



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

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**DEBATES**  
**and**  
**PROCEEDINGS**

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31-32 Elizabeth II

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Speaker*



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**MANITOBA LEGISLATIVE ASSEMBLY****Thirty-Second Legislature****Members, Constituencies and Political Affiliation**

Name	Constituency	Party
<b>ADAM, Hon. A.R. (Pete)</b>	Ste. Rose	NDP
<b>ANSTETT, Andy</b>	Springfield	NDP
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BANMAN, Robert (Bob)</b>	La Verendrye	PC
<b>BLAKE, David R. (Dave)</b>	Minnedosa	PC
<b>BROWN, Arnold</b>	Rhineland	PC
<b>BUCKLASCHUK, John M.</b>	Gimli	NDP
<b>CARROLL, Q.C., Henry N.</b>	Brandon West	IND
<b>CORRIN, Brian</b>	Ellice	NDP
<b>COWAN, Hon. Jay</b>	Churchill	NDP
<b>DESJARDINS, Hon. Laurent</b>	St. Boniface	NDP
<b>DODICK, Doreen</b>	Riel	NDP
<b>DOERN, Russell</b>	Elmwood	NDP
<b>DOLIN, Mary Beth</b>	Kildonan	NDP
<b>DOWNEY, James E.</b>	Arthur	PC
<b>DRIEDGER, Albert</b>	Emerson	PC
<b>ENNS, Harry</b>	Lakeside	PC
<b>EVANS, Hon. Leonard S.</b>	Brandon East	NDP
<b>EYLER, Phil</b>	River East	NDP
<b>FILMON, Gary</b>	Tuxedo	PC
<b>FOX, Peter</b>	Concordia	NDP
<b>GOURLAY, D.M. (Doug)</b>	Swan River	PC
<b>GRAHAM, Harry</b>	Virten	PC
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry M.</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HEMPHILL, Hon. Maureen</b>	Logan	NDP
<b>HYDE, Lloyd</b>	Portage la Prairie	PC
<b>JOHNSTON, J. Frank</b>	Sturgeon Creek	PC
<b>KOSTYRA, Hon. Eugene</b>	Seven Oaks	NDP
<b>KOVNATS, Abe</b>	Niakwa	PC
<b>LECUYER, Gérard</b>	Radisson	NDP
<b>LYON, Q.C., Hon. Sterling</b>	Charleswood	PC
<b>MACKLING, Q.C., Hon. Al</b>	St. James	NDP
<b>MALINOWSKI, Donald M.</b>	St. Johns	NDP
<b>MANNES, Clayton</b>	Morris	PC
<b>McKENZIE, J. Wally</b>	Roblin-Russell	PC
<b>MERCIER, Q.C., G.W.J. (Gerry)</b>	St. Norbert	PC
<b>NORDMAN, Rurik (Ric)</b>	Assiniboia	PC
<b>OLESON, Charlotte</b>	Gladstone	PC
<b>ORCHARD, Donald</b>	Pembina	PC
<b>PAWLEY, Q.C., Hon. Howard R.</b>	Selkirk	NDP
<b>PARASIUK, Hon. Wilson</b>	Transcona	NDP
<b>PENNER, Q.C., Hon. Roland</b>	Fort Rouge	NDP
<b>PHILLIPS, Myrna A.</b>	Wolseley	NDP
<b>PLOHMAN, John</b>	Dauphin	NDP
<b>RANSOM, A. Brian</b>	Turtle Mountain	PC
<b>SANTOS, Conrad</b>	Burrows	NDP
<b>SCHROEDER, Hon. Vic</b>	Rossmere	NDP
<b>SCOTT, Don</b>	Inkster	NDP
<b>SHERMAN, L.R. (Bud)</b>	Fort Garry	PC
<b>SMITH, Hon. Muriel</b>	Osborne	NDP
<b>STEEN, Warren</b>	River Heights	PC
<b>STORIE, Jerry T.</b>	Flin Flon	NDP
<b>URUSKI, Hon. Bill</b>	Interlake	NDP
<b>USKIW, Hon. Samuel</b>	Lac du Bonnet	NDP
<b>WALDING, Hon. D. James</b>	St. Vital	NDP

# LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, 25 March, 1983.

Time — 10:00 a.m.

**OPENING PRAYER by Mr. Speaker.**

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

## PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

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

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

I move, seconded by the Member for Burrows, that the report of the committee be received.

**MOTION presented and carried.**

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

## INTRODUCTION OF GUESTS

**MR. SPEAKER:** Before we reach Oral Questions, may I direct the attention of the members to gallery where we have 20 students from the Maple Collegiate under the direction of Mr. Tom Schmidt. This school is in the constituency of the Honourable Minister of Labour.

There are 28 students of Grade 9 standing from the John Pritchard Junior High School under the direction of Mr. Reimer. This school is in the constituency of the Honourable Member for River East.

There are 30 students of Grade 11 standing from the Daniel McIntyre Collegiate under the direction of Mr. Rohs. This school is in the constituency of the Honourable Member for Ellice.

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

## ORAL QUESTIONS

### Burning of U.S. Flag, U.S. Consulate Protest re Nicaragua

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

**HON. S. LYON:** Mr. Speaker, I have a question for the First Minister.

Yesterday in his absence, the Acting First Minister, the Minister of Health, reported to the House that two members of the Executive Council and a number of members of the government caucus had attended a demonstration in front of the U.S. Consulate, at which an American flag had been burned. I should say

accurately, Sir, he confirmed that fact. In the course of his explanation that this did not represent a government action, he said that the individual members were there on their own, acting as individual citizens.

Mr. Speaker, there are reports abroad today that the Minister of Economic Development has said that she was at that particular demonstration acting as a representative of the First Minister and on behalf of the caucus of the New Democratic Party which is the Government of Manitoba. Now, Mr. Speaker, I would like to ask the First Minister to clarify for the House, for the people of Manitoba and for the U.S. Consulate, just what was the position of those members of the Treasury Bench who were there. What was the position of the Minister of Economic Development who spoke at the rally? What position does the government take, as a government, with respect to this unfortunate incident?

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

**HON. L. DESJARDINS:** I am not rising to answer the question, just on a point of order. What the Leader of the Opposition said that I reported was factual except in one thing and I want to correct that immediately, that I confirmed there was a burning of the flag. I knew nothing about that and I certainly didn't confirm that. The rest is factual the way it was presented in the House.

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

**HON. H. PAWLEY:** Mr. Speaker, the Ministers that were present at the demonstration were there in their own capacity as individuals. They were not at the demonstration on behalf of the Government of the Province of Manitoba.

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

**HON. S. LYON:** Mr. Speaker, I must ask the question then of the First Minister, can he tell the House whether this matter was caucused as a matter of priority with the government caucus, as is reported in today's Winnipeg Free Press?

**HON. H. PAWLEY:** Mr. Speaker, it was not dealt with in caucus as a matter of priority.

**HON. S. LYON:** Mr. Speaker, was it dealt with in caucus?

**HON. H. PAWLEY:** It would help if the Leader of the Opposition had been more precise then in his question. It was raised and certainly I knew, for one, that the Minister of Economic Development would be at the demonstration. It was raised in caucus. It was not discussed in caucus.

**HON. S. LYON:** Mr. Speaker, was the Minister of Economic Development or the Minister of Natural

Resources at the unfortunate picket incident in front of the Consulate? Were they present there with the full authority of the Premier of Manitoba? And was the Minister, as is reported, acting as his representative?

**HON. H. PAWLEY:** Mr. Speaker, as I indicated before, they were not there on behalf or on the authority of the Premier of Manitoba. They were there in their personal capacity, having strong views in relationship to the U.S. policy in Central America.

**HON. S. LYON:** Mr. Speaker, did the Minister of Economic Development speak at the rally at the request of the First Minister?

**HON. H. PAWLEY:** Not at the request of the First Minister.

**HON. S. LYON:** Mr. Speaker, has the First Minister sent a letter to the Consul General of the United States, explaining the circumstances, the unusual circumstances, whereby members of the Treasury Bench take part in a demonstration in front of a friendly nation's representative consulate in this city?

**HON. H. PAWLEY:** Mr. Speaker, a letter was forwarded to Mrs. Lillian Mullin, advising her as to the capacity in which members did attend the rally.

**HON. S. LYON:** Mr. Speaker, will the First Minister table that letter immediately please?

**HON. H. PAWLEY:** Mr. Speaker, I would have to first obtain the consent, of course, of Mrs. Mullin.

**HON. S. LYON:** Well, Mr. Speaker, I realize that consent, as between federal and provincial levels is ordinarily sought and requested, but I would think in the unusual circumstances of this affront to the United States Consulate, I would think that the First Minister either would have already received that approval, or would be anxious to lay on the table of the House his apology, which I presume the letter contains. His apology for the unmistakably bad actions, the unparliamentary actions, of two members of his Treasury Bench in attending at this particular unfortunate rally and incident.

**HON. H. PAWLEY:** Mr. Speaker, I fail to understand the Leader of the Opposition's suggestion that the letter would contain an apology. There is no reason for an apology to be offered, anymore than in any given circumstance when members do feel strongly about certain issues and raise those issues and deal with those issues, according to their conscience.

Mr. Speaker, there is a matter of freedom that is involved. Freedom of expression, freedom of voice, freedom of opinion and, Mr. Speaker, I think it would be indeed most restrictive if we say yes, members have the freedom to do as they have done in this side, in fact very, very actively . . .

**MR. L. SHERMAN:** Are you going to table the letter?

**HON. H. PAWLEY:** . . . and very vigorously, spoke out in reference to the opposition to the Soviet Union's

intervention in Poland. It was members on the New Democratic Party side that spoke out most strongly about the Soviet intervention, including myself, Mr. Speaker . . .

**HON. S. LYON:** Table the letter.

**HON. H. PAWLEY:** . . . in relationship to the Soviet issue in Poland and also to Afghanistan as well.

I don't know whether the Leader of the Opposition is saying it's all right to speak out in favour of freedom in one part of the world, but not satisfactory to speak out insofar as freedom in other parts of the world. Mr. Speaker, freedom is freedom, whether it be in Central America; whether it be in eastern Europe; whether it be in the Soviet Union; whether it be in the Caribbean.

Mr. Speaker, I'm not sure of the protocol in respect to letters, but in view of the urgings of the members of the opposition who will otherwise say I'm trying to hide something, I'm going to read the letter that was forwarded to Mrs. Mullin and table it, sure.

"Further to our telephone conversation this morning, this is to confirm that the Honourable Muriel Smith spoke yesterday at the demonstration concerning Central America only in her capacity as a member of the New Democratic Party and a member of the NDP caucus in the Manitoba Legislature.

"Our party's policy against outside interference in the nations of Central America is well known as demonstrated on many occasions when New Democrats across Canada have spoken and acted in favour of self-determination for the people of Central America."

**HON. S. LYON:** Mr. Speaker, the First Minister has just finished declaiming on the rather routine nature of the fact that members of the treasury bench in the parliamentary system would be found with a mob moving up and down in front of the American Consulate.

Mr. Speaker, in view of the fact that he regards this as such a usual practice for members of the treasury bench to be engaged in, why did he find it necessary to write the letter to Mrs. Mullin in the first place, if he wasn't going to write to apologize?

**HON. H. PAWLEY:** I suppose we must have different views of freedom. I did not consider it to be a mob when I appeared as one of the speakers in opposition to the meddling of the Soviet Union in the affairs of Poland on the steps of the Legislature.

Also, Mr. Speaker, I did not consider myself to be part of a mob when I spoke against the Soviet Union's intervention in other matters; in other countries, such as Afghanistan. Also, Mr. Speaker, I did not consider myself being part of a mob when I also said I was opposed to the intervention by the United States of America in the affairs of Central America.

Mr. Speaker, also, I do not consider that the Minister for Economic Development and the Minister for Resources, any other members were part of a mob when they spoke out against United States policy in Central America, which does involve intervention in the affairs of Central America.

**HON. S. LYON:** Well, Mr. Speaker, in view of these rather bizarre comments coming from the First Minister



with respect to the separate persona that Ministers are now supposed to have - they can be a Minister apparently, according to the First Minister, Mr. Speaker, when they're in the House, but if they leave the House and carry a picket in front of the U.S. Consulate, they're individual citizens.

Would the First Minister mind telling us then, Mr. Speaker, when Ministers are speaking or acting outside of this Legislature, how are we to know whether they're speaking or acting on behalf of this government?

**HON. H. PAWLEY:** Mr. Speaker, I wasn't present during the debate yesterday, which I gather continued to 2:45 this morning, but it's my understanding that was made very clear during the debate yesterday as to what capacity they were speaking.

**HON. S. LYON:** Mr. Speaker, I beg to differ with the First Minister. I asked the question of him because he is allegedly the First Minister of this province.

Will he make it clear to the Legislature and the people of Manitoba how this Jekyll-Hyde relationship that he is apparently concocting for his Ministers in order that they can engage in any kind of left-wing activity, free of the damage or trying to be free of the damage that they thereby do to the public interest of Manitoba and to the reputation of this province in the rest of Canada and abroad? Will he tell us how he can have this Jekyll-Hyde relationship in his Ministers which is not contemplated in the parliamentary system?

**HON. H. PAWLEY:** Mr. Speaker, I do know that each First Minister from time to time has difficulty in respect to when a Minister acts in one's own capacity or in a personal capacity, just as the First Minister indeed created that same sort of uncertainty when the First Minister sued the Montreal Gazette. I don't know whether that was on behalf of the government of the Province of Manitoba or whether it was on behalf of the former First Minister himself.

Mr. Speaker, when the Honourable Leader of the Opposition attended the Ronald Reagan Convention in 1980, I don't know whether the Honourable Leader of the Opposition was attending as Premier of the Province of Manitoba, or as Leader of the Conservative Party in the Province of Manitoba, or on his own behalf.

Mr. Speaker, when the Leader of the Opposition stated, Mr. Speaker, and I'll table this as well. — (Interjection) — When the Leader of the Opposition, while Premier . . .

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

**MR. SPEAKER:** Order please.

**HON. H. PAWLEY:** While the Leader of the Opposition was the Premier of the Province of Manitoba, an interview in Maclean's magazine indicated that he preferred the Pinochet regime to Allende regime, although the Pinochet regime was a military regime, and the Allende regime had been elected by democratic means. At least, we know, said the then Premier of the Province of Manitoba, where Pinochet stands, he's on our side.

Mr. Speaker, I don't know whether the Premier of Manitoba at that time was speaking on behalf of the

Government of Manitoba, or on his own behalf, or on behalf of the Conservative Party of Manitoba.

**HON. S. LYON:** Double standards. Will the First Minister tell us, Mr. Speaker, when his Ministers attend left-wing rallies in front of the U.S. Consulate at which the American flag is burned and thereby desecrated, thereby giving our province a bad reputation abroad, if he condones those actions of his Ministers being present at that kind of mob action?

**HON. H. PAWLEY:** Mr. Speaker, I don't condone flag-burning ceremonies and certainly I find it repugnant . . .

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

**HON. H. PAWLEY:** I'm surprised, Mr. Speaker, that any — (Interjection) — then I apologize. I wasn't aware that any member in this House condoned flag burning ceremonies, certainly insofar as the flag burning . . .

**MR. H. ENNS:** That insignia of human horror . . .

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

**HON. H. PAWLEY:** Mr. Speaker, let it be clear as Premier of the Province of Manitoba, I do take the strongest exception to any flag burning ceremony and particularly the one that apparently was involved in the demonstration in front of the U.S. Consul General's office.

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

**HON. S. LYON:** Very simply, Mr. Speaker, is the First Minister prepared, on behalf of his government, to issue a formal apology to the Consul General for the participation of his Ministers and his caucus in an event at which that unfortunate incident took place?

**HON. H. PAWLEY:** Mr. Speaker, in demonstrations, different events do take place. It is my understanding that none of the members that were present participated or knew in advance or aided or abetted the burning of the flag. Mr. Speaker, members take part in meetings and in demonstrations of all kinds. I don't particularly recognize this - to the Leader of the Opposition - as a left-wing demonstration. There are demonstrations - I suppose, Mr. Speaker, we are coming to the nub of the matter.

There are different definitions of freedom, Mr. Speaker. Honourable members across the way consider a demonstration in defence of freedom in Poland to be legitimate as we do. On the other hand, it appears that members across the way consider demonstrations in support of freedom in other parts of the world that have military dictatorships as not being rallies in favour of freedom but being rather left-wing mob actions.

Mr. Speaker, freedom is freedom, whether that freedom be in Warsaw, Poland, whether it be in Nicaragua, whether it be in Kabul, Afghanistan, whether it be Havana, Cuba, whether it be Moscow, Union of Soviet Socialist Republics or whether it be Washington,

United States. Freedom is freedom and we should put aside, Mr. Speaker, ideological blinkers and speak out as we have on this side for freedom wherever that infringement of freedom takes place.

**HON. S. LYON:** We know where you stand, all right.

**HON. H. PAWLEY:** Yes, I thought I made it quite clear.

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

**HON. S. LYON:** The Marxist grants and the whole bit.

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

**MR. SPEAKER:** Order please. The Honourable Member for Turtle Mountain on a point of order.

**MR. B. RANSOM:** On a point of order, Mr. Speaker, I didn't interrupt the First Minister when he was giving his answer but the question, Sir, to the First Minister simply was, would he issue an apology? He began to enter into a debate — (Interjection) — it is a point of order, Mr. Speaker.

**MR. SPEAKER:** Order please.

**MR. B. RANSOM:** The debate on this issue took place yesterday and on until a quarter to three this morning and it was a rather thorough debate. The question period is a time for questions and answers and not debate on the part of the First Minister or any other person in the House.

**MR. SPEAKER:** I'm not sure whether that was a point of order, or a matter of explaining to the Chair, that the members were here until rather late last night - I was not.

### Adoption Moratorium

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

**MR. G. MERCIER:** Mr. Speaker, I have a question for the Minister of Community Services. Last week he indicated that officials of his department would be meeting with Betty Schwartz and other officials of the Children's Aid Society. Mr. Speaker, my question to him is, have they met, does he have a report and is he prepared to make any announcements now that would vary the total moratorium on adoptions of Native children, in order to allow some 66, I believe, Native children whose adoptions have been held up for a year? Is he prepared to vary that total moratorium in order to allow the adoptions of those children to proceed pending the final report of Judge Kimelman?

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

**HON. L. EVANS:** Thank you, Mr. Speaker. I can advise the honourable member that our senior staff did indeed meet with the Children's Aid Society officials, and I believe there's another meeting planned for next week

with all executive directors of Children's Aid Societies in Manitoba. In addition, we've been meeting with the various child and family services of various Native organizations in the province. We have also had discussions with Judge Kimelman.

I would like to make it clear, that while there may be some misinterpretation of a moratorium as such, the challenge, for us as Manitobans, is to somehow or other cope with the problem of placing our children, looking after our families within the Province of Manitoba, as indeed do most other provinces in Canada. Most other provinces in Canada - and there are some statistics on this - have not had any massive exportation policy that seemed to exist here for a few years, up until this past year.

So what I'm advising the honourable member is that we are awaiting further discussions that are going on and to see whether there should be some clarification of what the moratorium is. But as I indicated previously, it was quite clear from Judge Kimelman in interim statements he's made and in speeches he's given, that the problem is not a moratorium, and that is not what should be looked upon as the problem. The problem is a challenge to us in helping the people who need help in this province in their family disputes, or in their family problems, and placement of children.

### Motor Coach Industries - Layoffs

**MR. G. MERCIER:** Mr. Speaker, I have a supplementary question to the Minister of Economic Development. In view of the fact that yesterday the Minister of Labour indicated that she has taken no action with respect to the Motor Coach Industries layoffs, although she received a notice of that layoff on February 15th, I wonder if the Minister of Economic Development would drag herself away from chairing the Marxist Conferences and addressing demonstrations in front of the U.S. Consulate, where the U.S. flag is burned, and investigate this particular matter, Mr. Speaker, in the light of 532 layoffs, particularly in view of the suggestion that a large number of orders are being transferred to the plant in New Mexico.

Would she investigate that situation and determine whether the economic circumstances in Manitoba are that unfavourable to the economic circumstances and tax regime in New Mexico, and is that the reason why the plant here is losing business and is requiring to lay off these employees?

**MR. SPEAKER:** The Honourable Minister of Economic Development.

**HON. M. SMITH:** Yes, Mr. Speaker, about a week ago we set up an appointment to meet with the President of Motor Coach Industry from New Mexico and we will in fact be meeting with him early in April.

### Abortion Clinics

**MR. G. MERCIER:** Mr. Speaker, I thank the Minister for that answer and I hope she will report to the House in due course.

A supplementary question to the Minister of Labour, Mr. Speaker. Can she confirm that subsequent to the

hearing this afternoon by the Committee on Environment of the city with respect to the issuance of a building permit to Dr. Morgentaler, that an appeal lies under the legislation to the Minister of Labour, and will that be her decision or will that be a Cabinet and caucus decision?

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

**HON. M. DOLIN:** Mr. Speaker, I think the question will have to be somewhat more specific before I understand what the member is referring to.

**MR. G. MERCIER:** Mr. Speaker, I understand that subsequent to the decision this afternoon of the Committee on Environment, with respect to the issuance of a building permit and the application by Dr. Morgentaler, that there is under provincial legislation an appeal to the Minister of Labour and I'm asking her whether that will be a Cabinet or a caucus decision.

**HON. M. DOLIN:** Again, Mr. Speaker, I would be pleased if the member would be more specific in indicating to us what Act he is referring to and what statute he is referring to, but I will take it as notice.

**MR. SPEAKER:** The Honourable Member for La Verendrye.

### Lotteries Bill - proclamation

**MR. R. BANMAN:** Thank you, Mr. Speaker. I direct my question to the Minister in charge of lotteries and would ask him whether or not he has proclaimed the Lotteries Bill that was passed by this Legislature last Session.

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

**HON. L. DESJARDINS:** Mr. Speaker, an Order-in-Council was passed, I think, at the last Cabinet meeting and the Act will be proclaimed I think the 30th or 31st of this month.

**MR. R. BANMAN:** Mr. Speaker, has the Minister appointed a new board yet?

**HON. L. DESJARDINS:** Mr. Speaker, I'm in the process of doing just that and it should be within a couple of weeks or so.

### Lottery 649

**MR. R. BANMAN:** I wonder if the Minister could inform the House, in light of the fact that a new lottery, 649, was started some, I believe, 15, 16 months ago, could the Minister tell us where the proceeds from that lottery - in other words - where the funds, from what I understand a fairly successful lottery, have gone for that year and several months?

**HON. L. DESJARDINS:** Mr. Speaker, it is my intention to give a complete report, either during my Estimates or at some other time during this Session, a complete

report of where all the funds, all the profits are going, especially after I get the final report from Judge Jewers.

**MR. R. BANMAN:** Well, a specific question, I'm not asking for an overall statement with regard to lottery funds, but I wonder if the Minister could confirm that the funds for Loto 649 have not been going through the regular channels that most of the other lotteries are, in other words, through the Western Lotteries Manitoba Distributor, and that the Minister is indeed not distributing those funds at present. I would ask him whether or not he has set up a special trust account, where these funds are building, or what he has intended to do with these funds?

**HON. L. DESJARDINS:** Mr. Speaker, the member talks about the regular channels but then he does admit this is a new lottery. There was a partnership set up that now consists of four members, known as the Western Canada Manitoba Distributors, made up of the Sports Federation, the Manitoba Arts Council, the United Way and TCI and they have been getting the profits of certain lotteries that they received. They are continuing to do that. That's the regular channel.

There is another one that they have helped to distribute the tickets but it was never certainly decided that they should also have the profit from that. That money is kept in a special fund and will be determined later on wherever that money will go. There is no way that we want to keep on with necessarily the first come, first served. We will have so much money. I think that the money spent in 1981 was about \$110 million; and in '82 it'll be probably in excess of \$150 million and that's the only thing that's going up that fast in the Province of Manitoba, and we aim to try to, first of all, maximize the profit to the organization and then to have as fair a distribution as possible.

This is being developed now as policy for recommendation to Cabinet, and that will be brought in as soon as possible. This will be announced and discussed and explained to the members of this House.

**MR. R. BANMAN:** Well, Mr. Speaker, if I understand correctly, the Minister is saying that the proceeds from the lottery 649 are going into a separate account. I wonder if the Minister could tell us in a year's operation now of 649, could he tell us roughly how much money has built up in that account that he has, I understand from his comments right now, has not determined where those funds will go.

In other words, there is one lottery being run in the province where the funds are being put aside, and the Minister has not yet determined where those funds are going to be spent.

**HON. L. DESJARDINS:** That is exactly right, except I don't know the actual amount. But one should remember also that the 649 required special equipment that is very costly, and it might be felt that this equipment should be bought now instead of paying for the interest, and will have to be purchased some time or other. It's quite expensive.

Anyway, the situation is exactly as explained. We are trying to determine where the needs are, and we will make this decision fairly soon.



## Hiring of Supervisor of Racing Manitoba Racing Commission

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

**MR. G. FILMON:** Thank you, Mr. Speaker. My question is to the Honourable Minister of Economic Development and Tourism.

Why did the Manitoba Racing Commission which this Minister appointed, go through the charade of advertising and soliciting applications for the position of administrative director or supervisor of racing, when it was reported in the Winnipeg Free Press on December 2, 1982, fully nine days before the position was even advertised, that upon the dismissal of Doug Bond, the person who had held the job, the position would be filled by a Dave Freeman, who did get the job?

**MR. SPEAKER:** The Honourable Minister of Economic Development.

**HON. M. SMITH:** Mr. Speaker, to begin with, the position that was advertised was a new one. As the members all know, we've had a difficult time out at the race-track. There's been a need for tighter regulations. There's been a problem with the financial end of things. We are now into a much more complex era, if you like, in the racing field, the need for more complex regulations, there's questions of off-track betting, there's questions of what's going on in other jurisdictions, and the need to have information about what's going on in terms of allocation of tax monies. It's a much more technical field than it ever used to be.

As a result, the commission for the first time I might add, for this commission or for commissions across the country, has advertised openly for the positions. I suppose anyone could feel that any open advertisement for positions could be considered a charade. I guess if you are one of those who didn't get the job, you might be particularly tempted to do so. But I can't see the logic of a commission going open for the first time, looking for a highly qualified person, unless they were acting in good faith, Mr. Speaker.

I'm persuaded that the process was open, that the job description was drawn out and that it did meet the need of the tasks that require to be done and I am, therefore, just rejecting entirely the hypothesis that it was a charade.

**MR. G. FILMON:** Well, Mr. Speaker, I'm sure that the 260 applicants, not 125 as the Minister had told us a day or so ago, may not necessarily agree with the Minister.

But my second question is, why was the position changed midstream after it was advertised as administrative director with certain requirements and responsibilities, and then the person hired was made the supervisor of racing? I understand from comments that the Minister made yesterday on television, that it has now been split in two and another person is to be hired. Why was all this done after the advertising and after the whole competition had taken place?

**HON. M. SMITH:** Mr. Speaker, I do acknowledge that the title of the position has changed. The commissioners

met with the commissions in Quebec, the meeting of all the commissions from across the country, and they felt that the supervisor of racing title more precisely described the task. I apologize if anyone has had any misunderstanding as a result of that name change.

The decision to restructure and to go for a full time person who would take charge of the racing-related items and to have another part-time position in the accountancy administrative support for commission meetings and so on, that structure was decided on well before the advertising.

**MR. G. FILMON:** Mr. Speaker, as well, I'd like to ask the Minister, why did she instruct the Manitoba Racing Commission last fall to pay some \$5,300 in medical expenses incurred on behalf of this person, who was a steward at that time and has later been hired for this position, over and above the pretty substantial salary he was getting for a part-time position in the province?

**HON. M. SMITH:** Mr. Speaker, the gentleman in question was an American. He had applied for Blue Cross but had not been able to obtain it. He very unfortunately had an extremely severe ruptured appendix. The commission was asked if they could consider assuming some of the medical expenses. They raised the question with me. I think quite properly they thought that it was not an issue in which I could act on my own, so I first of all went to the Department of Health and I said, is there any provision that you have for making some kind of a grant? Or is there any mechanism for dealing with this type of very unusual situation?

They informed me, no, but that I did have Ministerial discretion to deal with the issue. Ministerial discretion is something that you don't use lightly, so I thought I would also consult with the Civil Service Commission and the Auditor prior to coming to any decision.

When we discussed it with the Auditor, he acknowledged that we didn't have employee benefits programs in place for our employees at the track. He knew that the commission were planning to implement a package of employee protection and employee benefits, so that such a situation would not arise again and he let us know that he would not be disapproving of our using the Ministerial discretion in this instance.

As a matter of fact, in the event only half the expenses were required to be covered because the doctor and anesthesiologist, recognizing this special case, never submitted their bills.

**MR. G. FILMON:** Well, Mr. Speaker, in view of the fact that I'm sure many of us are aware of the fact that there are more plans through private health schemes available from various insurance companies, other than just Blue Cross, and in view of the fact that there are more than 200 foreign workers annually who come in and work on a part-time, full-time or related matter at the race track, or in fact thousands of them in here as students, all of them are in the same category as this individual, who are not covered by Medicare, does the Minister now say that the government is going to undertake to protect all of these people, support them and pay for their medical costs because many of them are in far more difficult economic circumstances than



this individual, and is the government going to take an obligation to cover all of them then?

**HON. M. SMITH:** Well, Mr. Speaker, I personally would support a system that gave universal coverage to all people in the country. I personally was a beneficiary of the National Health Plan in England when I was living there, although I was a Canadian citizen, and I very much appreciated their universal service.

I think it is a gap, if you like, in coverage; and I, for one, would like to see some kind of a coverage developed.

### **Burning of U.S. Flag, U.S. Consulate Protest re Nicaragua**

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

**MR. L. SHERMAN:** Mr. Speaker, my question is to the Honourable Minister of Economic Development. I would like to ask her, in view, Sir, of the First Minister's denial this morning of published reports that the Minister of Economic Development made a speech at Wednesday's demonstration at the United States Consulate at the request of the First Minister, can the Minister of Economic Development advise the House of the capacity in which she attended that demonstration and spoke?

**HON. M. SMITH:** Yes, Mr. Speaker. I spoke with the knowledge of the Premier and as a member of the caucus. I apologize to anyone in this House or in the public if there was any overstepping of proper procedures in this event. Mr. Speaker, my only claim to understanding on this issue is the depth of concern I felt for the event that was occurring.

If anyone listens or is able to obtain coverage of what I actually said, I expressed great sadness that we were hearing indirect reports, first indirect and then I gather partially confirmed but difficult to get accurate information because of news blackout. Mr. Speaker, I hoped that there would be further information that would indicate that the early reports of intervention in the affairs of Nicaragua by troops that had financial and military support by the American Government were not true. I still hope that those reports prove to be untrue.

Mr. Speaker, the issue that I think should be addressed is how and when and in what circumstances should we speak up to our very good neighbor, to our very good friend, who in 99 percent of our relationships we see eye to eye and we have good relationships. But, Mr. Speaker, those of us who have elected positions in this country have a responsibility to speak out on issues as well as a responsibility to carry out our specific tasks.

In this instance, Mr. Speaker, I thought it important to respond to the concerns of my constituents and citizens in the Province of Manitoba who do see justice as a global issue, and they do see their concern as extending beyond their boundary.

**MR. SPEAKER:** Order please.

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

**MR. B. RANSOM:** Yes, on a point of order, Mr. Speaker. The Minister clearly did not answer the question that was asked by my colleague, the Member for Fort Garry. She began once again to debate the issue and the Minister sat yesterday silent through the entire debate and passed up many opportunities to participate in debate.

We are finding that the government Ministers are avoiding and evading answering the questions that are being placed by members on this side of the House. That, Sir, you know, that according to the Rules the Minister has no obligation to answer a question, but they have no right to obfuscate and skate around an issue and debate an issue in the House. They are expected to answer or not answer.

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

**HON. R. PENNER:** To the same point of order. Twice this morning I have had to listen and suffer, as have other members on this side of the House. The expert on House Rules, the great teacher, the opposition House Leader got up on non-points of order without referring to rules and in fact to enunciate something which amounts to the bottom line. For many on that side that is a denial of freedom. They are attempting to refer to the rules, to a non-existent rule, which would dictate that a Minister must answer a question in some prescribed form. That is the denial of freedom of speech, and that is certainly an abuse of the procedure of this House to attempt to refer to something as a point of order which is a non-point of order. So much for his expertise.

**MR. SPEAKER:** The Honourable Member for Fort Garry to the same point of order.

**MR. L. SHERMAN:** Yes, Mr. Speaker, on the same point of order. All one can conclude after listening to the apology from the Minister for Economic Development is that "me thinks the lady doth protest too much."

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

**MR. SPEAKER:** To the same point of order - the Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Yes, Mr. Speaker, for the Government House Leader, if he wishes the reference, Sir, it's the one that I'm sure you're quite aware of since you distributed the appropriate pages to the House yesterday. It was Citation 358, No. 2 which said that answers to questions should be as brief as possible, should deal with the matter raised, and should not provoke debate.

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

**HON. R. PENNER:** To the same point of order. Just two observations. Apparently the opposition . . .

**MR. SPEAKER:** Order please, order please. Order please.

The Honourable Government House Leader.

**HON. R. PENNER:** The expert on the House Rules apparently has not yet learned that Beauchesne is a guide and not a rule, No. 1. One day, if he has sufficient experience, he may learn that. — (Interjection) — No. 2 . . .

**MR. SPEAKER:** Order please.

**HON. R. PENNER:** . . . the answer given by the Minister for Economic Development fully complied with that guideline from Beauchesne.

**MR. SPEAKER:** The Honourable Leader of the Opposition, to the same point of order?

**HON. S. LYON:** No, Mr. Speaker, I have another matter to raise.

**MR. SPEAKER:** I think those members who have spoken to the point of order, I'm not sure whether it was indeed. It was rather a full answering of a question by the Honourable Minister, and I would remind all members that the length of questions tends to influence the length of answers.

The Honourable Leader of the Opposition.

**HON. S. LYON:** Mr. Speaker, earlier in the question period, the First Minister read a letter that he had sent to the Consul General of the United States with respect to this unfortunate incident in which his members were involved. He undertook at the time to table the letter. Would he please do that?

### Canadian foreign policy

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

**MR. R. DOERN:** Mr. Speaker, I would like to direct a question to the First Minister. I would like to ask the First Minister whether he believes that Canadians can follow an independent foreign policy, or whether we must slavishly follow the U.S. position on all such matters as the Conservatives suggest?

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

**HON. H. PAWLEY:** Mr. Speaker, I only rise to — (Interjection) — answer the question because there has been so much discussion, it appears, yesterday and today on foreign affairs. I was rather surprised to return to find that there was such a sudden interest in foreign affairs in this Chamber. I thought it was a more appropriate Chamber insofar as the Parliament of Canada was concerned.

Mr. Speaker, it is my view that Canada's foreign policy of course is one that ought, first and foremost, to stand for freedom throughout the world and against oppression, whether that oppression be the oppression that's imposed on the Soviet Bloc or indeed, as is in the case unfortunately in many instances in Central and South America, from the United States of America. It is in that context, Mr. Speaker, that I responded to questions.

Earlier I responded, and I think this sums it up well as to our position vis-a-vis the position of the Leader of the Opposition, I referred earlier to the Macleans magazine article - and I didn't have it in front of me, now I do - referring to the Leader of the Opposition. I will table this as well, Mr. Speaker. He openly proclaims that the world can be divided into the good guys and the Commies. He believes that generals who run Chile, whatever their shortcomings, are less dangerous to the world order than the late Marxist leader Salvador Allende because at least they're on our side. The military regime that is on our side is better than a democratically-elected regime that is elected by votes that is neutral or not aligned.

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

### NON-POLITICAL STATEMENT

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

**MR. D. BLAKE:** Thank you, Mr. Speaker. I would like the leave of the House to make a non-political statement.

**MR. SPEAKER:** Does the honourable member have leave? (Agreed)

**MR. D. BLAKE:** I know that will be a relief to the members opposite. Mr. Speaker, last evening, the Manitoba Senior Ladies Curling Championships were concluded in Guelph, Ontario, with the Manitoba rink thoroughly thrashing an Ontario team. The rink of skip Mabel Mitchell, Mr. Speaker, who is in my constituency, the wife of Ross Mitchell, she had with her the third, Mary Adams; second, Mildred Murray; and the lead, June Clark.

Mr. Speaker, this fine representative team from the Province of Manitoba won the right to represent the Province of Manitoba at the Provincial Championship playdowns held earlier this month in Minnedosa, Manitoba - that fine part of the province south of Riding Mountains. I had the privilege to participate in the opening ceremonies there. The spectators were treated to some excellent curling and the final game with Mrs. Mitchell's rink, in a very hard fought contest, she won the right to represent the Province of Manitoba by defeating a Minnedosa foursome of Mrs. Murray, Ava Harris, Olga Wityshyn, and Winn Goudie that was thrilling to the spectators, to say the least. That representative from our province have proven their curling ability and have brought another honour to the Province of Manitoba and I know that members opposite will want to join with me and, more particular, the Members for Brandon East and Brandon West where some of the curlers reside now. I know that they would want to join me in bringing congratulations from all members of the House for bringing some more glory and honour to the Province of Manitoba in the curling field.

### BUSINESS OF THE HOUSE

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

**HON. R. PENNER:** Mr. Speaker, we'd like to make an announcement with respect to the committee meetings. I was asked by the Opposition House Leader at the end of last week whether I would do so, and I said that I would do so during the course of this week. It is still, although Friday, the course of this week. I pointed out yesterday that I had given a proposed schedule of committee meetings to the opposition House Leader at the early part of this week.

The proposed dates for committee meetings will be as follows: April 7th at 10:00 a.m., Law Amendments for bills referred; April 19th at 10:00 a.m., Economic Development, Manitoba Forestry Resources Ltd., Manitoba Mineral Resources Ltd.; April 21st, 10:00 a.m., Economic Development, Manitoba Development Corporation, Flyer Industries, McKenzie Steele-Briggs; April 26th, these are all 10:00 a.m., Sir, Public Utilities, Manitoba Hydro-Electric Board; 28th, 10:00 a.m., Public Utilities, Manitoba Hydro-Electric Board; May 3rd, 10:00 a.m., Public Utilities, Manitoba Telephone System; May 5th, Public Utilities, Manitoba Public Insurance Corporation; May 10th, Law Amendments, bills referred; May 12th, Economic Development, Moose Lake Loggers Limited, Channel Area Loggers Limited, Community Economic Development Fund; May 17th, 10:00 a.m., Public Accounts.

It was suggested by the opposition House Leader that it was likely that more committee time would be needed for some of these matters. That may be so and certainly arrangements will be made for calling additional committee times as required, but I think we should have it on the record what the basic framework is from which we will be proceeding. I will file a copy of this with the Clerk.

**MR. SPEAKER:** The next item of business?

### ORDERS OF THE DAY

#### ADJOURNED DEBATES ON SECOND READING - PUBLIC BILLS

**HON. R. PENNER:** Yes, Mr. Speaker. I ask that you call the debate on second reading on adjourned motions in the order in which I have furnished you with a list but, for greater certainty, calling Bills Nos. 4, 15, 16, 18, 21, 27, 33, 2, 3, and 14.

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Energy and Mines, the Second Reading of Bill No. 4.

The Honourable Member for Morris.

**MR. C. MORRIS:** Stand, Mr. Speaker.

**MR. SPEAKER:** Stand.

#### BILL NO. 15 - THE HIGHWAY TRAFFIC ACT

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Highways, second reading, Bill No. 15, standing in the name of the Honourable Member for Pembina.

**MR. D. ORCHARD:** Mr. Speaker, I want to make some remarks on Bill No. 15, An Act to amend The Highway Traffic Act.

Now, normally I think practically in every Session of the Legislature there has been amendments that are made routinely to The Highway Traffic Act because of changing circumstances, etc. This bill certainly has some of those provisions in it but this bill also has some fairly significant changes to The Highway Traffic Act, which we on this side of the House are going to want to listen quite intently to the Minister's closing debate on second reading, as well as listen quite intently to some of the justification and rationale behind certain changes that are proposed in Bill 15 to The Highway Traffic Act.

Mr. Speaker, the first thrust of amendment in Bill 15 deals with an attempt, I believe, by the Minister to overcome some licensing confusion that has stemmed up with the recent popularity of certain three-wheel all-terrain vehicles. These are made by at least two manufacturers and have, I suppose for a number of reasons over the past few years, become very popular in Manitoba, possibly because we haven't had much snow for the snowmobilers to undertake their normal winter recreational activities and these three-wheel rubber-tired all-terrain vehicles have taken over in a large majority, from the sales of snowmobiles.

Now I believe, although the Minister wasn't specific in his opening remarks, I believe the amendment that he's proposing in Bill 15, is to attempt to bring these three-wheeled all-terrain vehicles under a licensing format, I believe that was the general intent. I can only offer to the Minister some advice, that if that is the intent, and that is what I detected from his introductory remarks, that his amendments do not allow that to happen, Mr. Speaker. He will require, I believe, further amendments to The Highway Traffic Act, if that is the intent of the amendment, because if the Minister examines the availability of some of the all-terrain vehicles, he will find that his amendment, which simply adds them into the moped licensing category, falls short of covering the types of vehicles that are being sold.

The first and most obvious shortcoming in his amendment is that the engine size of at least two of the major and most popular three-wheeled ATVs is greater than 50 cc's. They are in the neighbourhood of 125 to 175 cc's and would not be able to be licensed under this amendment.

Secondly, they are capable of obtaining a speed greater than 50 kilometers per hour, which is another thrust in this amendment. Also, it seems to me that the diameter of the tires on a number of these vehicles exceeds the limit that is presently within the definition of moped.

Now if the intent wasn't to bring those under the legislation, then the Minister obviously has a different category of three-wheeled vehicle that he wishes to license. But if it is to bring all three-wheeled ATVs under the legislation and the licensing requirement of mopeds, then his amendments have fallen short, Mr. Speaker, and will require further amendment in Law Amendment Committee. Certainly if that's the case, there is a shortcoming in the information the Minister had presented to him, when making this amendment.

Other than that, Mr. Speaker, I have possibly misunderstood the intent of the legislation. If that's the case, fine, we can rectify that at a later stage.

But my question to the Minister is, now that it appears as if these three-wheel ATVs are to be licensed as



mopeds, does this give them, once licensed as mopeds, access to all of the highways, streets and by-ways in the Province of Manitoba? Because certainly the moped licence allows mopeds to be used on streets in the City of Winnipeg, on our highways and our by-ways. The licensing inclusion of these three-wheelers, as mopeds, seems to give that same ability and right as mopeds, for three-wheeled vehicles, and if that's the intent of the legislation certainly we want the Minister to further clarify that.

There's another matter that I mentioned, and I asked the Minister on that question and he didn't indicate definitively whether it was the case or not, but we had attempted to bring under licensing and a regulatory requirement, the use of handicapped transportation aids, such as one trade name, The Happy Wanderer, under licensing requirements, so that we could control and regulate the safety features involved in those three-wheeled vehicles that are used by the handicapped community to some extent in the Province of Manitoba. The Minister did not indicate whether that would necessarily follow through with his definition here, in the inclusion of ATVs as mopeds, and certainly we'll want to pursue that matter with the Minister in Law Amendments Committee and he might want to clarify that when he closes debate.

The second thrust of amendment, Mr. Speaker, to The Highway Traffic Act involves the licensing regulations of primarily foreign students from beyond continental North America. What we would like the Minister to answer in closing debate on the bill, is whether this relaxation of driver-licensing requirement by foreign students, other than students from the U.S.A., has inherent in it enough safeguards to assure that these drivers are indeed familiar with the Canadian traffic system, Canadian traffic laws, and whether this freeing-up of the licensing ability allows the Motor Vehicle Branch and the Motor Vehicle Registrar to check the driving records of those people that are going to receive new freedoms under this legislation, whether the standards of issuance in the countries that these people have been granted their driver's licence are comparable with ours, and at least allow Manitobans to be assured that they have the ability and the attitude towards safety that is the minimum requirement in Manitoba. We also want to know what conditions the Registrar might impose on these student drivers, as is indicated in the Minister's speaking remarks.

And fourthly, we'd like the Minister to explain what prompted this legislation. What kind of difficulties or complaints have been brought to his attention via the Registrar of the Province of Manitoba, to allow this amendment to be brought forward at this time?

Mr. Speaker, another section of the Act amends the weight restrictions that apply to certain snowplough vehicles. In other words, normal weight requirements are being waived for snow-clearing equipment that have front end loaders and blades on them. I wonder if the Minister could indicate, in his closing remarks, whether this general exception of snow-clearing equipment will apply in general to road construction equipment, which from time to time has to be moved to construction site during the time of spring restriction. There have been problems in the past and we have issued special permits and clearances, and whether this amendment is broad enough to include that as a routine procedure not

requiring special attention and a formal process through the Motor Vehicles Branch.

Mr. Speaker, there is one very disconcerting amendment that the Minister has brought forward in Bill 15, one, I might say, Mr. Speaker, that he paid little or no attention to in introducing this bill. I find that to be somewhat disconcerting because the intent of the amendment, unless I misunderstand my reading of the bill is incorrect, and I misunderstand what the Minister is intending, the Minister has brought in some substantive changes to the method by which the farm community can transport their equipment on the highways of the Province of Manitoba. Some of these requirements, Mr. Speaker, are onerous; some of these requirements are very, very difficult to comply with, and indeed, will be costly to comply with.

For instance, the Minister is requiring all farm implements, that are towed on the highways, to now be equipped with certain reflective materials of a minimum size, and converting from metric to the British system one finds the farmers in this province are going to find that they are required to have reflective material attached to the front and back of their equipment that is going to be towed on the highways, and that reflective material must be placed on the equipment, and must be no smaller than 48 square inches. Mr. Speaker, that's a chunk of reflective material 6 inches by 8 inches square, or 3 inches deep and 16 inches long. I think the Minister does not quite appreciate that in the majority of farm equipment, the foremost and rearmost left extensions of those pieces of equipment in all probability do not have sufficient surface area to attach that size of reflective material.

There is a physical problem in doing that, as well as an expense, as well as an additional requirement. I think if the Minister checks with the manufacturers and the retailers of farm equipment, he will find that they are already equipped with reflective materials and reflective emblems.

He is adding a further requirement, a different style of reflective material. He never mentioned in his opening remarks the reason for it, the justification for it, and why it's being required. That requirement, Mr. Speaker, as costly as it will be for each and every farmer in the Province of Manitoba, pales into insignificance to the requirement that the Minister is adding, that any time a tractor or a self-propelled implement of husbandry, in other words, any piece of farm equipment, if you want to get right down to it, that is put on the highways of the Province of Manitoba during the evening and darkness hours, must now be required to have a pilot vehicle front and back of that tractor, combine, swather, or any other piece of farm equipment.

Now, Mr. Speaker, that is an incredibly large requirement to impose upon the farm community. It has an incredible change in the process by which farmers have been able to operate in this province on the highways. It will be a very expensive requirement to comply with, and the Minister did not make one single reference to that in his introductory remarks. I don't know why he would not have done that because surely he, as a former farmer and a representative of a farm community, an MLA for a farming community, must realize himself the incredible responsibility that this is placing on each and every farmer in the Province of Manitoba.

I need not remind him as a former farmer and as an MLA for a farm community, that today's farming operations tend to be very very compressed. There's the old saying that when the sun shines, you make hay. Well, that isn't true today. It's when the sun shines and the moon shines you make hay, you plant crops, you harvest crops. That requires, in a lot of farming operations throughout the length and breadth of this province, that they operate much beyond the eight hours that many people are accustomed to working. They work into the evening and into the nighttime hours. That often requires movement of equipment from field to field, down provincial roads and highways during the night timehours.

Those tractors, combines, swathers, are all equipped with flashing equipment, with flashing lights, but this Minister has chosen to, as well as require that, to require them every time they move a tractor by itself down a highway at night, that it must have a pilot vehicle in front and behind. Now, that is an unacceptable requirement in the farm community. It is unacceptable that the Minister would introduce that without providing any comment to it when he introduced the bill. It is unacceptable when I don't believe it was discussed to any degree whatsoever with the Farm Bureau of Manitoba, the voice of the farmer, if you will. It is unacceptable to members on this side of the House. It is a bad amendment, Mr. Speaker. It is treated very lightly by this Minister in the hopes that it would be glossed over. I find that hard to accept from the Minister of Highways and Transportation.

What is even more disconcerting is that it probably cleared the Cabinet and the caucus of the New Democratic Party without one iota of understanding or concern for the farm community. It is yet again, another evidence of the kind of legislation that rural Manitobans and the farmers of this province can expect from a government and a Cabinet that are controlled by elected MLAs that reside within the City of Winnipeg, and have no attachment, no understanding, and apparently no desire to understand what rural Manitoba is about. It's one more cause for the growing disenchantment in rural Manitoba for this government which is so out of touch with rural Manitoba.

I can appreciate where the Member for Wolseley, having no understanding of rural Manitoba, despite the fact that she grew up on a farm in my constituency, despite the fact that she has a farm background; I can understand where now in her perspective of being an urban MLA that she would allow this kind of onerous amendment to become part of The Highway Traffic Act. I can understand where the member sitting immediately behind me from River East would once again pass that amendment with no concern and no understanding of the farm community.

Mr. Speaker, I cannot understand how the Minister of Agriculture, the Minister of Highways and Transportation, the Member for Springfield, the Member for The Pas, and a couple of other token rural representatives would allow this amendment to become part of legislation in Manitoba.

We will not support this amendment, Mr. Speaker. We will fight to have this amendment removed from the Act.

Mr. Speaker, the penalty sections in this Act are increased. Overweight ticketing is increased from \$3

to \$10 per 50 kilograms, that is a 333 percent increase and that increase is interesting to note, Mr. Speaker, in that it comes in at the same time that the onus of proof on the accuracy of scales of traffic inspectors is being taken the exact opposite way. Instead of being inspected every year, they are now only to be inspected every two years. Less cost to the government, because they don't have to prove the accuracy of their scales as often, and a greater penalty to the hauling industry in Manitoba. The two hardly go hand in hand. Reducing costs to the department on one hand and increasing the fines by 333 percent on the other hand.

Basically the amendment, Mr. Speaker, of allowing permits to be indicated by number only, and not have actual possession of the permit in certain over-width and over-length moves on our highways is good. It cleans an administrative nightmare and I commend the Minister for bringing that in. It was something that was certainly brought to my attention and was part of discussions that we had whilst I had responsibility for the department and it is a good amendment.

One of the catchers that are once again present here, is that the fine structure for moves in violation of over-width and over-length permits, are increased by a minimum of 400 percent and 500 percent. Mr. Speaker, that's quite an increase in the fine capability and this causes some concern to all of us when we take a look at the Attorney-General's Estimates of Revenue and in the Attorney-General's Department. He is projecting a 20-percent increase in the collection of highway traffic-related fines in the Province of Manitoba in the next fiscal year. An increase in collection of fines from \$5 million to \$6 million, a 20 percent increase, and one has to ask the Minister of Highways and Transportation and the Attorney-General if there is a subtle connection to these amendments in The Highway Traffic Act, which increased the fines. The tremendous deficit this government is running up and the projection made by the Attorney-General is going to dramatically increase fine collections this year. Are we now seeing the event of highway traffic inspectors turned into pseudo tax collectors on behalf of the Treasury Branch of this government, that all highway traffic inspectors now will be tax collectors increasing collections by 400 and 500 percent? That will be discussed at length, Mr. Speaker.

The proof of financial responsibility in cases of certain accidents was up last year and now again it's doubled this year. A simple question has to be asked, why wasn't it brought up to the limits last year that are required now? We'd like to know what justification there is there.

There are further amendments to the infamous earphone listening amendment that the Minister brought in last year. It was a bad amendment last year. It was bad legislation last year and we have a further bad amendment to try to make bad legislation better. My simple suggestion to the Minister is to simply drop it, simply drop that whole fiasco he introduced last year.

There is a problem with the commencement of the Act that the Minister did not explain adequately. As a matter of fact, he never even made reference to it. Certain measures in the Act are retroactive. Some are retroactive to March 1, 1983, which is passed already and certain measures are retroactive to June 30, 1982. Any time that legislation is brought in retroactively, it is usually accompanied by a significant explanation as to why it has to be retroactive. Once again the Minister



has been strangely silent on this and our simple question in the opposition is, are any Manitobans being deprived of any rights by this retroactive imposition of certain amendments contained in Bill 15?

So, Mr. Speaker, we can agree with certain portions of Bill 15 and other portions of it, we certainly cannot agree with. I think our rationale and our reasoning in opposing some of those amendments, will prove imminently logical to the Minister and to the government. They will prove that once again, we are representing the rural community better than they can from the City of Winnipeg, and we only hope and urge that the Minister, when he considers these amendments in Law Amendment Committee, will not go in with an ideological blind mind and will accept our recommendations and our amendments.

**MR. DEPUTY SPEAKER, P. EYLER:** The Honourable Minister of Transportation, in closing debate.

**HON. S. USKIW:** Mr. Speaker, I move, seconded by the Honourable Minister of Health, that the debate be adjourned.

**MOTION presented and carried.**

**MR. DEPUTY SPEAKER:** Bill No. 16, on the proposed motion of the Honourable Minister of Energy, An Act to amend The Oil and Natural Gas Tax Act, standing in the name of the Member for La Verendrye.

**MR. R. BANMAN:** Stand, Mr. Speaker.

**MR. DEPUTY SPEAKER:** Stand? Is that agreed? (Agreed)

Bill No. 18, on the proposed motion of the Honourable Attorney-General, standing in the name of the Member for Fort Garry.

**MR. L. SHERMAN:** Stand please, Mr. Speaker.

**MR. DEPUTY SPEAKER:** Stand.

Bill No. 21, on the proposed motion of the Honourable Minister of Municipal Affairs, An Act to amend The Municipal Act, standing in the name of the Member for Swan River.

**MR. D. GOURLAY:** Stand, Mr. Speaker.

**MR. DEPUTY SPEAKER:** Stand.

Bill No. 27, on the proposed motion of the Honourable Minister of Social Services, An Act to amend the Social Services Administration Act, standing in the name of the Member for Fort Garry.

**MR. L. SHERMAN:** Stand, Mr. Speaker.

**MR. DEPUTY SPEAKER:** Stand.

Bill No. 33, on the proposed motion of the Honourable Minister of Health, An Act to amend The Pharmaceutical Act, standing in the name of the Member for Rhineland.

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

**MR. DEPUTY SPEAKER:** Stand.

Bill No. 2, on the proposed motion of the Honourable Attorney-General, The Law Enforcement Review Act, standing in the name of the Member for St. Norbert.

**MR. G. MERCIER:** Stand, Mr. Speaker.

**MR. DEPUTY SPEAKER:** Stand.

### **BILL NO. 3 - THE FARM LANDS OWNERSHIP ACT**

**MR. SPEAKER:** Bill No. 3, on the proposed motion of the Honourable Minister of Agriculture, The Farm Lands Ownership Act, standing in the name of the Member for Rhineland.

The Member for La Verendrye.

**MR. R. BANMAN:** The bill stands in my colleague's name, the Member for Rhineland. However, I would like to speak on this bill, with the understanding that the bill will continue to stand in my colleague's name.

Thank you, Mr. Speaker. I enter this debate at a time when my colleague for Lakeside and several other colleagues have spoken with regard to this piece of legislation, and they have already indicated that this Progressive Conservative caucus in the Manitoba Legislature will vigorously oppose it, unless the government does make some changes which I feel are major changes.

I believe this particular bill, Mr. Speaker, deliberately attempts to restrict the private ownership of farm land in this province. It's not a foreign ownership bill, Mr. Speaker. The Minister has very nicely tried to bring in a bill under the guise of trying to restrict foreign ownership; foreign investment in this province, which I might add I don't have any problem with. I was part of a government that brought in a bill which tightened up the controls on foreign ownership. If some foreigner does not want to come and take up landed immigrant status in this particular country, I have taken the stand, and the majority of my constituents take the stand that they should not then be allowed to own land. If they don't want to come here and live in Canada and participate in this country, then we have said by speeches and actions in the past years, they should not be allowed to buy the land here.

Mr. Speaker, that is not the intent of this particular piece of legislation. One just has to look at it, and see what the Minister has done. He has very skillfully, with playing on words, given the impression to the people of Manitoba that this bill will control foreign investment. I say to you, Mr. Speaker, if you're looking at controlling only foreign investment, I suggest to the Minister there are a few minor changes that can be made to existing legislation to tighten it up, to make sure that foreigners who do not want to come and live here, can have a very difficult time buying land here.

But this bill goes much, much further. It strikes at the heart of something which we have debated in this House many times. Members opposite have exhibited a totally different attitude towards the private ownership of farm land than we have, I believe, to restrict Manitobans; to restrict Canadians to what they can do to do with their land; if they want to give it to their children. If somebody living in Steinbach wants to own



a piece of land up in Arborg, just because he or she is a schoolteacher, or an RCMP officer, or something else, I don't want to see this government saying to them, well, if you don't own it for 10 years, you can't give it to your children who happen to be moving somewhere else.

Mr. Speaker, I don't want to see that. I don't want to see restrictions placed on a citizen of Manitoba which says you can do this with your land, or you can't do that with your land. There are a lot of people, including my grandparents, my father, who came to this country because they had the right to own land. Once they had the right to own land, they had the right to give it to their children; they had the right to do with the land what they wanted.

This Minister, Mr. Speaker, has created a smokescreen. He has brought this bill in under the pretext, as I mentioned, of a foreign land ownership bill. The Member for Lakeside pointed out several statistics, and I would like to deal with them even further.

What is particularly disturbing in the letter which the Minister wrote to the Leader of the Opposition on November 22nd, he dealt with two municipalities which are from my particular area. I know some of the reeves have expressed concern in my area to this Minister at different meetings that he's held with regard to some of the regulations in this bill. Because in my particular riding, the one municipality, the R.M. of Labroquerie, has traditionally, Mr. Speaker, been 100 percent owned, if you go way back, with a land grant to one American who tried to colonize that particular area, several townships that were given to him by an act of the Legislature. So that particular municipality was 100 percent controlled by foreigners at one time.

Now, what has happened since then? Having grown up in the area, I've seen people over the years; Americans, Italians, people come in and absolutely lose their shirts there in trying to develop that property, down to the point now, Mr. Speaker, where this Minister says that the R.M. of Labroquerie is 60 percent owned - he puts this very nicely - but absentee landlords. He would like us and the average person on the street believes, well that's the big foreigner.

Mr. Speaker, what has really happened is in the R.M. of Labroquerie, which has a fairly large concentration of foreign ownership, because I believe there's something like - what is it - 11,000 acres that's owned by one block of Italians that bought it a number of years ago, and because of several other management companies that are involved whose ownership is questionable, the R.M. of Labroquerie at present, from looking at the tax rolls, and not excluding some of the lands that are taken up by the Village of Labroquerie and that, is roughly 39 percent foreign-owned. Out of that, there's two parcels of land; the Italians and another one owned by a Manitoba registered company, which I believe is a foreign-owned company, we can't find out who it is. Those two companies alone represent 15 percent of that 39 percent figure.

Both those corporations are in arrears in taxes. The Italians are in major problems, have got this land listed. If somebody wants to buy 11,000, what is the price? I think about \$1.5 million right now for 11,000 acres of land. This is not all prime agricultural land. It's far from it because as you can see, we're looking at what, about \$125 an acre. The Italians, Mr. Speaker, are in trouble on this.

There are a number of other people that are in trouble in that area. The municipality now is faced with a tax sale on a number of those. So, where is the problem? I have seen over the years, a lot of money expended in that particular municipality by people who have come in and had visions of developing that municipality and seeing large cattle operations involved there; to see different types of cash crop farming taking place on much of this land. But to date, it has not been really successful. Most people that have been involved have lost everything they've put in, plus the amount that they paid for the land.

So, I say to the Minister, on the one hand, you can't compare a rural municipality like Labroquerie with the land from my colleague's area, the Member for Morris. There are going to have to be changes made in this particular piece of legislation to take into consideration some of the other factors. Anybody that's looking at 11,000 acres for \$1.5 million realizes that is not prime agricultural farm land. Yet, this Minister wants to control that particular land.

Now, the problem that we have is that you've got these 11,000 acres for sale in the R.M. of Labroquerie, but who is going to pick that up now? We've got an Act before the Legislature here which really questions even if somebody living in Winnipeg is able to buy that property out there, if he's not a farmer. — (Interjection) — If it's a corporation, Mr. Speaker, it could be four or five members of the Legislature getting together — (Interjection) — forming a corporation, a limited company to buy some land in Manitoba, they're not allowed to. So, you've got a real problem here. You've got all this land sitting there, which will probably, if they can't sell, will revert to the banks who will virtually have a terrible time in trying to find a buyer because nobody locally wants to buy it.

The Minister is saying that if somebody in Saskatchewan or Ontario or British Columbia wants to buy this land, they're not allowed to buy it either. They're not allowed to buy it. He is restricting the ownership of land to Canadians and Manitobans, and anything that restricts the right to own land in any shape or form by a Manitoban, I am against. This particular country was founded on the right to private ownership of property and I will defend that right in this Legislature.

I say to the Minister, that particular principle is on the minds of every person out in rural Manitoba and, with the exception of a few people who wouldn't want to see anybody but a farmer living on farm land, I want to say to the Minister that 90 percent of the people in my riding want to have the right, as a Manitoban, as a Canadian, to own land wherever they want in Canada and how they want.

What is particularly disturbing is the total lack of a data base that the Minister has based this bill on. He has, after a lot of prodding from the Leader of the Opposition - and we detailed that in December when the Leader of the Opposition got up and told what agonizing things he had to go through for some six months to try and get a letter out of the Minister to justify what was happening. He has taken a study which was done six years ago, by who? - by, I believe, a number of university students who roamed around the country and did a tally on what the ownership - they had to look at the tax rolls - and they went ahead and developed this letter which is the justification that he wants to use.

Let me tell him how far out he is. All he would have had to do if he wanted actual, factual information with regard to this, he would have just had to write the secretary-treasurers. The secretary-treasurers of the municipalities involved, Mr. Speaker, can give you information about their municipality that the members opposite didn't even want to know. I suggest to you, Mr. Speaker, they didn't ask the secretary-treasurers for one reason, because they know what the facts are and the facts did not suit the purpose of this bill.

Let's take the R.M. of Ste. Anne — (Interjection) — Mr. Speaker, that is the problem with the Member for Springfield. A good secretary-treasurer that has been around for many years can take a map and show you where everybody is living and whether he's absentee owner or not.

**A MEMBER:** To the quarter.

**MR. R. BANMAN:** To the quarter, and that's where you go totally wrong. Mr. Speaker, he knows the registered owners and he knows who's paying the taxes and who isn't. They are much sharper than the members opposite give them credit for.

Let's find out what happens when the Minister with his so-called data base, with his six-year old study that he is using instead of doing proper research - here we have a Minister of Agriculture that has a whole big staff available to him and he comes up with some phony figures with regard to, what he calls, absentee landlords. I have to tell him that if he considers absentee landlords, if he says an absentee landlord is someone that doesn't live in the municipality, doesn't live on the farm lands that are involved in that particular municipality, then his figures might be right. In other words, if I have a farmer who happens to be living in the R.M. of Hanover and has two quarters in the R.M. of Ste. Anne, according to his figures, that's an absentee landlord. That's right. — (Interjection) — Let's look at the figures at the R.M. of Ste. Anne. I think the R.M. of Ste. Anne . . .

**HON. B. URUSKI:** Why don't you go check with the authors?

**MR. DEPUTY SPEAKER:** Order please.

**MR. R. BANMAN:** Mr. Speaker, I want the record to show that he says, why don't you check with the authors? The Minister has taken a data base from a thesis that is six years old and has based his argument on that. Mr. Speaker, he has used information that is outdated. He didn't try to get the real projections and the real facts on this matter, because they didn't suit his purpose. That's right.

Let's take the R.M. of Ste. Anne. In the letter of November 22nd to the Leader of the Opposition - the Minister signed his name to this letter. It's his letter, and I would imagine that the department has done some research on this. He says that "In the R.M. of Ste. Anne, the percent of farm land owned by absentee landlords is 22 percent."

Let's look at the actual facts of farm land. I asked the secretary-treasurer, I said, is that a fact? He says, there is no way. I think he's been there something like 20 years, and I said, well, can you provide me with the

actual figures? I know it's going to take a little work, but can you run through the rolls and tell me exactly who lives where and who owns which parcel and you've got one or two pieces that are up for subdivision. He knows where it is; he knows the municipality. He knows it inside out; he's been there many years. He knows the people that live there. So he said, well, let me give you the figures. He tells me that non-resident foreigners, in other words, people that live in Italy or France or Germany, own 157.26 acres of farm land or .2 percent of all the land in the municipality. The R.M. of Ste. Anne, percent of farm land owned by absentee landlords, 22 percent; the actual non-resident, non-Canadians is .2 percent, 157 acres in the whole municipality.

Non-resident Canadians own 1,784 acres of farm land. In other words, somebody living in Saskatchewan or British Columbia or Ontario or Halifax or whatever, they own a total of 1,784 acres of farm land in that municipality. That represents 2.2 percent.

So if you take these two figures, people that live outside of the Province of Manitoba, Canadians who own farm land in the R.M. of Ste. Anne, plus you take offshore owners, whether they be U.S. or Italians or Germans or French, the total amount of land that is owned by people that reside outside of the Province of Manitoba is 2.3 percent. The Minister says percent of farm land owned by absentee landlords is 22 percent, when in reality that figure is out by, what? - some 100 percent. — (Interjection) — Mr. Speaker, much more than that. I'm sorry, Mr. Speaker, 1,000 percent out. Now, these are figures, Mr. Speaker, that are not researched by somebody who has sent a bunch of university students out who have not had the experience in dealing with tax rolls.

What I say to you, Mr. Speaker, and I reiterate, this particular bill was brought in not because of a concern about this trumped-up problem about Manitobans or Canadians owning land, it was brought up because they have a philosophical hang-up to people who live in Winnipeg or live in Steinbach or don't happen to live right on the farm or in the municipality to own farm land in this province.

So, Mr. Speaker, here we have the R.M. of Ste. Anne - it is a beautiful example because it really highlights the ridiculousness of this whole thing. If the Minister is using the figures of 22 percent absentee ownership, that means that everybody that lives outside the municipality, whether it be farmer or whatever, is an absentee owner. That means myself, if I own an acre of land in the R.M. of Ste. Anne, and live in Steinbach a short six miles away, I'm an absentee owner. That is the only way that he could arrive at these figures. That's the only way. — (Interjection) — Well, Mr. Speaker, the Member for Springfield says - no way. You've got it in black and white here. So anyway I want to say to members opposite that I believe this is a deliberate attempt, and the figures bear it out on both of my municipalities. These figures are away out.

The Minister has really, in his figures, used a Manitoban that isn't living right on the farm as an absentee landlord. That is wrong, I oppose that principle, and he has brought this bill in under the guise of restricting foreign ownership, when in essence what he is doing is restricting the ownership of farm land to Manitobans and Canadians. A principle totally foreign



to this party and totally foreign to 99 percent of the people in Manitoba.

I have dealt with two municipalities in my area that have provided me with their detailed information. Accurate information, Mr. Speaker. There is more information. The Member for Emerson's got a number of examples which again point out exactly what I have told the Minister here today and he'll be speaking at a later date, again using those figures, and showing the Minister that for some reason, and I think I know why, but for some reason he did not want to research this issue very carefully, and did not ask his staff to do that because the figures would have borne out that to restrict Canadians, and restrict Manitobans of owning farm land in this particular area, the magnitude of the problem just wasn't there.

So, he has, we've heard him espouse all kinds of things in this Legislature but I believe, Mr. Speaker, the people of Manitoba, when they read these figures, will realize the true intent of this government, and that is to control the individual, and control the farm land in Manitoba. They are going to tell us who can own it and who can't own it.

Well, as a Manitoban I object to that type of legislation. I believe it is a deliberate attempt, this bill is a deliberate attempt, by the Minister and that government to fudge the issue of foreign ownership, to use that smokescreen as a method of restricting Canadians and Manitobans of owning farm land in this province. It's a right that all Manitobans and Canadians want to keep. They have a right in this country to do that. It's a principle and a right that I strongly believe in and, Mr. Speaker, I want to tell you that my constituents and I will fight this type of legislation which encroaches on the basic freedoms of the individual in Manitoba and Canada.

**MR. SPEAKER, Hon. J. Walding:** The Honourable Member for St. Norbert.

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

—(Interjection) — Oh, pardon me.

**MR. SPEAKER:** The Honourable Member for La Verendrye.

**MR. R. BANMAN:** Mr. Speaker, if you will recall when I started to speak, the bill stands in the Member for Rhineland's name, and I think it was understood that it would stay there.

**MR. SPEAKER:** The bill will stand in the name of the Honourable Member for Rhineland.

On the proposed motion of the Honourable Attorney-General, Bill No. 14, standing in the name of the Honourable Member for Lakeside.

**MS. G. HAMMOND:** Stand, Mr. Speaker.

**MR. SPEAKER:** Stand. Would the Honourable Government House Leader like to indicate the next item of business please.

**HON. R. PENNER:** Yes, Mr. Speaker.

**MR. L. HYDE:** Andy, move up to the front and help him.

**HON. R. PENNER:** I don't need any help.

**A MEMBER:** Oh, yes, you do.

## SECOND READING - GOVERNMENT BILLS BILL NO. 25 - STATUTE OF FRAUDS

**HON. R. PENNER** presented Bill No. 25, An Act to repeal the Statute of Frauds; Loi abrogeant la loi intitulée "Statute of Frauds."

**MOTION presented.**

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

**HON. R. PENNER:** Thank you, Mr. Speaker.

The Statute of Frauds is, in fact, an English statute enacted in 1677, 306 years ago approximately.

It forms part of the law of the Province of Manitoba because of, what is called, the reception of English law as the basic law of the province when Manitoba became a province in 1870. Let me say parenthetically, that is consistent with the way in which the statutory law base was formed in other provinces as they came into confederation.

Now in 1980, the Law Reform Commission produced an extensive study of the Statute of Frauds and found that as things currently are these several hundred years after the statute was first enacted in England, the statute, in fact, which was designed to prevent injustice now causes more injustice than it prevents. It is certainly the greatest single source of contract litigation.

The Statute of Frauds all too often provides a technical defence to an otherwise valid contract simply because the contract in question is one required by the Statute of Frauds to be in writing or to be evidenced in writing. And as it may happen, in a particular circumstance, does not conform to those requirements.

Let me just parenthetically give the kind of example which has happened, perhaps all too frequently, where a person who owns property later in life, perhaps widowed, or divorced asks, let us suppose it's a man, a woman to be his housekeeper, and to perform housekeeping service, and perhaps only housekeeping services, and says that in exchange therefore, that person may live on the property and that he, the owner, will not pay for those services, but when he dies he will see to it that she is well provided for, and, in fact, he will see to it that she becomes the owner of that property upon his death.

Thereafter she works and performs those services and then the man dies, and in fact, leaves a will leaving the property entirely to, let's say his children by his former marriage, or the marriage with respect to which he is now a widower.

The woman in question even though there might be all kinds of oral evidence, absolutely beyond a shadow of doubt confirmed that that indeed was the deal, that it would otherwise be a valid and forceful contract, services for land to be transferred at a given point in time. It is unenforceable, because the Statute of Frauds based on experiences of three centuries ago required



that particular kind of contract would have to be either in writing or evidenced in writing.

It's ironic that a person can enter into a binding contract for the purchase or sale of millions of dollars worth of securities simply by picking up the phone and dealing with a broker or even by shouting an order across the trading floor, whereas an agreement relating to a plot of land worth perhaps a few hundred dollars can be avoided if the person suing on the agreement was unable to produce a contract in writing or evidenced by writing. There are other contracts that are dealt with by the Statute of Frauds based, let me again say, on the experiences of several centuries ago.

The Statute of Frauds was originally enacted in an attempt to deal with the widespread fraud and perjury of that day. This relates, Mr. Speaker, and I think this should be emphasized to the then - then being 1677 - undeveloped state of the law relating to evidence. It was deemed imperative because of that fact where matters could be alleged on the basis of mere hearsay, it was deemed imperative that certain transactions be in writing or be evidenced in writing in order to be enforceable in the courts. Let me just again, parenthetically, point out that when they talk about "in writing or evidenced in writing" basically what is being said is that if you can produce scraps of papers with some writing on them or a letter with some writing on them that this may be sufficient, even though that writing might be quite tenuous, and in other circumstances oral evidence would be far more persuasive but simply because of the nature of the contract would be inadmissible.

As a result, Mr. Speaker, of the sophisticated nature of our present commercial and judicial systems and certainly the law relating to evidence, the compelling circumstances which led to the enactment of the statute 300 years ago are either non-existent or of no consequence. In fact, the statute has come full circle. The statute, itself, becomes an instrument of fraud and I gave you an example a few moments ago where indeed that could happen. It has been used, and I know from my own experience as a lawyer in practice, by persons aware of the existence of the Statute of Frauds to avoid an otherwise valid contractual obligation simply by alleging, well, touch luck, it wasn't in writing.

What has happened is this, that so onerous has the Statute of Frauds become that the Common Law Courts over the last 100, 150 years in terms of what is called their equitable jurisdiction - that is a limited jurisdiction they have to try to bring fairness to the otherwise rigid draconian application of the strict application of the common law - the Common Law Courts, on their equitable side, have developed a number of ways of getting around the Statute of Fraud. And that indeed was right, it was just, where the doctrines of what are called "part performance" and "restitution" could be resorted to.

Let me give you an example. Where a contract, let's say, between a municipal corporation and a contractor would have to be in writing, and yet there was indeed an order given to a contractor to perform work for the municipal corporation and that work was performed, let's say, the paving of streets or the repair of street lamps or whatever it might be, and the municipal corporation benefited from that work, but the municipal corporation - and there are cases of this kind, recent

cases in Canada - when asked to pay for the work, attempted to avoid payment on the grounds that the contract was not in writing as it ought to have been, then the person who had performed the work could go to court and on the basis of a doctrine called restitution say, well, in fairness, I've done the work, I've expended money. Even though I can't prove a contract, I ought to be awarded damages for my losses in this way. So that, in effect, there have been some limited remedies fashioned over the last 150 years to avoid the rigours of the Statute of Frauds, to avoid unconscionable results which often flow from strict reliance on the statute.

Mr. Speaker, our courts have now developed to the point where they are fully capable of deciding basic contractual questions by applying the normal rules of evidence. In fact, they do that day in and day out. Contracts that involve millions of dollars are adjudicated on by the courts strictly on the basis of oral evidence. These are contracts which do not fall within the Statute of Frauds. So that, on the one hand, the courts are proceeding to adjudicate, and they do so at a fairly sophisticated level, but you get to these limited number of contracts which, pursuant to the Statute of Frauds, must be in writing or evidenced by writing and then the hands of the court are tied other than these limited equitable remedies of part performance or restitution as the case may be.

It therefore seems logical, and that was the conclusion substantially of the Law Reform Commission, to leave the courts free to proceed to hear and decide contract disputes, hitherto subject to the statute, in the same way as they do with other contracts.

It should be pointed out, and I know there will be some legitimate concerns, that the repeal of the Statute of Frauds does not mean that there will no longer be any requirements in Manitoba for certain agreements and certain transactions to be in writing. For example, our legislation, The Real Property Act, The Registry Act, The Mortgage Act, dealing with secured interests in real and indeed in personal property require that they be in writing before they can be registered. The conveyance of land or the registration of a real property mortgage or any other hypothecation must be in writing under our Land Titles system. That remains. So that, when you get to the actual conveyance of title or the encumbrance of title, this must be in writing.

Similarly, agreements with respect to the sale and purchase of property governed by Section 21 of The Real Estate Brokers Act must be in writing. So the normal transactions that take place day in and day out with respect to the sale and purchase of a house affected by persons under The Real Estate Brokers Act, those must in writing and indeed must be in a prescribed form. So, too, The Consumer Protection Act contains requirements for the written disclosure of a whole number of matters dealing with a consumer transaction, certainly the cost of borrowing and other details of many consumer transactions.

In conclusion, Mr. Speaker, what this proposed measure does is remove an anomaly which we inherited from the English law of 300 years ago and which has now become not only a fetter on our legal system, but a source of injustice.

I recommend this bill to the House.

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

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

**MOTION presented and carried.**

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

**HON. R. PENNER:** Yes, Mr. Speaker, I move, seconded by the Minister of Agriculture that, Mr. Speaker, do now leave the Chair and the House resolve itself into a committee to consider of Ways and Means for raising of the Supply to be granted to Her Majesty, to consider the Loan Bill No. 1.

**MOTION presented and carried,** and the House resolved itself into a Committee of Ways and Means with the Honourable Member for River East in the Chair.

### COMMITTEE OF WAYS AND MEANS SUPPLY - CAPITAL SUPPLY

**MR. CHAIRMAN, P. EYLER:** The item before the committee is respecting Capital Supply.

RESOLVED that towards making good certain sums of money for Capital purposes the sum of \$30 million be granted out of the Consolidated Fund.

The Member for Fort Garry.

**MR. L. SHERMAN:** Thanks, Mr. Chairman, I'd like to make a few comments at this time as we address the bill in front of us, and the urgent business of the raising of a substantial sum of capital for the capital commitments and obligations of this province. In doing so, I want to apprise you, Mr. Chairman, that essentially for the few moments that I want to participate in the debate this morning, I want to talk about some concerns that I have in the field of health care, health care services and programming.

In view of the fact that health care expenditures represent such a major portion of the provincial Budget, I trust, Mr. Chairman, it is not inappropriate for me to focus on this subject for a moment, as we deal with the Loan bill.

Serious concerns are developing in the minds of many of us with respect to the maintenance of quality health care and health care programming in Manitoba, Mr. Chairman, and I want to put some of those concerns and some of those questions on the record at this juncture.

In a few days time, of course, we'll be dealing with the Expenditure Estimates for the Ministry Health, for the department. We'll be looking at that time at a requested total appropriation of approximately \$1 billion - in fact, it's slightly more than \$1 billion - to reinforce and maintain the health care programming and delivery of health care programs that all Manitobans of all political persuasions on all sides of the House, have come to admire; have come to take great pride in; have come to cherish, and with very good reason.

When we do that, Mr. Chairman, we will be looking at a challenge facing our province and facing this Legislature, to maintain the high level of quality health care programming that has been built over years and over decades by different governments, on behalf of

and, of course, with the total fiscal support of the taxpayers of Manitoba themselves. The question seems to be coming to the fore at this juncture for many of us, as to whether the current government is going to maintain health care programming at the level at which they inherited it, and at the level which Manitobans have come to expect and deserve.

I say that question arises now rather ominously, Mr. Chairman, because for the first time, I think, in the life of this current New Democratic administration, which has now been in office some 15 months, some cracks and flaws are beginning to appear in the walls of the province's health care structure. The evidence is starting to come in; starting to mount that we are faced perhaps with an incipient difficulty in terms of maintaining our system.

It's not an easy challenge to meet because it's a complex, sophisticated, and very expensive system, but when one recalls the posture and attitude that the New Democratic Party took with respect to health care when they were in opposition, and one recalls the kinds of rallying cries that they brought as a party to the last election campaign in this province, Mr. Chairman, one has a right, I believe, to challenge them; to challenge the NDP Government as to its integrity and its sincerity where its position with respect to health care is concerned. One has a right, I think, to challenge its integrity and its sincerity where its claims and its articulation of its health care philosophy are concerned.

Mr. Chairman, we have had questions in this House raised by my colleague, the Honourable Member for Pembina with respect to difficulties in hospital programming and in his constituency, and reports of cutbacks in hospital services and staffing in some communities in his constituency.

We have had difficulties expressed from different communities in the province, the most recent one being Eriksdale in the Interlake with respect to the maintenance of a doctor in that community; a doctor for its hospital.

We have had the recent tragic situation at Flin Flon where the intensive care unit at the Flin Flon General Hospital was closed down for four days, apparently without the knowledge of the Minister and the Manitoba Health Services Commission, and the people of that community were left without the kind of critical care service that they had been led to expect, and were under the impression was available to them.

There are different reports of a disturbing nature that have come to my colleagues and to me that reflect and represent a tightening and a climate of difficulty in a number of areas of health care. There are substantial suggestions of cutbacks on the horizon in the health care field, Mr. Chairman. We will be, of course, as I said a few moments ago, looking at this whole field in detail when we get into the Estimates of the Department of Health. I know that the Minister of Health will be examining the scope of the projected operations for 1983-84 with us, with members of the House and members of the committee at that time and I'm sure will be responsive to our questions and I look forward to the opportunity, at that time, to discuss in detail some of my concerns.

But I wanted to say at this juncture, Sir, that when we're looking at a loan bill of this magnitude, or any expenditure of money, or any legislative mechanism for



the borrowing of money, that I cannot in all conscience permit that kind of legislative procedure and examination to go by without at least raising the concern that I have and citing the worry that I feel at the present time, with respect to our health care programming, because it is such a major part of our provincial life and it represents such a major part of our provincial Budget.

There are a number of questions that I would like to leave on the record with this committee and with the Minister, with respect to health care in general and with respect to the Flin Flon situation in particular. I was rather dismayed, during a question and answer exchange between the Minister of Health and myself the other day in the House, to learn that apparently the Standing Committee on Nursing Manpower has been placed in mothballs and is no longer operative.

The Minister of Health observed at the time that it was a committee that was established when there was a serious cyclical shortage of nurses. It was a committee that was established by the previous government, the Progressive Conservative Government, admittedly, to address what was a difficulty that was affecting all jurisdictions in Canada and most jurisdictions in North America at that time, that was an under-supply of nurses. But it was intended, at least in my view and in the view of our government, it was intended to be a committee that would work very diligently at meeting the age-old chronic, recurring problem of cyclical shortages in nursing.

I'm dismayed and disappointed to learn that that committee has not been operative under the current government. I don't see how we can ever solve the problem of irrational cyclical peaks and valleys in professional health occupation supply, whether it be nursing or any other professional health occupation, unless we work at it on an ongoing basis with expertise, participation drawn from persons who have active experience of conditions in that field. This is what the Standing Committee on Nursing Manpower was supposed to be doing and it might have taken them a number of years to solve the problem. They might, in fact, never have truly or fully solved the problem, but they would have been working at it in an ongoing way. They were set up to be alerted to the recurring difficulty and to try to look for some solutions.

Now we have a situation where we're right back to square one apparently, Mr. Chairman. We've got some shortages in terms of nursing supply. There have always been great difficulties in obtaining sufficient nurses for Northern hospitals, but we've got no mechanism or no committee working on it at the present time, and the intention was to establish a mechanism that could and would work on that, on an ongoing basis. So that kind of thing disturbs me and concerns me, Mr. Chairman.

I've asked a number of questions with respect to the difficulties at Flin Flon, and the Minister of Health has said he has asked for a complete investigation and will be supplying us with a report when he obtains the results of that investigation. I accept his contention that he doesn't want to be pushed into or stampeded into making statements that are based on inadequate information, that he doesn't want to be pushed or stampeded into saying things prematurely, and that's a very wise position to take.

On the other hand, I have to suggest that the government has been very very cherry, in terms of

offering reassurance to Manitobans that this kind of thing could not happen again, might not, in fact, be happening again in other Northern and remote communities.

Just the other day, His Worship, the Mayor of Flin Flon, Mayor Nazir Ahmad, was reported to have expressed some deep concerns about the attitude of the government towards that particular Flin Flon incident, the closure of the critical care unit at the hospital, and the resulting difficulties that resulted in the tragic death of a patient who had been taken there for treatment. Whether the reports are correct I, of course, cannot say, Mr. Chairman. All I can do is go by what has been reported and what is in front of me and I'm sure the Minister of Health is aware of the same reports. Those reports indicate that the Mayor of Flin Flon, while stressing that no one is to blame for that particular death, is very upset because in his view the province has been aware of the shortage of qualified nurses in the North for some time.

Well, there's no argument between the Minister of Health and me that there is always an ongoing problem with supply of nurses and health care professionals in Northern and remote communities. That is why it's a challenge that the Ministry of Health, no matter what administration is in office, must address in an ongoing basis.

The Mayor of Flin Flon is apparently very upset because he feels the government appears to be taking a rather light-handed, casual, cavalier approach to the recent tragic incident. He's quoted as saying that the government attitude seems to be, this is one of those incidents that no one can do anything about. Well, whether that's an accurate quote or not, Mr. Chairman, it is a current report and I must say, that anxiety is one that is felt and experienced by many of us on this side of the House. We do feel that at this point in time, the government and the Minister seem to be saying, oh well, these things are endemic in the health care system. They're always going to occur. You can't build in absolute defences against them, so let's not get upset about it.

Of course, it's correct to say that you can't build in absolute defences against it, there is no absolute defence against that sort of thing happening. But by the same token, you can't dismiss them with a wave of the hand and say that there's nothing we can do about these odd-chance happenings. There's no way that we can protect ourselves against every eventuality, so therefore, we're just going to close the book on it, and write it off as an unavoidable, regrettable incident, and an incident of the type that is going to happen from time to time. Because that leaves people in other Northern communities feeling, where does that sort of happenstance; that chance tragedy strike next? If it can happen in the hospital in Flin Flon, it can happen in a hospital in another Northern community, or another rural or remote community, or indeed, even in a major urban centre in the southern part of the province, because what is at issue here, is a line of communications that apparently, simply did not exist.

I think Manitobans need to know today that line of communication does exist and will continue to exist, and that there are assurances from the Minister and from the government that the operations of our hospitals in respect to the most essential programs that they



deliver, such as their intensive care unit programs, are operations that are conducted at all times with the current knowledge of the Health Services Commission and through the Commission, the Minister himself or herself.

Now, the Minister has told the House that on a particular date, the Health Services Commission and his office had a certain report and a certain reading from the Flin Flon Hospital, which apparently did not stand up under scrutiny; that two or three days later, we were into the difficulty that resulted in the tragedy which has become known to all Manitobans, and that the situation was not apparently as had been reported by the hospital administration a few days earlier.

The line of communications, the line of liaison, obviously possesses some flaws and some difficulties. It is in this area that I think that Manitobans need their strongest reassurance from the Minister.

Mr. Chairman, it's not just the situation at Flin Flon, however, that concerns me. As I say, there are colleagues in my caucus who have raised concerns about reductions and cutbacks in health care services in their areas. I've had calls myself from persons in different parts of the province who are concerned about what they see as a weakening or an erosion or an insipient reduction of health care services. I think when we're addressing a major Capital Loan Bill, as we are today or any instrument that bears upon the finances of the province, that it is timely to raise with the committee and members of the committee, and particularly with the Minister of Health, the question of reassurance in terms of our health care services; to raise with him the anxiety that exists in many of our minds and put them on warning - indeed, I think, Sir, put them on warning - that these are some of the things we'll want to look at when we get to his Estimates a few days from now.

So, Mr. Chairman, I make those observations for the record at this juncture, and leave them with the Minister of Health. I want him to know that the evidence appears to be coming in, and appears to be disturbing a great many Manitobans, that health care is slipping, and under a government that promised a so-called "restoration of the health care system"; that promised that health care would be bigger and better than ever before; that continually attacked our government for alleged fictitious reductions and cutbacks which did not, in fact, exist; that continually criticized us whenever we attempted any rationalization of the health care system; I think it presents a challenge that this Minister must address.

He has said that he's not going to deal with too many questions in health care, or he has implied that he's not prepared to go into too much detail in answering or addressing questions. — (Interjection) — Well, the Minister says that's not true, but I got the impression in one of his answers to me that he wasn't going to go into too much detail in answering questions.

I think that's perhaps what prompted the comment of the Mayor of Flin Flon, that the government appears to be sloughing this thing off as something that just couldn't be helped. I think the Minister would agree with me, and he's been Minister of Health before, this isn't his first term as Minister of Health. I think the Minister would agree with me that there is no way you can duck questions as Minister of Health. You have to

answer the questions. You're the final line of administration; the final line of authority; the final line of concern for the biggest spending department in the government, and a major area of life and well-being and welfare for the one million people of Manitoba. You can't attempt to differentiate between concerns and questions that are raised in the health care field. All of them stem from some difficulties; some anxiety; some challenge that exists in the heart and mind of some Manitoban somewhere.

The Minister of Health has to be responsive to those concerns and those cares. He cannot shield himself or protect himself or build a barrier around himself that enables him to escape answering and addressing those questions.

I think this really is what perhaps lies behind Mayor Ahmad's concerns. It certainly is one of the things that lies behind my concerns and the concerns of my colleagues. We do not intend to make things anymore difficult for the Minister of Health than that particular job is just by nature. With responsive and responsible co-operation from him, I think he will find that we put the interests of Manitobans where health care is concerned ahead of partisanship. But we expect him to respond in detail and in serious, conscientious detail when we have questions relative to events occurring in the health care field. In particular, in instances of such a serious nature as the recent tragedy in Flin Flon.

I think the Minister of Health perhaps should be forewarned that it may be pleasant to say well, I'm not going to answer too many questions. I'm not going to go into too many details — (Interjection) — well, the Minister of Health says, I'm not fair. I think that if he checks his remarks of the other day, he'll recognize that he left the impression that he wasn't going to deal too intimately or in too much detail with — (Interjection) — difficulties.

The Minister of Health says, I know him better than that. I do know him to be a good Minister of Health. I've never disputed that point. I think that it's a little disarming and a little dismaying if the Minister says as he did the other day that he's not going to attempt to answer for every problem that comes up in the health care field. I say to him that we expect him to answer for most of them. We don't expect him to take the blame for everything that goes wrong, but we expect him to be able to answer and explain to us and reassure Manitobans as to why certain things happen. Certainly, in the case of very serious and tragic incidents and events, he has to respond in detail to give Manitobans the reassurance that they need.

I have asked him, for example, Mr. Chairman, in connection with the Flin Flon incident, whether there were any difficulties related to the Budget. He says that we'll address that in the Estimates process and I know that we will. But the reason for my question is because some Manitobans have indicated, rightly or wrongly to me and some of my colleagues, that some hospitals in Manitoba now are finding themselves in a position where they are simply declining to staff some shifts with RNs or they're declining to cover off absentees and to bring people in on overtime because of the budgetary pressures that they are under.

Now, that may not be true at Flin Flon. Apparently, the hospital was staffed up in terms of its staffing complement, but certainly there are members in this

caucus on this side of the House, and there are Manitobans in general throughout the province, who have had worrying indications in the last few months that hospitals in their communities are not staffing all shifts, are pinching and cutting corners where they can to cover themselves off because of heavy budgetary deficits and heavy budgetary pressures.

I'm not asking the Minister or this government to go out and spend hundreds of millions of dollars more in health care programming and then to cut the deficit at the same time. I haven't done that; the Minister of Health knows that I haven't done that. All I am asking for here is a reassurance from the Minister that there is a sufficient line of communication and monitoring so that Manitobans are safe in terms of their health care. If there is insufficient money to operate the intensive care unit at Flin Flon, for example, or anywhere else, that we know about it, and that the residents of the community know about it, and that medical and nursing personnel know about it, so that other arrangements can be made and contingency plans can be put into place and general assurance of health care responsiveness can be there for Manitobans.

I know how difficult it is to meet the obligations and the responsibilities of the Department of Health in the 1980s. When one considers the expenditure and the financial commitment involved, it becomes the major challenge for any jurisdiction. So I'm not trying to ask the Minister to perform the impossible. What I am asking him to do is to explore, in conscientious detail, these problems and questions that seem to be arising and to reassure Manitobans that the support system will be there and that the system of monitoring health care delivery is so secure as to enable Manitobans in all communities, and particularly in those Northern communities where it has been so difficult for so long to obtain the services of the necessary professionals, that they can rely on the health facilities that are there and the health system that we have built together over the past few decades.

So these are some of the things that I lay on the Minister's desk and on his conscience at this juncture that he may wish to think about between now and the

time that we engage in the examination of his departmental Estimates. The evidence is beginning to come in that there are some difficulties and I think the Minister should be apprised of that, if he hasn't already been apprised of it, and that we will be asking for a very close examination and a very conscientious response from him where the maintenance of our quality health care system is concerned.

**MR. CHAIRMAN:** Order please. The hour is 12:30, time for Private Members' Hour.

Committee rise. Call in the Speaker.

### IN SESSION

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

**MR. P. EYLER:** The Committee of Supply has considered certain resolutions and directs me to report progress.

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

**MR. P. EYLER:** I move, seconded by the Member for Wolseley, that the report of the committee be received.

**MOTION presented and carried.**

**MR. SPEAKER:** The time being 12:30, Private Members' Hour.

The Honourable Government House Leader.

**HON. R. PENNER:** Mr. Speaker, by agreement with the opposition House Leader, we've agreed to dispense with Private Members' Hour for today. Accordingly, I move, seconded by the Member for Turtle Mountain, that this House do now stand adjourned.

**MOTION presented and carried** and the House adjourned and stands adjourned until 2:00 p.m. on Monday afternoon.