

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, 14 May, 1981

Time — 2:00 p.m.

### OPENING PRAYER by Mr. Speaker.

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

### INTRODUCTION OF GUESTS

**MR. SPEAKER:** At this time I would like to draw the honourable members' attention to the gallery where we have 54 students of Grades 7 and 8 standing from the New Bothwell School in the constituency of the Honourable Minister of Fitness and Amateur Sport.

We have 51 students of Grade 6 standing from Shaughnessy Park School, and also from the Blake Elementary School of Thunder Bay, under the direction of Mrs. Peggy Hill. This school is in the constituency of the Honourable Member for Inkster.

We have 43 students of Grades 5 and 6 standing from the Moosehorn Elementary School under the direction of Mrs. Agnes Remius. This school is in the constituency of the Honourable Member for St. George.

We have 20 students of Grade 8 standing from LaPort School from LaPort, Minnesota, under the direction of Mr. Robert Evenmo.

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

### ORAL QUESTIONS

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

**MR. HOWARD PAWLEY (Selkirk):** Mr. Speaker, my question is to the Minister of Agriculture. In view of the weather conditions up until today and the reports of next-to-no-hay growth and the impact that this may have in respect to the livestock industry, can the Minister advise what contingency plans are being put into operation in the event that the livestock industry is indeed threatened and affected this year by a continuation of the present weather conditions leading to a repeat of last year's drought?

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

**HON. JAMES E. DOWNEY (Arthur):** Mr. Speaker, I appreciate the question from the Honourable Leader of the Opposition. I think it's a matter of straightening out or looking at some of last year's programs that were implemented to assist the farm community; the timing of the announcement of the different programs. Last year the major announcements of the programs that were introduced were made in the latter part of June. As I indicated the other day when the Honourable

Member for Inkster asked me a question on the soil conditions or the drought conditions, I suggested at that time that our seeding conditions were somewhat better than last year; that I hoped we wouldn't have to implement major drought programs and that we would be discussing with the Federal Government if we had joint programs or coordinated programs in that area.

To be more specific, the Member refers to livestock pastures or feed supplies; we still, Mr. Speaker, have an opportunity in Manitoba to see some rain come in the next two weeks and I'm sure, if we were, we would see a regrowth or a growth of the traditional tame hays. The Minister of Natural Resources who is responsible for Crown lands — if he has not sold them all to the farmers in Manitoba — there may be some areas in the province we may have to look at and consider for pasturing of livestock this spring. We are continuing to keep ourselves aware of what we may have to do; there is ongoing monitoring and if there is a continuation of this continued hot, dry weather and we don't receive rain then we may, Mr. Speaker, have to move to implement a feed transportation program or something of that nature.

However, I indicated in my answer the other day that we are continuing our Water Pumping Program to the end of June where there is a shortage of water for dugouts or home use on farmsteads.

**MR. PAWLEY:** Mr. Speaker, further to the Minister of Agriculture. Can he advise, in view of the need for proper coordination with the Federal Government pertaining to programs relating to drought; in view of the fact we're dealing here with a specific question of pasture hay feed, can the Minister advise whether or not there is underway, or intended, any advance discussions with the Federal Government relating to this particular area of immediate concern in order to ensure that if the present trend continues there will indeed be proper coordination this year unlike last year's unfortunate mix-up?

**MR. DOWNEY:** Mr. Speaker, I think it should be put on the record that the program last year that was first introduced was a Feed Transportation Assistance Program which, by the way, just ended the end of April this year which was some two weeks ago. So we have just moved out of the feed transportation program and I would say to the honourable member opposite that the pasture conditions are not possibly optimum but at this point it is not critical that we move to replace or to supplement cattle on their pastures, because we did have a considerable amount of rainfall last year and there is a regrowth of grass and feed from that particular rainfall. Unlike last year we saw many days of hot, dry wind from the south and at this particular time we were in a lot more serious condition.

However, Mr. Speaker, I am quite aware of the situation and as far as the Federal Government is concerned that was one of the programs they helped us with last year, that was the Transportation Program, and it worked very well; unlike the program which they introduced last fall to help the producers

last winter. I am aware of some producers that still haven't received assistance from the Federal Government.

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

**MR. SIDNEY GREEN:** Yes, Mr. Speaker. I'd like to direct a question to the Minister of Education. Can the Minister of Education advise me whether there is any consideration being given to providing funding for the Winnipeg Bible College to the same extent as that which is now provided to other post-secondary denominational schools such as St. Paul's and St. John's?

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

**HON. KEITH A. COSENS (Gimli):** Not at this time, Mr. Speaker.

**MR. GREEN:** Mr. Speaker, I wonder if the Honourable Minister of Education can advise the House as to what criteria he uses to determine which post-secondary denominational schools are acceptable to the government and therefore receive state assistance, and which post-secondary schools are unacceptable to the government and therefore do not receive state assistance.

**MR. COSENS:** Mr. Speaker, there are a number of criteria that apply. Of course in the case of those institutions that are affiliated with the public institutions, such as the University of Manitoba and its affiliates, there is assistance provided. Those that do not have that type of association do not qualify at the present time for assistance.

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

**MR. GREEN:** Yes, Mr. Speaker. I wonder if the Minister will advise me as to why the same criteria do not apply to primary and secondary schools, that those that are part of the public school system receive state assistance and those that are not part of the public school system do not receive state assistance. I wonder how the Minister is able to exclude a post-secondary school that has graduate courses, from receiving state assistance and give money to other post-secondary schools that do virtually the same thing.

**MR. COSENS:** Mr. Speaker, the honourable member touches on the point. He says virtually the same thing, that is the point in question. The criteria that apply are not met by certain institutions that do not in fact have the staff accreditation or perhaps do not offer the same type of curriculum as is offered by the other institutions that receive assistance. So it is a matter of criteria and of course a matter in this province to this point, those church-related post-secondary institutions that do not have that affiliation have not received assistance.

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

**MR. BILLIE URUSKI:** Thank you, Mr. Speaker. I direct this question to the Minister of Agriculture in

light of the answers he's given my leader, the Leader of the Opposition. Mr. Speaker, the Minister has indicated that there is ample time, that there is growth in pastures. The Minister's own department is telling farmers to give their pastures a rest because there is little growth, Mr. Speaker. Is the Minister prepared to make some announcement with respect to the availability of Crown lands like we did last year?

The Minister of Natural Resources on Monday when I raised the matter with him, indicated that there would be no speedy decision. Can the Minister of Agriculture indicate what specific programs with respect to use of Crown lands will there be available to supplement community pastures who also are in great difficulty to carry the herds on the present grass situation that we have in the province of Manitoba?

**MR. DOWNEY:** Mr. Speaker, let me assure the honourable member that those kinds of policy decisions will be dealt with very shortly at a drought committee meeting with the Minister of Resources, I will sit down as we did last year, and make available or propose to make available those lands that can be identified that will help the farm community. Let me again remind the member opposite though, it was his particular administration or the government that he was with that took a lot of that prime pasture land away from the farm community and put it into a Wildlife Management Area or into a program that made that land unavailable to the farm community, Mr. Speaker. (Interjection)—

**MR. SPEAKER:** Order. Order please. Order please. There are numerous private conversations going on that I find it difficult to hear the questions and the answers.

The Honourable Member for St. George.

**MR. URUSKI:** Thank you, Mr. Speaker. The Minister of Agriculture can put all kinds of red herrings that he wants, Mr. Speaker. I ask the Minister of Agriculture in terms of making sure that our basic herd is protected in the Province of Manitoba, is he prepared to announce feed assistance and hay purchasing or additional programs similar to those that were announced recently in our neighboring province to the west and they are going to be carrying on until the Year 1982? Is he prepared, or is he interested, or is he concerned about the basic herd and is he prepared to make some announcements to make sure that a basic herd in the province of Manitoba is protected?

**MR. DOWNEY:** Well, Mr. Speaker, as I indicated there is no question in our minds that we have to continue to be aware of the situation as it develops during the spring months. I think one of the major difficulties, and the honourable member I'm sure is aware of the fact that the memories of last year are very much on the minds of the people of this province, particularly in the farm community, and we don't want to and we didn't let those particular people suffer in any way possible if we could at all help it last year.

Mr. Speaker, our policy hasn't changed and we're prepared to do those things that will alleviate the difficulties on the farm community and, if it is to deal

with the kinds of programs the member suggests, we are prepared to assess and I would recommend those kinds of actions to my colleagues.

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

**MR. URUSKI:** Thank you, Mr. Speaker. I ask the Minister, seeing that he's in a good mood, to not allow producers to continue to have the problems that they've been having. Can he indicate when he will announce the payout with respect to hog assistance, Mr. Speaker, which is about two years too late for about a third of the producers in the Province of Manitoba?

**MR. DOWNEY:** Mr. Speaker, again the member opposite has some form of a comment to make that we haven't acted responsibly. Mr. Speaker, I would say the program that we've announced will be implemented when the producers have had an opportunity to work out the details, unlike what they did with one of their stabilization programs, that when times got better for the farm community they forced them to pay that money back to the government of the Province of Manitoba instead of leaving it in the farm community and helping that particular farm community. (Interjections)

**MR. SPEAKER:** Order please, order please. The Honourable Member for Roblin.

**MR. J. WALLY McKENZIE:** Mr. Speaker, I have a question for the Honourable Minister of Agriculture. I think, Mr. Speaker, it's quite clear that the Federal Finance Minister MacEachen and the Trudeau government are not going to live up to the promises that they made to the people of this province when they were in opposition. Aably supported by our NDP friends opposite they made all kinds of promises about inflation, double-digit interest rates on the economy. I'm going to ask the Minister of Agriculture, Mr. Speaker, while he was in Ottawa on Tuesday if any kind of programs of any shape or form were offered by Minister Whelan, the Finance Minister MacEachen or any of the Trudeau government to deal with the serious problems of economic matters that we face in this province today?

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

**MR. DOWNEY:** Mr. Speaker, in reply to my honourable colleague, the Member for Roblin, let me tell the members of this House and the people of Manitoba that the reason that I believe the Minister of Agriculture for Canada called the Ministers of Agriculture from all over Canada was to sit down and assess or reassess the difficulties that they, as a government, have created for the particular farm community and all Canadians. I would suggest, Mr. Speaker, if they would have had the proper policies in this country, if he would have met with his Cabinet colleagues and told them the difficulties they had created, maybe there could have been results come from it. Other than that, Mr. Speaker, there was very little offered by the Federal Government.

**MR. McKENZIE:** Mr. Speaker, I wonder if the Minister of Agriculture could give the House or the

farmers in Manitoba any hope or assurance that the three to four cents per gallon fuel tax that's levied on farmers to buy these Petrofina gas stations will be exempted from fuel tax by the Federal Government.

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

**MR. DOWNEY:** Mr. Speaker, at our meeting in Ottawa the Federal Minister asked us what might be done to alleviate some of the difficulties that the high interest rates or the costs were causing for the problems of the farmers of Canada and, Mr. Speaker, that was one of the recommendations that I made; that the first thing he could do was exempt the farm community who are doing the producing of food and energy in this country from that particular tax because it has implications on the direct use of fuel that goes into the production of food. It also goes into the cost of producing the fertilizers from the natural gas where his Petrofina tax is implied, also adding to the cost of food.

We are energy producers, Mr. Speaker, and one of the ways to help the farm community is to alleviate some of the taxes that they were being burdened with on foolish — and I say foolish — moves by the Federal Government.

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

**MR. McKENZIE:** Thanks, Mr. Speaker. I wonder can the Minister of Agriculture advise if he or any of the other Agriculture Ministers from across Canada brought up the subject matter of the removal of the natural gas tax which is levied on nitrogen fertilizer on our farm communities in the province.

**MR. DOWNEY:** Mr. Speaker, I indicated to the member that there were direct costs going into the production of nitrogen fertilizer, in particular from natural gas and that was also one of the recommendations. I think they could take a lesson from our Minister of Finance and our colleagues, Mr. Speaker, in the introduction of the exemption of provincial sales tax on agricultural fuels as well as the encouragement to get gasohol produced, which is an alternative form for the people of this country — not just the farm community, but all the consumers.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet.

**MR. SAMUEL USKIW:** Mr. Speaker, I wish to ask the Minister of Agriculture when it is that he is going to take the problems of agriculture seriously and answer the questions forthrightly that are put to him from this side and not waste time of this session, grandstanding on irrelevancies and misstatements of fact which he is so accustomed of doing, Mr. Speaker.

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

**MR. DOWNEY:** The Honourable Member for Lac du Bonnet sounds somewhat like the Federal Minister of Agriculture today that blamed the problem of high

interest rates on farmers and bankers, Mr. Speaker. I'm taking the problem serious, Mr. Speaker. I went to Ottawa to meet with the Federal Minister. We met in all seriousness to do something and a comment like that I'm surprised, Mr. Speaker, to hear then because the facts are, when he was the Minister of Agriculture, the Minister of this Crown, they bought 500,000 acres of farm land to put into Wildlife Management areas that were taken out of the farmers hands plus 200,000 acres into the State Farm Program.

**MR. USKIW:** Mr. Speaker, I assume it's obvious that the Minister does not intend to answer the questions which are serious questions, questions of what this government is going to do in conjunction with the Government of Canada and hopefully some co-operation with the Government of Canada in whatever needs to be done in order to save the basic herd of this province in a second year of drought, Mr. Speaker. There is no question in anyone's mind that knows anything about agriculture that we are now again in a crisis situation with respect to the maintenance of herds in this province.

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

**MR. DOWNEY:** Mr. Speaker, as I indicated, we extended some of our programs from last year, both our Feed Transportation Program until the end of April which is just concluded; plus the extension of our Water Pumping Programs to assist the farm community in the movement of water and he asks me, what have we done in the crisis situation?

We, Mr. Speaker, implemented a program that supplied some several millions of dollars in a Greenfeed Program and supplied added feed stocks to the province of Manitoba. That wasn't introduced until the end of June, Mr. Speaker. Let me further add, that we have increased the direct lending in our Manitoba Agricultural Credit Corporation by 70-some percent; a program, Mr. Speaker, that wasn't even available under the last government; we've increased from \$19 million to \$33 million to lend to the farm community.

Mr. Speaker, we were looking at the changing of policies to have a Debt Consolidation Program where farmers can consolidate their debt and extend that over a longer period of time. Mr. Speaker, we have taken action to assist the farmers with the transporting of their grain, something that is a bottleneck and the Member for Brandon East when he was responsible, paid no attention to it at all, sat with his head in the sand and chased the craft people out of this country.

Instead of improving our transportation system they attached themselves to an ideology that wouldn't build this western nation or this country and I believe, Mr. Speaker, that we're the responsible government and they're the irresponsible opposition where they should be.

**MR. SPEAKER:** Order please. Order please. The Honourable Member for Lac du Bonnet with a final supplementary.

**MR. USKIW:** Thank you, Mr. Speaker. In recognition of the fact that we are not going to get an answer

from this Minister I will ask him one that has been asked of him many times during this session and the last session and that is, when is he going to fulfil the commitment that he gave and the Premier gave in this House, on the request for an Order for Return which we are now two years waiting for, Mr. Speaker?

**MR. DOWNEY:** When it's ready, Mr. Speaker.

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

**MS. JUNE WESTBURY:** Thank you, Mr. Speaker. My question is to the Minister responsible for the Manitoba Telephone System. I wonder if the Minister would comment on reports to the effect that the telephone system is losing up to \$20,000 a month through dishonest use of the long distance telephone system.

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

**HON. DON ORCHARD (Pembina):** Well, Mr. Speaker, I am not aware of a specific example of that but if the member had information which would indicate that, I would certainly be more than pleased to have that information so I could investigate it thoroughly.

**MS. WESTBURY:** Mr. Speaker, I think what I was really asking the Minister was whether or not the telephone system is losing \$20,000 a month and in order that it won't be counted as a second question I would like to ask also, whether he has information concerning a disproportionate amount of this loss being due to the credit card system that is now in force.

**MR. ORCHARD:** Well first off, Mr. Speaker, I can neither confirm nor deny the figure of \$20,000 per month loss on long distance charges and I would assume that the figure is from all segments using the long distance and not confined to one particular segment of the telephone user population. I can't confirm that but, Mr. Speaker, I would be more than pleased to make that enquiry to see if in particular, the credit card system has resulted in some level of loss of long distance toll revenue to the system and I'd be pleased to provide her with that information as I obtain it.

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

**MR. HARVEY BOSTROM:** Thank you, Mr. Speaker. My question is to the Minister of Labour and Manpower in respect to the New Careers Program. I would ask the Minister if there has been a new directive from his department which has had the effect of limiting or holding any new activity by the New Careers Program, whether or not this directive means there will be no new projects approved for this year and that there will only be a completion of the ones that are on stream at the present time?

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

**HON. KEN MacMASTER (Thompson):** Mr. Speaker, there has been no new directive given by myself to that particular portion of my responsibilities.

**MR. BOSTROM:** A supplementary question, Mr. Speaker. Can the Minister indicate then whether or not there has been a consultant hired by his department who has apparently been given a mandate to review the programs in the Department of Labour and Manpower and, in particular, the New Careers Program, and, Mr. Speaker, that while this process is going on there are apparently no new programs approved and there are no new trainees being recruited for any new programs and this is having the effect of actually cancelling out this New Careers Program?

**MR. MacMASTER:** Mr. Speaker, there is I think three major programs being reviewed right now which will have a pretty dramatic increasing effect in numbers on that particular program. The member should also be aware that the Northlands Agreement where a good chunk of that money comes out of, and that doesn't have an effect on these decisions because we've been working on three as I said, major new programs for a period of time but it certainly is something that has to be considered. The Northlands Agreement supplies substantial funds into that particular program and we still haven't quite got the Federal Government to agree to sign that particular agreement.

Have you got a question?

**MR. BOSTROM:** Well, Mr. Speaker, to be more specific then, I wonder if the Minister could take as notice the question as to what new projects are being approved under the New Careers Program, how many trainees are expected to be involved in each of those projects and when the projects will be commenced.

**MR. MacMASTER:** Well, Mr. Speaker, we are finalizing the training portion of one particular program and it's coincidental — the Member for Rupertsland was eating lunch about two feet from me at noon because we talked about that particular program at lunch — it will involve 12 people and I expect the paper work to start on that in the next week or two. The other two will involve similar numbers of people.

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

**MR. JAY COWAN:** Thank you, Mr. Speaker. My question follows upon the questioning of the Member for Rupertsland and is to the Minister of Labour and Manpower. I'd ask the Minister if he can indicate if, to his knowledge, persons in the communities of Northern Manitoba who are concerned with these particular programs have been informed by his department or departmental officials that the New Careers Program will no longer apply to social service programs and that it will be confined strictly to preparing people for work in the private sector?

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

**MR. MacMASTER:** Mr. Speaker, I have no idea where the Member for Churchill got that information; the information is incorrect.

**MR. COWAN:** Will the Minister then check with his department because I got the information from a

constituent who was quite concerned about what they perceived to be a new direction in the program? Therefore, would the Minister please check with his department to see if in fact any members or any of his staff have been giving out information of that sort to persons within the Northern constituencies respecting the continuation of the New Careers Program; to be quite specific, I'd ask him to check to see if in fact some Northerners have not been told that the New Careers Program will be directed solely to the private sector when new programs come on stream? That is not to say the programs that are ongoing now will not deal with social service programs and government sponsored programs but that new programs will in fact only deal with private sector programs.

**MR. MacMASTER:** Mr. Speaker, I'll certainly check. I would like the Member for Churchill — he talks about people perceived things — I would like him to be kind enough to maybe ask those who informed him of their perceptions of what's supposedly taking place, if they'd be kind enough to drop me a line. That's the first thing because I don't know how they perceived this. Secondly, I think I am similar to other Minister of my government and any other governments in power, that you don't appreciate people within the system or within the department you're responsible for going around and telling people blatant lies. So I will certainly check out the second part and find out if there is a civil servant within the New Careers division who is going around telling people, or suggesting to people, that type of nonsense in Northern Manitoba.

**MR. COWAN:** I'll inform the Minister, Mr. Speaker, that we may not be talking about blatant lies but we may in fact be talking about blatant misunderstandings because I can assure him that there is, in fact, that belief prevalent in some communities in Northern Manitoba that the New Careers Program is being changed in that way.

My question to him, so that the record be very clear, is does the department now have under consideration plans which would limit the continuation of the New Careers Program to co-operation only with private sector companies and would, over a period of time either a short period or a long period of time, attempt to eliminate the social service aspects of that program as it exists and has existed in the past?

**MR. SPEAKER:** Order please. I believe that question has already been asked once today.

The Honourable Member for Elmwood.

**MR. RUSSELL DOERN:** Mr. Speaker, I'd like to direct a question to the Minister of Natural Resources considering this lavish pamphlet that's been distributed, or booklet distributed to the Chamber yesterday. (Interjection)— Yes, very nice colours and material and an endless list, Mr. Speaker, of acknowledgements. I think everybody is included in the acknowledgement page except Leonard Bateman; it was the only name that I notice that wasn't listed. I wonder if the Minister could indicate the cost and the number of these publications and who paid for this.

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

**HON. HARRY J. ENNS (Lakeside):** Mr. Speaker, I'm happy to inform the honourable member that the responsibility for the report and the board that obviously put it together, comes under the jurisdiction of my friend, the Honourable Minister of Government Services.

**MR. DOERN:** I would then ask the Minister of Government Services what value there is in publishing a lavish illustrated picture book which contains basically no information and a great deal of photos — I mean, this is two years after the fact. I ask the Minister what value there is in producing this now?

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

**HON. WARNER H. JORGENSEN (Morris):** Mr. Speaker, I suspect it's of no value to my honourable friend who is not concerned or involved in the flood but it is of some concern to the people of this province. The Flood Program cost something in the order of \$10 million and what it is is an attempt on the part of the Flood Board to illustrate the types of programs that were undertaken during the course of the rehabilitation. I know there are a lot of people who would be interested in knowing just what types of programs.

I think my honourable friend, rather than verbal descriptions, can look at the pictures and perhaps understand a little more fully precisely what has taken place in the rehabilitation and flood preventive program. I might also add, Mr. Speaker, although the Flood Disaster Systems Board now comes under my jurisdiction, I think it should be pointed out that I want to give due credit to my predecessor for authorizing this booklet to be printed. I'm sorry that I cannot advise my honourable friend as to the cost; I don't have that figure at the moment.

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

**MR. DOERN:** Mr. Speaker, again I ask whether the Minister could indicate the cost and the number of copies. The photos don't seem to have any particular value; again, a photo of a combine bogged down in a field of water with a caption saying, "Efforts to save grain became extremely difficult", Mr. Speaker. Mr. Speaker, I'm asking the value of this publication and the cost and I ask the Minister why we get these pictures, other than in some cases sheer humour which has some value and perhaps a photograph of a submarine would have been good, but I'd like to know why all of these expensive photographs are contained in here? I mean, there's just about everything here except one of the Minister's baby pictures and I ask him how he can justify such a lavish expenditure with such minimal information and value?

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

**MR. JORGENSEN:** Much of what the member refers to as "art work" from the book is as costly as the art work that my honourable friend purchased when he was Minister of Public Works and lay in mothballs for a number of years.

As I suspected, my honourable friend would not grasp the significance of the picture of the combines standing in the water. Not ever having been on a farm he wouldn't be able to appreciate how difficult it is to save grain when it's under water; it's very difficult to combine under those circumstances. These graphic illustrations that my honourable friend has been given appear to be completely and totally lost on my honourable friend but I'm confident that there are a lot of people in this province who would like to have some idea of the type of work that was done by the Assistance Board and how it was done and I think that the pictures do illustrate that very graphically.

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

**HON. BRIAN RANSOM (Souris-Killarney):** Mr. Speaker, I rise on a point of privilege. Having had the opportunity to review the page of acknowledgements in this publication here I find that although I was Minister responsible for the Department of Natural Resources at the time, responsible for the forces that were fighting the floods, that my name was not mentioned in the acknowledgements.

**MR. SPEAKER:** Order, order please. Order please. The Honourable Member for St. Boniface.

**MR. LAURENT L. DESJARDINS (St. Boniface):** Mr. Speaker, on the same point of order I wonder if the Minister would tell us what was the cost of the first edition, before the credits were removed from the . . .

**MR. SPEAKER:** The Honourable Member for St. Johns on a point of privilege.

**MR. SAUL CHERNIACK:** The point of privilege, Mr. Speaker. As one taxpayer who was compelled to pay money, his share of the cost of the production of this pictorial leaflet in support of the Conservative government, I too share with the Minister of Finance a concern that my name is not shown here as a contributor to the cost of this extravagant display.

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

**MR. SIDNEY GREEN:** Mr. Speaker, to the same point of order, the point of order raised by the Minister of Finance. In view of the fact that he now sees that there is a mistake and his name is not printed, is he going to follow the procedure that was followed by the Deputy Premier to have them all destroyed and have a new one issued with his name printed?

**MR. SPEAKER:** I would assume that was a question. The Honourable Minister.

**MR. RANSOM:** The honourable member said he was speaking on the same point of privilege. He was asking a question? Mr. Speaker, I think I should take that under consideration if the member is making that recommendation.

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

**MR. HENRY J. EINARSON:** Well, Mr. Speaker, I'd like to direct a question to the Minister of Mines and Natural Resources. I think the question would be somewhat significant to what has been asked but only in a different tone and, that is, my question relates to the beluga whale in Churchill. Mr. Speaker, that question was asked about the beluga whale of the Minister of Mines and Resources but, in view of the fact that Churchill had a tremendous tourist industry last; in view of the fact that the beluga whale is a subject of great interest to tourism, I'm wondering if the Minister of Mines and Resources has any information to inform this House as to what kind of response he may be getting from countries of the world in order that they may purchase belugas for their various museums or their various aquariums throughout the world.

**MR. ENNS:** Mr. Speaker, in responding to that whale of a question, let me indicate to you as a matter of fact we do have an ongoing interest and industry in providing beluga whales from Churchill that are taken in captivity in a real western-like way. They are actually roped and lassoed and brought into cages in a very humane way and we have received a number of requests from various aquariums from across the country and in other countries for these favourite species to be added to their aquariums.

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

**MR. MacMASTER:** Mr. Speaker, I'd like to reply to a question from the Member from Fort Rouge as related to possible changes in the Manitoba Building Code, as they may relate to fire alarm systems, sprinkler systems and smoke-detector systems. The member may or may not be aware that it is mandatory now for fire alarm systems in new commercial construction and I'm not sure if the member knew that. We have a Provincial Fire Advisory Board, that the member may or may not be aware of, which advises both myself and the Fire Commissioner's office on possible upgrading amendments and regulations that may be appropriate at the particular time to be implemented as relates to fire safety. They have a subcommittee right today who is dealing with the precise question that the member asked the other day; how we can best bring up and upgrade the fire alarm systems and smoke detector systems in buildings that were built substantially a number of years ago in the Province of Manitoba; that Committee is actively working right today, Mr. Speaker.

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

The Honourable Member for Gladstone.

## ORDERS OF THE DAY

### COMMITTEE CHANGES

**MR. JAMES R. FERGUSON:** Thank you, Mr. Speaker. I have two changes on the Municipal Affairs Committee. Mr. Kovnats for Mr. Johnston and Mr. Mercier for Mr. Anderson.

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

**MR. WILLIAM JENKINS:** Thank you, Mr. Speaker. I have some changes for Committees. On Law Amendments the Honourable Member for Churchill for the Honourable Member for Flin Flon; the Honourable Member for Point Douglas for the Honourable Member for Transcona.

On the Committee on Private Bills, the Honourable Member for Brandon East in place of the Honourable Member for St. Johns.

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

### HANSARD CORRECTION

**HON. GERALD W.J. MERCIER (Osborne):** Mr. Speaker, firstly on a matter of correction, Page 3592 of Hansard yesterday afternoon, Mr. Speaker, in response to a question from the Honourable Leader of the Opposition, the First Minister is shown as stating, well I will designate him to take my place. Mr. Speaker, the answer was, I will designate who will take my place. The member opposite are concurring in, not only my recollection of that statement, but confirmed in a conversation with the First Minister this morning.

Mr. Speaker, would you call Bill No. 35.

### BILL NO. 35 — THE PLANNING ACT

**MR. SPEAKER:** Bill No. 35. The Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, I adjourn this debate on behalf of the Honourable Member for Rossmere.

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

**MR. VIC SCHROEDER:** Thank you, Mr. Speaker. We're prepared on Bill 35 to let it go to committee. We're happy to see that after close to two years of requesting the government to do something to make sure that subdivision applications in rural municipalities were made public in some way the Minister has chosen to act on it. The Member for Minnedosa asks whose act was it. We're very happy that it was the act of the former NDP government; it wasn't the act of this government. But before the act was passed — as he should be aware and I'm sure he's not — but before the act was passed there was no requirement for public notice. At least once the act was passed there was a requirement for approval by public officials — that is the municipal officials in the district in which the application is being made — we, several years ago discovered that we had not provided for notice to surrounding landowners and occupants and we suggested several years ago that something should be done about that. Finally after two years of procrastination we're seeing the government act on it and for that we are grateful.

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

**MR. GREEN:** Mr. Speaker, I would like to make a short submission I hope on this bill, with respect to The Planning Act generally and the basis upon which it has proceeded to work to my direct knowledge,

Mr. Speaker. I think, Mr. Speaker, generally in this House there has been a recognition of the need for land-use planning and I don't know if there is any desire to undo that.

One of the difficulties, Mr. Speaker, about expressing a need for land-use planning and having it then articulated, is that it flows from the wishes of the Legislatures into the hands of essentially a Civil Service bureaucracy composed of planning, who are much more concerned with being operative in the planning structure than in making sure some of the needs which gave rise for planning, are developed.

I, Mr. Speaker, believe there has to be in all of the planning legislation, an underlying basic premise and that is that a person is entitled to use his land for lawful purposes except insofar as it may interfere with his neighbour using the land for lawful purposes; and that such restrictions as are then imposed be only imposed in order to provide for needs that are absolutely essential. I think sometimes the officials who are planners and professionals think they can do a better job of planning individual needs than the individuals themselves. I'm going to give the Minister some prime examples of what can happen when it gets out of the Legislature and into the hands of the bureaucracy.

Mr. Speaker, there is one example with which I am personally acquainted and which involves a case — but I'm not going to deal with the principles of the case — where a municipality did become involved in planning, did set out by the planners the areas zoned for residential, the areas zoned for industrial, the areas that were flood plain, the areas zoned for particular uses or where a conditional use could be imposed and people who owned land which was zoned for residential construction with a certain minimum lot requirement which in every way complied with the plan, then applied for a subdivision. The council because they were advised, and it was because they were advised by civil servants, bureaucrats in the Department of the Minister of Municipal Affairs — and I'm not blaming this government, I'm blaming it generally — were told this subdivision should not proceed because after having listed all the requirements, they still wanted this landowner to be under their control and as a result, the municipality refused a subdivision.

Now, Mr. Speaker, I think it has to be made plain to the people who are engaged in this planning type of legislation, that essentially a person should be able to deal with his property as he sees fit and significantly, Mr. Speaker, that hasn't worked out so terribly. In many areas where they've had no zoning and no planning, a person can go to the community and find that the community has developed very well aesthetically and rationally on the basis of the people in the area exercising either self-restraint or doing what is a sensible thing, or using private contracts and private covenants — which is frequently done in many United States jurisdictions — where there is no planning.

Now, Mr. Speaker, I want to give another example of what happens when you get down to regulating what a person can do with their land — I'm sorry the Member for Fort Rouge is not here — because this involves the City of Winnipeg.

The City of Winnipeg building restrictions requires a fence around the property to be limited to four-

and-a-half feet — it can't be higher than four-and-a-half feet. —(Interjection)— That's right, the fence on your front yard can't be higher than four-and-a-half feet. If it runs along the street it can be five feet up to a certain distance from the corner but the front fence cannot be higher than four-and-a-half feet, that's their restriction. If you build a swimming pool, Mr. Speaker, you have a requirement to build a fence no shorter than five feet around the swimming pool.

There is an actual case in the City of Winnipeg, Mr. Speaker, where the property owner built a swimming pool in their yard and then because they wanted the swimming pool to include the lawn — in other words they wanted the play area to also be adjacent to the swimming pool which I think any reasonable person would say that is sensible — they applied to the City of Winnipeg that the fence on the outside of the property be five feet rather than four-and-a-half. You see that's conflicting. The fence around the swimming pool had to be five feet. I suppose if they had acted more resolutely without thinking they had to get approval or to be registered, they would have built the fence five feet around the front of the lawn and then there would have been a battle as to whether that fence was around the swimming pool or around the front lawn, but they didn't. They applied for the right to build it five feet instead of four-and-a-half feet which was perfectly consistent, Mr. Speaker, with the bylaw; you could get a variation.

When she came to the city the planning people said, "We think your swimming pool should run east-west rather than north-south", which they had nothing to do with, Mr. Speaker, and had no business telling a private citizen who wants a swimming pool to run north-south, that the swimming pool should run east-west. So as a result of that the planning people did not recommend the five-foot fence, so we had to go to council. The Member for Fort Rouge was at that council meeting. She applied for six inches on the outside fence.

The members of council refused her because she wouldn't listen to the bureaucrats about building the pool north-south rather than east-west, therefore she had to build a five-foot fence around the swimming pool with the lawn outside it. If you people want to see that, you can go to the corner of Waterloo and Academy Road and you'll see a five-foot fence around the swimming pool, the lawn outside of the fence and no fence around the house because City of Winnipeg aldermen did not want to argue with City of Winnipeg bureaucrats about letting her build six inches higher on the outside fence.

Now, Mr. Speaker, these are two examples as to what can happen when we overdo laws with regard to the use of property and I am putting in a caveat, Mr. Speaker, with regard to this second reading. I'm not going to challenge the particular sections of the bill but I do want to indicate, Mr. Speaker, that the land-use planners have gone much further in restrictions — they cannot be blamed because we have given them the power to do so — than what the Legislatures have intended and that there should be a thorough examination, Mr. Speaker, as to what rights, in rural Manitoba and in urban Manitoba, people have had removed from their land which are not necessary in order to protect the rights of their



neighbours because that should be the only restriction.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The Honourable Minister will be closing debate.

The Honourable Minister of Municipal Affairs.

**HON. DOUG GOURLAY (Swan River):** Thank you very much, Mr. Speaker. I appreciate the comments that have been put forward by members opposite with respect to the bill, The Planning Act amendments, and certainly we will have an opportunity to discuss this further in Committee. I would not have any further comments on it at this time.

**QUESTION put, MOTION carried.**

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

**MR. MERCIER:** Mr. Speaker, would you call Bill No. 42, then Bill No. 58?

**MR. SPEAKER:** Bill No. 42, An Act to amend The City of Winnipeg Act, standing in the name of the Honourable Member for Logan.

**MR. JENKINS:** Thank you, Mr. Speaker. We have examined this bill and we are prepared at this time to have the bill go to Committee. If we have any questions on our side we will ask them when the bill is at committee stage. We are prepared at this time to have the bill proceed to I understand Municipal Affairs Committee.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** Bill No. 58, An Act to amend The Agricultural Lands . . .

**MR. MERCIER:** Mr. Speaker, I'll just leave that bill for a moment and come back to it. Could you call Bill No. 34?

**MR. JENKINS:** Mr. Speaker, I wonder if we can just leave 34 for the moment. I'm prepared to speak on Bills 38, 56 and 57. So if we proceed to Bill No. 38.

**MR. MERCIER:** Would you call 38, Mr. Speaker?

**MR. SPEAKER:** Bill No. 38, An Act to amend The Child Welfare Act.

The Honourable Member for Logan.

**MR. JENKINS:** Thank you, Mr. Speaker. I originally had adjourned this debate for the Honourable Member for Wellington but he is otherwise occupied at the moment but he has instructed me that we are prepared to have the bill proceed from the House to committee stage and we are prepared to have the bill proceed at this time.

**QUESTION put, MOTION carried.**

**MR. JENKINS:** Would you call Bill No. 56, Mr. Speaker?

**MR. SPEAKER:** Bill No. 56.

**MR. MERCIER:** I thank the honourable member for his assistance, Mr. Speaker.

**BILL NO. 56  
THE EDUCATION ADMINISTRATION ACT  
AND THE PUBLIC SCHOOLS ACT**

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

**MR. JENKINS:** Thank you, Mr. Speaker, and I assure the Attorney-General I'm trying to be as helpful as possible. Mr. Speaker, I adjourned this debate on behalf of the Honourable Member for Rossmere.

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

**MR. SCHROEDER:** Thank you, Mr. Speaker. We have taken a look at this bill as well and we must say that we have some very serious reservations with respect to the proposal contained in this bill which provides a flat formula from now into the future to determine the amount which the province will pay to the school divisions for education purposes in the province. In the year 1981 we've had something like a \$70 million increase in funding for education, together with a new formula for so doing. The result of that new formula for this year is that the bulk of property taxpayers in Manitoba are paying somewhat similar, or indeed in many areas lesser, property taxes or school taxes than they did in the previous year and certainly the result of that extra funding for the year 1981 is that there is less being paid this year than there would have been by most Manitobans. There's a few divisions which are not in that fortunate circumstance but the year, 1981, is going to be looked at by Manitobans, three or four years from now, as the year, as the Member for Emerson indicates, as the good year; that is true.

If this bill is passed 1981 will be viewed as a the zenith in terms of provincial financing of education. This bill for the first time in Manitoba history places the Minister of Education and the Department of Education in a straightjacket in terms of financing education. It is a pretty nice little trick. For the year 1982 this bill contains a formula which eliminates any problems for the Minister of Education. It simply says that you calculate the eligible per pupil costs in 1981 — and of course that was based on the eligible costs in 1980 — and you add in the inflation rate on top of that and then you reduce it for the province as a whole by the number of students who have left the system. As long as we are in a period of inflation you've built in, first of all, an increase which will always be less than the rate of inflation. It must be, especially so long as we are losing school population. So that's one factor that this formula builds in.

One of the other problems with this formula is that it is based on the consumer price index. It doesn't ask what is the cost of fuel, what is the cost of school materials, what is the cost of transportation, other costs? It doesn't ask that. It just asks what was the consumer price index in September of the year? So it is based on unrealistic costs; it's not based on any kind of a budget that comes in, as it has been in the past where people take a look at what the school divisions are bringing in and you make a political decision of what is the amount you should pay.

What you've got here is a computer calculation. It's not based on what the costs are out there but

it's based on artificial costs. You can say from now on into eternity or until this bill is rejected by a future Legislature you are funding 85 percent of approved education costs but each year you're going to be moving further and further away from the 85 percent and you're moving downwards, not upwards. That's one problem.

The other area that it also ensures is that there's no such thing as new programming without new legislation. So if a division comes along with some new programming, that is not going to be taken into consideration by this formula. So for the first time again, the first time in our history we're putting a legislated cap on what the Legislature can provide to the school divisions.

School divisions such as my own which have relatively little in the way of commercial and industrial rates, are going to be the divisions which are the most hard hit when you look at the City of Winnipeg. I believe that rural municipalities, rural school divisions are going to be hit very hard as well. The new system was very neat for 1981. It's one the Tories believe can help them to get out of the jam they're in this year which I think all Manitobans would hope is an election year. Then once they're past this — certainly we hope it will be an election year — but one we're past that hurdle then they've got this problem solved for next year. They can say well, we've got this formula; this is the law; this is what we agreed to. Everybody was so happy with this formula and it was based on 1980.

One of the other problems with that basis is that some of the school divisions were very very careful with their money and they weren't spending as much per pupil in similar circumstances as other school divisions were. Those school divisions are being punished for listening to the Minister, not only for 1981, but up into the future until such time as this legislation if it is enacted, if they really insist on enacting this legislation, this inequity between divisions is going to continue. It will grow larger; it will grow larger each year as between divisions because of the fact that the formula itself doesn't take care of all of the inflation involved. It doesn't start one division off at the same level that another division starts off at, so the division that starts off higher will each year increase in dollar terms the amount of funding by which it is getting more per pupil than the ones that were spending less.

So basically from every angle we have to say we have some very serious concerns about this bill and we're most anxious to hear from school trustees, from the teachers' organizations and others involved in education, to hear what they think of this program which basically will achieve stagnation in terms of education funding.

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

**MS. WESTBURY:** Mr. Speaker, I'm prepared to let this go to committee so we can hear the public representations.

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

**MR. BOSTROM:** Yes, Mr. Speaker. I'd like to move, seconded by the Honourable Member for Kildonan that debate be adjourned.

**MOTION presented and carried.**

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

**MR. RANSOM:** Mr. Speaker, would you call Bill No. 58.

### **BILL 58 — AN ACT TO AMEND THE AGRICULTURAL LANDS PROTECTION ACT.**

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

**MS. WESTBURY:** Thank you, Mr. Speaker. It is my intention to support this bill because it's better than the existing legislation. It is imperfect in the opinion of the Agriculture Committee of the Liberal party but it is better than what is there now, so they have asked me to support the bill on that basis, because it at least makes an attempt to plug some of the loopholes which I'm told were big enough to drive a whole truckload of land speculators through.

Mr. Speaker, a headline in the Free Press dated October 16 last stated: "Lawyers skirting farm land laws" and I'm told that is in effect what has been happening in Manitoba to the detriment of the agricultural community.

Mr. Speaker, in the hope that the government is really sincere about doing something useful I intend to offer a couple of suggestions which are in effect the policy of the Liberal party in Manitoba respecting land ownership. I want to say — and I'm sorry that the Minister for Highways and Transportation isn't here to hear me say this because I've been hearing him shout about it for a long time — that in the opinion of our party the ownership of land is one of the traditional rights of our country and any restrictions thereon should be implemented solely for the purpose of supporting and enhancing the agricultural sector and the rural communities.

The Liberal party in Manitoba, Mr. Speaker, would propose giving local municipalities some discretionary taxing powers to affect the direction of property ownership within their boundaries, so would be in a position to make their own assessments of the nature and extent of any problem and would be able themselves to implement appropriate remedial measures.

The intent of the program would be to reduce incentives for speculative land purchases, one of the spinoffs being to encourage people to live and participate in the rural communities, something which in the opinion of my advisors this bill does not adequately accomplish.

The policy of our party would address both the problem of non-resident farm land ownership and the issue of the threatened extinction of rural communities, Mr. Speaker, in a far more effective and positive way than the proposal that we're looking at in this bill.

At least the government has indicated a willingness to change what is now an ineffective piece of legislation. I'm told there have been no prosecutions against the violators of the existing legislation so presumably the government in itself has not been very confident of the effectiveness of the legislation. Hopefully soon the Liberal party in Manitoba will be

in a position to implement what we consider to be a more effective way of dealing with the problem.

**MR. SPEAKER:** The Honourable Minister of Agriculture will be closing debate.

The Honourable Minister of Agriculture.

**MR. DOWNEY:** Thank you, Mr. Speaker. In closing debate on Bill No. 58, The Farmlands Protection Act, I would just like to make my comments very brief. In doing so, Mr. Speaker, I think it would be fair to say at this particular time that the act, as I indicated in the introduction of the amendments to The Farmlands Act were to truly identify or to point out who those people who were eligible owners of Manitoba farmland, the eligibility criteria, particularly in those areas of corporations that may have been in fact, owned by other than Canadians; the true ownership we believe, should be left in the hands of Canadians. The bill as I indicated does have that power now to truly identify or to ask for the identification of the boards of directors of an annual statement to give the board the kinds of support they need. Further to that, Mr. Speaker, an increase in the amounts of penalties or as well where the individuals cannot prove the right to own the property then in fact, disclosure or divestiture would actually be ordered by the board.

It is our desire, Mr. Speaker, to maintain the family farm units in Manitoba. As we've indicated, 96 percent of the land transactions in each of the last two years were from farmer-to-farmer within the province. We have to be well aware of the fact, Mr. Speaker, that there are two sides to the coin on this particular issue, those people who are either retiring farmers or individuals who have made the decision to sell their investment that in fact, they are given the opportunity to maximize their return.

Now to deal with the issue that the Member for Inkster and some of the other members brought forward, was the concern of high priced lands to the particular people who are in the food production. That is also a concern of ours, Mr. Speaker, and that is why we have reintroduced our program with an intrasubsidy, putting provincial moneys into the hands of the Credit Corporation to allow farm people — particularly young farm people — access to funds so they can own their lands and farm them. Now if the members opposite are suggesting there should be some form of land price control put in place then, Mr. Speaker, I can't agree with that kind of a concept because after all it would be like — (Interjection)— well, that's the kind of message I get from the members opposite.

Again, Mr. Speaker, I'm sure the amendments to the act will work in the way in which will be in the best interests of the farm community, particularly the young farmer and the family farm and with those comments I would recommend to the House and ask for support of the members on the amendments and would recommend this bill proceed to committee stage.

**QUESTION put, MOTION carried.**

**MR. DEPUTY SPEAKER, Abe Kovnats (Radisson):** The Honourable Government House Leader.

**MR. MERCIER:** Mr. Speaker, first I would now confirm that the House will adjourn at 5:30 and

Municipal Affairs and Agricultural Affairs Committees will meet tonight at 8 o'clock. Mr. Speaker, would you call Bill No. 51?

**MR. DEPUTY SPEAKER:** Bill No. 51, An Act to amend The Fires Prevention Act, standing in the name of the Honourable Member for Logan.

The Honourable Member for Logan.

### **BILL NO. 51 — AN ACT TO AMEND THE FIRES PREVENTION ACT**

**MR. JENKINS:** Thank you, Mr. Speaker, I adjourned this debate on behalf of the Honourable Member for Churchill.

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

**MR. COWAN:** Thank you, Mr. Deputy Speaker. I will be quite brief in my remarks to Bill 51, An Act to amend The Fires Prevention Act. I'd like to inform the House firstly that we have reviewed this Act and find that we have no objections to it going to committee where we'll be able to participate in a far more detailed examination, debate and discussion on the specifics.

However, I would like to also indicate at this point that I have discussed this Act with the Minister responsible, the Honourable Minister of Labour, in respect to certain parts of the original Act which were not included in the amendments which he brought forward. During those discussions we have come to what I believe is a partial agreement and I'd like to put on the record — and I've asked the Minister of Labour if he had any objections to my doing so and he indicated that he did not — the basis of our discussion.

As the Act stands now, in three sections of the Act — and for clarification purposes only I'll point them out, Section 10, Section 15(1), Section 15(2) — there's reference made to male employees and male persons being required by the Act to do certain acts by the Fire Commissioner and by the other persons of authority under the Act, in respect to containing and fighting fires.

There is also an indication in those sections that those persons who are physically unfit to do so will not be required to do so and in Section 15 there are some other exemptions which are made as well. I think in this day and age, Mr. Deputy Speaker, we can eliminate and omit the reference to a male person or a male employee. We should be talking about employees. We should be talking about people.

Now while I say that, I realize full well that what we are talking about is heavy work, sometimes dangerous work and in fact work which has traditionally been thought of as man's labour. I think we have escaped those traditional discriminatory practices — I hope we have as a Legislature — so when I first spoke to the Minister respecting this bill, I told him that in my review of the Act I had run across those specific references to males and I would hope that when we have the Act open we would be able to eliminate those, that we would be able to make the Act non-discriminatory and non-existent so far as is possible.

I am pleased to be able to tell you, Mr. Deputy Speaker, that the Minister of Labour has indicated

he has discussed this matter and has some concerns about those particular sections as well and is willing to discuss it more fully at the committee stage in order to try to come up with some more appropriate language, language that more fully suits the 1980s than when the Act was originally written. I think that's important. I think when we have these Acts open — and that applies to all the Acts — we should review the Act in its entirety and try to come up with improvements to the Act which are more in keeping with the philosophy of the day.

I note that when we opened up The Garnishment Act, we referred to a section in second reading respecting the garnishment of pensions. The Attorney-General took that under advisement; we gave the Attorney-General notice and during the committee stage we were able to I think, bring forward an improvement which was not intended when the Act was brought before the House but in fact does benefit the Act. I think that's to the credit of both the Opposition, who first pointed the problem out to the Attorney-General, to the Attorney-General and his government who took a serious problem into consideration and came up with what appears to be an acceptable solution.

I am hopeful and I am optimistic, given my conversations with the Minister of Labour, that we will be able to do that in this instance as well. So I wanted the record to be clear at this point that I have had those conversations with him respecting the discriminatory and sexist language in the provisions of Sections 10, 15(1) and 15(2). We are of agreement that it should be discussed more fully in committee. I can't anticipate what the committee will decide, but I hope that we do decide to remove any reference to whether an employee or a person is male or female and thereby bring this Act more up-to-date, at least from my perspective. So while we are in committee we will be discussing that. Also, we may be suggesting a number of minor changes in respect to the wording of the amendment that is brought forward. That of course, will depend upon the explanations for the wording which the Minister gives during the particular committee hearing.

I would point out to him just one instance so that he can be prepared for that discussion and that's in respect to 58(1) I believe, of the Act which talks about a person disturbing a Fire Commissioner or a person of authority during his or her duties. The Clause reads: "Hinders, obstructs or disturbs that individual". In previous references to it in the Act in previous years the clause read: "Hinders, obstructs or impedes". So we're concerned about the far-reaching implications and definitions of the word "disturbs" and would like a more thorough explanation of why they felt that word was necessary rather than the word "impede" which was used on previous occasions. So I bring that to the attention of the Minister through this debate so he will be prepared to discuss that as well.

We will be talking about some of the other changes but I think they are probably of a general enough nature that we will be able to discuss them fully without notice being given of the specifics. I am prepared, we are prepared on this side to send this to committee and look forward during the committee debates to being able to update and modernize the references to those who shall be required to work on

preventing and putting out fires in the Province of Manitoba.

I thank the Minister for the co-operative way in which he has approached this issue with me over the past number of days. I think because of that we have been able to come forward with what I hope will be some positive changes, which will be added to the changes that were first suggested by Bill No. 34.

**QUESTION put, MOTION carried.**

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

**MR. MERCIER:** Would you call Bill No. 34?

**MR. DEPUTY SPEAKER:** Bill No. 34, An Act to amend The Consumer Protection Act, standing in the name of the Honourable Member for St. Vital.

The Honourable Member for Logan.

### **BILL NO. 34 — AN ACT TO AMEND THE CONSUMER PROTECTION ACT**

**MR. JENKINS:** Mr. Speaker, I believe the Honourable Member for St. Vital adjourned this debate on behalf of the Honourable Member for Churchill.

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

**MR. COWAN:** Yes, Mr. Deputy Speaker, I would just indicate at this time that we are prepared to let this bill go to committee and at that point we'll look forward to having more detailed discussion on the contents therein and some of the concepts which are contained in this particular Act.

At the same time I would like to give some notice that we would like to discuss the full Act in an appropriate way in reference to some amendments which were passed last year and upon which no action has been taken by the government. I'm referring specifically to the amendments in respect to unit pricing, computer scanners and their use at different retail outlets in the city.

We are concerned that there appears to have been very little action on the part of the government although we understand there has been some pressure applied to government by consumer groups and individuals which would indicate to us that there is a need. So while we're in the committee, we look forward to being able to discuss that particular aspect of the Act in some detail as well.

In respect to the amendments which are contained in Bill No. 34 — and I would like to correct the reference I made in my last speech — I referred to Bill No. 34 at the end, I should have referred to Bill No. 51. But in respect to Bill No. 34 which is now before the House we do look forward to discussing it in some detail at the committee stage.

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

**MR. GREEN:** Mr. Speaker, I move seconded by the Honourable Member for Winnipeg Centre that debate be adjourned.

**MOTION presented and carried.**

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

**MR. MERCIER:** Mr. Speaker, would you call Bill No. 52?

**MR. DEPUTY SPEAKER:** Bill No. 52, An Act to amend The Insurance Act, standing in the name of the Honourable Member for Logan.

The Honourable Member for Logan.

### **BILL NO. 52 — AN ACT TO AMEND THE INSURANCE ACT**

**MR. JENKINS:** Thank you, Mr. Speaker. We have examined this Act and we are prepared at this time to have the bill proceed to the committee stage and any questions we have at that time will be raised with the Minister. As I say we are prepared to have the Bill proceed into Committee at this time.

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

**MR. GREEN:** I move, seconded by the Honourable Member for Winnipeg Centre that debate be adjourned.

**MOTION presented and carried**

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

**MR. MERCIER:** Mr. Speaker, would you call second reading Bill No. 39.

The Honourable Minister of Finance.

### **SECOND READING GOVERNMENT BILLS**

#### **BILL NO. 39 THE ECOLOGICAL RESERVES ACT**

**MR. RANSOM, on behalf of the Minister of Natural Resources, presented Bill No. 39, The Ecological Reserves Act for second reading.**

**MOTION presented.**

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

**MR. RANSOM:** Mr. Speaker, in the period of development of our province over the past 100 years, 150 years at least, we have seen our landscape and our natural systems be altered through the process of settlement to the point where there are very few examples that remain today of the natural systems that were here at the time that the first European settlers arrived and began to change the face of the land. I think it is necessary and appropriate that government and the people of the province should have the authority to preserve some of these examples and should move to preserve some of these examples of ecosystems that have been so important in the natural evolution of the environment that we have around us. It's something that is generally accepted in our society that there should be museums. Almost every community in our province has a museum of some sort, Mr. Speaker, where they preserve the artifacts of prehistory and

historical development but that same concept has not been widely extended to preserving examples in living museums of our natural ecosystems. Mr. Speaker, this bill provides for the formal recognition of such living museums which can then be used for purposes of study, research and simply for people to enjoy if they are able to enjoy them without destroying the basic structure of the system that is in place.

Now this bill is not very different from the powers that were available to the government through The Crown Lands Act and through regulations under that Act, in fact, some four ecological reserves have already been designated in the province, Mr. Speaker. But what this bill does is to give more formal recognition to those reserves and, indeed, provides the sort of authority that could be required to be certain that indeed the systems are preserved. It allows for the taking of land, if necessary, to preserve a system and of course it provides for the restriction of activities within these areas unless they are authorized through regulation.

I think it is fitting, Mr. Speaker, that we give formal recognition through the passage of this bill to the ecological reserves that we have and to others that we expect will be established over time and this bill has provision for the establishment of an advisory committee; again, which has been informally in existence up to now where people interested and knowledgeable in this field are able to recommend to the government some areas to be preserved. Similar Acts exist, I believe, in five or six other provinces in the country and I would expect that in time all ten provinces will have such Acts and that there will be ecological reserves in existence across the country.

Mr. Speaker, I recommend this bill to the House very highly.

**MR. DEPUTY-SPEAKER:** Are you ready for the question? The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, this is a concept which I don't have any argument with and indeed, Mr. Speaker, I would suggest that if the Minister looks back he will find that between the years 1970 and 1977 there were ecological reserves created in the Province of Manitoba and the idea that such ecological reserves should be created has substantial support, Mr. Speaker, and substantial argument and is one which certainly I could not see any harm involved in. The idea, as explained to me by the people who were concerned and they were very well motivated people, was that we would reserve certain parts of our province, pieces of land, to develop as they would develop under nature rather than that they would develop under human involvement and that we would therefore be able to observe what happens when there is no human involvement and when nature was permitted to take its course.

My argument with this bill, Mr. Speaker, is similar to the argument that I had with respect to several pieces of legislation that were introduced last year; I believe, Mr. Speaker, it is a good rule that you do not legislate unless you have to legislate. Unless the project that you have in mind cannot be done unless you pass legislation, it is my respectful submission that the legislation does you more harm than good and there is absolutely nothing to prevent the Minister from now setting up an ecological reserve. It

is going to be limiting on the flexibility of the government to put in a piece of legislation which says how they shall set up a reserve; what the law is after they have set up a reserve; and what conditions will apply. Those imperatives are not part of the needs of the public of the province of Manitoba or the government; they are part of the needs of people who say that they don't trust the government — and maybe they have good reason not to trust them — but I trust the government, even a Conservative government, better than I trust a law which I'm bound by. It's almost similar to the constitutional debate. Why is it necessary to put into statute form what the Minister has power to do without the statute? Who has induced him to do this? Indeed the Minister is not here and I would like to see him face to face and suggest to him that some people have come in and said, yes, you have established these ecological reserves; they are done; we know that they are happening but we want the statute. We want the statute so that we know that it doesn't depend on you; that there is a law and the law will say how it's to be done and what happens when it is done.

Mr. Speaker, I find it completely unnecessary. There have been several ecological reserves established over the past several years and for the Minister to say he wants a statute he should explain to me what has been the problem. I mean, the public can take land and set it aside; there is no law against that. The public can make that land inaccessible to anybody; there is no law against that. The public can put up a sign saying, ecological reserve; there is no law against that. What does the statute do? A statute be an enabling piece of legislation and I do not know what this enables. I know that it sets out and defines and it seems to me that you are better off setting out and defining by virtue of governmental authority, rather than setting out and defining and then being in a position, Mr. Speaker, of wanting to change it; and the only way it can be changed is if you bring in another bill, go through three readings and clutter up the legislation.

Mr. Speaker, I would suggest to the government if some day they had time — and if it's not this government I will suggest it to the next government and if I have any more power or if I have the power that I once had vis-a-vis sitting in the government benches — I would go through the statutes of Manitoba, Mr. Speaker, with the imperative of eliminating at least 50 percent of them because they are unnecessary. As a matter of fact, I heard, I believe it was one of the legislative counsel, who said to me that one jurisdiction had a rule that a Minister could not present a bill unless he repealed two others because there are two other bills on the paper which surely are not necessary. Here is a bill which nobody will argue, I don't argue with the desirability of it, I just wonder what can't be done. What is the Minister seeking from the Legislature with this bill that he cannot do without it?

I would like the Minister to explain that, Mr. Speaker, when this bill goes to Committee because I'm not, in principal, against the establishment of ecological reserves. I think I established the first one, I'm not certain of that. The Minister is nodding his head up and down in the affirmative so my memory is probably not faulty. I believe that I established the first one and I believe that all of the powers that are

in this bill were had by the government before the enactment of the legislation. Why do we have to do it. Why do we drive ourselves into the thought that the world doesn't move except if somebody gives three readings to a bill. The world has moved and will continue to move and probably better, probably better without giving three readings to a bill. Now, I'm not saying that you never have to have a bill. Before I came in government, between 1966 and 1969, there were laws where judges were ordering people to work, as a for instance, and unless there was a bill which changed that that continued to be the law. I want the Minister at Committee to tell us what this legislation enables the public of the Province of Manitoba to do through their elected representatives which could not be done without this legislation and if indeed there is something that is needed, rather than that there be a statute for those who say that they want ecological reserves to be able to say we have a statute providing for it and therefore it is necessary to do.

Mr. Speaker, I don't think that is necessary and I told the people that at the time and I tell the Minister now, at the time, that I established, and he has confirmed it and therefore I'm not even going to rely on my memory, ecological reserves which I believe had all the features of what he is now talking about and there was no bill in the Legislature. Because, Mr. Speaker, there are some people who think that the only time you can do anything is if you have a statute and I prefer to believe, Mr. Speaker, that you can do anything that is not prohibited by statute and if you will tell me what we cannot do by virtue of a prohibition then I certainly would like to facilitate the establishment of ecological reserves in the Province of Manitoba and I am not the least bit interested in first, second and third readings of the bills.

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

**MS. WESTBURY:** I thank you, Mr. Speaker. My party has no objection to letting this bill proceed to Committee but we have a couple of concerns which I would just like to draw to the attention of the Minister and that is concerning licensing and permits. We have no objection to this kind of provision being included, Mr. Speaker, provided the management control will be within the department. My party is not interesting in having licences granted to other authorities, whether under the guise of ecological authorities or anything else. We want the management to remain within the department and, if that is not to be so, I would appreciate hearing about it from the Minister in closing debate.

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

**MR. BOSTROM:** Mr. Speaker, I move, seconded by the Honourable Member for Kildonan that debate be adjourned.

**MOTION presented and carried.**

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

**MR. MERCIER:** Mr. Speaker, would you call Bill No. 57?

**BILL NO. 57 — AN ACT TO AMEND  
THE TEACHERS' PENSIONS ACT**

**MR. SPEAKER:** Bill No. 57, the Honourable Member for Logan.

**MR. JENKINS:** Thank you, Mr. Speaker. We have examined this bill; we have no great dispute with what the Minister is trying to achieve here. We're prepared at this time to have the bill proceed to the committee stage. If there are any questions we would have them at that time and I imagine that members of the teaching profession would probably be there. If we wanted any questions we could ask them at that time. So, like I say, Mr. Speaker, we are prepared at this time to have the bill proceed to the committee stage.

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

**MR. J.R. (Bud) BOYCE:** We are prepared to have this bill go to committee, Mr. Speaker.

**MR. SPEAKER:** The Honourable Minister of Education will be closing debate.

The Honourable Minister of Education.

**MR. COSENS:** Mr. Speaker, just very briefly, I am pleased to see this bill proceeding to Committee. It completes, as I mentioned in my introductory remarks, several changes that have been made in the Teachers' Retirement Plan that are viewed by the teachers as being very positive and certainly I would hope are viewed in the same way by members of this Legislature.

**QUESTION put, MOTION carried.**

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

**MR. MERCIER:** Mr. Speaker, would you call Bill No. 28 from Page 8 of the Order Paper?

**ADJOURNED DEBATES ON SECOND  
READING  
PUBLIC BILLS**

**BILL NO. 28 — AN ACT TO AMEND  
THE EMPLOYMENT SERVICES ACT**

**MR. SPEAKER:** Bill No. 28, An Act to amend The Employment Services Act, standing in the name of the Honourable Member for Gladstone.

**MR. MERCIER:** Mr. Speaker, the Member for Gladstone adjourned debate for me.

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

**MR. MERCIER:** Mr. Speaker, inasmuch as Bill 28, although it proposes amendments to The Employment Services Act, I think the Member for Wellington would acknowledge that the question at hand is first and foremost a human rights matter. Therefore, Mr. Speaker, as Minister responsible for the Human Rights Commission, I would like to make a few comments with respect to this matter.

I would point out, Mr. Speaker, that both I and the Human Rights Commission have studied this bill and have taken a great deal of interest in the discussion in this House because of the concern for this matter and, particularly, because of discussion of this issue that arose out of a commentary on the W5 television program. The Human Rights Commission, when they learned of the incidents discovered in a random survey by the Canadian Civil Liberties Association, Mr. Speaker, were concerned with this matter. The Member for Wellington indicated, I believe in his comments with respect to this bill, that I had directed the Human Rights Commission to write to employment agencies. Mr. Speaker, I can say that the Human Rights Commission needed no prompting from me as the Minister responsible but, because of their concern with respect to this matter, they initiated letters to all employment agencies in Manitoba informing them of their responsibility to comply with the provisions of Manitoba's Human Rights legislation and warned them that any complaints received would be investigated vigorously. I would note, Mr. Speaker, that I advised the Member for Wellington of this action by the Commission I believe on February 5th.

Further, Mr. Speaker, the Human Rights Commission is making personal contact with these employment agencies to reinforce the fact that non-compliance with the Act will be viewed as a very very serious matter. Moreover, the Commission advises that they are considering the use of monitoring and testing activities which could be sanctioned under current Human Rights legislation.

I would note, Mr. Speaker, that Manitoba's Human Rights legislation presently contains provisions, Section 23(1), giving the Human Rights Commission authority to inspect documents and records and to make copies thereof and further, when a person refuses to grant access or produce documents, Section 23(2) permits the Commission to obtain a court order for access. It is suggested, Mr. Speaker, that the amendments proposed in Bill 28 may not add at all to the powers of the Human Rights Commission which they possess under these sections which I have referred to.

I would note, Mr. Speaker, that the Commission has reviewed the pertinent sections of other Human Rights legislation in Canada with respect to access to records, investigations, etc.; in effect, Manitoba's provisions are the same. I can provide the member with a copy of information from The Canadian Human Rights Act; The Human Rights Act of Nova Scotia; the Human Rights Code of New Brunswick; the Ontario Human Rights Code; the Saskatchewan Human Rights Code and the Charter of Human Rights and Freedoms of the Province of Quebec if the Member for Wellington or any other member is interested.

The Member for Wellington, Mr. Speaker, made reference in his comments to actions by the Province of Ontario with respect to their reaction to the W5 story. I would say, Mr. Speaker, that while the Ontario legislation appeared to act quickly, in terms of introducing new legislation, it was not introduced as a direct action to the Canadian Civil Liberties Association survey; rather the bill that was introduced in Ontario's Legislature contained several amendments to their Human Rights Code which had

been in the works for several months and even years and were essentially the culmination of a response to the recommendations of a 1976 report which they had received.

Mr. Speaker, the Human Rights Commission considered this to be a matter of high priority but they are presently satisfied that the current provision of The Human Rights Act, specifically Section 6(1)(b) and 6(5) which deals with specifically with employment agencies, together with the access to information sections of The Human Rights Act, are sufficient enough for them to investigate complaints with respect to this type of problem.

As I've indicated, Mr. Speaker, they have written to all employment firms with respect to this concern advising them of the specific provisions of The Human Rights Act; these letters will be followed up by personal contact. The Commission is hopeful, as I am, Mr. Speaker, that these actions will address the problem satisfactorily. However, Mr. Speaker, I've advised them that I am deeply concerned with regard to this matter and I've asked them to keep me up-to-date with respect to their considerations and the results. I would say to the Member for Wellington, Mr. Speaker, that if the Commission is satisfied, and I am satisfied, that a problem persists in this area that I'm certainly prepared to consider and bring forward amendments to The Human Rights Act that will specifically address any problem that may arise out of this matter.

I thank, Mr. Speaker, the Member for Wellington for raising these concerns in the Legislature and I want to assure him that if it is necessary we will bring forward stricter amendments to the Human Rights Commission if they prove to be necessary.

**MR. SPEAKER:** The Honourable Member for Wellington will be closing debate.

The Honourable Member for Wellington.

**MR. BRIAN CORRIN:** Thank you, Mr. Speaker. Yes, and I'll be very brief in making my closing remarks in response to the summation and rebuttal of the Attorney-General. Mr. Speaker, succinctly I think everything I have to say can be put in one nutshell and that is that the Honourable Attorney-General seems to have missed the main point of the amendment.

The main point of the amendment was to require employment agencies to maintain records that would facilitate the monitoring of their activities by the Human Rights Commission. What we were doing, Mr. Speaker, what I was attempting to do, was shift the onus, the burden, from the employee, the person who aggrievedly feels that he or she was the victim of discrimination on the basis of race, or whatever, to the employment agency. So what we were doing is we were saying that the employment agency had to maintain certain records which would, in turn, provide information which would be accessible and available at any time to officials of either the Employment Services Branch or the Human Rights Commission. It was my belief and the belief of members on this side, Mr. Speaker, that sort of more activist affirmative approach would have the desirable effect of, first of all, discouraging agencies who were prone to this sort of activity from participating in discrimination; and, second of all, where such incidences were occurring would make

them much more discernible, identifiable and that is the problem, Mr. Speaker. Succinctly the problem has always been that the Human Rights Commission has not had the wherewithal to go behind the scenes and identify such situations when they do exist. In most cases, because even the complainants are not privy to all the information that they should be about the nature of the employer's requirements, the qualifications of competing prospective employees, they too are disabled in seeking redress under the Human Rights Commission in cases where they do feel that they have a justifiable grievance.

So what we're doing is we are trying to activate and revivify the Human Rights code in such a way that it will work effectively in contemporary circumstances. So I say that it's highly unlikely that the Attorney-General is going to find himself in receipt of more complaints as he says it was. He suggested that if he were he would take action. Well, I'm suggesting that it's highly unlikely that will take place unless the Act is first amended. It's a question of where the emphasis lies. He feels that the complaints will somehow flow naturally and then, if warranted, he can take necessary amending action. I say that the flow will never take place because there will never be any information sufficient to substantiate those sorts of complaints and therefore they will not proceed to his attention.

I would also indicate, Mr. Speaker, in summation that I feel that it is time for the government to do something effective and activist with respect to the whole problem of racial tension and discrimination in this province. It was not too many weeks ago that the Mayor of the City of Winnipeg saw fit to create a special task force on race relations. He did so, Mr. Speaker, because there was brought to his attention and the attention of course of all citizens, a number of incidents involving physical violence and other sorts of intimidation and violence. Mr. Speaker, I would think that members of the government side opposite would well pay heed to the Mayor's actions and his spontaneous and quick response to the problem he perceived within his jurisdiction in the City of Winnipeg and as well do something affirmative in this important area. I would suggest that rather than waiting for the other shoe to fall, that it would be better to take a measure of protection and put it in place now so that those tensions would be mitigated and abated.

So, Mr. Speaker, I cannot accept the response tendered by the Attorney-General on behalf of himself and his government and I would indicate that I feel that the government is unwise in wasting an opportunity to upgrade the standards of the relevant legislation. Thank you.

**QUESTION put, MOTION defeated.**

**MR. PETER FOX:** On division, Mr. Speaker.

**MR. SPEAKER:** On division? Is that agreed? (Agreed). I declare the Motion defeated.

**MR. MERCIER:** Mr. Speaker, would you call for Bill No. 49, Page 8 of the Order Paper, The Landlord and Tenant Act moved by the Member for Wellington.

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



**BILL NO. 49 — AN ACT TO AMEND  
THE LANDLORD AND TENANT ACT (2)**

**MR. JENKINS:** Mr. Speaker, I adjourned this debate on behalf of my colleague, the Member for Wellington.

**MR. SPEAKER:** The Honourable Member for Wellington will be closing debate.

The Honourable Member for Wellington.

**MR. CORRIN:** Yes, Mr. Speaker. Prior to this matter being closed I wanted to take this opportunity to respond to the Minister responsible for this particular Act, the Minister responsible for Housing. He responded to my introductory remarks on Tuesday last, the 12th of May and I wish to deal again summarily with a few of the points that he raised in response to my presentation and the legislation on the Order Paper.

Mr. Speaker, I want to say first of all that I think the Minister has misdirected himself in that he seems to place the emphasis rather than on consumer or tenant protection on commercial relations in the community. I want to stress, Mr. Speaker, that I was motivated to introduce this legislation not because there was such an alarming outcry from the populace but rather because I perceived a problem which was being aggravated by current high rates of bankruptcy in the province.

As I pointed out in my initial remarks we are experiencing at least a 10-year record with respect to bankruptcy proceedings in Manitoba and as a result I am concerned about tenants who are being put in peril or jeopardy in facing situations where their landlord has made an assignment in bankruptcy.

Now the purpose of this proposed revision or what I would prefer to refer to as a reform to the legislation, Mr. Speaker, is very simple. It is to make very clear what assets of a bankrupt landlord will be available for distribution to general unsecured creditors. The problem in the past, Mr. Speaker, and the problem which will continue to pertain until the legislation is somehow reworked and revised is that the law in this particular country is such that security deposits are not regarded as trust proceeds and therefore are available on an assignment in bankruptcy for the general purposes of all the creditors.

Now there have been cases and the Honourable Minister made mention of the Thompson case — that's Thompson, Manitoba case of 1972 — there have been cases where tenants of a bankrupt landlord have lost all their security deposits as a result of this legal interpretation and precedent. What I was saying was, it seems rather senseless knowing that there is a potential problem and knowing that we are experiencing a high rate of bankruptcy which gives rise to the problem, not to take some remedial reformative approach to the particular problem.

So the Minister has come back and the Minister sort of skirts that whole area, that whole aspect of my concern and he says it's going to have the result of raising the operational costs on landlords. He says that it's going to be inevitably a cost which is passed along to the tenant because landlords are going to be deprived of what he refers to as their cash float,

which I presume is a reference to the security deposits being used for operational purposes within the commercial activity of the landlord.

Mr. Speaker, I suppose in some respects I must be very naive. But I would have presumed unlike the Minister of Housing, that a responsible ethical landlord wouldn't attempt to use the security deposits for operational expending purposes. I would have presumed that it would have been of least almost de facto considered to be a trust fund. I can't imagine why some landlord having received moneys as a security deposit from a tenant would then proceed to take the money and start using it for the purposes of general maintenance in the block or whatever. I thought it was there more or less pledged until such time as the tenant gave up possession of his or her unit. Now that's what I thought, Mr. Speaker, and I think that reading the Act I think that's certainly what most tenants would presume. It is just as I said as a result of rather a wide latitude in the security deposit provision that these funds have never been regarded as trust proceeds.

So I don't think that we should much concern ourselves with this particular argument. I think with respect to the Minister that it's a rather weak argument and that one that belies the conception with respect to these situations anywhere.

Secondly, the Minister was very concerned about the legislation not going far enough anyway — he didn't put it quite in those terms — but he suggested that the trust moneys could be misused or misappropriated anyway and that even the strict policing provisions that I recommend and submit are warranted would not prevent that from happening. I ask you, Mr. Speaker, I think sometimes a little common sense goes a long way. It seems to me if we took that to its logical conclusion that there would be literally hundreds if not thousands of rules and laws and regulations suspended within the province because you know, Mr. Speaker, we do that with respect to hundreds of things. We create regulations which require certain disclosures to be made by certain persons, by certain parties and we provide mechanisms for policing in order to assure that people are operating within the regulatory framework that we establish as legislators.

So what the Minister is saying, that with respect to landlord and tenants he would prefer a reversion if we're not already there — I'm not sure reversion is the right term — he would prefer to maintain the law of the jungle, so if we're going to have somebody who deceitfully and criminally misappropriates trust funds, so what? I am suggesting as I suggested in my initial remarks, Mr. Speaker, that most people if it is a law, if they are faced with a law that requires them to maintain trust deposits and it is clearly and explicitly spelled out that the fund which they manage is a trust fund, will not breach the law and I think that's a fairly reasonable argument. It's based on I suppose first of all trust in my fellow citizens. I have some degree of confidence which is not shared by the Honourable Minister in this regard in my fellow Manitobans. Secondly, I say with respect to that small minority that will for reasons of temptation or whatever disposition, will misappropriate trust funds. I suggest it's far more likely that they will be apprehended if there is a mechanism put in place to police the regulatory provision.

So again I have to chide the Minister because I think what he's doing is he's saying that he would prefer to take a very passive rather reactionary status quo anti-position. I know that we don't concur with respect to many aspects of consumer protection. I know we have substantial differences with respect to landlord and tenant law. But, Mr. Speaker, sometimes it seems to me that common sense should prevail because if he's unwilling to accept this reform then he should repeal all sorts of regulatory provisions of this sort.

He could go right through The Consumer Protection Act, Mr. Speaker, and he could strike literally scores of similar provisions. Then he could go through The Corporations Act also within his jurisdiction and strike dozens if not scores of more provisions. We could go on and on, Mr. Speaker, because we could look at the environmental protection legislation. Goodness knows he could strike I'm sure, well over a hundred provisions there, Mr. Speaker, regulations attached to that legislation. But he doesn't want to do that, Mr. Speaker, he seems unmotivated in that respect.

But at the same time, Mr. Speaker, he's like the proverbial horse that could be led to water but not be made to drink. He seems to be willing to tacitly understand and appreciate the need for regulation when it's been forced upon him by another government but unwilling to act when confronted with a situation where he can actively participate and reform.

So, Mr. Speaker, I don't want to belabour it. I am disappointed that the Minister has taken this approach and will not intervene on behalf of tenants but I am not surprised. Mr. Speaker, I believe there will be cases in the next few months because I know that there are several cases now before the courts involving this particular problem. I believe that I will have opportunity in the next few months or the next year to once again reintroduce this particular bill. I will be able to at that time, Mr. Speaker, unfortunately — and I guess somewhat regrettably — cite in order to reinforce my arguments and make them hopefully more persuasive to the Minister, more cases where tenants have been deprived of their rightful security deposits.

So, Mr. Speaker, I suppose the Minister would prefer rather than deal with this issue on a reasonable basis would prefer to deal with it on a political basis, one that should be discussed on hot-line shows and debated heatedly in future sessions of the Legislature. So if that is his disposition, Mr. Speaker, far be it from me to deprive him of his right to debate and continue the dialogue.

Thank you, Mr. Speaker.

**QUESTION put, MOTION defeated.**

**MR. FOX:** On division, Mr. Speaker.

**MR. SPEAKER:** On division. Is that agreed? (Agreed). I declare the motion defeated.

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

**MR. MERCIER:** Mr. Speaker, would you call Bill No. 5.

**MR. SPEAKER:** Bill No. 5, standing in the name of the Honourable Member for Minnedosa.

**BILL NO. 5  
THE GASOLINE TAX ACT,  
THE MOTIVE FUEL TAX ACT,  
THE REVENUE ACT, 1964,  
THE RETAIL SALES TAX ACT,  
THE TOBACCO TAX ACT.**

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

**MR. MERCIER:** Mr. Speaker, the Member for Minnedosa adjourned this bill on my behalf. I just want to make a very brief comment. Mr. Speaker, the Minister of Finance spoke to this matter on Tuesday of this week. He indicates in his comments that the subject requires some further attention from himself and he wished to examine those possibilities and make other improvements in the Act, Mr. Speaker, so, I just wish to make the comment that it would appear, as a result of that comment from the Minister of Finance, that we will be in a position to have a bill before the next session of this Legislature which no doubt will incorporate some, but not all, of the amendments brought forward by the Member for St. Johns.

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for St. Johns will be closing debate.

The Honourable Member for St. Johns.

**MR. CHERNIACK:** Mr. Speaker, I've been aware of the fact for very many years that the wheels of government turn very slowly but I have to say that the wheels of a Conservative government turn more slowly and I feel that possibly it's a question of priorities. The question of the strong feeling on the part of Ministers of the Crown of the present government as to what has greater priority. We spent a little time today talking about expenditure of money on some pamphlet which was a pictorial representation of flooded Manitoba and I suppose that took more time and more money than it would to consider important matters of government. I don't suggest, Mr. Speaker, that the contents of Bill 5 are of outstanding importance but they are a matter of principal which I would like to have thought would be the kind of matter that any government would examine as soon as it's drawn to its attention in order that that government should make sure that it is indeed defending the rights of the individual and the rights of a citizen whose life is affected by government.

Mr. Speaker, the imposition of taxation is a burden on people and yet it is also an obligation which most people seek out, as evidenced by the fact that indeed our whole system of taxation is, to a large extent, voluntary; it is not monitored. If people are aware of the fact they must realize that income taxation, for example, is one where the government relies on the citizen to be honest and straightforward in the response he or she makes to the demands of the tax collector and files a return which is reviewed, not in every case but in the minority of cases. The result is that when there is an infraction in taxation laws by an individual then the government must, of course, draw it to the attention of the individual and when it is extreme then it should be drawn to the attention of the the public who is affected. Any

person who is honest and straightforward in the presentation of his tax return has a right to expect that every other person in society is making the same honest report and, therefore, it's incumbent on government to make sure that examples of evasion of taxation are brought to the attention of the public so they are aware, not only that they are being protected by the tax collector checking on others but also that they themselves must continue to be honest, and that's why it is necessary to have enforcement regulations.

But, Mr. Speaker, whatever is done in that regard is usually an invasion of the privacy of the individual; it is certainly an invasion on his piece of mind, on his comfort, on the continuity of his life; it is an intrusion and therefore it has to be closely watched.

Mr. Speaker, I draw to your attention — and I don't remember just what I said when I introduced the bill — but I think that a government which puts up such a big fuss about the rights of the individual being protected by government and the fact that no entrenched Bill of Rights is necessary, that kind of government should be foremost in its efforts to make sure that when there is criticism of government powers being excessive that that government should react. I fault this government for having sat and done what I am not — you know, Mr. Speaker, I'm about to say for having sat and done nothing about this for some 17 or 18 months — the truth is I said, I do remember I said when I introduced this bill, I believe that something was done by the department and I must say, Mr. Speaker, I don't know that to be a fact at all; I just assume it from my knowledge of the administrative ability of the members of the department. But, Mr. Speaker, the Minister of Finance obviously has not studied the Law Reform Commission sufficiently to be able to bring in legislation. I assume his predecessor didn't either and that's why I say that it's a matter of priorities and to them the principle involved in this bill is apparently of not enough concern to have acted on the Law Reform Commission Report and to have brought in legislation last year; last year, not just this year, and then to have sat and done nothing until this year and then to have done nothing.

Then if one listened to the Honourable, the Minister of Finance or reads Hansard on what he said two days ago, one will note that he says that, yes, this is a problem, it may be a problem, we're looking into it. We don't know if the proposals by the Law Reform Commission are adequate or possibly they go a little too far. We will look at it; next year we'll bring in legislation.

Well, Mr. Speaker, I wish I could guarantee there will be an election this year and then I would guarantee, even though I won't be a member of that government, I guarantee that the New Democratic government would bring in legislation dealing with this problem. I can guarantee that and I'm only sorry that I cannot be sure that election will be called in sufficient time for a New Democratic government to deal with this matter in the next session, therefore, we have to rely on the Minister of Finance to carry out his undertaking and bring it back to the next session. He says that no complaints have come to his attention but does not claim that no complaints were made; I think that's true. I think that it is a bad policy to bring in legislation and sit back and wait for

complaints; if it is drawn to you attention that the matter is wrong to sit back and say, I have no complaints, therefore, I'll let this unacceptable, inadvisable legislation sit in the books until I get complaints.

One of the problems with that, Mr. Speaker, is the fact that the power being there it often need not be used. As you know, Mr. Speaker, your own power is, I suppose, only that you can name a member and I don't think that you've named a member in your time and yet that's the only power you have; that's the only way you can stop any of us from being rambunctious. I've not heard you call in the Sergeant-at-Arms but it is the threat and I think that when the Minister of Finance's Department has a threat which will say we have a right to do certain things, many times they don't have to exercise their power, merely indicate that they have the power. So I don't accept it.

I'm glad that the Minister undertook to deal with it and bring it in next year. I'm even glad that he will be able to take all credit next year for having said, I've reviewed this legislation; I find that there should be corrective measures; I'm bringing it in. I'll say, goody for you if he does it; but if he doesn't do it, Mr. Speaker, I would not be inclined to say, goody for you; I would use some other expression to indicate my displeasure by that failure and, since I expect that his undertaking carries with it the assumption that there'll be no election before the next session, then obviously I will be here again to my dismay and sorrow, but I'll be here, and if he doesn't do it, I guess I'll do it again next year.

So, leaving it on that basis I would say, Mr. Speaker, I'm glad I brought it in; I'm sorry it took some seven years to go from the time I had it referred to the Law Reform Commission until now but nevertheless I brought it up, I've got an undertaking from the Minister. The wheels of government will move, but slowly, but they'll move. So, Mr. Speaker, I would like to think that there will be a vote in favour of the bill but I somehow, for reasons that may be apparent to those who listened to the debate, I am of the impression that it is not likely that the bill will pass second reading but I will have to accept that since that is the way life is in this Legislature.

**QUESTION put, MOTION defeated.**

**MR. PETER FOX:** On Division.

**MR. SPEAKER:** On Division.

The Honourable Government House Leader.

**MR. MERCIER:** Mr. Speaker, I wonder if there would be unanimous agreement to move into Private Member's Hour.

**MR. CHERNIACK:** No.

**MR. SPEAKER:** Order please.

**MR. CHERNIACK:** It is my impression that the Minister could now call another bill on the Private Member's Hour list and the reason I suggested, no; I didn't insist on, no, was that I want to have the opportunity to speak on that at this time.

**MR. MERCIER:** Mr. Speaker, would you call the third reading of amended bills and third reading of bills on Pages 1 and 2 of the Order Paper.

**THIRD READING — AMENDED BILLS**

**BILL No. 8** was read a third time and passed.

**MR. SPEAKER:** Bill No. 10, The Honourable Minister of Government Services.

**MR. JORGENSEN** presented Bill No. 10, The Builders' Liens Act for third reading.

**MOTION presented.**

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

**MS. WESTBURY:** Thank you, Mr. Speaker. I have read the amendments as they were presented at Committee but most of them are in very involved language and I wonder if the Minister could assure me that the kinds of protection for the small consumer, the owner of property to which I referred on second reading, is provided. I was concerned about the fact that in a technical bill of this type that some of the people who might suffer from this legislation might be small owners of property, perhaps farmers who are having farm buildings constructed or city people who are having garages built or additions to their property where they would employ a small contractor but they wouldn't necessarily go to a lawyer to have the contract drawn up. I was concerned about whether those people were properly protected under Bill 10. I know that the Construction Association was present at the Committee hearing. I'm afraid I wasn't able to be there, I had another engagement. I wasn't on the Committee, Mr. Speaker, but I wonder if the Minister can assure me that in fact the consumer is protected in this particular bill and in the amendments; as they were not protected in the original drafting of the bill.

**MR. SPEAKER:** Are you ready for the question? The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, I'm a little confused with the member's remarks because she referred to consumers and owners. Consumer protection is contained in other legislation under the Minister of Consumer and Corporate Affairs. I can assure the member that this bill which has been under study since 1970 and has been the subject of study in B.C. and Ontario, another report in Ontario as late as the fall of 1980 which was the basis of a number of amendments we made to the bill which was presented to the last session of the Legislature. This whole subject area has been covered not only in great depth and detail by our province but by a number of other provinces, Mr. Speaker.

We've reached the point where we finally have a new bill and I would suggest this bill be passed. I've indicated to committee if problems arise we're certainly prepared to deal with them as expeditiously as possible.

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

**MR. LOGAN:** Mr. Speaker, I beg to move, seconded by the Honourable Member for Elmwood debate be adjourned.

**MOTION presented and carried.**

## PRIVATE MEMBERS' HOUR

**MR. SPEAKER:** The hour is 4:30. We are now in Private Members' Hour. On Thursdays the first order of business in Private Members is Public Bills followed by Private Bills and then Resolutions.

The Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, before we proceed, I have a committee change. I would like to move that the Honourable Member for Elmwood be replaced by the Honourable Member for Wellington on the Committee of Municipal Affairs.

**MR. SPEAKER:** The Honourable Member for Wellington in place of the Honourable Member for Elmwood on Committee of Municipal Affairs.

We will proceed then with Bill No. 14, An Act to amend The Medical Act, standing in the name of the Honourable Member for Gladstone. (Stand)

The Honourable Member for Inkster on a point of order.

**MR. GREEN:** Yes, Mr. Speaker, on a point of order. This bill was introduced and then there was a fairly definitive position given on it and then it was adjourned. I just want to know whether the House Leader is going to let the position be responded to and have the bill voted on. The House Leader is giving me the assurance that will happen, that's fine.

**MR. SPEAKER:** Bill No. 17, The Medical Act, standing in the name of the Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, I adjourned this debate on behalf of the Honourable Member for St. Johns.

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

## BILLS NO. 17, 18, 20, 21, 22, 25, 40, 47.

**MR. CHERNIACK:** Mr. Speaker, there are some eight professional bills on the Order Paper, Nos. 17, 18, 20, 21, 22, 25, 40 and 47 with which a committee of our caucus dealt. I am prepared now to speak in a general way on the principle of the bills. I would propose, Mr. Speaker, that if necessary with consent, to deal with all eight in my one speech and then as far as I'm aware — I don't know if anybody else on the Official Opposition wishes to speak on any of these bills — we feel it is advisable that they all go to committee, that they be dealt with there in detail and that is the best way to do it. The principle of all the bills is in the nature of a professional bill. So, Mr. Speaker, if I run out of 20 minutes and if I'm not granted leave then of course I will sit down. On the next bill I will complete my speech; either way it'll work out.

Mr. Speaker, when I said the principle of the bill is professional legislation, I point out to you that the only reason a professional society comes to the Legislature to ask for legislation is to empower it to set qualifications and standards for the profession and for members of the profession and to give them that power to control their members to that extent. It

is done in all sincerity I believe, in a recognition that in taking these powers they're doing it because they have a special knowledge and training in the particular field and have an obligation to the public to protect the public in connection with these professional services.

Once these bills are brought by professional bodies to the Legislature, the Legislature has a different objective, it must have and that is, first and foremost, the Legislature has to say, "Our job is to protect the public". It is only in the light of the recognition of the obligation of the Legislature to protect the public that the Legislature should agree to consider granting powers of this kind to private bodies.

I mention that, Mr. Speaker, because from time to time in committee some suggestion will be made about some variation in a bill and very often you'll find the Minister responsible for that particular bill or the mover — more often you find the mover — saying, "Well, I don't think my people would like that" and that to me is completely unacceptable. — (Interjection)— The Member for Inkster is saying it was said, I don't know the occasion, but I can well believe it because the peculiar thing, Mr. Speaker, is that some members seem to feel that because they were asked to bring in a bill they are suddenly acting on behalf of a private body and have to bow to the wishes of that private body which is not only silly, which is not only contrary to the entire spirit of the purpose of legislators bringing in private bills. If they take the concept one step further it is improper for them to be representing the society that brought in the legislation; they are representing their constituents. They have to believe sincerely that it is in the interests of the public of which their constituents are part, to have this bill brought in.

Even when somebody brings in a bill of some private corporation — we have one somewhere I think the Montreal Trust or some trust company — that is supposed to be in the interests of the public. Usually it is necessary to look at what is requested by the proposers of the bill to make sure they're not acquiring powers which are not in the interests of the public and that is wrong.

So, Mr. Speaker, I insist that we must always look at these types of professional bills as being considered only from the standpoint of the Legislature as protecting the interests of the public. I often think, Mr. Speaker, I don't know what's going to happen, what Minister is going to assume responsibility for the piloting of these bills in committee, but my own feeling is that last year we had the Minister of Health dealing with three nursing bills. I think he was involved also when we dealt with some bill from the University of Brandon. I think it's the Minister of Consumer Protection who should be charged with the responsibility of monitoring all professional bills because when the government gives extraordinary powers to any group, then it's the Minister of Consumer Protection who has to be most concerned to make sure those powers are not excessive. I think that's what he's there for just as I think that's what we are there for.

I pointed out last year when we dealt with the nursing bills, Mr. Speaker, that Manitoba has run behind in dealing with professional society legislation. Ontario, Quebec, Alberta all have legislation which is

of an umbrella nature which says when a professional body wants to come in and obtain legislation, then it has to conform to a certain qualification, certain standards established by those Legislatures.

In Quebec — and my information is well over a year old, it may have changed since then I haven't bothered to check on it — but some several years ago Quebec brought in an overall enactment which had under it at least 40 professional bodies, all of whom were under the responsibility and jurisdiction of one central body which was established in that legislation and they all had to conform. I'm not saying that's the best way of doing it. I'm saying it is a way of attempting to standardize in some way the legislation for professional bodies.

Ontario had legislation that affected the health professions only; they had one board and it dealt with all of these some six or seven health professions. Quebec has done something similar, I'm not sure what it is, it's academic really. But I'm saying that it is advisable that it should have been done and I regret that the government of Manitoba did not see the advisability of doing it.

I think we must insist that no profession is justified in calling itself a profession nor is justified in having legislative powers given to them unless it is a clear recognition on our behalf as well as on theirs, that the only validity for their existence is the protection of the public and service to the public. There is certainly no validity in any other way to deal with it and we must be concerned on that basis.

Mr. Speaker, the rationale for granting self-governing corporate status by statute to any professional association, being the protection of the public interest, is that the self-interest of the members of the profession shall not come into conflict with their responsibility to society and to the consuming public. Their self-interest must stand well back and in acquiring the power to deal with their members, it must only be on the basis that they are there to protect the public possibly against their own members but not to protect their members against the public. Therefore I always try to give the message that the self-interest of a profession and the licencing power and regulatory powers of a profession should be separated.

It is done for example with the medical profession which has the College of Physicians and Surgeons which licences, which regulates, which reviews and disciplines and they have the Manitoba Medical Association as we all know, which bargains on their behalf, which is involved in self-education, which is involved in promoting their interests, which is even suggested by newspaper — I mean their retiring president made a statement that was reported just a few days ago — that he thinks all doctors should treat MLAs in a special way to make sure that MLAs are aware of their problems. I wonder if members of the government are aware of that and what they've done to make sure the Minister of Health is going to protect MLAs against the Manitoba Medical Association.

But I make the point that the doctors have seen the advisability of the principle I suggest. The lawyers have done the same. There is The Law Society Act which governs the behaviour and the licensing of lawyers and there is the Canadian and Manitoba Bar Associations which act in their self-interest.

I think this is something that's important. I think every time you deal with a professional body who want legislative powers, you ask them whether they are prepared to separate their self-interest motivation from their dedication to serve the public. I think that should be a central requirement, a general requirement so that the governing body is responsible for licensing standards and discipline and the other is a private-interest group concerned with matters pertaining to the interests of the members and, as such, voluntary continuing education, influencing public policy. Coming to the Legislature to try to influence legislation of any kind is something that should be clearly separate and I believe should be voluntary and be recognized as self-interest.

Mr. Speaker, I must say that when I mentioned the Law Society, my own profession, I am disturbed when from time to time it surfaces in the Minutes of the Law Society that a proposal has been made and is being considered that it be compulsory for every member of the Law Society to belong to the Canadian Bar or the Manitoba Bar; and I, for one, have always fought it and will continue to fight it strenuously because I say it should not be compulsory because it is self-interest; it is a lobby group; it is a group which, for whatever reasons, acts in a way which has — it may be in the interest of the public but that's not its purpose and I don't think that it should be compulsory that somebody belong to that.

I won't go into the question of, is it cattle breeders that we've debated before as to compulsion? But I do think that's important, Mr. Speaker.

There are criteria that should be established for the incorporation bodies and they should have a status which should be limited only to those groups, that is, as to which profession or which body providing a service to the public should be considered a profession and acquire this type of status. I suggest that should require a very high degree of knowledge and skill which is exercised without supervision and usually with independence of judgment and of a confidential nature, whereby the person must place special trust in the professional supplying the service. Now this doesn't always apply and that's why one wonders whether certain professions, recognized as such, really fall into the category when all their work is supervised by somebody else, as one finds in the health field where in many cases they are not independent in their offering of the service; where their judgment alone is not what is the governing feature of the profession; then I suggest that it should be on the basis of the fact that their skill and knowledge is of such a high standard or level that only they are best capable of judging whether or not there is someone, amongst themselves, who is exceeding his own ability to function.

I suggest that, the primary reason being the protection of public interest, the association must be judged and then, if accepted, then they could be granted either the exclusive right to practise, which is generally what we know, or the right of reservation of title which, for example, chartered accountants have. Only a member of the Chartered Accountants Association can call himself a CA or a chartered accountant but he cannot limit other people from

practising the profession as will be described by a chartered accountant. He can't say you may not check the books of a firm; you may not issue a certificate; he can't say that at all; he can't say you cannot practise doing the things a chartered accountant does unless you are a member of the Chartered Accountants Association. That will apply I believe to the bill that we have before us, The Interior Designers, who I believe are asking for a reserve of title but I think would not try to deny anybody else from doing what they are doing. That's my recollection, after a superficial review of their legislation.

So then one must decide about exclusive right of practise being given to some profession or just a reservation of title and, obviously, a reservation of title is a much lesser power given to a body because all they are saying is don't say you're one of us but do what you like in offering services to the public.

I suggest, Mr. Speaker, that any power for regulation granted to such an organization must be cognizant of the rights of people to enter into the profession or the occupation of their choice. Mr. Speaker, I thank you for signalling five minutes. I assure you I will not complete my presentation in the five minutes and, as I said, if I'm not granted leave then I will just complete it under — I have eight bills which is I think 160 minutes worth but I don't need that. I'm suggesting, Mr. Speaker, that the right to enter into a profession which is self-regulated must be recognized and protected by the legislation giving the power; that is, there should not be permissible any arbitrary decision by this governing body as to whether or not a person has a right to enter into the profession because it is the right to earn a living in the field of endeavour one chooses which is a fundamental right. Therefore, the admission into that profession or occupation must be in accordance with fair and equitable means. As a general principle the admission requirements should be set out as clearly as possible in legislation and, unfortunately, that is not the case in many of our Acts. The same general principle of course applies to every aspect of professional legislation which is a direct concern to the public and that means, not only the right to enter into the profession but the right to stay in the profession. That has to be protected and it is in the interest of the public so to do. I'm not saying that it is just in the interest of the individual but the public is best served if it is open to anybody who has the qualifications to offer the service to the public; to ensure that there is not a family compact type of organization where it is so exclusive that the services to the public are not as readily available as they would be if it were wide open.

Since the legislation imposes obligations on members of the profession and grants concessions and powers to such members the principles, the basic principles, that should be considered in all legislation should be set out somewhere so that they would apply to all. That's why, as I've indicated, that three of the provinces of Canada have some form of standard Act to which all professional bodies would be made subject. I am sorry that we have not even considered in this Legislature that kind of standard Act which would set out the basic principles that would apply to all professions, not just to the profession we're looking at from time to time to time

because the rights of entry, the disciplinary powers, the various regulatory powers would generally apply to all professions, not any special requirement for a special body, except in the very exceptional case.

My own suggestion had been in regard to the health professions — and I made it last year — is that there should be an umbrella council which makes full provision for the health team and which clearly shows that all health professions are working in the interests of the public good, both as to the financial capacity of the public, to be able to provide the best service to the people of Manitoba in the health field and also from the standpoint of efficiency and availability; and to ensure that those people with special skills are using their special skills and not doing tasks which lesser trained people can do. Mr. Speaker, I've just read this from Hansard of last year and there was . . .

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

**MR. CHERNIACK:** If I can just finish my sentence, Mr. Speaker. There was a misprint in Hansard on Page 6134. It gives me an opportunity to correct it where the word "tradepeople", it should have read "trained people".

**MR. SPEAKER:** The honourable member's time has expired. Has the honourable member leave to continue? (Agreed)

The Honourable Member for St. Johns.

**MR. CHERNIACK:** Thank you, Mr. Speaker, I assure honourable members that in the long run this will be a saving of time. So my own approach, as I say, for the health professions was that there ought to be one council. I do not think it is right to distinguish in the health field those who have greater skills and those who have lesser skills as being superior or inferior. Each person in the health team has a contribution to make which will assist in the health of the people of the jurisdiction and they should all be recognized as being dedicated in the same way but with different skills which, of course, applies within the individual professions as well. We need only look at the medical profession to see how diverse are their special skills, their special training, in various fields of which we are aware. In that way I think it would be a much healthier position and to change the power structure which now exists and which is recognized to exist.

When I reading these various bill we are dealing with I have the impression, an argument presented in the brief of one of them says, "Of course, the doctor is the captain of the team but" and goes on to speak of the team. I like to think that there may be a captain but that captain should not be a person who is so much in charge, and not accountable to all the members of his team, that he can ignore their special skills because there is no doubt that it would be a terrible pity if the most highly trained person is doing the work that could as well be done by someone less trained than that highly trained person.

My colleague for St. Boniface points out and it is relevant to say that we had quite a to-do and a basic disagreement with this government and its Minister of Health on the question of the use and effectiveness and the opportunity to make fullest use of the service of dental nurses in the provincial

program. It was a view which prevailed in the Conservative government that these people were not sufficiently trained to do the job they were given. Indeed, they had to be so highly trained that they had to be dentists in order to work in the mouth and I hearken back — and I've mentioned this before, Mr. Speaker — back around 1966, maybe '68, there was a Committee of this Legislature dealing with dental mechanics who were then known as denturists who were illegal and the present First Minister was a member of the Committee. I think there were nine or 10 of us and, as I say, the First Minister may be the only other person of this present Legislature who was on that Committee. We were told then by the dentists what terrible hazards there are to the health of the people to permit someone other than a dentist to work in the mouth, in a live mouth, with live gums, with live teeth, and there was that concern. We all shared that concern but the fact is that after legislation was passed in the very early Seventies, I think, we hear very little about problems that have arisen from the less skilled work done by dental mechanics and by dentists. I must say Mr. Speaker, I'm happy I've not had the need to have denture work but if I had to I'm sure I would go to a dentist. But the fact is there are many people who make good use of dental mechanics and apparently they are satisfied. Certainly as far as I know they are still less expensive and more available than the dentists are and if that's the case then that's good because we've just learned recently that there are again insufficient dentists in Manitoba and they should indeed be used to do the more highly skilled work that they are trained to do and let the lesser skilled work be done by paraprofessionals.

I thank the Member for St. Boniface for reminding me about these features in the dental profession that indicate again and again that the use of a paraprofessional is in the interests of the public and that's the point I'm making. It's only by making use of these paraprofessionals that we can keep the costs of health care within the ability of the country to sustain.

When we in the New Democratic party eliminated medical premiums or health care within the ability of the country to sustain; when we in the New Democratic party eliminated health premiums and converted them to income taxation, we were aware as we were told all the time that the burden of health care will be a growing one and a serious one. We said that's right and so it should be — not that it should be a serious problem — but it should be one which is a problem accepted by the people in general and paid for out of the ability to pay taxation. That has been accepted. The Conservatives have not attempted to make that change. But the costs are rising and the need to cut costs is great, not to the disadvantage of the health of the people but rather to make sure that the services are available to all regardless of their financial capacity to handle it.

Now what I was proposing was that there should be one central council and there should be in all professional bodies I believe, where a number of people elected are members of the association, practising members of the profession, who are elected by the members and that there's also a group of people on every professional body who are

lay people and who are not members of the association. I thought that they should be appointed by the Lieutenant-Governor-in-Council which represents the people but I don't care whether there's some other consumer group or some other way of arriving at who shall appoint them. The Law Society has its own group of people, I believe the Chief Justice.

I believe for some reason the President of the University of Manitoba is always considered of such a high level that whoever occupies that position somehow automatically acquires certain appointed powers and by all means they are people who are objective and have a certain prestige. But somehow lay people should be appointed to every board and the reason they should be appointed is not that they are an intrusion on the operation of the profession but rather because they represent the public. It is only because the legislation is designed to protect the public that we as legislators should insist that the public be represented.

I know again referring to the Law Society which of course is the profession best known to me that the four members — I think there are four lay members on the Law Society group of benchers of some 40 or 40-odd — that they play an important role and they bring in a perspective which members of a profession are inclined to overlook and as I know it, the members of the Law Society who are members of the Executive Council or of the benchers often speak of their pleasure in having the opportunity to work along with the four lay people. In my opinion there ought to be more. In my opinion the lay people ought to be about or at least a third of the total membership and I think that's important.

Now legislation should define the right to vote by its members. I believe it should provide for a closed ballot. It should set out the frequency of elections. It should provide for regions where there's a very large group such as the nurses have. The nurses have regions within Manitoba. So I believe do the teachers who are not yet recognized as a profession by this Legislature or especially by this government and therefore it should be protected.

You will find, Mr. Speaker, that when we deal with this legislation in the main we will find that the council of whatever professional body it is, is given the power by regulation or by bylaw to establish this basic right and I don't agree with that. I think it ought to be in the legislation as a basic right granted and protected by the Legislature rather than by the body itself which no doubt would act fairly but I still think should not be given that power at its own level.

There has to be provision made for admission to membership, the qualifications, the training required, the education whether it's in Manitoba and if not in Manitoba a standard of equivalence from other jurisdictions or other educational bodies, the recognition of equivalent training elsewhere, recognition of equivalent foreign training because that is often a problem. If necessary there should be some recognition about whether or not it's important that they be citizens or they be landed immigrants or they have temporary residence. The Law Society I think requires citizenship or application for citizenship with a deadline by which citizenship shall be acquired. Other bodies don't require that. I think the Law Society does it because members of the bar

are considered officers of the court and thus servants of the Crown so it is recognized they ought to be citizens.

Certainly a doctor coming in to practise to offer his services to Manitobans surely need not be a citizen of Canada in order to be able to offer his services. Although you can reach a certain stage and say well this is a privilege so why shouldn't they be citizens. I don't think that kind of restriction should be recognized but it may be, there are people who do think so.

I think also there's a section I think I took out of the Quebec code which the nurses accepted last year, all three bodies put in a section which reads if not exactly as follows then substantially as follows: The association shall not refuse to issue a licence or certificate to practise or a specialist's certificate or to grant a special authorization or a temporary licence to practise for reasons of race, nationality, religion, colour, sex, age, marital status or ethnic or national origin. There's good reason for that, Mr. Speaker, because in my time I know of two particular professions that did have restrictions for entry based on ethnic origin. There could well be others. I'm not aware of any now that do it but it is a principle which I think should be accepted by all organizations. You will maybe be aware, Mr. Speaker, that there are golf clubs that have included this provision in their incorporation and one reason may well be that there are golf clubs who do or at least have discriminated unfairly in this way. So, Mr. Speaker, I suggest that is important.

Then there has to be regulation of members dealing with the public. For example billings — when you send out a bill there should be regulation that requires a way in which a bill is submitted. Too often have I seen as a lawyer where you get one line — my bill is X dollars; or lawyers and I too have done it, you describe all you've done and then you say, my bill for all of the above is a certain sum. One thing I think really should be done and that is to have the bill broken down in some way so that the consumer who knows little about how to assess the billing would have some idea especially where a charge is made inclusive of the provision of something that is billed by someone else.

For example a lawyer will include special printed documentations say in a corporation. He should set out the separate charge. A dentist will include in his overall charge what he pays to a dental technician for inlays, for crowns, for bridges. They should really be spelled out. One should know, the consumer should know how much the dentist makes and how much he pays out for these special requirements to be done. Once you get a billing then I think it is the obligation of the society to provide for some way of review of the billing in case the consumer feels that it is excessive, he should be able to go straight to the society then not have to go to court.

Some societies or professional bodies have accepted the policy that when a bill is submitted which a consumer feels is excessive, that consumer may go to the society itself, have the bill arbitrated and they even go so far as to say that the decision of the arbitrating body is binding on the professional who gave the service but not binding on the consumer and that is something which I think is commendable. I believe the dentists have that requirement.



Then the legislation must deal with complaints from the public, complaints from individuals, complaints from fellow members as to unprofessional conduct as to lack of competence. There has to be provision for investigation of the complaint, for separation of the investigators and prosecutors from the judicial function itself. In other words whoever investigates the complaint should not also sit in judgment hearing the complaint but should be separated as it is in our courts today.

Then you have to have rules regarding the hearings, the nature of the evidence, the right to examine, cross-examine, to review documents, whether or not the meetings should be in open or in-camera should be considered, the nature of the evidence and the recording of the evidence so that on appeal it can be reviewed and the confidentiality of investigators who are given excessive powers again to go into files, to examine the confidential information that applies to say, patients or the consuming public as I'd rather refer to it, then a provision as to decisions, as to penalties and as to costs — we've already debated that in this House — the costs which may be in the self-interest of the association to award unto itself.

So there must be absolute and clear appeal rights to the courts as to any decision and it must also say that in particular the right to appeal the question of costs should be granted so they can go to the court on that with proper notice, with proper transcript of evidence and I believe with a right for the court to order a trial de nova.

Mr. Speaker, we had the eight or nine bills coming in this year, nine that I'm aware of. We know there will be more in the future. Last year we dealt with three nursing bills and the way in which we dealt with it was very useful. But we have to review the details in each of these years for each group to note the differences requested and the reasons there for it. I still believe that one standard bill, one umbrella bill would make the legislative process much easier as well as a judicial process affecting appeals in the future under these various bits of legislation, by establishing certain precedents, certain forums and certain procedures which would apply to all of them and have the same wording. That is what's done under The Corporations Act. That Act is designed to set basic rules for all corporations and I think there ought to be the same kind of legislation here but we don't have it.

Because of the reluctance of governments to move on some form of standardization we will have to sit in committee, we will have to review each of these professional bills individually and in detail; we'll have a number of questions to ask and points to make but we're not raising it on Second Reading but indeed we will do so in committee and in the presence of the petitioners and possibly other members of the public.

Just a word now, Mr. Speaker, I trust that the House Leader will make sure that the committee will be able to sit reasonable hours in a sensible way to hear the briefs and then to deal with the legislation in a responsible manner. It is not any particular philosophy or principle of any political party to try and push or force either speed or particular points of view. I hope the committee will operate in a co-operative manner as it did last year and in many

other years as I say sensible hours, being sure that the public can be available at the committee — not only for briefs to be presented — but during the time when the debate of the particular sections is carried on. So when we complete our work — and there'll be a lot of work and there'll be a lot of hours spent I'm sure, Mr. Speaker, — that at least all members of the committee will feel that they've had an opportunity to do a good job and at the same the Legislature will have acquired confidence in the work of the Committee. On that basis, Mr. Speaker, I indicate support for all of the eight bills I have enumerated.

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

**MS. WESTBURY:** Thank you, Mr. Speaker. I too will speak on all eight bills at once. They can all go to Committee as far as I'm concerned.

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

**MR. BOYCE:** Mr. Speaker, I would move, seconded by the Member for Fort Rouge that debate on all eight bills be adjourned.

Seriously, Mr. Speaker, I appreciate the expeditious manner in which the Member for St. Johns proceeded and if we can go along with that co-operative spirit what I have to say will apply to all bills but I would like to take the adjournment on the one and the rest of the bills are standing in the name of the Member for Logan. If he wanted to turn those bills loose we could agree to have those bills go to Committee and I can make my remarks on this one bill when it next comes up.

**MOTION presented and carried.**

**MR. SPEAKER:** Bill No. 18. The Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, I move this bill to Committee.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** Bill No. 20, the Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, I would prepare to have this bill go to Committee.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** Bill No. 21, the Honourable Member for Logan.

**MR. JENKINS:** Mr. Speaker, also prepared to have this bill go to Committee.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** Bill No. 22, the Honourable Member for Kildonan.

**MR. FOX:** Yes, Mr. Speaker, we are prepared to allow this bill to go to Committee.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** Bill No. 25, the Honourable Member for Kildonan.

**MR. FOX:** The same thing applies, Mr. Speaker, for Bill 25.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** Bill No. 37, the Honourable Member for Logan. (Stand)  
Bill No. 40, the Honourable Member for Logan.

**MR. JENKINS:** Yes, Mr. Speaker, we are prepared to have this Bill go to Committee.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** Bill No. 43, the Honourable Member for Crescentwood. (Stand)  
Bill No. 47, the Honourable Member for Logan.

**MR. JENKINS:** Yes, Mr. Speaker, we are prepared to have this bill with the other bills go to Committee.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** Bill No. 53, the Honourable Member for Winnipeg Centre. (Stand)

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

**MR. MERCIER:** Mr. Speaker, I wonder if there is a disposition to call it 5:30 and if there is, I would move, seconded by the Honourable Minister of Natural Resources that the House do not adjourn until 10:00 a.m. tomorrow morning. —(Interjection)— Yes, the Committees are meeting this evening, Mr. Speaker.

**MOTION presented and carried** and the House adjourned and stands adjourned until 10:00 tomorrow morning. (Friday)