualify for a pension. Like I stayed a few months, of course, that goes back to my first question. The election was declared null and void, but it was just for information.

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

**MR. LYON:** Mr. Chairman, to deal with the Honourable Member for St. Boniface's second question first. In the case of a controverted election situation such as he referred to, I think if he reads Section 68(1) of the bill, he will see that is dealt with where it says, "In which he is declared elected under The Elections Act, regardless of whether the election is later declared to be void under The Controverted Elections Act." —(Interjection)— Yes.

**MR. DESJARDINS:** That covers the person that won that controverted election, but it doesn't cover the other one, and technically, legally, there has been no election. It's declared null and void and that person is waiting. You know, there is no doubt that the person that stayed here for a session should be considered, but the other one, the one that let's say, lost originally, and if he comes back hasn't any election. It's declared null and void and he's in a bad fix, too. He could be in a bad fix. Mr. Chairman, I want to make it quite clear that I'm asking for information. It's not going to affect me, but I'm thinking of the things that I went through and it might affect other — well, it would affect me in a way — no, it wouldn't affect me because I've got my maximum anyway.

**MR. LYON:** Mr. Chairman, perhaps in responding to the honourable member I could respond, as well, to the Member for St. Johns. One of the purposes of this section is to ensure that the member, whether he

is a member of the Legislature, a member of the Executive Council or whatever, who chooses not to run or who runs and who is defeated, has the same right to count that period from the date of the writ to the date of the election for the computation of his pension, as the member who runs and is elected. The member who runs and is elected is able to compute his pension for the period from the writ to the election and then onward, of course. But now there is this anomaly in the Act that, if you do not run or if you are not elected, you do not have that right to compute on your eligible pension. Let's assume that eligibility is behind you, you don't have the right, for instance, as a member of the Executive Council when you're working during the election period as a member of the Executive Council, and being paid as a member of the Executive Council under the anomaly that's in the Act at the present time, that period — it's only a short period — 35 days, is not credited for pension purposes. One of purposes of this amendment would be to ensure that the person who does not run or who runs and is defeated has exactly the same rights in terms of the computation of his pension as the member who does run and who is elected. So that is another purpose of the amendment. It's not just the single purpose of qualification that perhaps the Member for St. Johns was implying.

**MR. CHAIRMAN:** The Honourable Member for St. Johns.

**MR. LYON:** Pardon me, if I may. The final question, is it retroactive? Only to — if I could get the legislative counsel to listen to my words and correct me if I'm right or wrong, only retroactive to members of the present legislative Assembly, that is, to those who would be in a position to have their pensions being computed at the present time, or in the other sense, working up toward eligibility for a pension.

**MR. CHERNIACK:** Mr. Chairman, we're getting more clarification of this now, and the one point that sort of made this more justified in my mind is the statement that a member who is re-elected gets those 35 days counted, whereas I might doubt whether or not he should. As soon as I see how it is worded that he gets that 35 days — Mr. Tallin is showing me now —(Interjection)— All right, Mr. Chairman, then we are saying in effect in our present law that a member who is re-elected has the fortuitous opportunity of taking advantage of the inter — I was going to say inter-rectum period, but that's too much like royalty. But it takes in that period which I think legally is not correct, but it is correct, because it's in that way. That to me makes enough sense. I wish somehow it could be tied in, because I do agree with the principle that if that's an advantage to a person that's elected, it should certainly be counted to the benefit of a person who chooses not to run or who is defeated. I suppose it would only apply, have an impact on members who are in the present Legislature who had an occasion, when those 35 days were lost to them in the past because they didn't run or were defeated and then came back again.

I imagine the First Minister would have some — although he probably, no, I don't think he's qualified

yet for the maximum, but in his case, and this is the only example I can think of offhand of a person who chose not to run and lost 35 days would by this section gain the 35 days because of that recognition, and I have no objection to that principle. I really wasn't going to vote for this section because I didn't like the way it stated, that what is not the case shall be deemed to be the case, even though it's limited to this part. I thought my suggestion had some greater validity, but I now accept the explanation. I wish somehow that it wasn't so blatantly saying that something that is not the case is the case. If there is some other way of doing it, I'd much prefer to say that, but this is not the time, and I see, as Mr. Tallin pointed out, that period is assumed to be part of the one year.

**MR. LYON:** Mr. Chairman, then, I would move, seconded by the Honourable Attorney-General, that the proposed subsection 68(2) of The Legislative Assembly Act as set out in Section 8 of Bill 48 be struck out and the following subsection substituted therefor: 68(2) For the purposes of this Part, a member does not cease to be a member by reason only of dissolution of the Assembly but a person who is a member of the Assembly immediately before the dissolution thereof, if he is not declared elected under The Election Act in the general election immediately following the dissolution of the Assembly, ceases to be a member on the day immediately before the day of general polling at that general election.

Mr. Chairman, this amendment is accompanied by a message from His Honour.

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

**MR. J. R. (Bud) BOYCE:** Mr. Chairman, I think you are still leaving a slight anomaly in that when referring to Minister's, their time is in proportion or a ratio of the money they receive as a Minister as it is related to the sessional indemnity. It was, I believe, 15:6 over 20,000 which comes out to seven-eighths of a year. Now governments don't change heads, I know, and maybe it's a small point, and it's usually 7 to 10 days or so when governments change — the turn over of governments. I don't think it's that complex of a problem and perhaps in the other section which refers to the relationship between a Minister's salary, if you will, and the sessional indemnity, in computing pensionable time, as far as pension is concerned, it could be adjusted to take into consideration that slight anomaly. It's usually, as I say, a week to 10 days but it possibly could be longer.

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

**MR. LYON:** Mr. Chairman, I am aware of the point raised by the honourable member. The legislative counsel assures me that this amendment contemplates the different position not only of members of the Executive Council, but of the Speaker, the Deputy Speaker, and all others who receive salaries above and beyond their indemnities as MLA's, and will permit them, at their option, to count that 35 day hiatus period, in terms of the

computation of their pension benefits, if they choose to do it. Some may choose, some may not choose. —(Interjection)— Oh no, in the period after the change of government, this section is clear that it is from election to election, and even though they may work for one, two, or three weeks after the election, that period for which they would receive a salary before the change of government would not be computable either for eligibility or for the quantum of the pension.

**MR. BOYCE:** The First Minister, I believe, is absolutely correct and that's why I suggest that if a service is pensionable, if this is a benefit which should accrue because of service, then it should accrue for that; it's a small point, I admit, but if we are giving consideration to 35 days then why not one day. But it's usually a matter of a week, two weeks, before governments change hands and I don't think, through you, Mr. Chairman, to the Legislative Counsel, the section of the act — I haven't got the act as we amended it last year in front of me — perhaps an amendment to that section, notwithstanding section so and so, for the consideration of the relationship between Minister's salary which we are not amending. We passed that amendment last year, so that, I understand, is still the same as far as time is concerned. The ratio of the Minister's salary to the indemnity determines time. If the Act says that they are pensionable after eight years, then that eight years may be built up in a matter of five years or so, taking into consideration the time that a person has spent as a Minister. It's a small anomaly but nevertheless, if we are correcting anomalies, I think we should correct that one.

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

**MR. DESJARDINS:** This time I am speaking in favour of the present motion the way it reads and against my colleague here because I think he forgot a point. He is taking it for granted now that a person might remain a Minister when there's a change of government, but the government might not change and he might be defeated, as was in my case, and I stayed a Minister of a number of months, until the Session started. I don't think that I was entitled to a pension, and if that was the case, look at the danger; look at the problem of somebody that has seven years who is going to try to stall and stall with the help maybe of his colleagues, who wish him well, and that he could go on and stay a Minister quite awhile after and qualify for a pension that he actually doesn't deserve.

I know that my friend was talking about a short period and maybe it makes sense in this case but if you did that you would still have to cover the person. You can't say, if you are defeated, it's going to count, and if the government is defeated, and if it's not, it's not going to count. That's a problem that I want to bring to the attention of my honourable friend.

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

**MR. LYON:** Mr. Chairman, I think both honourable members have made valid points. In the ordinary

circumstance in the event of a defeat of a government the hiatus period is about two weeks ordinarily. I appreciate the suggestion of the honourable member that there might be arising out of that a possible anomaly because the Minister is in receipt of a salary and why shouldn't that salary be computable against his pension.

On the other hand, the Member for St. Boniface makes the equally valid point that, for reasons that are perfectly legitimate, a Minister may be defeated as a member and stay on for some time, until other changes have been made with the same government.

I think the point that's at the base of the situation, however, is that the qualification for pension derives from the status of the member as member. If you start to tinker too much with that basic qualification of the member as member, regardless of what additional computations he can include in his pension for extra services that he may perform in the House, then you might get into deeper water that you couldn't anticipate all of the shoals in.

I think for the present purposes, if this amendment commends itself to the members of the House, that we should deal with this one, because it is a complicated section and we can take a look before the next session of the Legislature at some of the other useful suggestions that have been made.

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

**MR. BOYCE:** I thank the First Minister for his suggestion and I think that's perhaps what we should do is proceed with the tightening of the bolts around the wheel, as we've received it. Nevertheless, I didn't want to get into the case of my colleague, the Member for St. Boniface makes the point that if somebody is staying in as a Minister and dragging their feet that it may well be the case that the government wants to keep a person, who has not run in the last election, as a Minister for a month or several months or even a year. We can't take into consideration such things. For example, Mr. Chairman, there is no requirement in law which makes it compulsory that a person be a member of the Legislative Assembly to be a member of the Executive Council and we make no provision in the act for provision of pensionable rights for people who are members of the Executive Councils who aren't members of the Legislative Assembly. I don't think this has happened but nevertheless I don't want you to get bogged down on this particular anomaly, but nevertheless I think that it should be addressed. In the next session perhaps that could be rectified, because it could well be, as I mentioned, in the public interest that somebody does not choose to run in the next election, the same government is formed and the First Minister wants to keep that individual in the Cabinet for a transitional period of several months and, if there's a principle that the service is pensionable, then that should be pensionable.

**MOTION presented and carried.**

**MR. CHAIRMAN:** The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Chairman, I am wondering if we could be told by Mr. Tallin, and I did not investigate the question I'm about to ask, whether this re-enactment of this part is simply a re-enactment or whether there were any changes made from the current legislation into this bill and if there are any of any moment I think we should be told that at this stage, Mr. Chairman.

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

**MR. LYON:** Mr. Chairman, I can only interject that I am quite happy to have Mr. Tallin make his comments. That's my advice and I am quite happy to have Mr. Tallin make his comments directly to the members.

**MR. CHERNIACK:** Mr. Chairman, I'm not sure that Mr. Tallin has to make a speech about it. The Minister has said that, as far as he is concerned, there is no change between the present legislation and this part, as it is in this bill, except of course for the amendment we've just dealt with. On the basis of his stating that in the presence of Mr. Tallin, then I accept that to be the case, and that's all I'm concerned about.

**MR. LYON:** To make certainly double sure, I'll double check with the Legislative counsel right here.

I'll try to repeat the words as nearly as I have them, that the Legislative counsel of course was working in conjunction with the Senior Administrator of the Pension Branch and he confirms that there is no substantive change in the amendments before the Assembly in this re-enactment of part 2. He believes, however, that there was one administrative change that he and the Chief Pension Supervisor injected into the draft. He is attempting to see if he can point that out to us, but he states that it is administrative rather than substantive, but I think we should have notice of what it is.

**MR. CHERNIACK:** Mr. Chairman, I accept that statement absolutely. I would assume that the administrative change would have to be such as would not affect any individual member or pensioner, and on that basis I have no problem with dealing with this.

**MR. LYON:** If it comes to light before we finish even third reading of the bill, I will certainly advise the House, Mr. Chairman.

**MR. CHAIRMAN:** Page 4 as amended pass; Page 5 pass; Page 6 pass; Page 7 pass; Page 8 pass; Page 9 pass — The Honourable Member for Inkster.

**MR. GREEN:** I'm sorry, Mr. Chairman. I was concerned with a matter on Page 11, and you are only up to 9.

**MR. CHAIRMAN:** On page 11?

**MR. GREEN:** Keep going.

**MR. CHAIRMAN:** Page 9 pass; Page 10 pass; Page 11 pass — the Honourable Member for Inkster.

**MR. GREEN:** Mr. Chairman, I am concerned with number 84. I am concerned with something accidental becoming something horrendous. It says, where a member ceases to be a member because he is disqualified from sitting or voting in the Assembly under Section 18, he is not entitled to receive a pension under this Act, but any contributions he has made shall be refunded.

Section 18 is the section which says that if you have a contract with the Crown you are disqualified from sitting as a member. Say a person has sat here for 30 years and he does something which we've seen fit to correct and is something completely accidental. I think the Member for Roblin once received welfare moneys for feeding somebody. I have had occasion, Mr. Chairman, to be in doubt as to whether something was a contract with the Crown and I resolved it by saying I won't do it. But let's assume that I did it, and let's assume that some judge said, after 30 years of service that I — (Interjection)— but there have been people who have lasted. But I am now concerned with the Honourable Member for Souris-Killarney because I think that Souris-Killarney has been Conservative for at least 30 years. And that's no credit to the honourable member, it merely means that Souris-Killarney can be termed as Conservative — that's right.

So, whether I last or not is beside the point. At least I've lasted 15 years, and I wouldn't like to lose my pension after 15 years. Let's forget the 30 years. Mr. Chairman, now I, who have said that I am concerned with members, I don't think that they should be overpaid, I didn't agree with the pension, I didn't agree with the retroactivity in particular, now I'm here protecting myself, if that will satisfy the honourable member. Why should I — (Interjection)— Pardon me? Well, but they want to make snide remarks. This is a problem. If a person is disqualified on Section 18, he gets his contributions back and he loses his pension for the rest of his life because of some . . . it doesn't apply if he commits an election offence. It's only that Section 18, Mr. Chairman, lots worse things that disqualify a member than Section 18. But Section 18 causes him to lose his pension rights.

I am concerned, Mr. Chairman, with — and maybe there are, under the present Act, other disqualifications from pension rights. But I would not want a person to . . . he will suffer a punishment, he will be disqualified from sitting as a member, but this will be a punishment in the neighbourhood of 100,000 fine. Was that intended, Mr. Chairman? I believe that that is a very rough section.

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

**MR. LYON:** Mr. Chairman, I can only point out to the honourable member that Section 84 is, so far as I can read, a complete re-enactment of the old Section 77, which was enacted in 1966-67 when the pension legislation first came onto the books. I think he raises an interesting point, however. I'm not aware of any member of this House, certainly in my experience, who's ever been disqualified for the purposes set forth under Section 18. That doesn't mean that it couldn't happen and it is, as he suggests, at first blush at least rather a draconian kind of a penalty to apply against a member. I think

it certainly deserves a look-see but, as the honourable member points out, in those cases in the last 20-odd years that I am familiar with, in every case where there has been even by implication a suggestion of disqualification under Section 18, it has been inadvertent and has been cured by subsequent action of the Legislature in amendment to the section.

So I'm not aware of any clear or present threat, but that doesn't mean that circumstances that we cannot contemplate could not take place along the lines that the member suggests. If the honourable member has a suggestion other than wiping out the section completely, I think we would be receptive to that kind of a suggestion. I think we have to keep something of this nature, not a complete disqualification, but something that does not appear to condone a disqualification under Section 18. There is a basic rule that the honourable member is familiar with in law-making and in the administration of the law, and that is, you don't tear down a fence until you understand completely why the fence was erected in the first place. And I think that while the point he raises is a valid one, that we should perhaps receive further advice from him or any of the other honourable members as to how this might be treated.

**MR. GREEN:** Mr. Chairman, I will have occasion to talk to my Conservative friends about the Minister's last statement, that you don't tear down a fence until you understand why the fence was created, because they are moving in a particular area in exactly that way. Mr. Chairman, I accept the fact that we very often, quite often get up and see things in legislation that we may ourselves have put there. Now, I happen to be off the hook on this one; I wasn't here in 1965 and 1966. But the Minister can make an argument. He could say, well, if it's been there for 14 years — (Interjection)— and I didn't see it, and therefore it's a good thing.

The fact is, you have to —(Interjection)— Mr. Chairman, I did want to wait because the Minister is properly talking to Legislative Counsel, but I'm still trying to get through to him, and the fact is that 14 years ago, the issue of a contract with the Crown loomed very large, for reasons which I'm not going to defend or not defend. And suddenly, they were bringing in pension legislation. And that may have had effect on the drafters, because the very person who was bringing in the legislation at that time may have been trying to show that he is going to make it a disqualification in pensions if someone had an arrangement with the Crown, because there are worse things to be disqualified for. No, I'm not sure. The legislative counsel may say, yes, you lose your pension if you do these worse things, too. But, Mr. Chairman, I for the life of me do not see why a person who has worked in this Legislative Assembly for 35 years, has earned a pension and does something which is a violation of the act — let's say it's a terrible thing. Do we wipe out 35 years of service and a pension to that person? And if you want me to appear more selfish, I will say 15 years, I don't want to have my pension wiped out because I have been involved in that particular thing. I think that I am disqualified from the Legislature. I certainly didn't do it in order to get disqualified to get the

pension. There are easier ways of getting out than to commit an election offence.

So yes, I say to the Minister, let's go by the section. He says you don't tear down something until you find the reason. Let's slip by the section. Let's go right to the end of the bill. Let's not report the bill until the First Minister has a chance to consult with legislative counsel, whoever he wants to, as to whether we need this. Because the Minister has said, we don't recall it being a problem. It arose four or five times, and then a member's pension rights are at the mercy of the Assembly. Mr. Chairman, I'm not sure I want my rights at the mercy of the Assembly. There are guys in this Assembly who will be very happy if I don't get my pension. (Interjection)— Well, I'm not going to name them. I know that there will be people who will say, good for him.

**MR. DESJARDINS:** Serves him right, serves him right.

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

**MR. DESJARDINS:** Mr. Chairman, I want to support the position of my colleague and I guess I've been here too long, because it seems that every time that something is mentioned, I have an example. Either I've gone through it, or somebody else. Mr. Chairman, I've been here 22 years. If we haven't got 30 years, my honourable friend might say, you're not going to last, but I've lasted so far.

Mr. Chairman, the situation in my case was this — I was in the funeral business and I accepted municipal welfare cases. Most of the time I didn't know these people were on welfare, who was going to pay for the funeral, because you have to start moving fairly soon in this case. I had been an alderman in St. Boniface in the 1950s, and the solicitor at the time told me that was all right; I had questioned that, so I thought nothing of it when I came in the House. And I'm going to say anything to show that we're human and there could be certain situations. Now, the mood wasn't very good at a certain time during the House, and I'm talking about the time that Mr. Steinkopf was being challenged, in fact, for the same thing. He felt that to clear his name, he resigned; he didn't have to do it. He resigned and he ran again. During that time, I received a call from Mr. Steinkopf, unfortunately he's no longer with us, so I'm not going to hurt him by mentioning that, and he said, Larry, we've been friends, I want to tell you something. He says, you're being investigated; I'm saying that we're not going to play games, but I want you to know that it is not my making. When I realized that they were investigating, I blew the whistle before it would proceed and said, all right, I'll bring that in the open, I want to be investigated, and it was dropped.

But I want to give the example, it would have been very easy to say, he's disqualified, and it certainly wasn't intended. I mean, you are trying to help people who are coming in, and I'm not going to go through another story the same as my honourable friend from Roblin, who was trying to feed somebody, I can tell you that I wasn't getting rich on welfare funerals, at 35 a funeral in those days, I think it was, so I didn't become a millionaire on this. So,

Mr. Chairman, I think that the member has a very very good case, and it should be looked at.

Now, the First Minister says, you can't let them go scott-free. But I think that they are then kicked out of the House anyway, as soon as this government, and if there's something criminal, I imagine that they would be subject to a fine or something else. So in this case, maybe we should at least review it and not call third reading right away, but I certainly support my honourable friend.

**MR. CHAIRMAN:** The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Chairman, I guess old-timers have longer memories. I'm very glad the Member for Inkster noticed this. As far as I'm concerned, we are enacting new legislation. The fact that it's in the present Act does not really make me feel in any way restrained or restricted from debating this section. I certainly will vote against this section when it is called.

Mr. Chairman, I think, firstly, a pension is a matter of rights. Not only is there a contribution made by the member, but the time that he has served is counted as being part of his remuneration — and I'm speaking of all pensions I am aware of — and that that is part of the remuneration, but postponed for various reasons, for various purposes. Therefore, Mr. Chairman, I stand on the principle that a pension should not be withdrawn for any reason, really. I think a pension is earned and therefore it should stay there and, although I must have been here when that was passed, I don't agree with it. I'm glad it was called to our attention.

The Member for St. Boniface referred to Maitland Steinkopf and the dilemma that was created. But, Mr. Chairman, do you know that when it came about that somebody interpreted his actions as being contrary to the principles of Section 18, something I never accepted, there was a bill brought into the House or proposed. I really think it was brought in; it may only have been proposed, but it was a bill for the relief of, not only Steinkopf, but Smellie and Hryhorczuk, three people. And I remember Mr. Hryhorczuk standing, I believe it was in the seat I now occupy, or else it was just right next to his leader's seat, and saying, I will not accept this. What happened in the case of both Smellie and Hryhorczuk, if I remember correctly, and I'm pretty sure I'm right, is that each, as lawyers, completed a document that I believe was sent by Manitoba Telephone System to a farmer, giving the system the right to erect a pole and to permit a line to be created; there was a payment to that person for that easement, and the lawyer to whom that person went to complete the document received 15 or 18 as a fee for doing that work. It so happened that Mr. Smellie and Mr. Hryhorczuk in their practice had completed a document, and each received either 15 or 18, and Hryhorczuk said, no way am I going to ask this Legislature to grant a bill for the relief of Hryhorczuk for having done that. He said, if you don't like it, throw me out. (Interjection)— It would have been pretty . . .

One other thing, Mr. Chairman, just to indicate what Section 18 can do. I was attending my son's wedding in 1964 in Minneapolis and I received a

phone call from the steelworkers' union asking me if I would act on a conciliation board. And I said, sure. I had afterthoughts, and I think I phoned Mr. Tallin, but I checked on it — maybe Mr. Rutherford. Under The Labour Relations Act, the conciliation member of the board receives I think it's 15.00 a session, or did at that time, from the government for sitting on the board and it suddenly occurred to me I might be getting paid by the government. I phoned, and as a result of the phone call I called back to the union and said, I cannot sit on that board, even if I waived payment of the fee or even if I returned the fee. At that time, the mere fact that it was payable, whether I took it or not, would have disqualified me.

Another instance, I had a partner who gave of his time voluntarily to the Legal Aid that was voluntary at that time, and was not receiving payment. But, he took a case that took him to, I think it was to Steinbach, and there was a provision by the government that the expenses, the car expense, the travel expense, would be reimbursed. And I learned that could have involved me because my partner would receive reimbursement on a mileage basis, so it's not an actual outlay, and that that might disqualify me. Now these are minor and insignificant things, but it could happen, and the fact that it hasn't happened is only by the good grace of people who did not want to take advantage of a foolish situation.

And it was mentioned, a present member of the Legislature was put in that position and nobody wanted to take advantage of it, but I don't agree with the section as it reads, even without the examples I gave — the innocent examples I gave. If there were an actual, blatant, act by a member, then as far as I'm concerned he should be disqualified, he should be put in jail for all I'm concerned about that. But his pension is a matter of right. There's no suggestion anywhere that he should repay the remuneration that he will have received for the session possibly during which he had committed the infraction, and by the same token, I think the pension is a matter of right and I would like to suggest that it would do no damage to the principle if 84 was just eliminated.

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

**MR. LYON:** Mr. Chairman, perhaps I can foreshorten debate by saying that we're prepared to give further consideration to this. I would suggest that we complete the bill, page by page, hold Section 84; by the time we've finished in this committee, the deliberations on the other bills that are before the committee, I'm sure we can arrive at an answer and clear it up.

**MR. CHAIRMAN:** Page 11 pass, withholding Section 84; Page 12 pass; Page 13 pass — the Honourable Member for St. Johns.

**MR. CHERNIACK:** Dealing with Section 9. Mr. Chairman, I spoke in opposition to Section 9 and indicated that I was opposed to the manner in which the government has dealt with remuneration to members. I want only to rise to respond to any suggestion, and there have been several made, that a person who does not agree with the manner in

which it is being done does not have the moral right to accept the payment as indicated. Mr. Chairman, I have seen honourable, very honourable members, deal with this kind of a confrontation in various ways. I have seen and I do not broadcast the name of a member of parliament, a Manitoba member of parliament, who voted against an increase on an occasion in parliament, who thereupon quarterly sent a cheque to me as Minister of Finance for the amount of the increase and said, I return it to the taxpayers of Manitoba by putting it into revenue. And he denied me the right to give any form of publicity to it, saying that's the way he dealt with it. He wanted what he did to be confidential and only his business and I respected the fact that he could do with his money, what he saw fit to do in his way.

I remember, and I cannot cite exactly how it was, but my recollection is, Doug Campbell opposed an increase and he either said, I will not take it or I will give it directly to maybe, Brandon University, I don't remember how he dealt with that increase, but that's what he said. But the next year, or a year later, he said something like, and I'm paraphrasing him, he said something like, I'm looking around this room and seeing the other members of the Legislature who are receiving the increase against which I voted. I do not recognize that any of them are any better than I am as a member of the Legislature and I will not continue to refuse payment because by doing so, it would make it appear as if I am a lesser contributor to the work of the Legislature.

So, Mr. Chairman, I say in all calmness, and without violent response, I reject any suggestion, I reject the suggestion that if a person was opposed to something or other, that that person loses the right to stand equally with others and any suggestion of who stood in line, first, second, third or last is not acceptable — I'm using that word advisedly, because I want to state this calmly. I reject it, I do not accept it, and I do not think that it adds to the dignity of the debate.

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

**MR. DESJARDINS:** Mr. Chairman, I would also want to make a few points on this. Maybe I should follow the example of my colleague and try to stay fairly short and calm on this. I can tell the members of this committee that I came prepared loaded for bear. I'm still ready to debate it as long as need be and there are certain things that I could bring in also. At this time I will choose not to do this, I will be very brief, but I feel that there is — in view of the fact that I was mentioned by the First Minister when he closed debate, there are certain things certainly that I wish to put on the record.

But before I start. Just a while ago, while speaking, I mentioned that I had been under scrutiny because I had accepted funerals from welfare, and one of my colleagues told me that, he didn't know if I had meant it that way but some of the things I said were kind of odd; I might want to reflect on it again. I think I said that on 35 or 45 a funeral, I didn't become a millionaire. Well I didn't become a millionaire any other way. I want the members — because there was another thing that was said, that I wasn't very comfortably fixed. I want to tell the

people in this committee that I like money, as well as anybody else, I could use an awful lot of money, especially these days. I did make the statement that and I'm not going to hide that, that the pension that I would receive, if I did run again, there's no way that I would starve, so I wanted to clear that up.

Now, if my honourable friend wants a good hard debate on it, I'm certainly ready to accommodate him, anyway he wants to. I can try to stay calm and not take too much time, or we could take a couple of days on that. I'm very willing. Let it not be said that I'm backing down. I was going to make the point that Mr. Cherniack made, that I wanted to make and I think he made it better than I. I think it's proving that people are very weak when any of the points that were brought up are not mentioned at all and say well, if you think it's wrong don't take it. If that was the case, you know, that's practically suggesting anarchy. If that was the case, then I would be justified if I vote either in city council or here, if we had to vote on a speed limit, that I vote against the speed limit. I can say, what the hell, I voted against it, and I can go 100 miles an hour. Or I voted against a certain tax and say I'm not paying that tax, I voted against it. This is completely asinine and ridiculous. And that is never mentioned in any other bill, but it's always mentioned in this bill. If people think that you're playing to the gallery or that you're showing off, there's only one way to do, is call their bluff, if that's what you're doing and vote accordingly, and I'd be very pleased to see the people vote accordingly.

I feel that if you feel you don't deserve the money — for any reason, if you have a guilty conscience or if you just feel that you have some extra money — there's different ways of doing it and I respect all ways. Certain people will say, I won't take it. I think that's the craziest way. I think you are entitled to it as well as anybody else, you should take it but then you might decide to give it to your party, give it to the church that you belong to, if you do belong to any church, or give it to charity. There are people that think very strongly that they should. I don't know if they feel if the people should know what they're doing in, if there's any guilt. So they either, a press statement or something, they say I will not take the money, I will give it, as was mentioned, to Brandon University or a church. And other the people well that is my problem, I'm deciding what to do with it. And I think there is an awful lot more of merit for somebody, if they're going to it to charity, if they don't make a big thing out of it. I want to say that I'm not going to be backed down and I'm not going to worry about that.

Now I chose to speak today because the First Minister said that I was the first one in line to collect after the — oh yes, the First Minister said in closing; I wasn't in the House but I was listening to every word — that I was the first one in line or one of the first in line to take advantage of the changes that had happened last year. (Interjection)— No, you said the Member for St. Boniface.

**MR. LYON:** It's not my recollection, but what I think I was indicating was that some were the first in line, or second in line, to nudge some of the others out. I was not attempting to be personal with the honourable member.



**MR. DESJARDINS:** It might be that what the member meant was that he had so much high regard for me that I was in his mind, I guess, and he just said, the Member for St. Boniface, because I flew off my seat when I heard that and when I came here it was a little late.

So, Mr. Chairman, let me say that first of all, on those changes last year, I was ill and I did not participate in this debate, nor voted, and the member remembers that. At no time did I say, during that debate, or lately, that the pay of the Cabinet Minister could not be used to calculate the pension. I didn't know too much about it, and when I came back I received a letter from Mr. Worosz, whatever department he's in, and he explained things and he said if there's further information, please phone me. I phoned me and I asked him, well what was this all about. And I'll admit that I had received a scare at that time. I'm in better shape than I've ever been, I know that you'll all be very pleased to hear that, both the Minister of Finance; and there's even a little less of me since that day. But, Mr. Chairman, so I decided, and I don't apologize for that, it was like insurance, I guess, a venture. I decided to take one year, just in case my doctor said, well, you'd better get out of there, you know, sitting in front of the Premier of Manitoba is not good for you in the House, and you'd better step out.

So I did send the sum of 1,192.28 to cover one year. I did that, it was the craziest thing I ever did, because I am going to qualify anyway and I'm going to have to pay, and if I stay another term, I'll have to pay again, and that 1,192.28 is shot down the drain. So that is the extent of what I did. I don't apologize for that at all. Now, I want it said, I took part in these debates before and in certain areas. This is something we don't do too often, but I must admit that I've had a change of heart. I see when you go through, the first year you're quite a crusader, then you go through the different areas, you see different things. I see the problems of Ministers who have to leave everything. I sold my business and, maybe, I think I might have become a millionaire if I had of kept this business. Anyway, I can tell you that I did much better when I ran a business than when I went in Cabinet for 15,000, I can tell you that.

The point that I made this year, I said that the salary was not exorbitant. Maybe the First Minister was not in the House, had not heard this, but I said we weren't so poorly paid either. I went out to point out, if you remember, that one-third of this was tax free and I put out some of these things of the victors. There's not only the MLA pay, there are 17 Cabinet Ministers on the winning side; there are four or five legislative assistants, there is a chairman of committee; there are speakers, there are deputy speakers, and I think I made the point. Nobody challenged it, only the one in the doghouse, only Mr. Wilson wasn't getting anything extra, and nobody challenged it. So that's pretty good. I stand behind this, but the main point that I thought I tried to cover in my speech, and I never accused anybody of being a hypocrite, because I don't think that the members of government care enough to be a hypocrite to hide it. They want this money, but the point I was trying to make, is that this government has come out like Gang Busters in favour of restraint. They said tighten

the belt, and I'm saying that I'm in favour of restraint, but it's got to be applied equally, fairly.

There were some good speeches. I was impressed by one of the speeches that was made by a member from our side, and he made a lot of good points. He was sincere, he says I can't live on that. But my point, Mr. Chairman, is other people are saying I can't live on that. The people that went on strike in the hospital and got that terrific increase said, I can't live on that. We are told in this House they had a fair settlement. They had a fair settlement, but we are told that this is the time that you should be overworked and underpaid, you've got to fight inflation. But that stopped at a certain level, and that is my complaint. That is my complaint. I'm not even going to suggest that we're overpaid, but I suggest that if there is a restraint, you don't go off and make a big play and say we're going to freeze this, but two years after, you give them everything they lost on the freeze and more. That is my point, Mr. Chairman.

It is unfortunate that under this system, the people that probably can afford it more are less punished. If I say this again there's going to be a confrontation with the medical profession, but the Minister of Health, the same Minister who said that the people working who now, with their increase, are probably receiving 11,000-and-something dollars a year and thought it was so great, apologized for giving the medical profession an increase only of 8 and 13 percent, and in some cases, their increase in those two years are more than the total salary of those other people. Now it was said, I owe it to my family, I owe it to my children. That's right, but those other people owe it to their families and they have children. That is my point, Mr. Chairman, that is my point in this case.

Somebody said, you should lead by example; I'm not even saying that. I'm not saying that we should subsidize other people and work for nothing, but do you realize that we are the only people that I know in Manitoba — we here in this House decide this is going to be my salary. We don't have to worry about profit to see if the company is going to make any money. We don't have to worry about anything else or go on strike, if we decide we're going to have this money. I say, well, all right, we had set up that everybody unanimously agreed on a base line before and we said it's going to be indexed because we don't want to start reopening that all the time.

It was done, but a few years ago the First Minister came in and said, "frozen." It was ridiculous; it was a showoff, and the First Minister, when he introduced this bill, said, be careful, don't accuse anybody else, don't rock the boat, because you might want to do something for gain for a short time. That's what he did. I would have been satisfied. We would have approximately the same money if he had said, well, we shouldn't have had that freeze. But the point I'm trying to make and, as I say, I never said that it was exorbitant, although I don't think we're underpaid either, the way it is now, I think it is a good increase. But, it's not even the members. I could even go further and say, they've never talked about that kind of freeze on everybody, it is the members on this side of the House who are always talking about the freeze, who are always saying, tighten the belt. But I don't know of any of those people that aren't tightening the belt. Does that mean we're tightening

the belt at this time with this increase? That's the point that I was going to make; I just want to reaffirm that. I don't intend to speak any longer, but if somebody wants to debate, I'm ready. I was going to be personal; I was going to go after the person that attacked me because I think it was very poor taste, if nothing else, to single one person out and say this is what he was doing. I thought that was my business. I didn't know that he had access to that, but he could go and find out from the pension who is put up and who is trying to take advantage of something that is perfectly legal, and that was shouted out to the world. I didn't think that was right, so I came in pretty damn mad, Mr. Chairman. I was going to quote, and I could have — well, I'm going to stop right now, because if I do, I might be carried away. But if somebody wants to challenge me, I'm reading, willing and able.

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

**MR. GREEN:** Mr. Chairman, I would like to also try to get honourable members in a frame of mind where they are dealing with the sincerity of each other's position, rather than attempting to make capital out of this one way or the other on the basis of the kind of remarks that we did hear from the First Minister with regard to people standing in line and, in particular, to the kind of remarks that we heard from the Member for St. Matthews about giving it to charity, and those who take it are speaking hypocritically, they know they are going to get anyway.

Mr. Chairman, the fact is, that although I have spoken against wage increases in the past, it has been on the basis of the fact that the members of the Legislature were not ill-done-by, not on the basis, Mr. Chairman, that I want to work for less money than somebody else doing the same or less work. When I have said that the salary of the members of the Legislature is set, then I do not believe that I am worth less money than the Member for St. Matthews, or any other member, or the Member for Souris-Killarney. On that basis, I'm going to take the salary, and if the Member for St. Matthews says, well, you should give it to charity, how does the Member for St. Matthews not know that I already don't give that much money to charity? Should we then go into everybody's charitable donations and see how much they are giving to see whether they should give the addition to charity?

Mr. Chairman, I had occasion to rise the other day, and I want to explain my position in that respect. I have never objected to any member who has voted against a bill or questioned his sincerity of taking the money on the basis that is a wage increase. There was something that came up last year that was entirely different and which, in my mind, Mr. Chairman, represents a difference in kind. I worked eight years on the basis of a salary that was set by legislation. The Crown came in and said that on an optional basis we are going to give you a retroactive pension which is worth perhaps 30,000, and we're going to give it to you optionally, on the basis that you will pay in a certain amount of money. Mr. Chairman, I considered that to be a pretty devious piece of legislation. Those of us who are in the

House had gotten paid, we worked for what our money was; we did not need an additional remuneration. It was my view that legislation was suspect of causing members of the opposition to be accused of voting for the legislation because it provided retroactivity to themselves.

I, Mr. Chairman, was one, I believe, if you will go back to committee last year, you will see that I was the one who spoke against retroactivity and asked for a vote on retroactivity. When the First Minister said that those who spoke most vigorously against it were the first to stand in line. I hadn't made a point of the fact that I had not picked up this retroactivity, and there could be various reasons. If it will make honourable members feel better, it might not be or it need not be altruistic. There could be various reasons for not picking up the retroactivity. But I did not feel, although I hadn't made a point or sought any approval for not having picked it up, I also felt that it wasn't right that I should be accused of having picked it up. In other words, I don't deserve any credit perhaps for not having picked it up, but should I have the reverse? Should I be blamed for having spoken against it and then picked it up? On that basis, Mr. Chairman, and without reference to what any other member did or didn't do, and I have to leave that to them and to their sincerity, which I accept, I believe that there is a considerable difference in picking up a retroactive pension which is worth a great deal of money for work that I've already done and never had any notion that it would be coming to me and getting wages that are paid to every member. I believe that there is a considerable difference.

I respect the right of other people to say that there is no difference and that they are entitled to pick it up, but I don't want it misunderstood that I spoke against it and I picked it up. I spoke against it; I didn't pick it up. If people want to attribute to me devious reasons for not picking it up, they can go ahead and do so. I attribute no devious reasons to them for picking it up, and I do say, Mr. Chairman, that really it's nobody's business. Really, it's nobody's business. But a person should not be under a cloud for doing something that he didn't do. Therefore, Mr. Chairman, I had every right to speak. And those that picked it up, and I am certain that there are some, and I am certain that there are others who didn't, that is their business. The legislation was brought in and adopted and whether they voted for it or against it is beside the point.

Mr. Chairman, I really take issue with the Member for Souris-Killarney, of all people, one of the more gentlemanly people in the House, to refer to another member as a fat cat living in a rich area who can afford not to get the increase, as being a reason for my having voted against it. First of all, Mr. Chairman, the honourable member should remember what I said. I said, let's pass the legislation, didn't I? I did not speak against the legislation; I said let's pass the legislation with one small amendment. I wanted to do the reverse of what the First Minister did last year, instead of making it retroactive, make it post-active, that the increases would be paid to those people who were induced to run for office by virtue of the legislation that we enacted this year which provided for better remuneration. Mr. Chairman, I said that about three weeks ago, what possible argument is

there against that? We are talking about luring people into the Legislature, talking about them to be well paid. All of us have been lured here on the basis of the pay as it was and we are working here now. What possible argument is there against saying that we are going to set the wages and the Member for Souris-Killarney will, with no credit to him, likely get it anyway, because I have indicated the history of his constituency; Mr. Chairman, very little credit to him. —(Interjection)— My friend says that they had Liberals. My honourable friend does not realize that I have always indicated that there is no difference between Liberals and Conservatives, and the fact is, Mr. Chairman, that in the province of Manitoba for at least 20 years, the Liberals have been far more Conservative than the Conservatives have been, and therefore Souris-Killarney has elected Conservatives for over 30 years. There is absolutely no doubt about that. —(Interjection)— Howsoever, Mr. Chairman, I suppose they are no less intelligent or any more intelligent than the people of St. Johns, or Inkster, or Burrows or St. Boniface. —(Interjection)— Exactly, Mr. Chairman. The honourable member — I won't go into that area, but I know that he is wrong and that's as far as it has to go.

Mr. Chairman, I can make the member appear so ridiculous, but I am in a charitable mood today, so I will leave it alone. It's an issue which I don't want to go into. It is the Member for Souris-Killarney who talked about the fat cats living on Westgate who can afford to be without the increase. I voted against an increase, Mr. Chairman, many times before and if the honourable member wanted to open up the past and see who could afford it and who could not afford it, I don't think that he will be able to make his remarks stick. But nevertheless, Mr. Chairman, when do you have a vote on this subject, yea or nay, which is sincere?

There is this a story about this beggar who goes down the street and he is begging funds and he comes up to a rich baron — it's a European story — and the rich baron, feeling in a very gentlemanly mood gives him not a half-a-dollar for a cup of coffee, but gives him a 20 bill, because he is in an expansive mood. The beggar is overwhelmed and he takes the 20 and he goes to a very fancy restaurant — I suppose you would have to have 40 now, when I heard the story it was 20. He takes the 20 and goes to a very fancy restaurant and gets a seat right on the sidewalk and orders the best meal in the house, and the guy who has given him the money walks by and sees him there. He says you, a beggar, you came begging on the street and now you are in the fanciest restaurant in town. He said, look baron, when I haven't got 20 I can't go to the fancy restaurant, and you tell me when I have 20 I can't go, when will then I be able to eat like this. And I say when, when will the Member for Souris-Killarney say that a vote is a vote given properly by the member who has given it.

If I was living, Mr. Chairman, in a slum area in Winnipeg and I didn't have a pot to pee in, and wasn't able to earn a living, and somehow got elected to the Legislature, and I voted for a pay increase, the honourable member would say that the reason that he is here is that he can't make a living elsewhere and that's why he is voting for a pay increase. That's what he would say.

Mr. Chairman, that is not the case. The case is, Mr. Chairman, —(Interjection)— the honourable member said . . . Mr. Chairman, the honourable member was a little low on the fees. A little low on the fees. I tell honourable members that this issue, like any other issue, is an issue in which we are asking the honourable members to give their sincere opinion. That opinion should be given without reflection on the honourable members who have given it. It is much more easy to reflect on the insincerity of those who are voting yea to those who are voting nay. I have never reflected on the sincerity of those who are voting yea. All I have indicated, Mr. Chairman, is that when I got into public life, it was a continual position with me that the last ones that we had to look after was ourselves and that we are not suffering and that most of us in here are making more money than we were making before we got in here.

I said most of us, Mr. Chairman, and if we are going to down person by person, I will be able to demonstrate that it is so, and therefore, Mr. Chairman, I see no problem. But, I put it, those people who say that you need an inducement, here's your chance. Just put a provision into the act I can't, because it needs a message from the Lieutenant-Governor because it will be an increase in moneys being spent — put a provision in the act that this bill will take effect on the date that the 32nd Legislature — is that the one that's coming — the 32nd Legislature is named. Now you have everything that you want, the pay increases, the inducements, and nobody will be in a position of voting on their own present salary.

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

**MR. BOYCE:** Mr. Chairman, I would like to put a few remarks on the record relative to this item. I agree with the Member for Inkster so I am going to partially support his position that we should make this effective as far as the next Session of the Legislature, the next sitting, the next Legislature, the 32nd or whatever. When he goes around the House and says that people make as much or more than they were making before, that's perhaps true of some. It's not true of myself, because I deliberately chose it to be that way. It's my own decision to make. But when I said that it would make it partially the way he wants it, it's not my intention to seek the nomination for the next election at the moment. But nevertheless I feel compelled to put on the record a few comments relative to this particular item, as a result of the Member for St. Matthews on television the other night, and his position, how he voted, the motivation for his votes — I don't question anybody's motives.

In the scheme of things, if money grew on trees, I'd be up there picking it for somebody, Mr. Chairman. I realize that. I gave up the aspiration of being a millionaire a long time ago. I don't want to talk about my own personal economic situation that much except to say in passing, I have figured out it has cost me 65,000 in lost income to sit in this seat, and I said I chose it to be that way. I don't know how many members of this House are aware that as a teacher, when you are in a certain classification you

are paid relative to the number of degrees you have and the rest of them, and I'm at the top of scale. When I came into the House, because of the contract that the teachers have with the Winnipeg School Division No. 1., it was possible for me to make money by not teaching day one. In relative terms I don't know what the salary scale is at the moment, but it would be about 100 a day. I can hire a substitute to teach for me for 50 and never go to school and this Winnipeg School Division would have to pay me the difference between what they paid a substitute to teach for me and what I would earn, had I taught every day of the year.

Mr. Chairman, I raise this, because when somebody sanctimoniously says that the Member for Inkster should give his increase to charity and they posture themselves as if they are personally making a sacrifice, I resent that. I resent it very much, Mr. Chairman. I would challenge that member to give the difference between what he makes and I make to charity, because I resigned as a teacher because I couldn't, I think that's surreptitious, and I couldn't do that. I couldn't teach on a part-time basis, because the type of educational process that I was involved in was dealing with youngsters in difficulty and it was just impossible to do that on a part-time basis, because they would hire a substitute and the kids would go all wrangy, and by the time I'd got back I would have to start back at square one with them, and I couldn't do that.

Mr. Chairman, as I say, it is my inclination not to seek nomination again at the moment. There have been suggestions that I run in one particular area as a Progressive Democrat. In fact, I even have the suggestion that some people opposite would be willing to contribute. One of the other reasons that prompted me — I had one phone call on this particular item, because I think there weren't too many members on this side of the House supported this particular increase. I had one phone call and that was at midnight, and I give that person short shrift, and I doubt very much if they'd ever vote for me again anyway, but for people to try and make — (Interjection)— I've heard that before, Mr. Chairman. But nevertheless for people to start questioning motives on both sides of the House, I don't think it does them any good.

When I spoke earlier on this debate, the only thing I wanted to put on the record was the relative importance that the government put on pay scales. I don't think that move you towards greater equality in our society by pulling people down. I think that you do it by pulling people up and when they sat for so long on the minimum wage that was the exception that I took, and then of course when they increased our own salary, I walked with a placard, in fact I had some suggestions that I rent myself out when other civil servants were asking for a raise. I think it's ludicrous that we ask people to take 600 or so and we give ourselves roughly 4,000. I think I'm out a few dollars on that the way it proves out, but nevertheless for people on either side of the House or from any position to start attributing motives or to stand up there because you adopted a position that you're holier than thou because of that position, I don't think it does us one damn bit of good, Mr. Chairman.

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

**MRS. WESTBURY:** Thank you, Mr. Chairperson. I don't intend to take very long on this, but I wanted to speak about some of the allegations and charges that have already been referred to and I just want to put in my two cents worth on the subject.

We had a very self-righteous speech from the Honourable Member for St. Matthews on this particular bill and personally I found that to be — the whole tenor of the speech to be offensive. First of all, a few months ago we were informed that that member was going to bring in what he called, very sanctimoniously, an anti-hypocrisy amendment to the bill, and that was not forthcoming, Mr. Chairperson. I don't really remember whether he referred to it in debate or not, but I want to suggest, Mr. Chairperson, that the reason that amendment did not come forward was that he couldn't get a seconder. My reason for suggesting is that . . .

**MR. CHAIRMAN:** Order please. The hour is 12:30. Committee rise. Call in the Speaker.

## COMMITTEE REPORTS

**MR. CHAIRMAN:** The Committee of the Whole House has considered certain acts, directs me to report progress and asks leave to sit again.

## IN SESSION

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

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

**MOTION presented and carried.**

**MR. SPEAKER:** At this time I would like to announce to the House that there was an error in the printing of the July 12th Law Amendments Committee meeting on Page 168. I have ordered a re-issue of that particular page.

The Honourable Member for Logan.

## BUSINESS OF THE HOUSE

**MR. JENKINS:** Mr. Speaker, I have a further change for Privileges and Elections. I wish to substitute the Honourable Member for The Pas in place of the Honourable Member for St. Boniface.

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

**MR. FERGUSON:** Yes, I have some changes too, Mr. Speaker; Mr. Driedger for Mr. Kohnats on Privileges and Elections, and Mr. Ransom for Mr. Orchard in Law Amendments.

**MR. SPEAKER:** Is that agreed? (Agreed) The Honourable Government House Leader.

**MR. MERCIER:** Mr. Speaker, as I indicated this morning, Private Bills and Privileges and Elections

Committee will meet at 2:00 p.m. This evening, Privileges and Elections and Statutory Regulations and Orders will meet at 8:00 p.m. Tomorrow morning, Law Amendments Committee will meet at 10:00 a.m., and the House will meet at 2:00 p.m.

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

**MR. GREEN:** Mr. Speaker, am I saying something that would meet with the disapproval from any side if I said that the House should meet at 10:00 and the committee at 2:00, because that would relieve the House members at least for the afternoon.  
(Interjections)

**MR. SPEAKER:** Order please. The hour being 12:30, the House is adjourned and stands adjourned until 2:00 p.m. tomorrow (Saturday).