

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, 23 June, 1982

Time — 2:00 p.m.

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

OPENING PRAYER by Mr. Deputy Speaker.

MR. DEPUTY SPEAKER, J. Storie: Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

ORAL QUESTIONS

MR. DEPUTY SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Thank you, Mr. Deputy Speaker. My question is to the Honourable Minister of Tourism and Economic Development. Has the Minister authorized the Manitoba Government Tourist Information Office to distribute New Democratic Party literature to the public?

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

HON. M. SMITH: Mr. Speaker, no.

MR. G. FILMON: Well then, Mr. Speaker, I wonder if the Minister could indicate under whose authority is New Democratic Party literature being distributed from the Tourist Information Office on the main floor of the Legislative Building?

HON. M. SMITH: Mr. Speaker, I would appreciate it if the member opposite will bring me some evidence or information because I'm not familiar with the situation that he's describing.

MR. G. FILMON: Mr. Deputy Speaker, my question is to the Honourable Minister of Education. Has the Minister of Education authorized the Manitoba Government Tourist Information Office to distribute NDP literature to the public?

MR. DEPUTY SPEAKER: The Honourable Minister of Education.

HON. M. HEMPHILL: No, Mr. Speaker.

MR. G. FILMON: Mr. Deputy Speaker, can the Minister of Education confirm that one Eleanor Thompson is a staff member in her office at a salary of \$24,560, paid for by the taxpayers of the Province of Manitoba?

HON. M. HEMPHILL: Yes, Eleanor Thompson is employed in my office as an Executive Assistant.

MR. G. FILMON: I wonder if the Minister can then

confirm that the Government Tourist Information Office on the main floor of this building is distributing literature for the Logan New Democratic Party Association?

HON. M. HEMPHILL: Mr. Speaker, I'm not aware of this happening. I have no information about this.

MR. G. FILMON: Could the Minister then confirm that this literature advertising a Logan NDP social function is not only being distributed by the Government Tourist Office in this building, but that her office telephone number and her staff person's name is listed as one of the contacts for this NDP social function?

HON. M. HEMPHILL: Mr. Speaker, it seems clear that the Member for Tuxedo is raising some questions about a matter that I do not have any information about, but without requiring him to go through an additional four or five questions to get at this issue, I would like to indicate to him that I will look into the matter, inquire about it and give him information and report to the House as soon as I can.

MR. DEPUTY SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Mr. Deputy Speaker, I'll save the Minister a great deal of work and I will table this piece of literature, which I obtained by walking into the Government Tourist Information Office on the main floor of this building, that advertises the Logan NDP First Annual Summer Fiesta and that says, "For tickets phone Rick" at a certain number "or Eleanor at 944-3720," which happens to be the Minister's office number.

My final question therefore, Mr. Speaker, is could the Minister assure the tax-paying public of Manitoba, who are paying for the cost of that Tourism Office on the main floor of this building as well as paying the cost of her staff person to answer the telephone and sell tickets during office hours, that they have not also paid for the cost of reproducing that piece of literature as well as the paper and the photocopying costs?

HON. M. HEMPHILL: Mr. Speaker, I can assure the Member for Tuxedo that the costs of the literature he is asking about are being handled by the Logan Constituency.

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

MR. B. RANSOM: Mr. Speaker, my question is for the Attorney-General in his capacity as House Leader.

From the Orders of the Day today, Mr. Speaker, there are some Written Questions listed, many of which have been on the Order Paper now for several weeks, in fact running into months. I'm wondering when this government, which prides itself on being open with the public, is going to be able to respond to those Written Questions.

MR. DEPUTY SPEAKER: The Honourable Attorney-

General.

HON. R. PENNER: This government prides itself on being open government on the basis of a clear record of that kind. I would advise the Opposition House Leader that a perusal of the record will show that this government has been more prompt in answering Written Questions on Orders accepted than the previous government was at any time, and the few that are remaining of many that are asked is proof of that.

Having said that, I will immediately enquire as to the reason for the delay in answering some of the questions that are still on the Order Paper, but some of the questions which were asked and accepted, Mr. Deputy Speaker, for the record we did not question the acceptability of any of them even though they required many person hours of work. Some of them were very complex, required hours and hours and hours of staff person time to get the information that was supplied, so that this cheap shot is nothing more than that and is unworthy.

MR. B. RANSOM: Mr. Deputy Speaker, for the benefit of the House Leader, I don't believe that the New Democratic Party, when they were in Opposition, ever placed a Written Question on the Order Paper. If they did, it was very rare. It was very rare, Mr. Deputy Speaker, and they were answered. I am not referring to Orders for Return. I am referring to Written Questions and they're not particularly detailed questions. They should be readily answerable and I would appreciate receiving answers to them, Mr. Deputy Speaker.

I have a question, Mr. Deputy Speaker, for the Minister of Urban Affairs. I wonder if the Minister of Urban Affairs could advise the House as to the progress that's being made towards the establishment of the Air Canada Administration Building in the core area?

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

HON. E. KOSTYRA: Thank you, Mr. Deputy Speaker. In respect to the Air Canada Building, ongoing negotiations are continuing with Air Canada, the City of Winnipeg and the Federal Government with respect to the actual agreement to proceed with that complex and to confirm the expropriations.

INTRODUCTION OF GUESTS

MR. DEPUTY SPEAKER: If I just might interrupt for a minute, I would like to direct members' attention to the gallery where we have 10 students of Grade 9 standing from the Arthur Leach School under the direction of Mr. N. Trevenen. These students are from the constituency of the Honourable Member for Fort Garry.

On behalf of all the members of the Assembly, I welcome you here today.

ORAL QUESTIONS CONT'D

MR. DEPUTY SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Deputy Speaker, I have a question for the Attorney-General. I wonder if the

Attorney-General could inform the House who drafted Bill No. 54.

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: That, Mr. Deputy Speaker, is a question which ought to be put to the Minister of Agriculture. The Minister of Agriculture is not here and we'll take it as notice.

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

MR. D. GOURLAY: Mr. Deputy Speaker, I have a question to the Minister of Northern Affairs.

Last week, the Minister indicated that he was expecting a phone call from the Federal Minister responsible for DREE and the promise to get back to the House with information with respect to the signing of a new Northern Development Agreement. Can the Minister of Northern Affairs tell us today when he will be signing a new Northern Development Agreement?

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

HON. J. COWAN: The member will recall that I had indicated in response to his question last week that I was expecting a phone call from the Honourable Herb Gray between 3:00 and 3:15 of that day. Unfortunately, Mr. Gray did not get back to me until late in the evening, approximately 10:30. However, during the course of that conversation, we discussed the status of the negotiations respecting the Northlands Agreement and agreed that on or about July 8th, he and I should personally meet, so as we can discuss any outstanding issues and reach some resolution to these longstanding negotiations.

I indicated to him at that time that I was becoming increasingly concerned about the delay which was being experienced and would want some resolution of the negotiations, either formally or informally, either positive or negatively, so that we can get on with the business of providing programs for Northern Manitoba. He agreed that the delays in fact should be dealt with by meeting on July 8th and has suggested that is the first date at which he would be available where both our schedules would permit a meeting. We have tentatively arranged a meeting for that date.

MR. DEPUTY SPEAKER: The Honourable Member for Portage la Prairie.

MR. L. HYDE: Mr. Deputy Speaker, I have a question to the Honourable Minister of Health. In light of the Minister's decision to allow the City of Brandon to dump some 1.5 million gallons of raw sewage into Assiniboine River over a ten-day period and in view of the fact that the additional cost of water treatment could be running as high as \$50 to \$200 a day over the present cost of treatment of \$300 a day, can the Minister of Health advise the House if the additional costs for water treatment at the Portage la Prairie Water Treatment Plant will be borne by the City of Brandon or the Government of Manitoba?

MR. DEPUTY SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Deputy Speaker, I'll have to take that question as notice.

MR. L. HYDE: Thank you, Mr. Deputy Speaker. I have a question to the Minister responsible for the McKenzie Seed. Can the Minister inform the House if McKenzie Seed Company are negotiating to purchase the assets of an Edmonton based seed company?

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

HON. L. EVANS: Mr. Speaker, I prefer to take that question as notice.

MR. L. HYDE: Could the Minister inform the House what financial arrangement, outside of the government financing, has been finalized or confirmed re this sale, Mr. Speaker?

HON. L. EVANS: Mr. Speaker, it's been suggested I give a written answer to that written question. I'll take that as notice.

MR. L. HYDE: I suggest to him that when he's looking for this information, I wonder if he'll indicate to this House, does the Minister intend to use Manitoba taxpayers' dollars? If so, what are the interest rate arrangements?

HON. L. EVANS: Mr. Speaker, the McKenzie Seed Company is a commercial operation and it generally operates as a normal commercial operation. Business expansion, marketing, and so on are decisions made by the management and the board. Normally, the decisions they make will be in keeping with normal, good business practices. I have taken the main questions as notice and will get some information.

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

MR. L. SHERMAN: Thank you, Mr. Speaker. In view of the question that the Minister of Community Services just took as notice from my colleague, the Member for Portage la Prairie, I would ask the Minister if he can assure the Member for Portage and this House that the answers will be forthcoming faster than his assurances to this House given on the 15th of March, that within two to three weeks, he would be announcing the site locations for new community residences in the mental retardation field.

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

HON. L. EVANS: Mr. Speaker, with regard to the assertion made by the Member for Fort Garry in his question regarding community residences, as he appreciates we do have funding for an expansion of community residences for the mentally retarded in the Province of Manitoba. It is not an easy task, I'm advised by the staff. It's something that does take time

and we want to make sure that we make sound, careful decisions with due consultation with various groups involved. So the department, I'm advised, is working on this and hopefully will be dealing with it as expeditiously as possible.

MR. L. SHERMAN: A supplementary question, Mr. Deputy Speaker. That's the same answer that the House was given on the 15th of March. My question was no assertion; my question was a statement of fact. On the 15th of March, as quoted in Hansard, the Minister, in responding to a question on that subject in consideration of his Estimates, said that he would be announcing within two to three weeks the decisions made with the marathon people, etc., and the rest of the mental retardation community where the sites of the new community residences would be.

I would ask him, in view of his flippant answer to my colleague from Portage, if he can assure my colleague that he will get his answer faster than the mental retardation community has got theirs?

HON. L. EVANS: Mr. Speaker, when we're in a position to provide an answer, we will provide an answer. I recall, Mr. Speaker, full well waiting months on end when I was in Opposition for answers to questions that we put in. —(Interjection)— We sure did.

MR. DEPUTY SPEAKER: The Honourable Minister of Education.

HON. M. HEMPHILL: Thank you, Mr. Speaker. I would like to indicate to the Member for Tuxedo that I have had an opportunity already to check into the questions that he raised and I want to thank him for bringing this matter to my attention.

The notices that he indicated were there. I want to say clearly that this is improper use of government facilities. I believe that it was not done with the intention of misusing government facilities, Mr. Speaker, but was an error in judgment and understanding, and also, perhaps, indicates a high degree of enthusiasm for what is going to be a great social event.

I would like to tell the House that I have given instructions and information regarding the importance of this matter and I can guarantee him that it will not happen again.

I would like to invite him to one of the greatest social occasions of the year. It is on the 26th; it is the Summer Logan Fiesta and I hope they will all come.

MR. DEPUTY SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Well, Mr. Deputy Speaker, I thank the Minister for her explanation of it and I say that I hope that her staff have as high a degree of enthusiasm for their responsibilities on behalf of the Department of Education as they do on behalf of the NDP Party's re-election campaign.

I would hope as well, Mr. Deputy Speaker, that in future, this Minister and all other members of this government will be very careful before spending taxpayers' money on what is obviously a partisan, political purpose and utilizing the services and the facilities of this Legislature for partisan, political purposes.

Thank you.

MR. DEPUTY SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Deputy Speaker, let me assure the honourable member that we'll be very, very careful and we'll try to avoid the precedent that was exercised by the former Minister of Municipal Affairs, two years ago, when he circulated Conservative material through government mails to all the municipal reeves and councillors in the Province of Manitoba.

MR. DEPUTY SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, my question is to the Minister of Labour after that inaccurate statement from the Premier.

Mr. Speaker, I would ask the Minister of Labour if he has now had the opportunity to have discussions with the Honourable Lloyd Axworthy regarding the Aerospace Technology Centre, which was recommended by the Committee that looked into it, to build the Centre in Winnipeg. Can he tell the House what is happening on that particular report, because he did say, after meeting with Mr. Axworthy about a month ago, that he had discussed it with him? Can he bring the House up to date?

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

HON. V. SCHROEDER: Yes, Mr. Speaker. First of all, with respect to the statement by the Premier, there was in fact that mailing at public expense by the former Minister of Municipal Affairs. I would remind the member who used to be the Minister of Economic Development that it was his government as well that produced those ads just before the election campaign, "You're sitting on a gold mine," which were piggybacked onto the statements on Mash and other TV programs by the former Premier with respect to, "You're sitting on a gold mine," that type of thing. Those ads were at public expense.

Now, Mr. Speaker, with respect to the training centre, there have indeed been discussions with Mr. Axworthy; I have met with him. I met as well with his representative in Winnipeg a week and a half ago, I believe it is. Members of my department are working with the federal group. It appears, as I had I believe indicated previously, that it is highly unlikely that there will be one Aerospace Training Centre in Canada as originally envisioned with bricks and mortar and that sort of thing. The eastern groups, specifically Quebec and Ontario I believe, have convinced the Federal Government that they want a portion of the training. Manitoba has about 6 percent of the aerospace industry in the country. Almost all of the rest of it is concentrated in Ontario and Quebec and there clearly will be some training facilities there. We are working to ensure that the western component of it, as much as possible of it, will be here in Winnipeg in co-operation with our Community Colleges Division.

MR. F. JOHNSTON: Then I take from the Minister's

answer, Mr. Speaker, that there will not be a building built, as the report recommended, with the Aerospace Training Technology Centre for Canada in Winnipeg.

HON. V. SCHROEDER: Mr. Speaker, I don't think that there's any doubt that there has been a great deal of pressure on the Federal Government from the east, which seems to carry a great deal of political clout with respect to this issue, and I doubt very much whether the training centre as initially envisaged by the Task Force set up by the Federal Government will come to be in that form. It appears more and more clear that there are going to be regional centres.

MR. F. JOHNSTON: Mr. Speaker, I would only say to the Minister that I'm rather disappointed that there wasn't more pressure come from Manitoba because the report specified that it should be built in Winnipeg, and if the Quebec Caucus has enough strength to make that change, I think we should have heard more from the Minister of Labour and the Premier with his federal co-operative talk about getting this done in Manitoba. It's just an example of another loss for the Province of Manitoba.

HON. V. SCHROEDER: Mr. Speaker, the member leaves out Ontario which also applied pressure; there was certainly pressure from Manitoba. The indications were, and this was well before November of 1981, that the Federal Government was looking at those other alternatives. I don't think I'm saying anything new. You've heard the Federal Minister, Mr. Axworthy, talking about this and I would suggest that we have done everything that was within our power to convince the Federal Government to continue, notwithstanding the pressure from their political friends in Quebec and Ontario.

I also believe that it was, from the start, a project that would have been very, very difficult for us to carry through in view of the objections down there.

MR. F. JOHNSTON: Mr. Speaker, my question is to the Attorney-General. I wonder if the Attorney-General could inform the House if a lawyer wrote Bill No. 54.

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: The question, Mr. Speaker, betrays a lamentable lack of understanding from one who has been a member of Treasury Bench of how legislation evolves. Since he appears not to have known, and some of his legislation perhaps gave evidence of that, or if he ever knew, having forgotten it, let me put the position this way.

Policy is clearly developed by the Minister in consultation with his colleagues in caucus, at least on this side, and the policy positions are set. Then, of course, legislative draftspersons and very often outside consultants, where there are technical aspects such as tax aspects for example, are used particularly when the office of the Chief Legislative Draftsman is over-worked and you're dealing in a short Session. That is nothing; that is unexceptionable. He knows that. The primary responsibility of course for the policy and for the legislation rests with the Cabinet Minister and with

the Cabinet Minister's colleagues and with the Cabinet Minister's caucus.

MR. F. JOHNSTON: Mr. Speaker, I thank him for the lecture and I'm quite aware of the procedure, but I would read the Attorney-General's answer to me on June 7th, "The General Manual of Administration requires that the appointment by any department of government of outside counsel must come through the office of the Attorney-General. At that time, I refer the matter to the Director of Civil Litigation."

Mr. Speaker, I wonder if the Attorney-General, if he did have outside consultants and an outside lawyer, why he is saying that the Minister of Agriculture should answer the question to my colleague rather than him when he is responsible for hiring outside counsel in the Manitoba Government.

HON. R. PENNER: Mr. Deputy Speaker, so that the members opposite don't stew in rather thin juice for too long, yes. There was outside counsel used in connection with the technical aspects of this bill. That is nothing unusual and has been done before and will be done again.

MR. F. JOHNSTON: Well then, Mr. Speaker, the previous answer that the Attorney-General gave my colleague was not accurate because he said he didn't know. He said, "You ask the Minister of Agriculture." Maybe, the Attorney-General can now inform the House who gave the technical advice on that bill.

HON. R. PENNER: Yes, I will answer that question. It was Mr. Martin Freedman of the firm of Aikins MacAulay.

Just for the record, Mr. Speaker, I did not say I did not know, I certainly did not say that — (Interjection) — no, I did not say that. I said that it was a question which ought, in the first instance, to be directed to the Minister of Agriculture.

MR. DEPUTY SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, on a point of privilege. I think that the Attorney-General, in his way in which he answered my question, is very, as far as I'm concerned, unprecedented and certainly something that should not be used in this House and I would ask for an apology for the tactics which he is using. If he, Mr. Speaker, can stand up in the early part of Question Period and defer to the Minister of Agriculture and now, after knowing the information, come forward with it, is that the kind of open government that we can expect from the Attorney-General? Mr. Speaker, I think that the Attorney-General should apologize to me in this Assembly.

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

MR. B. RANSOM: Mr. Speaker, my question is for the Minister of Natural Resources. Mr. Speaker, could the Minister of Natural Resources advise the House whether or not tourist lodge operations in Northern Manitoba are being given the exclusive right to allow

or disallow nonresident fishermen the access to lakes upon which they're located?

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

HON. A. MACKLING: Mr. Speaker, I will accept all of the advice that honourable members give me, providing it's good advice. I always consider that my answers are clean, correct, precise. The answer to that question is yes.

MR. B. RANSOM: Mr. Speaker, would the Minister of Natural Resources advise how widespread that practice is?

HON. A. MACKLING: Mr. Speaker, again to be precise, it is very limited. I believe that the department recommended, and I did accept as part of a program this year, that in one area where there was remote fishing and one lodge was affected, by now the availability of connected access that lake would be restricted for fishing to people that are resident at that lodge. That decision was taken; we're looking at it; we'll see how that works. There have been some complaints about it, of course, and the employment of about 30 people are affected in the North whose livelihood depends on guiding and the work at that lodge, and of course we're concerned about employment in the North. However, it's one incident that I'm going to examine very carefully and see what the results of that is, because I'm not either terribly upset about it, nor am I enthusiastic about it.

MR. B. RANSOM: Mr. Speaker, can the Minister advise the House under what circumstances this proprietary interest in the resource will be extended to other operators?

HON. A. MACKLING: Mr. Speaker, I have indicated that it's part of a recommendation of the department that I accepted in the a of form. I am going to look at that very carefully for the next season to determine whether or not it's justified, whether or not it's appropriate. As I have indicated, I'm going to be very carefully examining that decision.

MR. DEPUTY SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, it was just a few days ago that the Minister of Natural Resources lectured me on how I was to share a natural resource that I was the part-time steward of; namely, Crown lands. I was supposed to share it with my cattle, my bulls, with mushroom pickers, with berry pickers. Now, what I'm hearing rightly, the Minister is giving to one lodge owner the sole right to one of our valuable northern fishing rights. I just ask the Minister if he doesn't see something inconsistent in that approach. What is the difference between me and my bulls having to share my pasture with mushroom pickers and berry pickers when northern fishermen in Northern Manitoba have to go to one lodgeowner to get access to that lake?

HON. A. MACKLING: Mr. Speaker, the Honourable

Member for Lakeside and the Honourable Member for Turtle Mountain, being both prior Ministers of Natural Resources, appreciate the fact that in Northern Manitoba we have thousands of lakes that have abundant sports fishery and some that are commercial fished. They provide an abundant opportunity for our residents and nonresidents to enjoy the outdoors.

We welcome, Mr. Speaker, the many thousands of people who come north to participate in our fresh-water fishery, but there are of course concerns about providing employment in the north. Where we had employment opportunities, we don't want those to be lost to those people who are relying upon those opportunities. So, in some situations, we're going to look at regulating resources in order to provide employment.

Now, in this case, a decision was made and, as I have indicated, I don't know whether that is the kind of thing we want to expand on. It's a trial period. We're going to look at it, evaluate it and if we consider it's not the thing to do, we won't do it the following year, but we've made a decision and we're going to live with it.

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

MR. B. RANSOM: To the Minister of Natural Resources, Mr. Speaker, was this action taken to help protect the investment that the owner-operator of the lodge had on that lake?

HON. A. MACKLING: Mr. Speaker, I categorically deny that I or my staff have any involvement appreciating the investment of the people in the lodge. We are concerned about employment. Unfortunately, much of our tourist fishing in Northern Manitoba now is taking the form of people fishing without guides, without any benefit for local employment and we're concerned about that. There are people in the north who need jobs and we would like to see more people in the north employed in the tourist industry as guides and outfitters.

MR. B. RANSOM: Mr. Speaker, did the Minister of Natural Resources consider any other options before moving to adopt this particular one, for example, extending the same practice which exists with respect to nonresident moose hunters where it's necessary for them to employ a local guide?

HON. A. MACKLING: Mr. Speaker, the advice of my department and some of the people that have been in the department for many many years is carefully considered by this Minister. I am sure that there are areas in Northern Manitoba where it's a requirement to have some guide involved in hunting because of the remoteness of the area and the risk that tourists would be taking if they didn't have adequate guiding.

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

MR. W. McKENZIE: Mr. Deputy Speaker, about a week ago, I asked a certain member of this House, the Member for Elmwood, to table a certain paper that he was reading from. Mr. Speaker, the Clerk or no one

has deposited that paper on my desk yet. I wonder what I can do about it, Mr. Speaker.

MR. DEPUTY SPEAKER: The Honourable Member for Elmwood.

MR. R. DOERN: I wonder if I could make a short nonpartisan statement.

MR. DEPUTY SPEAKER: Does the Honourable Member for Elmwood have leave to make a statement? (Agreed)

The Honourable Member for Elmwood.

NONPARTISAN STATEMENT

MR. R. DOERN: Mr. Speaker, it was 16 years ago on June 23, 1966, that a provincial election was held. There are five members, who were elected at that time who are active in the House, who have seen five Premiers and five administrations in action.

I would like to simply point out that the Minister of Highways, the Member for Lakeside, the Member for Birtle-Russell, the Member for Concordia and myself are the veterans of that day. I think the House should recognize this anniversary and welcome the anniversary of that day.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Deputy Speaker, would you please call the adjourned debates on second reading in the order in which they appear? No, let me just do it one at a time. Would you please call the adjourned debate on Bill No. 27?

ADJOURNED DEBATES ON SECOND READING - PUBLIC BILLS

BILL NO. 27 - THE SUMMARY CONVICTIONS ACT

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 27, An Act to amend The Summary Convictions Act. The bill stands in the Honourable Member for Lakeside's name.

MR. H. ENNS: Mr. Speaker, I adjourned this debate on behalf of my colleague, the Honourable Member for Pembina.

MR. DEPUTY SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Speaker. I want to address a few comments to Bill No. 27.

My comments are, I think, appropriate vis-a-vis the very nonchalant and casual way that the Attorney-General introduced this bill for second reading because this Bill No. 27, Mr. Speaker, is indeed a sleeper, one of the sleeper bills in this Session. It introduces, Mr. Speaker, a number of brand new concepts in law for the first time in the Province of Manitoba. I say that the Attorney-General introduced this

in a rather nonchalant fashion and did not, in any way, indicate the importance of some of those changes in his speaking notes.

For instance, we now have the new concept in the Province of Manitoba of default conviction. There are those who would say that default conviction is guilty unless proven innocent, rather than the converse of traditional laws that we have been accustomed to be guided by over the past number of years.

Another aspect of this bill are the rather new and expanded powers that are contained in this bill. There are expanded powers of imprisonment; there are increased fines; there is a brand new ability to cancel the registration of vehicles in the Province of Manitoba; and probably the most important concept, Mr. Deputy Speaker, introduced in this bill is a brand new method of taxation in the Province of Manitoba.

The Attorney-General is giving us in this bill an ad valorem court cost new system of taxation. It used to be, Mr. Speaker, that court costs were assigned on a definitive value, regardless of the size of the fine. In other words, a \$10 fine might carry a \$5 court cost. Similarly, a \$60 fine would be imposed a \$5 or \$6 court cost. The costs were the same, regardless of the size of the fine. What amendments in The Summary Conviction Act give this government the power to do is set an ad valorem court cost on the fines of 20 percent and up to 25 percent.

That's a new method of taxation, Mr. Speaker, brought in by this government to complement its payroll tax. Because now, if your fine is \$100, your court costs will not be \$5 or \$6.00. They will be a minimum of \$20 and may well go up to \$25 if the 25 percent provision is exercised as provided in this Summary Conviction Act. That is a new concept. It has never been part and parcel of court cost assessment in this province until this government and this Attorney-General has brought it to the House and to the province in Bill No. 27.

As I said, these sweeping new powers of imprisonment, of fining, of removal of vehicle registration and indeed of taxation through ad valorem court cost assessment were brought into this Chamber by the Attorney-General in a very nonchalant introduction to this bill, a very limited and very small explanation to the sweeping changes that are brought in, in this Act. Now, these sweeping new powers are given to the police, their agents, the courts, and the bureaucracy. I find it a little bit strange that they are given to those people by an Attorney-General who has indicated he supports the rights and liberties of individuals. As a matter of fact, I believe this Attorney-General has been a longstanding member of the Manitoba Association of Rights and Liberties. These sweeping new powers to the police and enforcement agencies are given by an Attorney-General who, in the past and since he has been the Attorney-General, has been quite vocal on the matter of the propriety of internal police investigations. I guess I have to ask the Attorney-General how he justifies giving by statute these sweeping new powers to the police, to the courts, to the bureaucracy to the membership of the Manitoba Association of Rights and Liberties?

Now, specifically, to deal with the increased powers of imprisonment, one of the first amendments provided in this Act allows imprisonment to be up to a

maximum of three months. It has been at one month in The Summary Conviction Act and now, Mr. Speaker, the Attorney-General is saying, six months. I believe if he reads the appropriate section, he will find that the term presently is not to exceed one month. He is allowing it to go to three months.

Now, we have heard during our administration - I assume that the case is still the same - that our jails are overcrowded. Why would the Attorney-General want to increase the term of imprisonment by three times, faced with the same circumstances of crowded jail spaces? At the same time that he's increasing the maximum imprisonment term to from one to three months, he's increasing the fines under this Act from some \$100 to \$300.00.

The new taxation that I have referred to is implicit in the provisions in Bill No. 27 which allow court costs to be set as a percentage of the fine. The Attorney-General wasn't here when our government introduced, some two Budgets ago, the ad valorem gasoline tax in the Province of Manitoba; a tax which would increase as the price of gasoline went up in the Province of Manitoba. That taxation move received substantial criticism by all members of the then Opposition, some of whom now occupy the Treasury Benches in this new government. Amidst all of that criticism, we find that the ad valorem tax on gasoline and diesel fuel is still in place in the Province of Manitoba. It hasn't been removed and indeed we now have the Attorney-General bringing in an ad valorem court cost tax so that he can assess higher court costs as fines increase, simply an extension of the ad valorem gasoline tax which the NDP were opposed to now being brought in by the Attorney-General to apply to fines under The Summary Convictions Act.

There's a new concept in this Act of default conviction. If a person receives a moving offence, under The Highway Traffic Act for instance, he has now the ability to pay the fine or to plead not guilty and take it to court and fight his case. If he does none of those, now he is deemed guilty at the end of his prescribed period, usually 15 days, to pay the fine or plead not guilty or demonstrate extenuating circumstances. After that 15-day period, if the offender has not done one of those three things, this Act enables the court to issue a summary conviction assuming guilt of the individual and, at the same time to impose fines and costs on that individual. If, within as short a period of 14 days after that summary conviction the offender has not paid the fines and the ad valorem court costs, he is subject according to this Act to the imposition of a term of imprisonment, to arrest and detention - rather powerful provisions in an Act designed to facilitate court procedures in traffic offences in the Province of Manitoba.

This has some interesting problems. Consider holiday periods now and, I believe, there are even some senior members in the Civil Service who have five and six weeks of holidays. To assume the example of a senior civil servant in the Province of Manitoba leaving on holidays for a tour to Mexico by car which is going to take five-and-a-half weeks. He receives a speeding ticket as he's leaving Manitoba on 75 Highway South. He's to pay it within 14 days. He has not paid it because, bear in mind, he's in Mexico. At the end of 14 days, he is summarily convicted. A sum-

mons goes out requesting payment of fine and costs and he has 14 days to pay that fine and costs. Bear in mind once again, he is still in Mexico at the end of that 14-day period because he has six weeks of holidays. —(Interjection)— The Attorney-General said, "Along with all the other downtrodden people." These are the same senior civil servants that just yesterday his Minister of Finance said were underpaid compared to other provinces. So I suspect the Attorney-General does not really believe that they're the downtrodden people, if he believes in what his Minister of Finance said yesterday.

This person has not yet returned to Manitoba. His 14 days are up. He can be subject to arrest, detention and imprisonment as provided for now in Bill 27, hardly a routine housekeeping procedure as the Attorney-General would have led us to believe on his speaking notes in introduction of this bill. I would say, rather, sweeping and complete powers to be given.

MR. DEPUTY SPEAKER: The Attorney-General on a point of privilege.

HON. R. PENNER: I would ask the Member for Pembina, who apparently can read and flourishes a piece of paper which I take it to be my speaking notes, whether at any point it's referred to as a routine housekeeping piece of legislation. I would ask him to respond to that on a point of privilege. At no point, did I speak of it as being a routine housekeeping piece of legislation.

MR. D. ORCHARD: Mr. Deputy Speaker, did the Attorney-General have a point of privilege?

HON. R. PENNER: Yes.

MR. DEPUTY SPEAKER: Order please.

HON. R. PENNER: I have been misrepresented and I will put it as a question to the member who, if he's got any decency, will answer the question. Does the speaking note, at any point, speak of it as being a routine housekeeping piece of legislation? Let him answer the question.

MR. DEPUTY SPEAKER: I would thank the Honourable Attorney-General for his clarification of his position. I do not believe it is a matter of privilege as defined by our rules.

The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Deputy Speaker. The Attorney-General introduced this bill and his speaking notes in no way refer to some of the powers granted through amendments to The Summary Convictions Act. They didn't indicate to the people of Manitoba that the kinds of powers that I have just described are present within this Act. —(Interjection)— The Attorney-General says, if I have any decency I will answer his question. Possibly, he might consider the same kind of decency when asked questions in question period that he won't answer. Mr. Speaker, the Attorney-General has included those kinds of powers of imprisonment, of arrest and detention, in The Summary Convictions Act to apply to moving offen-

ces in The Highway Traffic Act, if you will, a speeding ticket. Those are brand new powers, brand new abilities, that he has brought into this Summary Convictions Act.

Presently, the way the present Highway Traffic Act is structured, and those sections are being deleted and replaced with sections in The Summary Convictions Act, should a person receive a speeding ticket - the same speeding ticket I referred to for the senior civil servant who has gone to Mexico on a 6-week holiday - The Highway Traffic Act allows that if a person does not pay that fine, he will be issued a summons and the process can end up that the individual could have his driver's licence removed. If he still fails to pay the fine involved in this speeding ticket, the licence will be removed or can be removed, should I say, and there is a formula in place in the present Highway Traffic Act wherein the removal of the person's driving privileges is for a limited period of time. It's established by a formula wherein, I believe, if it's a \$100 fine and costs, you multiply the \$100 fine and costs by two to arrive at 200 days. That is the maximum period of time that the person's driving privileges can be removed and there is indeed an offsetting provision whereby for every two days that the driving privileges are removed, a dollar is deducted from the fine. So your fine and your length of driver's licence suspension for failure to pay that fine reduce, so that a \$100 fine may carry something like 175-day driver licence suspension.

That, Mr. Deputy Speaker, is all changed in this Act because now, if you fail to pay your fine, the ultimate exercise of the law under this Act is imprisonment, but probably a more immediate step or a intermediary step would be the removal of your driving privileges. There is no time limit under which the removal of your driving privileges is done. You can lose your driving privileges for life if you don't pay the fine, quite different from the original provisions in The Highway Traffic Act. Now, the Attorney-General says "nonsense." If he can clarify it and I have misread the legislation, I will retract that, but that's the way I read the amendment in The Summary Convictions Act.

There is a provision brought in, I believe it's called "Fine Option," whereby rather than paying the fine, you can perform work of value to the community and work your fine off and then get your driver's licence back. But, if you neither have the money nor the ability to work on community efforts, it is my understanding that this law will permit the bureaucracy to remove your driving privileges with no time restrictions. That's, once again, a very dramatic change which was not in any way mentioned to us when the Attorney-General introduced this bill. You either pay or you don't drive under The Summary Convictions Act, as we are being asked to vote it.

A major section of The Summary Convictions Act deals with parking tickets, parking violations. Parking violations right now, there is the provision under the existing Act where if you do not pay your parking tickets that after an accumulation of summonses that you have not paid, the Registrar may be requested and can remove your driver's licence. Once again, as I understand the law, the same provision for a period of time is in place where, if the fine is \$100 of accumulated parking tickets, it takes you something in the

neighbourhood of 175 days in which your driver's licence will be removed before it will be reinstated to you under the existing provisions.

Once again, and I will stand corrected by the Attorney-General if this is not so, these new provisions allow the Registrar to remove your driver's licence with no opportunity to have it returned to you until you pay the accumulated fines or you undertake the fine option of providing work to the community at a given rate per hour, I would assume.

Now that is in itself quite a dramatic change in the handling of parking ticket offenders who have not paid their parking tickets, but this Act also carries it one step further in that, if you accumulate 10 parking tickets and have not paid those 10 parking tickets, this Act allows the Registrar to cancel the registration of any vehicle owned by that person. Once again, that was dealt with in the Minister's introductory remarks in this simple paragraph: "Failure to pay a fine for a driving offence or a parking violation will result in suspension of driving privileges. Where a person is unable to pay the fine, the Fine Option Program will be available." There is no mention in here, Mr. Deputy Speaker, of the fact that it grants additional powers to remove the registration of any and all vehicles registered to that person. Those are quite sweeping powers being granted by this Act and not indicated as such when the Attorney-General introduced this bill.

It is also possible, Mr. Deputy Speaker, that if you fail to still pay your parking tickets - let's assume you've accumulated 10 - you have, No. 1, lost your driver's licence. Once you've hit the magic number of 10 parking tickets, the registration of all your vehicles is taken away, so that not even your wife can drive your car, or your son or your daughter can drive the car, because this amendment allows the Registrar to take that vehicle off the road. There are many implications to this bill. Now, having had your driver's licence removed, having had the registration of all your vehicles removed, if you still didn't pay the fine, you can fall under the original provisions of the Act which can allow you to be arrested, detained and imprisoned. That imprisonment has been increased under the amendments to this Act by the Attorney-General from one month to three months - all for 10 parking tickets.

Once again, I draw your attention to the fact that this is the Attorney-General who has spoken on behalf of rights, freedoms and liberties for the people of Manitoba. He's the civil libertarian, and a member of the Manitoba Association of Rights and Liberties, allowing the dastardly character in the Province of Manitoba who has accumulated 10 parking tickets to be stripped of his driver's licence, to have his registration of all his vehicles stripped and even if he fails to pay the fines after that, to be imprisoned up to three months. I don't know whether that's fair law in the eyes of the Attorney-General. It strikes me passing strange, a civil libertarian would bring in that kind of incredible powers for parking tickets, but it's here.

Now, I can understand the problem with the City of Winnipeg because it's my understanding that they have individuals who have an accumulation of parking tickets that have not been paid. This legislation, if I might offer the opinion - and once again the Attorney-General will correct me if I'm wrong - this legislation in The Summaries Conviction Act was probably brought

in to satisfy requests by the administration of the City of Winnipeg.

Well, that may be very beneficial if it weren't for the incredible powers given under the Act, but I wonder if the Attorney-General has suggested to the administration of the City of Winnipeg to do as they do in Boston in the United States. In Washington, for instance, when I was down there on the legislative exchange of the United States in February, I guess it was, they in Washington have what they call "boots." These are mechanical attachments that they strap and lock to the front wheel of the offending vehicle that is parked improperly and you simply cannot drive that vehicle until you go to the police, pay your fines and have the police come and remove the boot so you can drive your car. —(Interjection)— It was on the left tire, yes. No, in Washington, contrary to what the Member for Kildonan said, it was on the left tire, even in Washington.

Maybe that's an indication that Ronald Reagan's policies are not as right-winged as the Premier of this province would have us believe. But there is an alternative of recouping traffic or parking tickets from the offending people without imposing incredible powers to the police, to the courts and to the law system that the Attorney-General just now laughs about in the bill he's introducing. Why couldn't the City of Winnipeg bring out these boot devices? They're not an uncommon thing; a number of cities have them and use those to collect their parking fines. Very effective, Mr. Deputy Speaker, but not the course of action that this Attorney-General has chosen to take, obviously.

Well, Mr. Speaker, this Act does indeed centre a number of additional powers to the police and to people assigned traffic enforcement duties, such as the highway traffic inspection people employed by the Department of Highways and Transportation. I still have quite a fond attachment to my former responsibilities as you can see, Mr. Deputy Speaker, but these people before, when they wrote a speeding ticket or an overweight ticket in the case of a highway traffic inspection officer, the ticket was only to describe the offence and then it went before the courts in the case of a speeding ticket and an appropriate fine was assigned by the magistrate or the judge, depending on where you went with that ticket.

Mr. Deputy Speaker, all that has changed with this Summaries Conviction Act. This Summaries Conviction Act now allows regulations to be drafted which will establish, I assume, a minimum fine. It isn't specific, but a minimum fine to be assigned for given offences under The Highway Traffic Act and a number of other Acts. The arresting officer will write out the ticket and specify the fine on the ticket, and you are automatically required to pay that fine plus the ad valorem costs that this Act brings in. That is quite a departure from the way it has been handled to date.

When it comes to speeding tickets, the RCMP, the City Police and even town police, I must say I don't have that much problem with them exercising discretion in putting down the level of the fine and the costs because they are trained police officers. But such people as - I am making an assumption here and once again, the Attorney-General can correct me if I'm wrong - I believe conservation officers will be able to do the same thing. In violations of The Wildlife Act,

they will be able to specify the violation and write out the size of the fine and the court costs associated.

I question whether we should be giving those people, the traffic inspection officers and conservation officers, that kind of additional powers of assigning fines as well, a job which had been done by magistrates and judges in the past. Well, maybe the Attorney-General can indicate why he's chosen to go this route. The regulation, as I say, I assume will establish a minimum fine, because consider the discretion placed at the hands of a conservation officer or a highway and traffic inspection officer if the regulations specified a range of fines, in other words, a maximum and a minimum. If there were such a case to be drafted to regulation where the fine could range from \$10 to \$100, a traffic inspection officer with a grudge against a particular trucker could choose the higher end of that fine and hit the man that he had a grudge against with a \$100 fine and someone, who he's more inclined to on a personal basis, with only a \$10 fine. Now, I know that this Attorney-General won't put that kind of discretion in the regulations, but I caution him that if he does, that will be a very very large bone of contention with members of the Opposition.

Now, the whole Act, in terms of the assignment of fines by the arresting officer and the summary conviction - I'm trying to get the exact word in - in legalese, the default conviction concept is really a reverse onus of the traditional legal concept of "innocent until proven guilty." Here you are guilty, your fine is assigned now and if you wish to prove that you're not guilty, you have to do so after the fact. Quite a turn from innocent until proven guilty to guilty until proven innocent.

Now, we will run into problems - as I say, I have confidence that this may well work with RCMP and City Police officers, for instance, and town police officers - but where we get down to highway traffic inspectors and conservation officers, I think this discretion —(Interjection)— and fish inspectors, my colleague, the MLA for Lakeside mentions - this kind of discretionary power I think will cause this government problems because we now won't have any discretion at the ticketing officer's disposal. He will simply write out the ticket, assign the fine and say I'm just doing my job. That presents some problems because there's no instance which is black and white, but this law allows no discretion to be used by the arresting officer. We can run into a situation where, if a traffic inspector has a grudge against a particular trucker or a particular trucking firm, traffic inspectors can now dole out offence tickets with the fine specified just as fast as he can write them to offending drivers of that firm or that individual trucker. It's not going to make for a cohesive and co-operative attitude between the bureaucracy and the citizenry of Manitoba.

Now, the Attorney-General has bestowed in this Act powers not held before. These powers include the ability to administer fines and court costs by police, agents of the police and ticketing officers, and that ability of establishing the level of a fine has always traditionally been in the hands of the courts through the magistrates or the judges. That is a radical departure in delegation of power that I don't think we have seen in too many Acts in this province. It has given

increased powers to arrest, to detain and to imprison the citizens of Manitoba. The minimum prison term will go from one month to three months. It has given increased powers to the bureaucracy to seize the registration of vehicles belonging to Manitobans for parking offences. All of this, Mr. Speaker, I submit is justified by the Attorney-General in terms that it would make the enforcement of The Highway Traffic Act administratively cleaner. Well, that may well be, but at what price, Mr. Speaker?

Mr. Speaker, I submit that this is one more step towards making the people work for the system and work for the bureaucracy rather than the system serve the people. It's one more, Mr. Deputy Speaker, subtle erosion of the freedoms, the rights and the liberties of the people of Manitoba, You know, the time, Mr. Deputy Speaker, is fast approaching in this nation and in North America when people are going to say, "How did this happen to us in a democratic and free country? How did we lose our freedom?" people are going to be asking. —(Interjection)— Once again, the Attorney-General chuckles. The civil libertarian chuckles. —(Interjection)— Well, the Attorney-General justifies it now by saying it was in the Province of Ontario a year ago. Does that make it any more correct to remove people's rights and freedoms because it's done in another province? I suggest that rights and freedoms have been removed completely in Russia. Is that what you're going to emulate next, Mr. Attorney-General and say that they do it there so it's all right to do it here? Because they do it in another jurisdiction doesn't make it any more correct or any better for the freedoms of the citizens of Manitoba. And, no doubt, such amendments came into the Province of Ontario whilst they had a minority government with the NDP in Opposition and calling the shots on some of these provisions which removed rights and freedoms of the people.

This bill, as I've said, delegates increasing powers to the police, to the bureaucracy and it takes them away from individuals in doing so. Bills like this subtly and slowly ensure the process ever moves on to the bureaucracy controlling the people and not the people controlling the bureaucracy.

MR. DEPUTY SPEAKER: The Honourable Member for Virden.

MR. H. GRAHAM: Thank you, Mr. Speaker. I have to tell you I had no intention of getting into this debate until I listened to the eloquent presentation made by my colleague, the Member for Pembina. Even that, Mr. Deputy Speaker, would not have motivated me to become involved in the debate until the Honourable Attorney-General rose on a matter of privilege. When the Honourable Attorney-General rose on a matter of privilege to indicate to the House that this was not a routine piece of legislation, I have to admit that probably it is not. I accept that. It is probably quite a profound piece of legislation that is built on a premise of justice that in my estimation, Sir, should not be prevalent in this province.

I know there are various systems of justice throughout the world and people can argue very eloquently the cause of one as opposed to the other but, Mr. Deputy Speaker, I have sat in this House now for some

13 or 14 years and felt very comfortable with a very basic premise that a person is innocent until proven guilty. I think that is a good fundamental principle of justice. It's a system that has served this country and many other countries very well. I know there are other jurisdictions throughout the world that operate on a philosophy that a person is guilty until he proves his own innocence. That system is quite prevalent in certain countries throughout the world.

When I see a subtle shift in a philosophy that has served the British system of justice for several hundreds of years, then, Mr. Deputy Speaker, I think it is time to say one or two words to indicate that there is a change occurring in the direction in which justice is being foisted on the people of this province. I think it's important to note where it is coming from.

The person that introduced this bill is the person who is charged with the responsibility of justice in this province. If there is a change in the direction in which the administration of justice is coming, then we know where it comes from. I would hope that we do not see a too rapid escalation in that very basic philosophy that a person is innocent until proven guilty.

Thank you, Mr. Deputy Speaker.

MR. DEPUTY SPEAKER: The Honourable Attorney-General will be closing debate.

The Honourable Attorney-General.

HON. R. PENNER: Yes, I move, seconded by the Member for Ellice, that the debate on this Bill be now adjourned.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Yes, would you call adjourned debate on Bill 53 please?

BILL 53 - THE BUILDERS' LIEN ACT

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 53, An Act to amend The Builders' Lien Act. Loi modifiant la Loi sur le privilege du constructeur. The Bill stands in the Honourable Member for St. Norbert's name.

The Honourable Member for St. Norbert.

MR. G. MERICER: Mr. Deputy Speaker, just briefly, we passed the original Builders' Lien legislation at the last Session of the Legislature and proclaimed it into effect last fall. During last fall, prior to the change in government, we did retain the drafters of this Bill, whom the Attorney-General has seen fit to continue to retain, to try to resolve some of the interpretations that have been placed on that legislation.

It was certainly felt when we introduced that legislation and proclaimed it, that it was a greatly improved legislative change in the old Mechanics Lien legislation which had been under review by Manitoba Law Reform Commission and other experts for almost a decade at that time, Mr. Deputy Speaker.

We anticipated introducing that in this Session of the Legislature, some clarifications that we knew had

to arise as a result of putting that new bill into practice, Mr. Deputy Speaker, so we anticipated and expected this bill and it is the type of bill, I suggest, Mr. Deputy Speaker, that really doesn't change any of the principles of the legislation, but attempts to clarify some of the interpretations that have arisen.

I think under the circumstances, Mr. Deputy Speaker, any concerns we have would be best addressed at Committee when, as I understand it, the drafters of the bill will be present with the Attorney-General to attempt to answer any questions.

I know the industry, I'm sure, Mr. Deputy Speaker, will have concerns over this bill and perhaps the Attorney-General, through one means or the other could arrange to, even working from the list of people who addressed the Committee at the last Committee Hearing on the original bill, have the Clerk's Office contact those people to ensure that they do have an opportunity to appear before the Committee and make known any representations or concerns that they might have over these amendments.

It is an important bill for the whole construction industry, including labourers, tradesmen, contractors and financiers, Mr. Deputy Speaker. If they have concerns, hopefully we can resolve them at that time.

We have no objections, Mr. Deputy Speaker, to this bill going to Committee at this time.

MR. DEPUTY SPEAKER: The Honourable Attorney-General will be closing debate.

The Honourable Attorney-General.

HON. R. PENNER: Yes, Mr. Deputy Speaker, I thank the Member for St. Norbert for his observations. I also thank him for his suggestion and I will certainly see to it, either through the Clerk's office or with the assistance of my senior officials, that members of the industry and other persons who have expressed interest in this piece of legislation before are notified of the date or dates when the matter will be considered in Law Amendments.

QUESTION put, MOTION carried.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Please call Bill 60.

BILL 60 - THE STATUTE LAW AMENDMENT ACT

MR. DEPUTY SPEAKER: Bill No. 60, on the proposed motion of the Attorney-General, The Statute Law Amendment Act. It stands in the name of the Honourable Member for St. Norbert.

The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Deputy Speaker, we have reviewed the contents of this Bill and any detailed questions would be best dealt with in Committee and we have no objections to this bill proceeding to Committee at this time.

MR. DEPUTY SPEAKER: The Honourable Attorney-General will be closing debate.

The Honourable Attorney-General.

HON. R. PENNER: I just ask that the question be put, Mr. Deputy Speaker.

QUESTION put, MOTION carried.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Deputy Speaker, would you please call the adjourned debate on Bill No. 30?

BILL 30 - THE LEGISLATIVE ASSEMBLY MANAGEMENT COMMISSION ACT

MR. DEPUTY SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 30, The Legislative Assembly Management Commission Act. Loi sur la commission de régie de l'assemblée législative.

The Bill stands in the name of the Honourable Member for Minnedosa.

The Honourable Member for Minnedosa.

MR. D. BLAKE: Yes, Mr. Speaker, I adjourn debate on this Bill to be turned over to my Leader.

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

HON. S. LYON: Thank you, Mr. Speaker. I rise to make a few comments on this bill, after having read the comments of the Attorney-General when it was introduced and acknowledging as he does that, as he said in his comments, the principal architect of the bill was the Member for Springfield. We can see the imprint of the Member for Springfield throughout the bill and that's part of the reason why I rise to participate in the discussion, Mr. Speaker.

For a number of years, we have had in the Legislative Assembly a Board of Internal Economy Commissioners who have looked after the routine matters of the House, of the employees directly of the House, and that Commission has been made up, pursuant to the Act which is Chapter 160 of the Revised Statutes of our province, of the Speaker of the Assembly and two members of the Executive Council, appointed by the Lieutenant-Governor-in-Council.

For some time, there has been widespread agreement on all sides of the House, Mr. Speaker, that this mechanism of the Internal Economy Commissioners should be broadened to include membership from the Opposition so as to give a totality of representation to the Board, which would represent the full spectrum of opinion within the House. I don't know of anyone on this side of the House or on the government's side who objects to that principle at all.

When one looks at the current powers that are conferred upon the Internal Economy Commissioners, one sees in the Act that is cited that the Board is subject to the same Section 6(1), the Board is subject to the same rules, has the same powers as any department of the Civil Service and is the head thereof; Section 6(2), the offices of the Clerk of the House and the Sergeant-at-Arms, the Clerk and the Accountant

are under the control and supervision of the Board; that's the Clerk and the Accountant related to the work of the Assembly. A Clerk and Accountant under Section 9 of the Board may be appointed as provided in The Civil Service Act and the person so appointed shall, (a) "as may be prescribed by the Lieutenant-Governor-in-Council discharge the duties of and hold any office authorized by law," (b) "perform such duties as the Assembly and the Board determine," and (c) "be paid a salary or other remuneration as provided by law."

My understanding, subject to current correction, Sir, is that these positions of Clerk and Accountant of the Board have been filled by full-time professional civil servants who have been seconded, in effect, to carry out these part-time functions of the Board of Internal Economy Commissioners. Indeed, for a good number of years the Director of Companies legislation, Gordon Snider, was the chief person with whom the members of the House related in terms of his capacity as a senior civil servant with respect to any problems of salary or problems of appointments in the House and so on.

So while it has not been a fully institutionalized part of the arrangements of the House, it has worked, as do many aspects of the parliamentary system of which we are a part, effectively and with the sole requirement that it did not in its composition represent all sides of the House. Any move to make it represent all sides of the House, as I have said, Mr. Speaker, would find full support on this side of the House.

However, I must voice a number of objections which appear on the surface to be relevant to this bill. To suggest that either it should be reconsidered by the Members of the Government or at the very least committed to a committee, an inter-sessional committee for further review, because I feel that the bill as presently drawn and as presented to the House has within it seeds which are detrimental to the proper administration of the House, seeds which have within them the possibility of abuses, which no member of this House would want to see occur and matters within it which, while perhaps satisfying the bureaucratic cast of mind, are not necessarily those that serve the public interest and serve those concomitant interests of the democratic parliamentary system which we all in this House support.

The first comment would be, Mr. Speaker, that the effect of the bill is to establish a new department of government with power to hire and to fire and thereby to duplicate many of the responsibilities of the Department of Government Services and of The Civil Service Commission. These new departmental powers extend not only to Assembly Offices, the ones that I have mentioned from The Internal Economy Commissioners Act, but also to the Provincial Auditor, to the Chief Electoral Officer, to the Ombudsman and to their respective physical offices and to their respective staffs. The minute one says that, Mr. Speaker, one realizes that my initial statement is true, that it creates of Mr. Speaker a quasi-Minister who is going to have administrative responsibility for the hiring, firing, the housing and all of the other concomitant powers that go along with the staffing of a department of government. So I think it's important that we get that thought in mind first because that's what the bill says, as pres-

ently drawn.

One, as I've said, Mr. Speaker, can support the need for some broadening of the Board of Internal Economy Commissioners, but this bill goes far beyond that and I think we have to question whether the administrative and spending authority that is conferred upon, and this commission is one that should be conferred because it is much akin to ministerial responsibility in a department and it appears, as I've said before, to be a duplication in large measure of responsibilities presently being carried out, to the best of my knowledge, very satisfactorily by the existing Civil Service of the Government of Manitoba.

Pursuant to Section 6, Section 8 and Section 9, this commission, unlike any other department of government, and I repeat those words, Mr. Chairman, unlike any other department of government, is not responsible for submitting its Estimates of Expenditure to the Treasury Board or to anyone else except the Minister of Finance who must, when you get on to the further section of the act, then include these estimates within the Estimates of Expenditure of the Government and they will then be debated and ultimately ratified or disapproved of, as the case may be, in the Legislative Assembly.

This Board, therefore, in the Act as it is presently drawn, becomes a free-spending agent with no control over it except ultimately the vote of the Assembly itself. I know that purists will say, "Well that is the only control that the Assembly has over any Estimate of Expenditure," and that is true but, Mr. Speaker, we are creating here a new kind of a satellite that is unknown really to the present makeup of our parliamentary system in this province, because I say by way of parentheses that I'm sure that the Member for Springfield, the Attorney-General or others will rise in their places and say, "but systems of this sort are in place in a few other provinces," and indeed may well be in place in the federal sphere, and we will come to that point a little bit later. But I make the point, Mr. Speaker, that it becomes a free-spending agent with no control over it in the conceptual or formative stage, the power to hire and fire, to appoint to jobs, to designate the salary range and so on, without any reference to what's going on in the rest of government.

Now members can quickly jump up and say, "Well, I think it's Section 10 of the bill says that they must pay some heed to the Civil Service pay ranges and so on," but that is not a compulsory requirement; that's only a general guide for them, and as you read this bill carefully you become aware of the fact that we are creating a new form of instrumentality in this bill if we proceed with it, which has within it, as I've said before, the seeds for very great abuse. No other branch of the inner government that I am aware of, Mr. Speaker, has such uncontrolled powers as are conferred in this Act.

The role of the Speaker as the Chairman of the Commission is very similar to that of a Minister. I know some people will say that if you refer back to Section 6(1) of The Internal Economy Act you'll see the section that I've already read there, which says that the Board is subject to the same rules and has the same powers as any department of the Civil Service and is the head thereof. But that's different, Mr. Speaker, in the sense that it doesn't confer powers beyond what a department has. This bill confers powers beyond what

a department of government has and that is where it moves into a new dimension that I don't think was either the intention of the drafter of the bill or those who looked at it conceptually in terms of broadening out the representation of the Internal Economy Commissioners.

The very extensive duties and responsibilities of the commission chaired by the Speaker are set forth in Section 6 and, as I've said before, Sir, are largely duplications of present services and responsibilities carried out by line departments on behalf of this Legislative Assembly and to the best of my knowledge are working extremely satisfactorily. I have not heard any complaints either as Leader of the Opposition, as the Attorney-General of the province for a good number of years in the '50s and the '60s, as the Premier of the province, as the House Leader in this House and the various capacities in which I've served in the House. I have heard no serious complaint about the methodology by which we manage our own affairs within this House. We've gotten along very well with the arrangements, subject of course to making improvements as time requires them to be made and broadening the representation on the Internal Economy Commission Board. But the duplications that we see in this Act, I think, are dangerous.

Section 6(b) by way of example, Mr. Speaker, gives the Speaker full authority over settling estimates of expenditure and establishment of positions for staff not only for the business operations of the Assembly which are presently accorded to that Board under The Internal Economy Commissioners Act, but also as I've previously mentioned, for the full complement of staff for the Provincial Auditor, the Chief Electoral Officer, and the Ombudsman.

Now, these three latter branches of government are budgeted in this year's Estimates to spend something in the order of \$2.5 million and the total budget for the proposed commission - if we can transfer over those items of expenditure which this Act would put under the control of the commission - would be in excess of \$6 million in 1982-83. These items are all contained under legislation at the present time in our Estimates of Expenditure and are spoken to presently by the First Minister as the Minister of the Crown, indeed, the First Minister of the Crown in this House.

Mr. Speaker, as much by intuition as by long experience in this House, I stand in my place today and I confidently predict that if this bill were to go through in its present form, which I submit it should not, that within a matter of months of its being established, this commission and the Speaker would be requesting the establishment of administrative personnel to carry out all of these new additional responsibilities that are being accorded to the commission under the Act. I say that, Sir, whether the Speaker of the House is you or whether the Speaker of the House is a Conservative or whomever, it's human nature that if you are given the responsibility to appoint staff and to administer \$6 million worth of public expenditure then you, in carrying out your responsibilities, want to have the staff to do that even though under the present arrangement - well, not as well defined as some might wish it to be - those functions and responsibilities are being carried out very adequately not only on behalf of the membership of this House, but more particularly on behalf of

the masters of the members of this House, the public of Manitoba, the taxpayers who pay in the dollars, who make it possible for us to sit here, to hire our staff and to make this operation work as it does.

So, Sir, I don't think that would be a useful development in the public interest. In fact, I think it would be prejudicial to the public interest. I think it would be a needless and expensive duplication of responsibilities already carried out, as I've said, quite satisfactorily on behalf of the Assembly and the offices in question by the Clerk and the Accountant appointed under The Internal Commissioners Act by the Civil Service Commission, who help now the Internal Economy Commissioners with respect to hiring and firing - and there's very little firing done. It's mostly hiring and changes of personnel, given the fact that there are very few permanent personnel attached to the Assembly offices.

I point out, Mr. Speaker, that Section 6(c) also takes authority away from the Minister of Government Services in that it makes the commission responsible for the provision of all facilities and services required by members of the Assembly, by the Caucuses and the Leaders of the parties in Opposition, including secretarial support and constituency offices, which is a new dimension that is added to the bill, I know, in response to a felt need by members of the government.

Now, let's pause at that point for a moment, Mr. Speaker, and realize what that involves. A little bit of recent history would be perhaps in order. Over the years, in accordance with my experience in this House, 1958 to 1969 and then later from 1976 to the present time, there has been a gradual improvement in the facilities that are offered to individual members, to the Leaders of the Opposition, indeed to Cabinet Ministers and all members of the House. That improvement took place in my experience successively through the administrations of Premiers Roblin, Weir, Schreyer, myself and indeed on into the present First Minister's administration in this province. Such things as better office accommodation for the Caucuses; that is, for them to meet as a group, the Caucus space that is now, according to the Caucuses, much better and much more commodious than it was 24 years ago and it should be. The secretarial staff that is available now to the individual members of this House, whether they be Government or Opposition members, is much better than it was a quarter of a century ago, and it should be and there's room for improvement; we all know that. But, Mr. Speaker, to say that this new commission should take over full responsibility for all of this and be responsible without any fetter whatsoever, except ultimate approval here in the Assembly, for all of these, the secretarial support and constituency offices outside of this Chamber and for the physical offices that are occupied by the members goes a long way to removing from the effective control of the Minister responsible, the Minister of Government Services, his control, for instance, over this very building.

Now, a little pause again, a little bit of more recent history. After the administration, which I had the privilege to head, came to office in 1977, we made a conscious decision in consultation with the Members of the Opposition of that day, now many of the members of the government, that Manitoba was lagging behind the other provinces with respect to individual office

accommodation for members of the House. We made a conscious decision through the departmental Estimates that were presented in the House and so on that there would be a gradual restructuring of the office space within the central Legislative Building where this Chamber is contained, so that over a period of two or three years there would be made available to the Caucuses, Government and Opposition not only their general Caucus offices but as well, Sir, individual offices where each member of the Legislature, with appropriate secretarial support staff for those members, and for such we may think everyday matters as the availability or access to dictating equipment and so on and so forth. That was a conscious decision that was made by the Government of the Day in consultation with the Opposition. Matters were put under way by the Department of Government Services, monies were voted for that purpose and offices such as you, Sir - that is, you as Deputy Speaker - now occupy in your capacity as a member of the Legislature, offices such as individual members on the Opposition side now operate from are available. That was a big improvement.

One of the results of that was that a fair number of Civil Service staff had to be moved out of this building in order to accommodate the legitimate requirements of the members of the Legislative Assembly. In other words, if the Department of the Attorney-General had not moved out of certain office space that it was occupying on the first floor, there would not be space for the individual offices for the Members of the Legislature.

The Minister of Government Services and the Cabinet had to make that determination that there was building space available or that it was capable of being rented, so that space in this building could be freed up in order to permit the offices for the members to be restructured here. This is a total governmental responsibility.

I suggest, by way of contrast, that if the commission that is spoken of in this Bill No. 30 were set up, it could be well making unilateral decisions of a wide and sweeping nature of that kind with no legislative requirement whatsoever that it consult with the Minister of Government Services, the Premier, the Executive Council or anybody else.

I am not suggesting for a moment, Sir, that necessarily would be the case, but as a lawyer I look at the bill and say they would have that right. I don't think that is a right this Legislature willingly wants to confer upon a Committee, in effect, of this Legislature to permit it to override governmental decisions bearing upon office space, bearing upon such matters, Sir, as whether even this building should be air conditioned, because if you look at the section of the Act, it has to do with the accommodation that is offered to the members. That would be the responsibility of the commission. As one who has, over the years, worked in this building for many, many years, I think it should be air conditioned some time, Sir. I don't think that any government up to the present time has found sufficient money for that purpose. — (Interjection) — The former Minister of Government Services tells me it's a tab of about \$2 million.

I point out, by way of example, that this commission, with the powers that are conferred upon it under

this Act, could make that unilateral decision and tell the Minister of Government Services with respect, Sir, to go to hell. Once their budget was drawn up, that budget would go in and be presented by the Minister of Finance to the Assembly and they in effect could say to the Minister of Government Services, you no longer control the Legislative Building, we control it because it has to do with the provision of space for the members, we make a determination that we're going to have air conditioning in here and we don't particularly give a tinker's whatever about what the Minister of Government Services, his staff have in mind or whatever.

So you have, incipiently, the creation of a bit of a monster here which could run off in its own direction with full statutory authority, even against the will of the Ministers who were appointed and given that responsibility to look after accommodation for all other departments of government, and that could take place.

Mr. Speaker, I make the point again that these are by way of examples of what could happen, not that they necessarily will happen, but they could happen because the law confers the right. Section 30, as presently drawn, confers that right for that kind of action to take place. Who are we to say that perverse actions would not take place by Committees of this Legislature? Who indeed? When we see some of the legislation that is being brought forward by the Executive Council at the present time which has got to have second thought given to it.

I was the head of a government that brought forward pieces of legislation from time to time that had to have second thought given to it because we, as 57 members in this House, are not perfect. We are walking, living examples of God's imperfections in humanity and we do make mistakes from time to time. One of the purposes of this Assembly is to protect the public from those mistakes, those entirely human mistakes, that members of this Assembly, whether on this side or that side, from time to time can make. I think that we're investing altogether too much untrammelled authority in this commission, chaired by the Speaker, with the possibility that they could make mistakes or that they would be led to the possibility of making mistakes, because they are so unfettered legislatively in this Act.

Mr. Speaker, Section 6(e) makes the Speaker responsible for developing, in co-operation with the government, a proper system of security for the Chamber and the Assembly offices. I'm rather persuaded, Sir, that this function is presently carried out by the Security Branch of the Department of Government Services in a very satisfactory way. I have not heard any complaint about security in this Chamber. Why do we have to invest this administrative responsibility, which is presently well administered on behalf of the government by Government Services, why do we have to pluck that away and make a separate security system for the Legislative Assembly?

I'm not aware that there are people standing with sticks or other brutish weapons trying to assault Members of the Government or Members of the Opposition on our way up to our offices. I daresay that when they become aware of some of the sins of omission and commission of this government, they

may need that protection and maybe that's why the Member for Springfield put it in the Act; he knows that he's going to need protection when the public become aware of some of the terrible things that this government has got its hand to.

Up to the present time, when we have had at least a four-year period of sane government, there hasn't been that need, Mr. Speaker. I can't foresee that there will be that need ever to hive off from the Department of Government Services a separate security system for the Legislative Assembly of Manitoba. It just isn't necessary. Mr. Speaker, that would be another example, I would say, of a duplication of services.

Similarly, Section 8, Subsection 1, says that the commission "shall determine the method of appointment of staff for the Assembly and for the Assembly offices and may use the facilities of the Civil Service Commission," may use the facilities. Why is it that all other branches of the inner government must use the facilities of the Civil Service Commission and this new commission "may" use them? What is so special about this new commission that it should not be required to use the facilities of the Civil Service Commission?

I don't want to impute motives to the honourable members opposite at all, because we know that many of the part-time jobs in this Assembly, which has been the primary responsibility of the Board of Internal Economy Commissioners, are filled by appointees made by the Government of the Day and that has been the case since time immemorial in this Legislature. Some of the people who act in capacities, with the notable exception of the Pages in the House, who are chosen because of their efficiency and their good scholarship from their schools and they're recommended by their respective principals and so on, but other people who look after important functions of this House and have part-time positions with the House are chosen by the Government of the Day, frankly from among some of their political friends. Mr. Speaker, I lay no indictment against any government for doing that; I think that's quite proper. If it weren't functioning and working well, I would say that is not good.

In my experience in the House, going back to 1958, I have not seen any one of these appointees who didn't carry out his or her job in an effective way. I think that the appointees that were made since November 30, 1981 have been good appointees. The people who have some day-to-day responsibility for looking after the needs of the Members of the Legislature in the outer Chambers of the House and so on, they're good people. I well recognize that most of them are card-carrying members of the NDP, but that doesn't in any way say that they are not capable of carrying out their function. They do and they do it well. There's nothing wrong with that, but to say, Mr. Speaker, that power should then be transferred over to the commission to make the appointments for the Ombudsman's Office; to make appointments for the Chief Electoral Officer's Office; to make appointments for the Clerk's Office, is going I think a bit far, because what is acceptable in terms of part-time appointments for this Assembly is not acceptable for the three offices that I have mentioned. It's not acceptable for the salaries that account for a large part of the \$6 million that go into the making

up of the budgets for these offices that are being seconded now to this commission.

Mr. Speaker, I think that it is clear that if this Act is to be proceeded with, and I hope that it will not be in this Session because it's not necessary, that the words "shall use the facilities of the Civil Service Commission" will have to be put in there because the permanent appointments, particularly for the permanent Civil Service who serve this Chamber and who serve the other offices seconded to it under this Act, should be appointed pursuant to the merit requirements of the Civil Service Commission, period, paragraph. I don't think anyone will logically argue that should be other than the case.

We just don't, and I don't think thinking members on the other side of the House, want this commission by virtue of sheer whim and caprice to be making appointments of that nature. While that was not perhaps the intention when the Act was drafted, that can be the possible result. Of course, we are told that the architect of the Act is the Member for Springfield and one of the Member for Springfield's greatest strengths is one of his greatest weaknesses. He spent a long time, a long part of his life, as a bureaucrat and he thinks like a bureaucrat. We're here to think like elected Members of the Legislature, Mr. Speaker, not like bureaucrats. I don't think that the people of Manitoba want that kind of unfettered appointment power conferred upon any commission of government.

Similarly, Mr. Speaker, Section 8(2) is offensive in that the salaries and wages of staff will be set by the commission with only apparently passing reference to the Civil Service Commission and it says in the Act "in conformity with the pay scales and classifications established under The Civil Service Act." What this means of course is that the commission could end up, for example, paying secretaries engaged in Assembly work at a much higher level than, say, secretaries engaged at a much higher level of competency work within the Civil Service. That isn't right, Mr. Chairman. You've got to have certain categorizations in the establishments for 14,000 inner government or civil servants, 13,000 to 14,000, whatever the figure may be at the present time. I see no reason why the secretarial staff that this Act would have seconded to this commission; Ombudsman, Auditor-General and so on, should be in any different position from the departmental staff for which Ministers have to go to Treasury Board and the Civil Service Commission to have a secretary appointed of a certain category, but under this Act as presently drawn, that need not be done.

You could conceivably have a secretary, and this is an outlandish example but it's permissible under this Act as presently drawn, at a low level of competence being paid the same amount of money as a Minister's secretary merely because the commission said, well, we don't have to pay any attention to Civil Service pay rates because the Act doesn't tell us we have to, and dear Molly here, that we've appointed to this job, she deserves a salary increase because after all she's got additional responsibilities at home, and all of those motivations, human motivations, that some employers can get into without realizing the effect that they would have on other categories of work within the Civil Service of this province.

So what I am suggesting, Sir, is that again the unfet-

tered responsibility given to this commission is not in the public interest, not because these acts would necessarily be carried out in the outlandish ways that I have described, but because the potential for there being carried out in that way is there legislatively. So staffing of any branch or departmental office has to be done and by this commission, Sir, I submit, by the Civil Service Commission in order that the pay and establishment will be in total conformity with the rest of the Civil Service. To do otherwise would create a form of chaos within the Civil Service.

I notice that the Member for Springfield nods his head. Well, I merely remind him that I have been in the Civil Service of this government and I've been a Minister in this government. I've been Leader of the Opposition long before he left high school. I can tell him a few things about how the Civil Service of this province, Mr. Speaker, can build upon this kind of an empire building concept just out of the natural seeds that are within civil servants in order to create a larger empire and more responsibilities within their particular office. This Act is full of that kind of incipient seed and that's why it shouldn't be passed at this Session. It should be taken back to the drawing board and looked at.

Section 9(1), I submit, is offensive because it places the commission in a superior position to any other department of government. Once the Estimates of Expenditure are sent to the Minister of Finance, this commission, the six members and the Speaker make up their Estimates of Expenditure, the Minister of Finance must include them in the Estimates even though he may disagree with them. This is a serious erosion of the power of collective responsibility of the Executive Council for the money that is spent by government. I know it is brought forward with the greatest philosophical support that could be possible that the House will be the master of its own affairs, but if one examines that doctrine too closely, one quickly comes to the conclusion that this represents a decided aberration away from the constituted form of parliamentary government which is that the Executive has to be responsible for the expenditure of money.

Why do we have for instance, Sir, bills brought into this House by Members of Executive Council which are preceded by a message from Her Honour, the Lieutenant-Governor? Because only a Member of the Executive Council is authorized, under the parliamentary system, to seek and to get that message for the expenditure of money. Yet, under this bill, people who are not Members of the Executive Council; the Speaker, members of the commission, the MLAs, are not only allowed to bring in expenditures that are not vetted by the Treasury Board or approved by a Member of the Executive Council, not at all. The Minister must include them in his Estimates even though he disagrees. The Minister, I presume, is going to have to bring in a message from Her Honour, the Lieutenant-Governor, some time from this commission with expenditures in it with which he disagrees which I suggest is a fundamental erosion of the parliamentary system in that the Executive, somebody, has to be responsible for the money.

If we want to get back to the origins of parliament, Mr. Speaker, parliament exists primarily to vote Supply. That's just a fancy name for saying, parliament exists for the purpose of spending the taxpayers' money to

vote Supply. That being the case, the Executive Council, the Executive branch of Government under the parliamentary system always being responsible for these expenditures, why do we make this exception?

Now, I know that the Member for Springfield and others are going to rush in and say, but they've done it in other provinces, and I say, to hell with other provinces. If they have done it in other provinces, they haven't done their public any service because they are fundamentally eroding a great principle of the parliamentary system; namely, that a Minister appointed to a responsible position in the Executive must be responsible for the money that is spent by that department.

Who's going to raise that message from Her Honour, the Lieutenant Governor, with respect to these commission's expenditures if there is no Minister on the commission to stand up and speak for them? Who's going to do it? Sir, you can begin to see immediately that, while it appears to be in service of that great amorphous doctrine that the House will be maître chez nous, it will be master of itself and so on. It's running right into a fundamental principle of the operation of the parliamentary system; namely, that the Executive must assume responsibility for the expenditure of money.

Mr. Speaker, I can hardly imagine any Executive Council agreeing voluntarily to this provision if in fact they really understand what this provision means. My contention is that any budget drawn up by the commission should go, at the very least, to the Treasury Board for vetting in the usual way to make sure that the salaries are in accord with what is happening in the rest of government, with secretaries and clerks and other positions that are of comparable authority in other departments and comparable responsibilities; to make sure that, for instance, the Ombudsman; to make sure that the Auditor General; to make sure that the Clerk of the Council; the Clerk of the House and his staff, are not asking for extra staff that are above and beyond what departments are being asked for.

What for instance, Sir, if the government makes a decision, as I doubt very much this government would ever do, that it wants to do something in the public interest in the terms of restraining government expenditures and engage in a freeze on the Civil Service. This commission could come ahead, because it has full statutory responsibility, and say, we're not subject to any freeze that the government imposes. We're going to increase our staff this year by 10 percent. They could do that, Sir, because there's nothing in the Act to stop them. They send their expenditures to the Minister of Finance; he has to include them in his Estimates and that's it.

Then, ultimately, this Assembly has to make a determination as to whether or not it's going to back the commission. Then you could get into the very awkward situation of the Assembly saying to the commission, you go puff your pipe. We're not having any nonsense with that at all. That's the only final and ultimate control that the Assembly has. I say, why not put these checks and balances into place and these governors into place at an earlier stage and give this commission no more responsibility than an ordinary

department of government would have? Let it go through and let it be tested in the same way as any other department of government with respect to its appointments and with respect to other things that it has the power to expend money for.

Mr. Speaker, Section 9(3) is also offensive in that it provides that the audit shall be done by the Provincial Auditor who, by this Act, becomes administratively responsible to the commission. The man for whom the commission will be hiring the staff is going to audit the books of the commission. Well, that's a nice cozy arrangement. I don't think that has been very well thought through at all. One would think the statutory requirement would insist in this case there be an outside audit of the commission, if indeed there's going to be a commission at all. Because you get into the rather invidious position that placed in an unfettered position, the Auditor then is asked to audit the books of the unfettered commission of which he is a part.

This is casting no aspersion whatsoever upon the integrity of the Provincial Auditor at all, but it's merely suggesting that in matters of this sort the government and the commission must be like Caesar's wife. There can't be any question at all that there should be an audit done by somebody other than the Auditor-General who is responsible to the commission. This is a small thing, Mr. Speaker, but I think it's indicative of the kind of narrow, bureaucratic, administrative type of thinking that went into this bill without thinking of the larger responsibilities of parliament and why we're here and what our ultimate responsibility is to the taxpayers of our province.

Mr. Speaker, I'm sure people will say that Section 10 is a saving section, but it doesn't erase the dangers that are contained in the earlier blanket authority sections which I've been commenting upon, not at all.

There is another dangerous section, Subsection (2) of Section 10. It makes the Speaker responsible for doing the work of the Purchasing Branch of Government. What, in God's name, Mr. Speaker, should the Speaker of this House be doing signing purchase orders for desks, typewriters, dictating equipment, air conditioning for offices and all that kind of paraphernalia, which is a fundamental responsibility of the Department of Government Services? Why should the Speaker be involved in that kind of administrative work that is presently being done by the Minister of Government Services? Mr. Speaker, this is an administrative power that I don't think any Speaker that I've ever known wants to have conferred upon him or indeed why he should want it. This should remain with the Minister of Government Services and it can be done on a requisition of the commission to the Minister of Government Services.

There is another extremely dangerous section, Mr. Speaker, in Section 13. Why should the commission be above the general law of the province, whether it be The Financial Administration Act of the province, The Civil Service Act or whatever. Let's just, Mr. Speaker, read that section into Hansard because I think it is indicative of what is wrong in the fundamentals with this bill, why it has not been well thought out.

Mr. Speaker, Section 13 reads, "Insofar as is practical and possible," whatever in God's name those words mean because they're certainly not words that I've heard many legislative counsels use, "the com-

mission shall comply with the provisions of The Financial Administration Act and The Civil Service Act but where any provision of this Act is repugnant to or inconsistent with a provision of either of those Acts, the provision of this Act prevails." This commission is going to supersede the provisions of The Financial Administration Act and The Civil Service Act?

Mr. Speaker, you talk about the saving section, Section 10. That frightens me. I wouldn't want to invest that kind of responsibility in any commission of the Legislative Assembly. I don't think it's right. I don't think it's right at all. Would we give that to the Department of Government Services? Would we give that to the Department of the Executive Council? No, of course not. Why then would we create this incipient monster and give the power to it? I am not saying that their powers would necessarily be used in a monstrous way, but the potential for them to be used in a perverse way, in an arrogant way, in a way that finds itself in disagreement with the general objects and purposes of government expenditure is certainly there.

Mr. Speaker, it's clear that this bill goes well beyond conferring all party representation on the Internal Economy Committee. All that is needed really, if any legislation be needed at all, is to broaden such representation on that Committee. Give the Internal Economy Committee, if you will, another name. Call it the Legislative Commission, if you will. Make sure that there is representation from the Opposition as well as from the Government on the commission. That's what has been talked about and I think there's been a general agreement on it for a few years in this House, but in no circumstances, Mr. Speaker, should this commission be established as a new department of government.

That is the effect of The Draft Act and we should and we will resist that Act in every way possible. In an earlier draft that was circulated, it was required, as I recall, that one or more members of the commission be a member of the Executive Council. I don't think that's even necessary. I think there's merit in having the members of the commission to be members other than members of the Executive Council, but like all other members of the House who are engaged in expenditures, their expenditures must be made subject to the Executive Council who are ultimately responsible in this parliamentary system for the expenditure of money.

This is not the Congress of the United States; this is not the Senate or the House of Representatives of the United States; this is not part of some airy-fairy governmental system that we may find in other parts of this continent or other parts of Europe. This is part of the parliamentary system of Canada which we have inherited from, in large measure, from the British system and what we find in this Act is contrary to the parliamentary system. It offends against that system and it should not be passed.

Mr. Speaker, putting members of the Executive Council on the commission, I don't think, erases any of the arguments that I have been using today. I recall, for members of the House, Mr. Speaker, the fact that Ottawa has, I'm told, a piece of legislation that I haven't had the opportunity to research that permits Madam Speaker in Ottawa and a staff of thousands to look after the Assembly requirements for the members

of the House and the Senate down there. God knows, they're much more numerous, and their perquisites and so on go far beyond anything that we have imagined in this House. I'm not by implication being critical of them at all, except to point out that under that form of government, under that form of commission in Ottawa, wasn't it only a year or two ago that we read with some consternation about the incident - it's more than an incident - of the establishment of the expensive restaurant for the senior officials of the Speaker's assemblage and Madam Speaker admitted she didn't know anything about it.

They had control of the physical building. They had control of certain expenditures and they went ahead, Mr. Speaker, and they set up a bureaucrat's dining room with the public's money under legislation of this very kind. Madam Speaker, I know from what I can recall at the time, was highly embarrassed and she closed it down. She said it wouldn't happen again and they hired a new administrator who is now attempting to bring some order out of the confusion that existed under precisely this general kind of legislation which sets expenditures beyond the ordinary reach of the Executive Councillor of the Executive Branch of government.

So, I'm saying, Mr. Speaker, that we should beware on behalf of the taxpayers of Manitoba that we do not create such a monster in Manitoba: (a) there is no need to create such a monster; (b) we would be doing the taxpayers, who are the masters of each of us in this House, a disservice if we went ahead with this legislation as presently drawn.

This bill is precisely the kind of bill that can cause down the road - maybe, Sir, after you and I have left this Chamber, but happen it will, just as surely as God made green apples - if this bill goes through, there will be that kind of embarrassing situation that will take place because of expenditures that are beyond the eye and beyond the reach of the Executive Branch of government, beyond the eye and beyond the reach of Mr. Speaker, who's got many more important things to do than worry about whether some civil servant is busy setting up a cushy restaurant for himself or whatever. That happens.

I'm not, Mr. Speaker, casting some pall upon civil servants as a class at all. I'm saying they're human beings the same as the rest of us and given unfettered financial power as is contained in this Act, they'll go ahead and use it, and sometimes they'll use it with less reverence and less concern for the trustee capacity that each of the 57 of us has in this House, than will any of us. We would have to be further even more constantly vigilant than we are. God knows we have to be as vigilant as we can with any government today to make sure that the money that is being asked to be spent by departments, very often created by the bureaucracies within those departments, is being spent in the public interest. God knows, we have enough to look after now in a Budget of what, \$2,800,000,000.00? You may say \$6 million is inconsequential. I don't think it's inconsequential at all, particularly when you put it beyond the usual investigative and the usual powers that government has built up over the years to try to correct abuses that may occur.

Mr. Speaker, during the course of this debate, I've

not talked at all about another matter that was alluded to by the Attorney-General when he introduced the bill; namely, the valuable work that I think has been going on amongst the All-Party Committee, of which the Member for Springfield for a time at least acted as Chairman, to discuss another aspect of responsibilities of the House; that is, some concern about the secretarial requirements of the members now that they are accommodated in individual offices and so on.

I say only a few words about that matter. I think, first of all, that Committee has done an excellent job and, as I understand it as it has been reported to me, they've reached some general consensus upon a package which can be dealt with later by other participants in this debate. Certainly, there's some improvements that have to be made with respect to the secretarial staff, with respect to research staff for the government and the Opposition Caucus. There are suggestions being made about the franking pieces for which the government pays the postage, some question about government paying printing. I don't think government should ever, out of the taxpayers' money, pay for party pieces that are printed under the authority of the New Democratic Party, the Conservative Party of Manitoba, the Liberal Party, Social Credit or whatever. That's a fundamentally wrong principle and government should not be asked to pay for that. That's another matter.

Travelling expenses for rural members - I know that there is some concern with some of the members who have to service outlying parts of this province that the travelling expenses presently accorded for them are insufficient in this day and age to look after their legitimate expenses. That's a legitimate thing that the committee has been looking at.

The question of constituency offices - while a matter of apparently some burning concern with some of the members opposite, is not a matter of such burning concern with some of the members over here; but some consideration is apparently being given to some small allowance in that regard because some members at the present time, I think including the First Minister, have for a number of years operated their own constituency offices without burdening the taxpayer of Manitoba. That is, perhaps, quite the most preferable way to handle such a matter. The 26 to 40 trips travelling allowance and so on, Sir, as well the matter which is always delicate, some question about the indemnity for Mr. Speaker himself and the possible increase; well, those are all matters that can be discussed by the Inter-Party Committee and I think those discussions have been proceeding well according to the report given to me but, Sir, those are separate and apart from this bill.

This bill is not required for any of those things at all. I wouldn't want anyone in this House to suggest that the members opposite are trying to say, well, if you don't give us the bill, why then you're going to lose whatever leverage you have to get more secretaries or to get more research people. That's not the way we operate in this House, Mr. Speaker. I know that if that thought is harboured in any minds across the way, they'd best rid their minds. They better use some mental "Drano" and get that out of their minds because the services that members require, the travelling allowan-

ces that members require, these are ordinary services that have to be looked at from time to time. They should be looked at in that way.

My point today, Sir, is that the bill that is brought in, which is separate and apart from these other matters, is not good legislation; that it should go back to the drawing board for the reasons that I have mentioned today and for others that may well be apparent to other members of the House. I submit that it does not carry the support of the members of the Opposition.

INTRODUCTION OF GUESTS

MR. DEPUTY SPEAKER, J. Storie: Before proceeding with debate on this motion, I'd like to direct members' attention to the Speaker's gallery where we have a group of visitors from Saskatchewan representing the Red Coat Trail Association. For the information of members, this trail was used by the RCMP on their journey to Fort MacLeod in earlier times.

On behalf of everyone, we welcome you here.
The Honourable Attorney-General.

BILL NO. 30 - THE LEGISLATIVE ASSEMBLY MANAGEMENT COMMISSION ACT (Cont'd)

HON. R. PENNER: Mr. Speaker, just on a point of order. I believe there's an agreement with the Opposition House Leader that we will dispense today with Private Members' Hour so we can continue the debate in this and other resolutions.

MR. DEPUTY SPEAKER: It is agreed? (Agreed)
The Honourable Member for Burrows.

MR. C. SANTOS: Thank you, Mr. Speaker. As a new member of this Legislative Assembly, I think it is my duty to speak up from the bench. If there is any fundamental principle of parliamentary democracy, it is the supremacy of parliament. If we accept this as a basic premise, I cannot imagine how it can be that the Legislative Assembly cannot be a master in its own House. This is the real issue, Mr. Speaker, whether or not the Legislative Assembly can be a master in its own House or whether it will always be subservient and subject to the Government of the Day.

I would like to talk on that issue, Mr. Speaker. I would like to argue that because of this fundamental principle about the supremacy of parliament, it justifies that the Legislative Assembly take charge of the administrative functions of this House. If that is the case, this bill is a matter of principle. Should we or should we not, the 57 members of this Assembly, make sure that the administrative management of this House resides in its own hands or should we allow this Assembly to always be dependent upon the graciousness of the Government of the Day? The Government of the Day is not the same as parliament. The Government of the Day consists of a group of politically-minded people who happen to be in control of the governmental machinery, including the bureaucracy, the Civil Service. If we cannot trust all the 57 members of this Legislative Assembly, if we cannot trust ourselves, who else can we trust to manage our affairs? Under the bill, the Assembly delegates its power to

manage its affairs to a Management Commission. The Management Commission, by definition, is a creation of the Assembly; it is therefore accountable to and is also responsible to the Assembly. If the commission takes charge of the administrative functions of the House and all the legislative offices under the House, it is the same thing as saying that the Assembly is taking charge of the affairs in its own House, acting through the agency of the Management Commission. The agent is always subject to the ultimate authority of the principal and the principal in this case is parliament; that is to say, the Legislative Assembly, who represents the people, in the ultimate analysis, is the people itself speaking because the voice of the Assembly is the voice of the people, and the voice of the people is the voice of sovereignty. *Salus populi est Suprema lex* (The welfare of the people is the supreme law). The supreme authority is the voice of the people expressed through the Legislative Assembly.

Let me go to the next point, the issue of control. Should we let one Cabinet Minister, the Minister of Government Services as one member of the Executive Council to take full charge of the responsibility for the premises of the Legislative Assembly of the people of the Province of Manitoba? Or should we let the Legislative Assembly, through the commission, take charge of its own premises? But the Minister, my friends, is a member of the government and being a member of the government is subject to the whims and fancies of the government. The Legislative Assembly itself is an entity with an interest quite different from that of the Government of the Day. So, if I were to choose who should control the affairs of this Assembly, I would simply place it in the hands of the Management Commission, which is immediately subject to the authority of this legislative body, but not in the hands of one who is a member of the Cabinet, thereby making this Legislative Assembly dependent upon the majority Government of the Day. So, if we have to reform the Legislative Assembly of Manitoba, it should be on the basis of a fundamental principle and it is this principle that I'm talking about, that we, the 57 members of this Legislative Assembly, should be master in our own House under the doctrine of the supremacy of parliament.

The Leader of the Opposition, with due respect, talks about vigilance. We, the 57 members of us, should be vigilant so that our rights as representatives of the people could be seriously guarded against the undue encroachment by a group of men representing the Government of the Day, and not all of them, at most, but only a handful of them, the elite of them, happen to exercise the decisional power of the day. So it is really a struggle between a group of elite people known as the Cabinet of the Government of the Day and all the representatives of all the people in the Assembly. If vigilance is the price of freedom, let us open our eyes and our ears and see that we must collectively be the master in our own House, in this Legislative Assembly.

I like to quote Confucius - I'd like to quote some kind of Oriental wisdom - When the wise men of old wish to make their virtues shine all across the land, they see the need that the country should be governed well." But to govern their country well, they must first achieve harmony in their own family. To achieve har-

mony in their own family, they must first set their mind in order; and to set their mind in order, they must first have self-discipline; and to have self-discipline, they must first of all have knowledge and wisdom. If and when they have knowledge and wisdom, then they are able to have self-discipline; only when they have self-discipline shall they be able to set their mind in order; and only when they are able to set their mind in order, that they shall be able to achieve harmony in their family; and when they are able to achieve harmony in their family, that they are able to govern the State well.

If we, whatever our political persuasion in this House of Assembly, are able to achieve harmony in this House and see the basic principle that we must be master in our own House, then we cannot resist the principle upon which this bill has been predicated upon, that we should control the administrative matters that affects the affairs of this Legislative Assembly. Unless we base our decisions on the grounds of principles rather than on passion, we cannot have wisdom in governing this province. There must be the triumph of principle over passions. If there be the triumph of the power of love over the love of power, only then shall we will be able to govern our country well.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: If there's no further discussion, the Honourable Member for Springfield.

MR. A. ANSTETT: Mr. Speaker, if no one else wishes to speak, I'd like to move, seconded by the Member for Dauphin, that debate be adjourned.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

HON. L. EVANS: Mr. Speaker, would you please call Bill No. 51, An Act to amend The Child Welfare Act, standing in the name of the Honourable Member for Fort Garry? (Stand)

The Honourable Government House Leader.

HON. L. EVANS: On a point of order, I wonder if anyone else wishes to speak. I'm just asking you to give anyone else that may wish to speak an opportunity to talk. I'm sure the member would agree to that.

MR. DEPUTY SPEAKER: Is there anyone that wishes to speak on the motion before the House?

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, if someone else wishes to speak on the bill, it will stand in the name of the Member for Fort Garry, that's satisfactory.

MR. DEPUTY SPEAKER: Is there anyone wishing to speak on Bill 51, An Act to Amend the Child Welfare Act? Seeing none, the debate will stand in the Honourable Member for Fort Garry's name.

The Honourable Government House Leader.

PROPOSED RESOLUTIONS

HON. L. EVANS: Would you then call the Proposed

Resolution standing in the name of the Honourable Minister of Municipal Affairs on page 7 of the Order Paper?

MR. DEPUTY SPEAKER: The proposed motion of the Honourable Minister of Municipal Affairs, the Honourable Minister of Municipal Affairs.

HON. A. ADAMS: Thank you, Mr. Deputy Speaker. I would move, seconded by the Minister of Community Services and Corrections,

WHEREAS the Report of the Manitoba Assessment Review Committee has made certain recommendations to the Government of Manitoba;

AND WHEREAS the Government of Manitoba wishes to hear the views of the citizens of Manitoba with respect to the Report;

THEREFORE BE IT RESOLVED that the Standing Committee on Municipal Affairs be authorized to elicit the views of the citizens of Manitoba with respect to the Report by holding such public hearings as may be deemed advisable;

AND THEREFORE BE IT FURTHER RESOLVED that the Committee report at the next Session of the Legislature.

MOTION presented.

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

HON. A. ADAMS: Mr. Deputy Speaker, I don't believe that it's necessary to go into a long debate on the motion that I have just presented to the House. You will recall I have made statements on a number of occasions and we have introduced Bill 33 in the House to extend the freeze on the assessment which extends the freeze brought in by Bill No. 100 by the previous administration.

We find that the best way to proceed with dealing with the report is to have a process whereby we would have a coordinated approach to dealing with this report. I need not advise the members opposite that the report is a very complex, complicated document. Assessment is, by its nature, very very complex and I have decided that the best way to proceed to deal with the report is to have staff review the report and make an analysis of its contents. I have further requested from staff that they go out and do a number of assessments throughout the Province of Manitoba, assessing school divisions which would be primarily affected by the recommendations after which, Mr. Deputy Speaker, it is my intention to have the staff brief members of Cabinet and members of the Legislative Assembly, after which we will then hold hearings throughout the Province of Manitoba, so that we are able to dialogue with them in a comprehensive manner with knowledge of what the contents of the report really is saying in order that we can approach and address the problem of assessment in the Province of Manitoba in a just and fair way.

I believe that we should proceed prudently, as expeditiously as is wise; therefore, I have discussed this matter with a number of municipalities and I have received a positive response to the way we are proceeding at the present time. I have just completed

attending seven district meetings of the Union of Manitoba Municipalities and I understand that there was one resolution passed at one of the meetings which suggested that we proceed with implementation of the recommendations. When we have discussed the contents of the report with those very same people who had passed the resolution, when we brought to their attention some of the things, some of the recommendations in the report, they said, "Oh, just a minute, I didn't know that was in there. You better check it out, make sure that everything is okay." So I suspect, Mr. Deputy Speaker, that perhaps some of the municipalities, some of our municipal people and other interested groups have been unable or haven't had the time to do an in-depth study of the recommendations. Furthermore, they are very complicated and beyond the grasp of many of us, I would suggest.

I believe that we are approaching this in the proper manner, in a prudent manner, so that we can address the problems that exist out there in regard to assessment of property in the Province of Manitoba in a just and a fair way.

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

MR. D. GOURLAY: Mr. Speaker, I move, seconded by the Member for Gladstone, that debate be adjourned.

MOTION presented and carried.

SPEED-UP MOTION

MR. DEPUTY SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: I move, seconded by the Minister of Municipal Affairs:

RESOLVED THAT for the remainder of the Session, the House have leave to sit in the forenoon from 10:00 a.m. to 12:30 p.m., in the afternoon from 2:00 p.m. to 5:30 p.m., in the evening from 8:00 p.m. and each sitting to be a separate sitting, and have leave so to sit from Monday to Saturday, both days inclusive, and the Rules with respect to 10:00 p.m. adjournment to be suspended and government business take precedence over all other business of the House.

AND THAT for the remainder of the Session, the operation of sub-rule (3) of Rule 88 of The Rules, Orders and Forms of Proceeding of the House be suspended, but the report stage of any bills shall not be taken into consideration prior to 24 hours following the presentation of the report of the standing or special committee with respect thereto.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Deputy Speaker, it has become clear to me that there is a desire on both sides of the House to bring the business of the House to as speedy a conclusion as possible, as is consonant with good government. This Resolution was put on the order

paper as a cautionary device. It's become clear that legislation is being debated well and is moving along well and that it should be possible with some fuller use of time that's available from day to day to bring the business of the House to a conclusion, one hopes, by July the 1st. That's something, I think, that we would all like to aim for.

I must say in moving it I am doing so with some reluctance since it, I appreciate, does put inordinate pressure on members and one has to during the time of Speed-up as I'm advised - I haven't yet experienced it myself - exercise a great deal of care with respect not only to what is being said, but as always of course with respect to what is being done. I am sure, sensing the way in which debate has taken place in the last few days, that can be done. Indeed, it seems to me that the level of debate in the last few days on bills - and this is not meant to be condescending, it isn't at all - has gone up tremendously. There have been some very, I think, good points that have been made in debate, constructive points on both sides of the House in the last few days.

Mr. Deputy Speaker, I have no doubt that objections may be appropriately taken to Speed-up in principle and I have yet to have had the time to consider a parliamentary practice and the use of Speed-up myself. I have, I may say personally, some doubts about it. I think others may express points of views similar to that. I think what has become evident to me and I'm sure to most members of the House is the need for some revision of the Rules, some fundamental revision of the Rules. I would hope that at an early stage there may be perhaps an all-party - well, we could use the Rules Committee, instead of looking at one or two rules, to look at the question of the Rules as a whole not only to expedite the business of the House - I think we would all want to do that - but to do so with some care, such that the rights and privileges of members of this Assembly are not trenchanted upon or abridged in doing that.

Having said that and moving it as I do with some reluctance, but having in mind what appears to be a desire on both sides of the House to move to some reasonably early conclusion, I commend this Resolution to the House and urge its adoption.

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

MR. R. BANMAN: Thank you, Mr. Speaker. I want to take this opportunity at this time to make several observations and put a few personal comments on the record with regards to the Speed-up Motion which has been introduced. I believe in the last nine years at least during the time that I've been in this House, Mr. Speaker, by way of some history in 1978, when the Session started and when we got to June 30th, the then House Leader of the previous administration moved the very same motion. At that time, that motion passed and nobody really spoke to it. A year later, however, in '79 on June 5th, we had a few people speak out, such as the Member for Kildonan who waxed very eloquently about the horrors and problems that Speed-up brought on, but that passed without too much trouble

Then in 1980, however, the pleas and the charges of

the hard hand of government coming down on the members of the Opposition, the terrible way in which the government was handling their bills; in other words, the Estimates had been passed and the government was now bringing in all these bills and as a matter of fact, one of the members at that time even decried the fact that very day the Resolution was being introduced, the bills were only being distributed for the first time and how terrible it was of that government to do it.

Mr. Speaker, it's interesting to note that a short year or not even a year later, we have very many of the members who were involved in that type of a speech right now in a government that is moving this Resolution. We have completed our Estimates about roughly two weeks ago. We still have bills coming in. Mr. Speaker, I think most members realize that in order to wind down the Session, we require the mechanism, which the particular motion that the Attorney-General has introduced, affords the government.

One of the problems that we have in this Legislature, and I have observed it over the years that I have been here, is that when we start dragging the Session into June and July, the tempers become somewhat shorter and I would say that the whole operation of the House really isn't up to a calibre that I would like to see. This particular government, just shortly after they were elected, were talking about an early Session and maybe a quick mini-Session. That didn't materialize. One of the reasons we're here today, Mr. Speaker, at this late hour is the fact that we started this Session in March rather than in February. My colleagues say late February, Mr. Speaker. I don't think we got going. We had the Speech from the Throne, but we didn't get going and debating till March because it was at the end of February.

I would urge the government to make sure that in the coming year we do start the legislative process a little earlier. It's much easier to sit in here in the months of January and February when it's cold outside than when you're sitting here and it's starting to heat up. It's very humid today and people would like to be at home with their families and doing all the wonderful things out in the constituencies, such as having barbecues and meeting friends and enjoying the outdoors.

Mr. Speaker, I think it would be wrong of me if I didn't at this particular point read some of the quotations from some of the speeches that were made at the time when a government just a short year ago introduced this type of a Resolution. As I mentioned earlier, in 1980, the bombardment and the haranguing with regard to this motion started by the then members opposite. It was started off back in 1980 by the Member for Concordia, who unfortunately isn't with us because of some personal health problems, but he spoke very avidly or very forcefully against this particular motion. The next speaker was the Member for Elmwood who in his opening remarks said, "Mr. Speaker, I say that the question is: do you want good government or bad government? If you want good government then you can't expect to pile a bunch of bills toward the end of the Session and then work the Opposition around the clock, that only leads to bad government. I, for one, would not give the government a club and then plead for mercy. Give them a club to

beat us into submission and then, due to the late hours and round-the-clock activity, have to yield points."

Mr. Speaker, in 1980, another speaker who had a few comments about this particular resolution that's before us today was the Member for Ellice now and he said, "So. Mr. Speaker, it seems to me that it's incumbent on legislators to do their job, certainly to work as hard as all other members of society, and on that basis I am opposing the Speed-up Motion," because I guess he figures we work harder than other members of society, "on that basis, I am opposing the Speed-up Motion, and I will indicate that if ever the day should come when I am a member of the governmental caucus, I will do the same. I will say my part in that caucus and I will reflect the views that I have put on the record this afternoon. And, Mr. Speaker, I appreciate that one day it is possible, as the Member for Elmwood has reminded, that in a case where there is a government whip, I will be put in a position where I may have to - and I hope it's not the case - support this sort of motion in the absence of good reason. I hope that will never be the case, Mr. Speaker, but I can assure you that in my Caucus I will be forthcoming and forthright in my Opposition with respect to this matter."

Mr. Speaker, here is another quotation from - I believe this is the Member for Churchill. If you read some of his speeches on this, he was very vocal. These are his closing remarks in 1980, "In closing, I would just like to put very distinctly and plainly in as strong terms as I feel is necessary on the record, my opposition to what we are about to embark upon, and that is the Speed-up or the extended hours sitting. I do so for a number of reasons which I believe I have made very clear. And I too commit myself, as has done my colleague for Wellington," whose speech I have just read, "and others, I am certain, both publicly and privately, if we are ever put in the position of making this sort of decision, to try to reflect upon the comments that have been made during this debate and to try to come up with a process that we feel will more capably and better serve the people of this province. . . . I do not believe that understanding has led me to any other conclusion than that it is a disservice to ourselves as legislators, and a disservice to the people of this province, and will therefore vote against such a resolution."

Now, Mr. Speaker, another member of the Treasury Bench who spoke right after the Member for Churchill, the Member for Brandon East said, "But I wanted to put a couple of thoughts on the record, and first of all to say that I agree with the comments made by my colleague for Churchill, and also the previous speaker, my colleague for Wellington. . . . I believe therefore that the citizens of Manitoba would be better served if we followed some of the suggestions made by my colleagues who have just spoken, perhaps two sittings a year. . . ." That was the Member for Brandon East, so I suggest to the Member for Brandon East that he now has the opportunity to work towards that type of an approach and again display his certain qualities within that Cabinet to alter some of the decisions that are made there at this time.

Mr. Speaker, in 1981, the members opposite again made several speeches with regard to this motion. As a matter of fact, they were almost - and I hate to use this term because the then House Leader was the

Member for St. Norbert, but they were almost merciless on the Member for St. Norbert - they went after him hammer and tong. Some of the statements with regard to that is something that I want to put on the record again here because it once again shows what a difference six or seven months make.

Mr. Speaker, I want to read again what the Member for Elmwood said, "Mr. Speaker, I would like to make a few remarks in view of the statement made by the Minister. My position has never changed on the Speed-up Resolution; I have always been opposed to it."

The Member for Churchill, Mr. Speaker, "From a pragmatic point of view I can see the reasons for Speed-up but I would hope that I would never fall prey to that pragmatism if I was in a different position; I would hope that I would say at that time, as I am saying now, I don't think that Speed-up will in fact help us as legislators conduct our business." But here comes the good part, because he did somewhat couch his remarks, "So I'm going to make the categorical statement and if I am in the position of having it read back at me in years to come, then so be it."

So, Mr. Speaker, as you can understand here, it was a plea on behalf of the Member for Churchill that really prompted this little speech here today, because he really did ask us at that time, back in 1981, just about a year ago, to really read back his remarks if he'd ever found himself in that particular position. I, of course, am very happy to oblige him with that today.

Mr. Speaker, he goes on to say that after he has said that somebody will read it back to him, or ask somebody to read it back - (Interjection) - well, here comes the good part then. "Then perhaps I should take that abuse because I in fact do believe" - so, that's what we are doing here - "very strongly now that Speed-up does not assist us as legislators, does not make better legislation, does not make this a more effective Legislature and, in fact, does exactly the opposite in all those instances. I'm opposed to the government attempting to ramrod its legislation through the House."

Mr. Speaker, I could go on. There are some other very interesting statements made by members opposite, but I want to say to the House Leader and the Attorney-General, in the nine years that I have been here, no matter what government has been in place, there are certain pieces of legislation that seem to hit our desks just at the dying hours of the Session. I don't know if many of the things, whether or not the bureaucrats like to slip in some of those bills right towards the end and don't bring them in earlier, but there seems to be at the final hour, at the 11th hour there seems to be a flood of legislation and we are in no different position this year.

Case in point, today we received for the first time the Credit Union Bill. It's a bill that I'm sure many of the people in the Credit Union/Caisses Populaires System will be interested in. There are a few other bills that have not yet been distributed and not been introduced. So I say to the members opposite, at the time when they were the Opposition, they really went to town and in my opinion in some instances, took some pretty cheap shots when the government brought in that particular bill because many of those people that spoke at that time realized that was about the only

mechanism to wind this particular House down.

So having said that, Mr. Speaker, I hope some of these members who made some of these speeches, in their quiet hours now and quiet moments, go home and read that and hopefully next time they get an opportunity to be on this side of the House - unfortunately, I guess there can't be too many of them; otherwise the numbers don't come out right - but they will maybe have a little bit of an insight into what they said at that time. Hopefully, they'll be a little more responsible when they're dealing with this particular resolution, because I think it's one way of winding this House down and for people being able to get back to their constituencies and back to finding out what's out there in the real world, rather than in the atmosphere of the hot house which very often has a tendency of making things seem important to us when they're not important to the real people.

One of the secrets of this democratic system that we have is that we get a chance to get out and mingle with the people who put us here. If we don't do that, if we do spend 10-12 months a year here, I daresay what's going to happen is we are going to be out of touch. We will all become full-time politicians, something which I think our democratic system was never designed for. We're supposed to represent the people's concerns and the only way you are going to be able to represent those properly is being out there and rubbing shoulders with them to find out what those concerns are.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER, J. Storie: The Honourable Minister of Northern Affairs.

HON. J. COWAN: Mr. Speaker, I can recall in days past speaking to the Speed-up Resolution from time to time and I usually began by saying that I intended to be brief and some times was saying that other times. In this instance, I do intend to be very brief. I think it's important to note that my definition of briefness is somewhat different than others' definition of briefness, but in any case I don't want to prolong the debate, but I do think that it's important that some of the comments which the member previous to me put on the record should be clarified and should be put in the proper context.

I had an opportunity previous to coming into the House today to very briefly review some of the comments which I and others had made in years past on the Speed-up Resolution and I think that most of them hold true today. I think that what has been put on the record in fact is fair ball. I don't think it's a cheap political shot to talk about Speed-up or to talk about the process of this House. I think it's important, whether you're in Opposition or in Government, to try to as best as possible insure that this House is an efficient and an effective mechanism by which we can provide direction and leadership to this province, so I am somewhat of a mixed mind when it comes to speaking to the Speed-up Resolution this year. I do believe that some of the things that were said last year, some of which have already been quoted and some of which I will quote, should be taken into consideration when we do review this particular resolution.

Last year, one of the things I said and I quote myself, which is always a bad habit for politicians to get into,

but I take the liberty after having been so ably quoted by the speaker previous, but on page 3,492 of last year's Hansard, Monday, May 11, 1981, I said, "So when I spoke on the motion last year," that was in 1980, "I indicated very clearly," as I always do - that's an editorial comment, not by the book - "I indicated very clearly that I believe there may be situations where Speed-up is warranted. I'll go one step further than that, I believe there may be situations where Speed-up Motion is necessary, where the House has to go into that sort of hectic pace in order to accomplish its business, but I think those times are limited to specific times and for specific reasons. I say that categorically, I don't wish to see the carte blanche use of Speed-up as a blanket mechanism to bring the Session to an end."

I can say again today in good faith that I don't wish to see the use of Speed-up in that particular way. I don't wish to see it used carte blanche to bring the Session to an end, but as I said earlier there are special circumstances and special reasons.

I also asked the members opposite to read my speech back to me because I knew if I was on the government's side that my own caucus wouldn't let me read the speech into the record once again. So, I thank them for their assistance. But they did leave out one very important part; they did leave out one very specific commitment I gave and that's on page 3496 for those who are following along in their Hansards at home. "I want to give the members opposite a concise statement to be able to quote back at me if in fact the tables are reversed in the near future, because believe me, Mr. Speaker, if in fact we are on that side and we are bringing in Speed-up and I am bound by a caucus decision to support Speed-up, I will do so because I believe in team work - but I will do so only because of caucus solidarity, Mr. Speaker, and not because I think the Speed-up will in fact hasten the process."

I think that premonition stands by itself and gives ample explanation of why it is that sometimes Speed-up is necessary and sometimes we find ourselves in the position of having to support Speed-up because we believe a group decision is many times, oftentimes, better than an individual's decision made in the heat of a Session of many years long ago of which we would all like to forget.

INTRODUCTION OF GUESTS

MR. DEPUTY SPEAKER: Before the Honourable Member for St. Norbert speaks, I would like to introduce some guests in the gallery. We have a group of 30 Grade 6 students from the Morris School. These students are represented by the Honourable Member for Morris, and on behalf of the Assembly I would like to welcome you here today.

The Honourable Member for St. Norbert.

MR. G. MERCIER: Thank you, Mr. Speaker. I would like to continue on, Mr. Speaker, with the quotation from the Member for Churchill from Monday, May 11, 1981 after he said, "but I will do so only because of caucus solidarity, Mr. Speaker, and not because I think the Speed-up will in fact hasten the process; nor do I believe the Speed-up will in fact expedite the closing of the Session; nor do I think it makes us better

legislators or does it make this a better Legislature, all it does is it breaks the back of the Opposition. That's the sole intent and purpose of it because if it were to make the Session move more expeditiously then what they would need to do is ask for leave on numerous occasions in order to accomplish the same purposes." Then further on, "So let there be no mistake about it. The Speed-up is brought in, not to make us a better Legislature, not to make us more efficient but in fact to destroy the will of the Opposition to fight back."

Mr. Speaker, I think we on this side reasonably believe that the Speed-up Motion is necessary in order to conclude the Session. In all fairness, Mr. Speaker, the manner in which the Speed-up Motion has been used in past Sessions, whereby committees have met in the mornings, committees have met in the evenings, committees have met in the afternoons for long periods of time, the House has only met during the afternoons and on occasion, when necessary, has met into the evening, sometimes fairly long, Mr. Speaker. But overall, I think the Speed-up Motion has been used very reasonably and very wisely. That's why we on this side are not going to hypocritically, Mr. Speaker, oppose the Speed-up Motion.

I want to suggest, Mr. Speaker, perhaps because I am a little more sensitive than the Member for La Verendrye because of my experience over the last few years, if the Member for La Verendrye could have read, Mr. Speaker, back some insults that were thrown by members on that side, some of whom are still there, some of whom, thank God, are not with us anymore, I don't believe that those insults were justified. We now see the hypocrisy, Mr. Speaker, of the comments of the members who made those comments while in Opposition. They are now all going back, Mr. Speaker. The Member for Churchill is the only one here who has enough nerve to come here today to acknowledge his hypocrisy. The others are conveniently absent, Mr. Speaker.

MR. DEPUTY SPEAKER: Order, order please. Order please. I think the Member for St. Norbert will recognize the word "hypocrisy," when referring to another member of the Chamber, is out of order.

MR. G. MERCIER: I withdraw that terminology, Mr. Speaker.

Mr. Speaker, I just want to point out that we are being reasonable, we are being honest in dealing with this issue and we are not taking the approach that members opposite took while they were in Opposition.

MR. DEPUTY SPEAKER: The Honourable Member for Fort Garry on a point of order.

MR. L. SHERMAN: Just because I don't want to leave a misconception on the record, Mr. Speaker, I must concede that we discussed the term "hypocrite" and "hypocrisy" not long ago and concluded that although it was not ruled as an unparliamentary term in Beauséjour, it's always been regarded as unparliamentary in this Chamber. I would ask my colleague from St. Norbert to withdraw . . .

MR. DEPUTY SPEAKER: I thank the Member for Fort Garry for that support.

MR. G. MERCIER: I already did, very reluctantly.

MR. DEPUTY SPEAKER: Yes, I recognize that. Are you ready for the question?
The Honourable Member for Springfield.

MR. A. ANSTETT: Thank you, Mr. Speaker. Mr. Speaker, this is the first time that I have been in a situation where I have had an opportunity to speak on the Speed-up Motion, but I must say that I suffered through it through seven previous Sessions. Because of that and because of my feelings about the democratic process, I have always been opposed to Speed-up and the Speed-up Resolution in principle. I rise to state that objection today and to say that I have a great deal of difficulty supporting this motion.

Probably, the most clear statement of some of the reasons from my objection are contained in the remarks of the Honourable Minister of the Environment which have been so adequately quoted that I'll shorten my remarks by forgetting to quote them further.

Mr. Speaker, the one point that the Minister of the Environment made about previous Speed-up Resolutions is that they are often used and introduced prior to the introduction of all major legislation. I think it has been made clear that this year the introduction of Speed-up is occurring after all the bills have been distributed - well, after virtually all the bills have been distributed, let me say it that way, the vast majority, more so than in past years, but Mr. Speaker, that doesn't defend the motion, that doesn't justify the introduction of it.

First of all, I believe that this Legislature is the only one in Canada that uses this mechanism to finish off its Sessions and finish off its members in more ways than one. The original purpose of Speed-up, Mr. Speaker, was not for the passage of complicated important legislation, it wasn't for the introducing of bills at the last minute so they wouldn't receive proper review, the original purpose was specifically in the days, as the Member for La Verendrye indicated, of part-time MLA's when we had eight-week Sessions and a primarily rural Legislature wanted to get out of here to do their seeding. That's why Speed-up was originally developed as a mechanism for getting the House out in short order with fast sittings, usually late in the month of April. Mr. Speaker, that doesn't occur anymore and there's no need for it on that basis.

One of the other reasons that it was used in those days was because Cabinet sometimes wanted relief from the pressures of the Assembly. I suspect that's also a reason it's done in this more modern period.

Mr. Speaker, I don't believe it's effective for several reasons. I believe its effectiveness has diminished in recent years, primarily for the reason the Member for St. Norbert enunciated. The House has not really had Speed-up in the traditional sense. We have often adjourned the House, had committee meetings, very seldom sat on Saturdays. The Speed-up has been a much softer and less trying mechanism than it was even 10 years ago.

The Minister of the Environment says, not in '80 and I would tend to concur with him, but that's still the proof of the pudding that Speed-up is a mechanism that doesn't work because the 1980 Session was one

of the longer ones in recent memories and yet, it was a Session in which our rigorous Speed-up regimen was applied to the House.

Calling bills three times or even twice a day doesn't speed up the process. Members speak on them when they are ready to speak. The committee process becomes unhealthy because there is short notice to the public and there isn't an adequate opportunity for consideration. The benefit of late night sittings is the only possible benefit and it works in the same way that Supply late night sittings do. We manage to get a bill passed, or in Supply an item passed, by wearing each other down and it's not necessarily the government wearing the Opposition all the time in those cases. It's often the other way around.

I think if we accept that members are full-time constituency representatives, we have to face the fact that there is no need for force, for coercion, in getting legislation through; that we are prepared to do our job; that we're here as full-time members prepared to sit the hours, the time, the days and months that are necessary to properly consider legislation.

Another deleterious effect of the Speed-up Motion, Mr. Speaker, is that Private Members' Hour suffers. All the private members in this House have lost for the balance of this Session when Speed-up is brought in their right to an hour every day. That is sabotaged by the precedence that is given to government business in this resolution.

So, Mr. Speaker, despite the fact that I am in the Caucus of the government which brings in this resolution, despite the fact that many members in the opposite side have all also supported this motion in the past and members on this side have opposed it in the past, I feel very strongly that regardless of which side of the House I may sit on today or in the future, I have an obligation to vote against this resolution because of the fundamental principles in our democracy that I believe it violates.

MR. DEPUTY SPEAKER: The Honourable Attorney-General closing debate.

HON. R. PENNER: Very briefly, I think what the debate has proven in the last period of time is that people who live in legislative glass houses shouldn't throw boomerangs.

I'd just like to comment on the fact that the very good observations made by the Member for La Verendrye about the length of the Session and when to start a Session point out that if our objective, that is, the objective of all of us is achieved and we are able to prorogue by the end of this month, the Session will be 86 days in length which is exactly the length of the last Session of the House, so that it is not an abbreviated Session. It's very close to the average length of a Session which is about 90 days. I do concur with the point made by the Member for La Verendrye, namely, that it would be to the advantage of all of us if we were able to achieve an early start and then have the time that is necessary, about 90 days to 100 days, to get legislation in fairly early and to consider it well.

I would just like to point out, yes, there have been some delays in introducing legislation and I regret that, but to a considerable extent, that has to do with problems of translation. It also has to do with prob-

lems associated with the fact that this is a first Session for this government. We came into office on the 30th of November and, as has been said on many occasions, had to be involved in the preparation of Estimates, learn about the departments and the management of departments, and at the same time begin to try to identify necessary pieces of legislation.

I think it's been a good debate; I think there's been a good spirit about it. I think there is substantial concurrence on both sides of the House that on this particular occasion in any event the Speed-up Motion is not acting as a force, is not acting as a club, but is something that we all, with perhaps one exception as I've heard it recently, would like to use to do what the Member for La Verendrye said and his remark on that was very good. It is necessary for us, in addition to dealing with legislation which is part of government, to do that other far more important part of government, namely, to get out and meet our constituents, to find out what the concerns of the people are, what their individual and collective concerns are and to be able to have that input in our own regeneration of our ideas and leading to the formulation one hopes of better legislation.

MR. DEPUTY SPEAKER: Is it the will of the House to adopt the resolution of the Honourable Attorney-General?

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Yeas and nays, Mr. Speaker.

INTRODUCTION OF GUEST

MR. DEPUTY SPEAKER: Before we ask for yeas and nays, I would like to direct members' attention to the Speaker's gallery where we have a visitor from the State of Wisconsin. Senator Joe Stroll is with the Legislative Assembly. On behalf of all the members here, we would like to welcome you today.

SPEED-UP DEBATE (Cont'd)

MR. DEPUTY SPEAKER: Yeas and nays. Does the honourable member have support? (Agreed)

A STANDING VOTE was taken, the result being as follows:

YEAS

Messrs. Adam, Ashton, Banman, Bucklaschuk, Carroll, Corrin, Cowan, Mrs. Dodick, Ms Dolin, Messrs. Downey, Evans, Eyler, Filmon, Harapiak, Harper, Mrs. Hemphill, Messrs. Hyde, Kostyra, Lecuyer, Lyon, Mackling, Malinowski, McKenzie, Mercier, Nordman, Mrs. Oleson, Messrs. Orchard, Parasiuk, Pawley, Penner, Ms Phillips, Messrs. Plohma, Ransom, Santos, Schroeder, Scott, Sherman, Uskiw.

NAYS

Mr. Anstett.

MR. ACTING CLERK, G. Mackintosh: Yeas, 38; Nays, 1.

MR. DEPUTY SPEAKER: I declare the motion carried.

I believe it was only a few days ago that the Speaker had ruled with reference to comments making inference about one's mental capacity. I would ask the Leader of the Opposition to withdraw that remark.

HON. S. LYON: I have no remark to withdraw, Mr. Speaker.

MR. DEPUTY SPEAKER: I will accept that.
The Honourable Government House Leader.

BUSINESS OF THE HOUSE

HON. R. PENNER: Okay, I would like to announce some committee meetings, Mr. Speaker. As previously announced and on the Order Paper, Statutory Regulations and Orders meets Thursday morning and afternoon, 10:00 a.m. and 8:00 p.m., and will meet again Friday afternoon, 2:00 p.m. and Saturday morning at 10:00 a.m. It will then continue on Monday in the morning and the evening at 10:00 a.m. and 8:00 p.m., respectively.

There will be a meeting of Law Amendments on Monday, the morning and evening, 10:00 a.m. and 8:00 p.m., respectively. This is with the concurrence of the Opposition House Leader to have the two committees meet at the same time.

Privileges and Elections will meet Tuesday at 10:00 a.m..

There will be meeting of the Committee on Agriculture Tuesday at 10:00 a.m.

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

COMMITTEE CHANGE

MR. R. BANMAN: Thank you, Mr. Speaker. I would like to make a change on Statutory Regulations and Orders. I would like to substitute the Member for Assiniboia for the Member for Sturgeon Creek.

MR. DEPUTY SPEAKER: The hour being 5:30, the House is accordingly adjourned and will stand adjourned until 2:00 p.m. tomorrow. (Thursday)