



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

---

**DEBATES**  
and  
**PROCEEDINGS**

---

**31-32 Elizabeth II**

---

*Published under the  
authority of  
The Honourable D. James Walding  
Speaker*



MG-8048

**VOL. XXXI No. 113 - 10:00 a.m., FRIDAY, 22 JULY, 1983.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, 22 July, 1983.

Time — 10:00 a.m.

**OPENING PRAYER** by Mr. Speaker.

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

## PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

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

**MR. S. ASHTON:** Mr. Speaker, I beg to present the Second Report of the Committee on Industrial Relations.

Your Committee met on Thursday, July 21, 1983 and agreed that Bill No. 54 - An Act to amend The Payment of Wages Act, not be reported.

Your Committee heard representations with respect to the Bills before the Committee as follows:

Bill No. 87 - An Act to amend The Workplace Safety and Health Act,

Mr. John Walsh, Manitoba Federation of Labour,

Mr. Jack Benedict, Canadian Manufacturers' Association,

Mr. Jim Wright, Winnipeg Chamber of Commerce,

Mr. Murray Smith, Manitoba Teachers' Society.

Bill No. 88 - An Act to amend The Workers Compensation Act,

Mr. Richard Rybiak, Canadian Manufacturers' Association,

Mr. Bruno Zimmer, Manitoba Federation of Labour,

Mr. Sidney Green, Manitoba Progressive Party,

Mr. John Huta, Injured Workers Association of Manitoba Inc.

Your Committee has considered:

Bill No. 87 - An Act to amend The Workplace Safety and Health Act,

Bill No. 88 - An Act to amend The Workers Compensation Act,

And has agreed to report the same with certain amendments, on division.

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

**MR. S. ASHTON:** I move, seconded by the Honourable Member for Springfield that the report of the committee be received.

**MOTION presented and carried.**

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

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

**HON. J. PLOHMAN:** Mr. Speaker, I have a short statement.

I would like to report to the members and the province on the status of the aerial spraying operations to combat a potential outbreak of Western Equine Encephalitis.

Based upon recommendations of officials in Health, Environment and the Emergency Measures Organization, I am announcing that the Community of Stony Mountain is to be added to tonight's list of communities to receive aerial spraying.

Because of the addition of Stony Mountain, aerial spraying operations will begin on this occasion tonight at 7:00 p.m. rather than 8:00 p.m. as earlier indicated.

The other communities to be sprayed tonight are Selkirk and Stonewall.

The aerial spraying of Winnipeg, should it begin tomorrow, will begin on the downwind side of the city. For example, if the wind is from the west, the aerial spraying will begin on the east side.

Naturally we would like to be more specific about the actual spraying operation. However, since it is tied so directly to weather conditions, exact spraying locations and times are not available until shortly before the operation begins.

Again, I would like to emphasize that every effort is being made to notify all Manitobans as quickly as possible through radio and television as to the actual spraying times and locations.

I've been informed by officials in the Department of Agriculture that monitoring stations are now in place to evaluate the impact of the aerial spraying on the honey bee population.

I would also like to report that yesterday the Information Centre handled over 500 telephone inquiries from the general public related to Western Equine Encephalitis and the aerial spraying operation.

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

**MR. G. FILMON:** Thank you, Mr. Speaker. We thank the Minister for giving us this additional update on the spraying activities. We're pleased that the government is avoiding the rush hour for which concern was expressed in the last day or two and also Winnipeg during the hours of the football game.

The question has been asked and some inquiries have been coming in to the Member for Arthur and I'm wondering if the Minister could indicate whether or not the Souris area is intended to be sprayed and indeed whether or not the counts of the vector mosquito, the culex tarsalis are heavy in that area or heavy enough to mandate a spraying program. I wonder if the Minister could give an answer to that.

**HON. J. PLOHMAN:** I'll answer that in question period.

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

## ORAL QUESTIONS

### Brandon University - construction

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

**MR. B. RANSOM:** Mr. Speaker, my question is to the Minister of Education. Has the Minister of Education been able to determine when the province will be giving approval to Brandon University to proceed with the construction of the long-delayed music building?

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

**HON. M. HEMPHILL:** Mr. Speaker, no, I'm not able to give that information today. I took that question as notice yesterday. I am awaiting some additional information that I hope to have early next week, at which time I will report immediately to the House.

**MR. B. RANSOM:** A supplementary question to the First Minister, Mr. Speaker. Is the question of further funding for the Brandon University music building on the agenda for the Jobs Fund committee for today?

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

**HON. H. PAWLEY:** Mr. Speaker, it is on the agenda. There's been no decision arrived at in respect to any additional funding, but it is on the agenda.

**MR. B. RANSOM:** A further supplementary to the First Minister, Mr. Speaker. Has the First Minister been made aware that if tenders are not called for that building by approximately September 1, that there is a high probability that the federal funds, which the First Minister has obviously interested in having come to the province, would indeed be lapsed before construction could take place?

**HON. H. PAWLEY:** Mr. Speaker, yes, we're aware of that and that's one of the considerations we are weighing in respect to the meeting that will be taking place today at the Jobs Fund.

### Brandon University - Senate

**MR. B. RANSOM:** Mr. Speaker, I have a further question to the Minister of Education. Has the Minister of Education been able to determine yet who her appointee is to serve on the Senate of Brandon University?

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

**HON. M. HEMPHILL:** Mr. Speaker, if the member opposite would like a list of names of the people that are representing the different positions on the Board of Governors, I would be happy to give him the entire list and to give him that next Monday.

I think we had a difference of opinion or misunderstanding yesterday and I think we were both right in what we were saying. He was suggesting that they were our appointees and I said they weren't. I think, the Member for Turtle Mountain was quite correct

when he said we appoint the Board of Governors, we do. We appoint all of the members of the Board of Governors.

However, we do not select either the student members, the faculty members or the Senate members. Each of those bodies elects their own representatives and we appoint the people that they elect, so there was the difference in opinion in what we were talking about yesterday. We do the appointing but they select their own members and they represent the people who elect them, although they are appointed by us.

**MR. B. RANSOM:** Mr. Speaker, I have a further question to the Minister of Education. Brandon University has both a Board of Governors and a Senate, my question to the Minister of Education was, has she been able to determine who her appointee to the Senate of Brandon University might be? Not the Board of Governors.

**HON. M. HEMPHILL:** I suggested earlier that if the Member for Turtle Mountain would like the list of names of the people who are the representatives . . .

**A MEMBER:** He's talking about the Senate, not the Board.

**HON. M. HEMPHILL:** No, we don't appoint to the Senate.

**MR. B. RANSOM:** Mr. Speaker, a further question, so this is not a supplementary. Order-in-Council No. 1167 passed the 29th of September, 1982, in Schedule A on Page 4 it says, "There shall be a Senate of the university which shall be composed of A, B, C, D, the Deputy Minister of Education or his designate."

Mr. Speaker, the Minister of Education has an appointee to the Senate of Brandon University. The Senate of Brandon University, or members thereof, have been attempting to remove the President of Brandon University. So I'm trying to determine from the Minister of Education, first of all, if she even knows who her appointee to the Senate might be?

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

**MR. B. RANSOM:** Mr. Speaker, a supplementary. Has the Minister of Education met with her appointee to the Senate of Brandon University to discuss the activities of the Senate, or of members of that Senate, relating to their efforts to remove the President of Brandon University?

**HON. M. HEMPHILL:** Mr. Speaker, no, I have not.

**MR. B. RANSOM:** A further supplementary to the Minister. Will the Minister undertake to meet with her appointee to the Senate to determine exactly what is going on at Brandon University in order that she, as the Minister responsible for Education in this province, can try and protect the educational institution, the standards of education that are offered and the integrity of that institution?

**HON. M. HEMPHILL:** Mr. Speaker, I think it's highly unusual that the Member for Turtle Mountain is

suggesting that I make telephone calls to members of a Board of Governors, who is an independent board, to interfere, or give direction, or tell them what to do, in areas that are their legal responsibility.

**MR. B. RANSOM:** Well, Mr. Speaker, one further question which is somewhat of a repetition, but she has an appointee to the Senate. Will she meet with her appointee to the Senate to discuss the affairs of the Senate, and if she refuses to meet with her appointee to the Senate, will she then have the Order-in-Council changed so that the government no longer has an appointee to the Senate?

**HON. M. HEMPHILL:** Mr. Speaker, I continue to say, I think the suggestions of the Member for Turtle Mountain are highly inappropriate. When we have appointees or people who we appoint directly, which is the question that I thought he was asking previously, did we make a direct appointment to the Senate? Whether they're designated appointments or direct appointments, I do not make telephone calls and talk to them and ask them and question them and quiz them and give them directions about things that they are doing that are in their area of their jurisdiction. It would be highly inappropriate.

**MR. B. RANSOM:** A further question to the Minister of Education, Mr. Speaker. There are four vacancies on the Board of Governors of Brandon University that have now been vacant since the end of June. What action has the Minister taken to seek out public-minded citizens who would have the welfare of Brandon University at mind for appointment to those positions?

**HON. M. HEMPHILL:** Mr. Speaker, we follow the same procedures for seeking out people for appointments for the Board of Governors as we do for all other appointments and that is, that we get information and recommendations from a wide variety of people. When we're making the decision, we try to come up with what is a very good balance of people representing the community, the faculty, the students and the Senate; in fact, the entire community of Brandon University.

**MR. B. RANSOM:** Mr. Speaker, a further question to the Minister of Education. She said that she seeks views from the community of Brandon University. What has the Minister done to seek input from the wider community of southwestern Manitoba and Northern Manitoba which is served by Brandon University? What effort has she made to seek out recommendations from that wider community for appointment of public-minded citizens to the Board of Governors of Brandon University?

**HON. M. HEMPHILL:** Mr. Speaker, we have done a lot of seeking out, a lot of talking to a lot of people including, to give an example, the Native community, Mr. Speaker, where Brandon University is the main university that provides programs for the Native community.

The Native community was never consulted before, Mr. Speaker. They never had any representatives on the Board of Governors before, although a large amount

of money that's going to the university comes to them for providing the Native programs and we made a lot of effort to consult with the Native community to get representation on the Board of Governors so that they would be involved. That is one example of the kind of consulting that we did that was never done before.

**MR. B. RANSOM:** A final supplementary to the Minister, Mr. Speaker. Has the Minister sought out a replacement for the one Native appointee to the Board of Governors who has resigned?

**HON. M. HEMPHILL:** Mr. Speaker, we're presently looking at the openings that are available, or the positions that are open at Brandon University of which there are number of positions, and we will be doing our best to continue to have both a fair and a wide-spread representation on the Board of Governors.

### Cruise missiles

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

**MR. R. DOERN:** Mr. Speaker, I'd like to direct a question to the First Minister concerning his comments yesterday, that he doubted that Prime Minister Trudeau was inflexible on the Cruise. He's quoted in one particular news report as being convinced that the Prime Minister could be persuaded to change his mind on allowing the United States to test the Cruise in Canada if the public demonstrates strong enough opposition. My question is, is this based on first-hand knowledge or private conversations?

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

**HON. H. PAWLEY:** Mr. Speaker, it's certainly not based on any conversation with the Prime Minister. It's a judgment . . .

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

**HON. H. PAWLEY:** Mr. Speaker, I think I'm entitled to exercise judgment calls as much as any other individual in this room and I intend to use judgment calls in the future.

It is my impression that the Prime Minister is reluctant in the decision that he has made in order to permit the cruising of missiles. It's also my impression that the Prime Minister is very very astute politically, in that there are adequate numbers of Canadians that demonstrate their disagreement with the Prime Minister's decision, that there is still opportunity for a change on the part of the Prime Minister.

I'm pleased that a number of the members of the Prime Minister's Caucus, a number of the Conservative members, including Mr. Jack Murta, from the Constituency of Lisgar. Mr. Murta, the Member for Lisgar, has joined in expressing his disagreement with the testing of the Cruise.

**MR. R. DOERN:** Mr. Speaker, I would then ask the Minister if he considers it to be . . .

**MR. SPEAKER:** Order please.

**MR. R. DOERN:** Since the First Minister just said he considers it astute to respond to public opinion and public pressure I would ask him whether, in view of the fact that the Manitoba public has demonstrated strong opposition to the bilingual proposals of his government, and there appears to be a strong provincial consensus against those proposals, my question is will he drop the bad portions of that agreement and/or go to the Supreme Court of Canada, if necessary?

**HON. H. PAWLEY:** The Member for Elmwood ought to be aware there is a wide wide difference, all the difference in the world between the development of weaponry that can result in death and human destruction and injury, and issues pertaining to the changes that have been proposed in this Legislature in respect to French language services.

Mr. Speaker, if there is a wide gap between the importance of any two issues, this is surely an area that is widely demonstrated, an issue that involves human life, involves the future of planet Earth itself, and a question pertaining to French Language Services in which some members of the Manitoba society, particularly those in the Western Concept Party group and a few other individuals in the province, have been engaged in passing around half-truths.

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

**MR. R. DOERN:** Mr. Speaker, holding aside the obvious differences between nuclear weapons and bilingualism, my question is, if the First Minister advises the public of Canada to pressure the Prime Minister of Canada in regard to a political question, why does not he himself respond to a public opinion and public pressure to drop what is considered to be a harmful policy in Manitoba?

**HON. H. PAWLEY:** Mr. Speaker, for the very straight reason that our French language policy is not harmful. I'm surprised that any member, any individual anywhere, would compare that kind of program in the same light as the testing of Cruise missiles and the continuing development of nuclear weaponry that is taking place amongst the superpowers in this planet Earth.

### Western Equine Encephalitis

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

**MR. L. SHERMAN:** Mr. Speaker, my question is to the Honourable Minister of Health. I go back to his statement of Tuesday of this week in declaration of the public health emergency here and I ask: in view of the fact that Manitoba probably possesses the continent's most unenviable expertise in Western Equine Encephalitis - a record that we wouldn't want to have necessarily but a record that we do have - when he referred to the fact that in coming to his conclusion to declare a public health emergency in Manitoba, he sought out advice from expert sources from outside the province. I wonder if he can advise the House as to what sort of advice from outside the province he desired in order to come to his conclusion that a public health emergency existed in Manitoba.

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

**HON. L. DESJARDINS:** Mr. Speaker, I'm sure that my honourable friend, the Member for Fort Garry, knows how difficult these decisions are to make. They are a no-win decision. They are a decision where you have to weigh the priorities and, of course, the human lives. Now, a number of our people in the staff and ourselves and the Minister of the Environment also and his staff, spent one or two days phoning pretty well all over the place. I don't recall all the names; I think that I answered that I certainly have no objection of giving these names to the members of this House. I want to check with some of these people before I do so.

I know that we talked to a doctor in Colorado. Let me say this, that I received the name from the consultant people on our staff, such as Dr. Eadie. The Minister of the Environment also had certain names that he called, certain people that he called. We called the doctor in California also and, of course, we've talked to people who had had some experience in this in Manitoba, and there was a call going to a professor in Toronto.

Now, what we did - well there were two areas - first of all, as far as the main question, the main thing that we wanted to know at the Department of Health was that with what we had, with the number of mosquitoes - although we did not have the confirmation that actually all the mosquitoes were contaminated, we did not also have any horses or human beings that had been affected - we asked if it was their opinion on spraying and spraying immediately, or should we wait. There was also an awful lot of discussion as to the different chemicals that could or should be used. These are the kind of things that we should do - anything related. We certainly didn't put a limit on the answers that were given to us.

### Deer Lodge Hospital - takeover

**HON. L. DESJARDINS:** Finally, Mr. Speaker, I don't want to curtail this but there is another question that I was asked by the honourable members - three questions that is - on the Deer Lodge Centre, and I have the information now that I promised to the House.

The Deer Lodge Hospital has always used the Medox to replace staff and that was during the holiday period. The procedure is only followed when the schedule would require staff to work overtime to cover the shift. Now in the past three-and-a-half months there were 88 8-hour shifts contracted through Medox as follows: the R.N.s, 24 shifts; the LPNs, 22 shifts; nurses aides, 42 shifts; for a total of 88 shifts. But while the Medox hourly rate is higher than the average R.N. rate, we'd like to point out that this includes employee benefits at Medox, a vacation and other benefits such as statutory holidays, sick time and so on. Then these people are usually hired to replace people on overtime, so there's no overtime pay.

The layoff of the nursing staff - I want to say that all staff that were considered to be the additional to the requirements of the operation of Deer Lodge Centre, as I had announced in the House previously, were advised that they would not be laid off at this time, not that they automatically would be laid off, but that a review of the number of additional staff would be

carried out at the end of September. Since that time many of the additional staff are taking advantage of the termination bonus plan in which they were provided with three months' pay if they elect to terminate by June 30, 1983.

I want to say that this was not initiated by the Department of Health. It was something that was suggested to us by the Department of Labour, that we agreed with; there is no doubt that it was helpful. Those that felt that they wanted to resign immediately, or to quit immediately and maybe seek another job, they were given a bonus. But it was made quite clear that nobody was trying to force them to do it. Yes, encourage them if need be, that's true. I say we will certainly review the situation at the end of September, but it would appear now that as a large number of additional staff has selected this option, layoff will not be required.

### Health Sciences Centre - admissions

**HON. L. DESJARDINS:** Finally - and I'm trying to speed this up but I had three questions - the admission to the Health Sciences Centre since April 1, 1983, there have been a total of 23 admissions to the long-term rehabilitation ward; there have been 53 admissions to the respite re-admission program.

Now, as I stated a few days ago, we are reviewing the situation of the block beds in acute care hospitals, and we'll also be opening an additional 75 or 80 beds this fall. This will be rehab and personal care beds. Then, of course, our bed study and our guidelines should be released fairly soon and we'll announce exactly what we'll do in that hospital.

### Western Equine Encephalitis

**MR. L. SHERMAN:** Mr. Speaker, I thank the Minister for that information and assure him that I will look forward to studying it over the weekend. I don't intend to put any questions to him on the basis of the information he's just provided this morning. I'd like to have a look at it and I may want to discuss it further with him in the House next week.

Just one other question, Mr. Speaker. Can the people of Manitoba conclude that essentially the Manitoba Government made its own decision with respect to the public health emergency existing in Manitoba to date based on the considerable and unenviable experience and expertise that Manitoba has accumulated over the years in that public health area, and that essentially the advice that the government was seeking from these "expert sources from outside the province" had to do with whether or not to spray with Malathion or with Baygon?

**HON. L. DESJARDINS:** Mr. Speaker, I think that we all know it was a judgment call - I think it's safe to call it a judgment call - when you make a judgment call, you're trying to get as much information as possible. You know there are a lot of things we'll never prove. Probably if nobody is affected at all, some people will say you didn't have to spray. Now, maybe we saved lives; we'll never know.

As I say, we've worked as a team. The responsibility of calling the emergency - certainly I didn't do it alone

- but I was the lead Minister in that. The lives, the health of the people of Manitoba have been my responsibility, so my main concern, personally and as part of this subcommittee of Cabinet and as part of Cabinet and caucus was, that it was a big responsibility - do we call it an emergency. I think we were well prepared. I hope this will never happen again, but if it happens again they'll probably be better prepared by what we're trying to do, the same as we profit by what was learned and by what might be the mistakes of '75 and '81 and so on.

Now the Minister of Environment was the lead Minister in choosing the chemical. Most of his concern in the calls his people made - I'll let him certainly speak for himself - was to get more information about these drugs. At one time they say what you want to use, it's no good if it's a low temperature; then that has been disproven, that it worked in the Yukon, it worked quite well. It is true that at a lower temperature there'd be very little use in spraying because the mosquitoes would not be active.

Anyway, this was the role of the Minister, and as you see now at this time of the operation, the Minister of Government Services is the lead Minister because he's going ahead with the direction that we got from this committee. He's in charge of all the spraying and the information and all that. — (Interjection) — Yes, very much. We made the decision discussing with people in my department and people outside, and I went along after the information that I was given as part of this subcommittee and I approved the chemical 100 percent. I approved the decision of the Minister of the Environment. He is the one that has the most interest in that, and certainly much more knowledge than I have.

**MR. L. SHERMAN:** Mr. Speaker, the Minister of Health doesn't need to be defensive about the declaration of the emergency. Nobody on this side has criticized that decision. What I'm trying to get at is the decision with respect to the insecticide, the decision which favoured Malathion over Baygon. Where did that advice come from? What were the reasons for choosing Malathion over Baygon? Is the government satisfied it'll get its money's worth out of a spraying program that employs Malathion rather than Baygon? Did that advice come from those so-called expert sources from outside the province?

**HON. L. DESJARDINS:** I certainly wish to apologize if I seemed to be defensive; that's never been one of my qualities. But I think the point I was trying to make is that we work as a team, and without trying to waffle and trying to push the question on somebody else, this has not been my main responsibility. I'm satisfied that I got the information and I'm 100 percent behind the decision that was made. The people that were mandated that were asked to get the information were mostly the Minister of the Environment and his staff, and I think he can answer that better than I.

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

**HON. J. COWAN:** Mr. Speaker, well, I certainly am pleased to have an opportunity to answer it. The basic

question from the Member for Fort Garry seems to be, did we seek expertise and all the expertise available to us in determining what particular insecticide to use once it was clear that it was necessary to conduct an aerial spray program to combat a very serious potential outbreak of Western Equine Encephalitis. Yes, I did that. I would do that under similar circumstances.

I consulted with experts whom I felt had an interest in the area, an expertise in the area. I went back through the report on mosquito control programs in Manitoba which was conducted in a public way by the Clean Environment Commission which very clearly stated that Malathion is one of the least toxic of the commonly used insecticides, and also very clearly stated that it was effective.

I checked with experts in the city as to their concerns about the different insecticides, including Mr. Roy Ellis, including Dr. Frank Labella, including a number of others. I asked them if they would provide to me their advice. That advice for the most part was to proceed with Malathion in this instance, although I'll very clearly indicate that there were some dissenting opinions as to the toxicity of Baygon versus Malathion, but there were certainly no dissenting opinions as to the effectiveness. Every individual told me that given the evidence which they have and the information which they have, Malathion would be an effective insecticide to use in this program.

That being the case, I chose it on the basis of the fact that it is one of the least toxic substances, and for that reason I felt it presented an effective measure with the least possible environmental risk.

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

**MR. G. FILMON:** Mr. Speaker, if I may then follow up with the Minister on what he has just said, quoting from exactly that report of the Clean Environment Commission with respect to Malathion, it further says, "One of the principal reservations with respect to its use is its ineffectiveness at temperatures less than 18 degrees to 20 degrees Celsius." How does that square with the decision?

**HON. J. COWAN:** That was our primary concern. I believe that was probably one of the reasons that the previous administration chose to go with Baygon even though there was some difficulty with approval for its use by the Federal Government. They were concerned at that time about the effectiveness of Malathion in low temperatures. It was a very legitimate concern and a good concern.

Since that time, I consulted with individuals who had made those statements. I asked them on what basis they had formulated that opinion. I asked my department to review the studies; I asked the Workplace Safety and Health Division to review the studies on toxicity and what we found as a result of that review is, there has been a considerable change in opinion on the parts of the very same individuals that were suggesting that it was ineffective at temperatures below 18 degrees, since the time this report had been published.

They indicated to me, and city officials indicated to me, that they knew of no such inefficiencies at levels

that would be sprayed in the city at 18 degrees Celsius. There is some concern if we get down to 8 and 10 degrees Celsius and that was certainly a factor that was taken into consideration.

We studied the atmospheric reports for the last three years to determine that those temperatures would be a problem. They were not considered to be a problem and on the basis of that new information, which certainly contradicts the part about the temperature in the Clean Environment Commission Report, we made that choice. But I can assure you that I did consult with individuals in the field; I consulted the literature and no one and nowhere did I find that there was any reference to 18 degrees Celsius other than in the Clean Environment Commission Report. Individuals in the past who have been suggesting that it was a problem on the basis of experiments that had been done here, and spray programs that had been done in the Yukon, were suggesting that, in fact, it was no longer a problem that the original conjecture as to its ineffectiveness, had been proven incorrect.

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

**MR. G. FILMON:** Thank you, Mr. Speaker. Following up on the statement of the Minister of Government Services, as I had earlier given him notice, I wonder if he has any indication of the count of the vector mosquitoes in the southwestern Manitoba area and if so, is there any indication that spraying might be warranted in communities such as Souris and other southwestern Manitoba communities?

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

**HON. J. PLOHMAN:** Mr. Speaker, I indicated yesterday that points west of Portage, in the whole area of western Manitoba, the counts for the particular mosquito that carries the virus, *Culex tarsalis*, as well as the viral counts themselves, were low and therefore that area of the province was not designated a high-risk area at this time; and until such time as we gain additional information from the Department of Health and the monitoring that is going on, we would not be able to make a decision on that area of the province and would not like to go any further than that at this time.

We just don't have any additional information at this time that would indicate that it is in a high-risk area.

### Shoal Lake - sewage disposal

**MR. G. FILMON:** Mr. Speaker, my question is for the Minister of Urban Affairs and I apologize if there is just a slight length in preamble so that I can quote something back to him.

It has to do with my question of Tuesday in which I asked him to confirm or deny the assertion of Chief Herb Redsky, that the Provincial Government favoured the provision of an access road for the proposed sewage disposal sight on Crown land for Indian Band No. 40, and I quote the Minister's response. He said, "We have not specifically said to the Federal Government or the Indian Band that we would do what is being suggested with respect to the road access over the canal that is owned by the City of Winnipeg."



I have before me a letter written by his Deputy Minister to the Regional Director of Indian and Inuit Affairs, a letter written June 23rd by Mr. David Sanders, and I won't quote the entire operative paragraph, but the final sentence of it says, "Road access across Crown land to the proposed waste disposal ground would be restricted to that purpose." It seems to me that that's very clearly a commitment on the part of the province to provide that road access. How does that square with his response to me that the commitment has not been made to either the Federal Government or the Indian Band?

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

**HON. E. KOSTYRA:** Thank you, Mr. Speaker. I think the member is confusing two issues. As I recall his question, it was whether or not the province was willing to expropriate the land over the city-owned canal with respect to access to an off-reserve site for the disposal of solid waste and sewage, with respect to I.R. Band No. 40.

The letter that he is quoting from is in regard to the province's position, that if it is the acceptable solution to have the sewage and solid waste disposed of in that manner, that the province would be willing to allow access on Crown land which is owned by the province for that purpose; that is only if that is deemed to be the acceptable solution and does not relate to the issue of access over the city-owned canal.

### North of Portage - development

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

**MR. G. MERCIER:** My question is to the First Minister, Mr. Speaker. Can he inform the House, or confirm to the House, reports that the province has approved a plan for the redevelopment, North of Portage Avenue as contained in a report from Federal-Provincial City Administrators?

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

**HON. H. PAWLEY:** We have not received the report as of yet so we have not approved the report. We have approved, in principle, the general thrust and concept, but we have not received a report to approve as of this point.

**MR. G. MERCIER:** Mr. Speaker, could the First Minister then inform the House as to the estimated costs of relocating Portage Avenue North under this proposed plan, that has been approved in principle?

**HON. H. PAWLEY:** I've indicated we have not received a report in which we have dealt with the specifics or the details of the report itself. If the Minister of Urban Affairs has anything further to add, I'd invite him to do so, but we have not dealt with those kinds of specifics.

**MR. G. MERCIER:** Mr. Speaker, the Premier made certain statements reported in the newspaper today.

Has the province approved a plan in principle for the redevelopment North of Portage Avenue which involves relocating Portage Avenue and building an enclosed promenade from Colony to Carlton Street? Has the province approved that in principle? And I'm asking the First Minister who has made statements to the press.

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

**HON. E. KOSTYRA:** Thank you, Mr. Speaker. If I can just clarify further what the First Minister has stated. He indicated that the province has reviewed some options with respect to North Portage and has indicated its general position with respect to the development of the plans in that area. I would repeat and further amplify what the First Minister said. The North of Portage Task Force, which was empowered by the Federal Government, the Province of Manitoba, and the City to prepare a report on the North Portage development, has not submitted its final report.

The North Portage Task Force is having further discussions within the next week to 10 days and will be filing its final report in due course. At that time, then decisions will have to be made by each level of government whether or not they want to endorse the findings of the North Portage Task Force.

It's a bit unfortunate, Mr. Speaker, that again some people are allowing to give information out on partial plans before the final plans have been developed, or the final reports have been developed; but the final report has not been made, Mr. Speaker, and until such time no decisions have been made with respect to what may or may not happen North of Portage.

### Western Equine Encephalitis

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

**MR. D. SCOTT:** Thank you, Mr. Speaker. I have a question for the Minister of Environment. It's following up on the previous questions that were asked by members of the opposition on the spraying program itself.

Just last week we shipped off some eagles to northeastern United States because the eagles in that area have been wiped out through insecticides. In the previous spraying program that the previous government administered — (Interjection) — Patience, Mr. Speaker. We just had a three or four minute round by the Member for Fort Garry on this question.

I would like to know if the Province of Manitoba is going to be instituting a decent monitoring program this time as opposed to the previous years when we did spraying when there was very little effective monitoring going on in this province, and whether or not that monitoring program will be complete enough so as to look after the potential synergistic reactions between a city spraying Baygon and a province spraying Malathion in the City of Winnipeg?

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

**HON. J. COWAN:** Mr. Speaker, I'd indicated to the Opposition House Leader that I would be requesting

permission to make a statement later on in the Session today and that statement will be a complete outline of the monitoring program.

We are finalizing some details which we feel need be completed before we make the statement to the House, so I will indicate now that there will be much more complete information coming by way of that statement than I can possibly provide during the question period, but I do want to answer the Member for Inkster's question.

Yes, we have an expanded and enhanced monitoring program which we will be announcing in short order. We believe that this program which commits significantly more funds than have ever been committed in the past for such a program, will provide us with the type of data and detail which is necessary firstly, to evaluate the program which we are doing during this emergency spray program and secondly, to provide information to future decision-makers - whomever they might be - who will be confronted with similar tough difficult decisions as to whether or not to conduct an aerial spray program to combat what can be a potentially fatal and very serious disease such as Western Equine Encephalitis.

There are value judgments that have to be made. The information which we are developing by way of the monitoring program will make those judgments, I believe, more considered in the future and I think that will benefit all Manitobans.

**MR. SPEAKER:** Order please. The time for Oral Questions having expired.

### ORDERS OF THE DAY COMMITTEE CHANGES

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

**MR. A. DRIEDGER:** Mr. Speaker, I have some committee changes. On Statutory Orders and Regulations, Orchard for Mercier and Nordman for McKenzie; and on the Standing Committee on Law Amendments, Mercier for Orchard.

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

**MR. D. SCOTT:** Mr. Speaker, some committee changes on Statutory Regulations and Orders, the Member for Wolseley is replacing the Member for Transcona; and on Law Amendments which will be meeting Monday; the Member for St. Johns replaces the Member for Thompson, and the Member for Transcona replaces the Member for Inkster.

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

**HON. R. PENNER:** Mr. Speaker, would you please call the Adjourned Debate on Third Reading on Bill 50; followed by the Third Reading on Bill 86; and would you please, Sir, follow that by calling the Second Reading on Bill 106; and following that, Sir, the Adjourned Debate on Second Reading on Bill 77. We'll see where we are at that time.

### ADJOURNED DEBATE ON THIRD READING

#### BILL NO. 50 - THE MANITOBA INTERCULTURAL COUNCIL ACT

**MR. SPEAKER:** On the proposed motion of the Honourable Minister of Natural Resources, Bill 50.  
The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, we're prepared to have this bill pass at third reading.

**QUESTION put, MOTION carried.**

### THIRD READING GOVERNMENT BILLS

#### BILL NO. 86 - THE CIVIL SERVICE SPECIAL SUPPLEMENTARY SEVERANCE BENEFIT ACT

**HON. R. PENNER** presented Bill No. 86, The Civil Service Special Supplementary Severance Benefit Act, for third reading.

**MOTION presented.**

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

**MR. G. MERCIER:** Thank you, Mr. Speaker. I would indicate that once again we are prepared to be co-operative and allow this bill to pass so that those civil servants who have taken advantage of the provisions of this bill can receive the benefits to which they are entitled. But, Mr. Speaker, I want to point out for the record, how badly the government has handled this as well as other matters.

This is a program that was announced months ago by the government in spite of a lack of concurrence and a lack of support from the Manitoba Government Employees Association. It is an ad hoc program that, no doubt, will produce problems in the future.

Mr. Speaker, it is bill which the government has handled incompetently. It took them months before they were able to present this bill to the Legislature. We have not held this bill up in any way whatsoever despite our concerns about it because we are interested in assisting the members of the Civil Service who have applied for early retirement, but it has been handled badly by the government. They are now forced into the position of having to seek special permission from the members of the opposition to pass this bill and we're prepared to co-operate but I want to put our concerns on the record.

It is just like the questions that I asked to the First Minister this morning. They had a member of the opposition stand up to prevent any further questions from being asked by the First Minister. The decision-making process that is obviously gone into the First Minister's approval, in principle, of a plan for North of Portage Avenue is the same kind of decision-making process that has gone into this bill and so many others.

The First Minister indicates support, in principle, for a plan which the Minister of Urban Affairs says the

report has not been completed; the First Minister says they haven't seen the details and they've approved it in principle. Mr. Speaker, I've never seen, and Manitobans have never seen, such a poor display of decision-making in government and such a poor administration as has been exhibited in the answers given by the First Minister on that plan, and likewise with respect to the provisions of this bill and this policy that is before us today, Mr. Speaker.

How can the public of Manitoba have any confidence in the administrative ability of this government when they read the statements in the press today with respect to the First Minister's statement on this plan, North of Portage Avenue, and listen to his lack of answers today in this House, Mr. Speaker. That is the same kind of decision-making process that has gone into this Bill 86 that is before us, Mr. Speaker. It is another indication of the incompetence, of a lack of any administrative ability in this government whatsoever. Mr. Speaker, the confusion and the state in which the Legislature finds itself today with unfinished government business, committee meetings, attempting to ask the public of Manitoba to come to this Legislature in the middle of the summer, in the heat of summer, on vacation time to consider important bills; bills being introduced like The Pension Benefits Act.

We have been ready to debate all of these bills, Mr. Speaker. The Government House Leader has handled the business of this House so incompetently from day 1, from February 24, Mr. Speaker, when he's shown a complete lack of ability in the calling of committees and House business in this Legislature, and now the government finds itself in this mess, demonstrating pure incompetence and lack of any administrative ability whatsoever in the affairs of the citizens of Manitoba.

**QUESTION put on the bill as amended, MOTION carried.**

## **SECOND READING GOVERNMENT BILLS**

### **BILL 106 - AN ACT TO AMEND AN ACT RESPECTING THE TAXATION OF THE CANADIAN PACIFIC RAILWAY COMPANY BY THE CITY OF WINNIPEG AND TO AMEND THE WINNIPEG CHARTER, 1956**

**HON. E. KOSTYRA** presented Bill No. 106, An Act to Amend an Act respecting the Taxation of The Canadian Pacific Railway Company by The City of Winnipeg and to amend The Winnipeg Charter, 1956, for second reading.

**MOTION presented.**

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

**HON. E. KOSTYRA:** Mr. Speaker, I apologize for my handwriting that made it difficult for you to read who seconded that motion.

I'm pleased to introduce for second reading of Bill No. 106, An Act to amend An Act respecting the

Taxation of the Canadian Pacific Railway Company by The City of Winnipeg and to amend The Winnipeg Charter, 1956, being Chapter 109, Statutes of Manitoba, 1965.

On June 30, 1982, this House passed a resolution with the intent of having CP Rail beginning paying property tax in the former City of Winnipeg on 100 percent of assessed property. Currently the railway pays realty taxes on 70 percent of assessed property value. This percentage of payment increases gradually to 100 percent by the year 2005 according to the provisions of the 1965 legislation.

Following passage of the resolution, the province undertook many discussions with C.P. Rail and the City of Winnipeg in order to arrive at a mutually acceptable method of amending the 1965 legislation which provided this generous tax concession. After considerable negotiation and many meetings, I'm pleased to advise this House that the railway and the province were able to agree on a five-year phasing in of full property taxation for the railway in the City of Winnipeg. Winnipeg's Mayor has personally supported this new arrangement.

Therefore, I am introducing amendments to the 1965 legislation to implement this phase-in period. Bill 106 provides for payment of 70 percent of full taxes in 1984, that being the same as for this current year, 80 percent for the next two years and 90 percent in 1987 and 1988. Full taxes will be paid starting in 1989. Full taxation will thereby be in place 16 years sooner than under the 1965 legislation.

The additional tax revenue to the City of Winnipeg over the former period of exemption is estimated at \$5.3 million based on 1983 dollars, assessments and tax rates.

Again, I am very pleased that this agreement has been reached and that CP Rail has acted as a good corporate citizen in agreeing to this much shortened phase in a full taxation. There is no question that the railway has played a vital economic role in Winnipeg and Manitoba for over a century, and this demonstration of continued corporate participation is welcome.

In conclusion, Mr. Speaker, I'd recommend Bill 106 to the honourable members for their consideration and adoption.

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

**MR. G. MERCIER:** Mr. Speaker, I want to offer a few comments with respect to this bill.

It should be noted, Mr. Speaker, as the Minister has referred to the fact that in 1965, legislation was passed by this House under a Conservative Government which to a certain degree called for the implementation of full taxes over a certain time period. This bill will move that time period up, Mr. Speaker, so it is really another step begun by a Progressive Conservative Government to bring full taxation revenues to the City of Winnipeg. Certainly, on the basis of the public statements by the CPR and the Mayor and the Minister that a consensus and an agreement was reached by the parties, we can support the bill.

The one point I want to make, Mr. Speaker, other than that, is that the Minister and the government have

taken a great deal of pride in the additional revenue that will flow to the City of Winnipeg over this period of time. I want to point out, Mr. Speaker, that what has indeed happened under this government is that the city has suffered a loss of revenue in the sense that the mill rate has increased very significantly during the two years in office under this government.

I've repeated and I want to say once more, Mr. Speaker, in considering an average home assessed at \$7,000 in the City of Winnipeg school division, which in 1983 had the lowest mill rate increase, the increase that is taken in net real property taxes on that home in the inner city over two years, is three times the total increase on that home over a period of four years under a Progressive Conservative Government, Mr. Speaker; three times the total increase over four years under a Progressive Conservative Government and that has happened in two years. What is going to be the effect, Mr. Speaker, of another two or three years of NDP Government on the City of Winnipeg ratepayer?

Mr. Speaker, relative to the total cost of operating the City of Winnipeg over a year, the additional revenue although it's some \$500,000, is not that great amount in proportion to the total amount of revenue to the City of Winnipeg. So I say to the government, if they wish to rely on this bill as some feather in their cap, in providing additional revenue to the City of Winnipeg, they are sadly mistaken, because the ratepayers in the City of Winnipeg have suffered through inordinate increases compared to the increases that occurred under a Progressive Conservative Government and that was only some \$78 on that average home assessed at \$7,000 over a period of four years; and the increase under the NDP is three times that in only a period of two years, Mr. Speaker.

The government and the Minister can take little consolation from this bill that it is going to provide a significant source of revenue to the City of Winnipeg and maintain the rate of taxation in the City of Winnipeg. I remind the Minister that the civic election is this year. Next year will be the first year of a three-year term for a new council and he knows what happens at city council in the first two years of their terms.

Mr. Speaker, the Provincial Government had better be prepared, if they want to at least maintain their position now - their position now being that the increase that has occurred under their government is three times the total increase of our government over four years - they'd better be prepared to provide some significant degree of support for the City of Winnipeg if they even want to maintain that unenviable comparison which is their record to the citizens of the City of Winnipeg.

Of course, that combined with the fact that the consumer price index, whereas it had been the lowest in Canada, in the City of Winnipeg has increased to a greater degree than any other major city in Canada. The latest statistics earlier this week, Mr. Speaker, showed the consumer price index in the City of Winnipeg to be 7 percent, the highest city in Canada - the highest rate of any major city in Canada is St. John's at 7.3 so they're not far off. No doubt that will be another unenviable record for this government in the City of Winnipeg, where they claim to have their real constituency. They are letting down the citizens of Winnipeg with respect to mill rate increases and with respect to the increases in the consumer price index

which had increased as a result of government actions and government policies and government increases in taxation, Mr. Speaker.

So in those two significant areas, as well as unemployment, they have sadly let down the citizens of the City of Winnipeg and this bill is little consolation to the citizens of the City of Winnipeg.

**MR. SPEAKER:** Are you ready for the question?

The Honourable Minister of Cultural Affairs will be closing debate.

**HON. E. KOSTYRA:** Thank you, Mr. Speaker. I'll just be brief because there's not much to reply to with respect to the contents of this bill and the remarks of the Member for St. Norbert.

I would just bring out a couple of points with respect to his remarks, particularly on this legislation. He made note of the fact that the 1965 legislation was brought in by a former Conservative Government and he seemed to be implying that, by virtue of that fact, they have taken significant action on this issue in the past. I would just remind the member that while he was Minister, there was the same resolution brought forward to this House dealing with this same issue when he was on the front benches here and I would point out to him that there was no action taken while he was in government to correct this long outstanding inequity in taxation in the City of Winnipeg. I would just remind him of that fact because I'm sure it just slipped his mind when he was making remarks, that for four years he did nothing, did nothing to correct this inequity, this concession with respect to taxation in the City of Winnipeg. We are pleased that we have been able to do something about that very quickly in the early part of our term, and I'm glad to see that they are supporting this motion.

He also went on to talk about that this is small consolation to the citizens of Winnipeg with respect to overall taxation and indicated that the people of Winnipeg are suffering because of the actions of this government. Again, I have to remind him of what happened in the first few years of his administration with respect to transfer of payments grants to the City of Winnipeg. There was little, if no increase, in the first two terms of his government and the City of Winnipeg suffered and it's still suffering to this day and we're trying to correct some of that by giving increased revenue, increased transfer payments to the City of Winnipeg.

In fact, our record for the first two years indicates significant increases in transfer payments to the City of Winnipeg contrary to and opposite to the record of that former administration in their first two years. I would suggest to you that part of the difficulties - and they are real difficulties with respect to expenditures and revenues - go back to those days of severe protracted restraint, Mr. Speaker.

With those few remarks I look forward to the bill going to committee and having discussion again at that stage and, hopefully, speedy approval of this important and hallmark legislation, because it's appropriate, Mr. Speaker, that this year is the 100th year, the centennial of the 1883 legislation which was brought in by the government at that time which, in perpetuity, gave tax

concession to the CPR. It's taken, unfortunately, 100 years of former Conservative and Liberal Governments, until such time as an NDP Government has been able to end this concession within the foreseeable future, indeed only a mere five years away.

Thank you, Mr. Speaker.

**QUESTION put, MOTION carried.**

### **BILL 77 - THE PUBLIC SCHOOLS ACT**

**MR. SPEAKER:** Order please. On the proposed motion of the Honourable Minister of Education, Bill No. 77, the Honourable Member for Fort Garry.

The Honourable Member for Tuxedo.

**MR. G. FILMON:** If the House agrees to leave it standing in the name of the Honourable Member for Fort Garry, I would like to speak on the motion.

**MR. SPEAKER:** Is it agreed? (Agreed)

The Honourable Member for Tuxedo.

**MR. G. FILMON:** Thank you, Mr. Speaker. I begin by saying that this is a bill of some considerable importance that was brought in rather late in the Session and I am standing to speak without the benefit of having had too much time to study the Minister's introductory remarks. I thank her for her kindness in providing me with them this morning because Hansard, of course, is not yet available for yesterday.

I believe however, Mr. Speaker, that because there is some considerable concern out in the educational community and, indeed, the community at large regarding some of the provisions of this bill that I would like to place some remarks on the record and allow for time for consideration and debate by other members of the House who, as well, wish to make a contribution on this particular legislation.

Mr. Speaker, I'll begin by going through the various provisions in the bill and indicate that certainly there are some that are minor and more administrative in nature, some that I believe tread on new territory and I think are supportable and wise, and one particular provision, an area of great concern that I think will be ultimately very very damaging to the provision of quality education in the public school system in Manitoba in future. I will leave that matter to the end in terms of my remarks and I will deal with the areas that I indicate are administrative in nature and more easily able to be accepted and dealt with, I think, expediently by members on this side of the House.

The initial provisions in Bill 77, Mr. Speaker, deal with, as I understand it, really the setting up of a mechanism for the governing, administration and operation of the regional vocational school proposed for south Winnipeg in the Fort Garry area. That is the school that was announced earlier in the Session by the Federal Minister of Employment and Immigration and the Provincial Minister of Education, a joint effort largely funded by the Federal Government that will provide opportunities for vocational training in south Winnipeg. That school is unique and it is being pursued on the basis that it had been intended and started by our administration in that it will be the recipient of

students essentially from three southwest Winnipeg school divisions namely, St. Vital, Fort Garry and Assiniboine South. In that respect, of course, the responsibilities for administration and the responsibilities for funding will have to be done on a basis that has not been the case in the past, so obviously amendments are required to The Public Schools Act in order to provide that kind of mechanism that will allow for this to happen.

So, Mr. Speaker, we examine the various proposed amendments that will set up that type of mechanism and I say that it is my impression in reviewing it and although I am not a lawyer I attempted to evaluate the intent of it. It's my impression that it is pretty much following the course that we were pursuing with the three school divisions involved, so my main concern will be whether or not the three boards have agreed to this mechanism - and the Minister is nodding her head so I accept that response - and I'm sure that if there were any disagreements that the boards would make presentation before committee when this reaches committee stage.

These provisions in the act will allow the three boards to enter into agreements with one another to operate and construct the regional vocational school. It extends the provision in the act that allows for a division to build and operate a school currently only within its boundaries of its school division, this now is extended so that they may participate in the construction and operation either within or without the boundaries of the divisions. They can, as well, negotiate all of the various parameters involved in the operation of this regional vocational school jointly with one another.

The administration, as I take it from the legislation, will consist of a governing board made up of representation within the three divisions, and they will be charged with the operation and the financing on an operating basis of these divisions. I'd like to know from the Minister and she can, of course, either respond in conclusion of debate on second reading or at committee stage, how many members are intended to be on the board because it's indeterminate by the legislation and whether or not it is intended that the representation would be equal from the three divisions; that, too, is indeterminate from the legislation.

I can see the potential for disagreements and arguments if such a provision isn't laid out ahead of time. Again, I just wonder whether or not that is the way it is set up as being relatively indeterminate, whether that is by choice of the divisions involved and something that they intend to work out later, whether regulations would be passed or whatever mechanism would be set up to determine the size and the makeup and representation on the board.

I see some areas of concern. I'm sure that these have been set out for the Minister by the various divisions involved, but since they would have the power, as I understand it, to hire teachers and negotiate compensation then I wonder whether we are now giving this board the power to hire as many teachers as it deems necessary and to pay them as they choose, calling forth the possibility that they could compensate their teachers to a greater or lesser degree than they would be compensated if they were engaged by the individual school divisions. I wonder just how that will be rationalized and justified in the various divisions

where they could be perhaps paying teachers at that regional vocational school on a different pay scale basis and, indeed, on a different contractual basis than they would be if they were members of the individual school board.

Then as well, and I guess we're getting into the mechanics, but no doubt these are questions either that the Minister will have already considered or should consider before we place this thing into legislation where it can't be changed and that is, Mr. Speaker, will school divisions be billed on a pro rata, per capita basis then for the students who attend this regional vocational schools who emanate from their individual divisions, or how would the assessment of costs then be distributed to the three divisions involved.

I think that those are details, but I think that those are ones that ought to be considered ahead of time, as they say, so that we avoid any possibility of conflict, disagreement and disruption that may end up on the Minister's desk ultimately in trying to settle the arguments involved.

Another provision in this legislation seems to remove from the powers of school boards the power to rent facilities out, and . . .

**A MEMBER:** It's been removed?

**MR. G. FILMON:** Yes, and I wonder just a little about that. I may have misinterpreted it, but in comparing the wording of this section that is replacing the old section, I wonder why that is being done. Mr. Speaker, I question that and I know we're not supposed to refer to the clauses, but in specific, it's 72(2). It says that every school board shall keep its school buildings, contents and premises in proper repair and may acquire by lease, buildings and property as the school board deems necessary for its purposes.

So we are now allowing school divisions to acquire by lease, which is essentially the same as renting, from other divisions, but I don't believe that it includes the power of divisions to rent out their premises to someone else. Since normally the relationship is that one division may rent from another, I think you may have removed the opportunity by that wording. Again, I say I'm not a lawyer and that is getting rather technical, but it used to have the term "rent" in the clause, and it's not now there, so I wonder — (Interjection) — yes. The Member for Rhineland says that I may termed a legal illiterate by the Attorney-General, so I'll tread very carefully on that.

A further provision in the act, Mr. Speaker, is the provision that is being brought in to provide for compulsory immunization of students entering the public school system. In fact, I was going to be bringing forth a private resolution on that matter and have all the background material on the matter, because I know that is a recommendation that had been put forward to the Minister by her advisory council or advisory board in the past.

I know when we were in office, that particular proposal was being suggested to us and there was a great deal of reservation and concern within the Department of Health on that matter. I know that the Department of Health had particular disagreements with that proposal, so I'm glad to see that has been worked out with them

and that the Minister is bringing it forward. I realize that the provision does have an opportunity for exemption and exception due to religious conviction and so on. I say that, with those exceptions, I would believe that it should be acceptable to most Manitobans.

In fact, the evidence that I have available to me on jurisdictions in which this has been legislated, indicates that there has been a dramatic decrease - as the Minister, I'm sure, is well aware - in the so-called communicable childhood diseases since the transference of the diseases is generally done through the public school system. That's where the children are brought together in numbers and the spread of it is like wildfire within the classrooms and consequently it has been an area of concern to many medical authorities and the fact that we are proceeding on this creative and, I think, enlightened approach is one that certainly, I, for one, would not oppose.

I know that there has been virtual elimination of some of the communicable childhood diseases in American jurisdictions where they have had 10 years and more experience with this and the early results from New Brunswick, which has had it for a number of years, are very very positive. The indication is, again, a dramatic decrease in communicable childhood diseases. So that is certainly one that I would not find fault with, Mr. Speaker.

Another area of the act, as I read it, Mr. Speaker, has to do with the arbitration process and the setting up of an arbitration committee. Generally, of course, as in almost all arbitration provisions, there is the situation where each party to a disagreement appoints its member and then the members appoint the chairman and the process takes place in, obviously, a hearing and negotiative process, over the course of the settlement of the dispute. It seems to me that here the act previously said that the arbitration committee had 14 days to make an award or that that could be extended by mutual agreement.

Now, it is being replaced with a clause that says that a decision shall be rendered within 60 days, and if the parties are unable to arrive at an agreement, that the chairman shall make an award. It seems to me that this is a rather peremptory sort of approach to it, and I understand the concern on all parties and, indeed, probably the Minister is responding to the concern that these things ought not to be dragged out unnecessarily or over a lengthy period of time.

Oftentimes the people who are appointed to these arbitration committees are the same people over and over again. In other words, so-and-so becomes the appointee of the school boards, in general; so-and-so becomes the appointee of the Teachers' Society, and they're worked and overworked, these particular appointees. And oftentimes, you know, they are lawyers and their workloads are not only to do with their service as arbitrators but to do with their service, indeed, in their legal profession, and they have, hopefully, a vast number of cases, and a vast number of tasks at hand, and there are many valid reasons why they may not be able to get together and give due attention to these things.

So the old provision that allowed for mutual agreement to extend it, it seemed to me was a little more flexible, and the new provision is kind of putting a shotgun to their heads and saying if for some reason,

due to your workload, due to holidays, due to other commitments, due to anything else you aren't able to get together, either party or both parties in the arbitration process, the Chairman has now the authority to make that decision within 60 days. I'm not sure that's what the intent is, and I'm not sure that's what the actual fact of the matter is, but it seems to me that's what will result, and it seems to me that gives an enormous power now to the Chairman of the Arbitration Awards Committee.

That's another area that I bring to the Minister's attention because I believe it's an area that she should at least respond on because if she has made that kind of provision, it will be a pre-emptory kind of authority that's put in the hands of Chairmen of Arbitration Boards.

Having gone through those various amendments, and I think that I've covered the major areas of concern, Mr. Speaker, I have one other area of concern to do with the immunization and, having said that I support it, in principle, I bring a detail to the Minister's attention and that is, in the section of the act that refers to the potential for exclusion of a student from school due to having a communicable disease, the section is worded: "a school board, upon being informed that a pupil in a school, within the school division or school district under its administration," etc., "is a contact, with respect to that disease." The rest of the provision says that they have the authority to exclude them from attendance in school.

Upon being informed is not very explicit. Does that mean that a neighbour comes to the principal and says, I believe that Johnny's been in contact with measles and, therefore, I want Johnny excluded from school; or is there a need to have some established medical authority on that? It seems to me that it's rather broad and open and leads to the kind of thing that we wouldn't like to see. I don't think any of us, where just some neighbour or some interested person who maybe is just being a little less than cautious about it, or a little too cautious about it, goes in and reports a neighbour's child as having been in contact with a disease and demands that they be excluded from school.

If it just says that a school board, upon being informed - and it doesn't say who has the authority to inform - I say that there's a prospect there for the kind of action that we wouldn't like to see taken with respect to excluding a student from attendance at a school because of the information provided on a contact with a communicable disease.

I just suggest to the Minister that she ought to look into that matter and maybe provide an answer for us at committee stage, or even consider just tightening up that wording so it would give us a better opportunity to evaluate it.

Finally, Mr. Speaker, and this certainly will take the bulk of my comments on this act, I would like to deal with the provisions with respect to tenure of teachers, and those are the provisions which undoubtedly are the cornerstone, or the most important part of this legislation, and those are the ones that I referred to earlier when I said they had the potential to be very very damaging to public school education in this province for all time in future; and indeed had the potential to lower the quality of education as opposed to enhancing the quality of education, which this Minister has said in the past, was her main objective.

I just reviewed briefly, as I sat in the House during the debates on previous bills today, I reviewed briefly what the Minister said about it and she obviously recognized it as a crucial issue, and she has gone on in her opening remarks to state the length to which she has gone to attempt to find some satisfactory resolution to what has been presented to her as a bone of contention, and I quote, "bone of contention." She said that she had tried, as the Minister of Education, to seek consensus amongst the important organizations in the education system on this particular issue and she attempted to avoid a conflict by bringing the various groups together through discussion to reach a compromise.

She states, "They could not reach a consensus." It seems to me that on a major issue of such great import as this, when the groups involved cannot reach a consensus, a red flag should have gone up immediately to the Minister and say, there is dangerous territory, there is territory upon which you should not tread. I say to her, from my limited experience - and I don't purport to be a veteran in government of any sort - but invariably, because I dealt in a different sort of community as a member of City Council, in which the groupings were much more dispirit. We, in essence, didn't have a party system there and so consensus was, in essence, the most powerful tool that you had to deal with in order to get things through City Council. You were dealing with many people who sat as Independents; you were dealing with some who legitimately ran under the banner of the NDP in the municipal wing; and you were dealing with this loose coalition of, shall we say, non-socialists, called the Independent Citizens' Election Committee and it was very important, in dealing there, to arrive at consensus.

Mr. Speaker, some of the members opposite say that there may be a few socialists within the Independent Citizens' Election Committee and, indeed, there may be; I don't know what their definition of socialism is.

Getting back to the point, we had to operate on the basis of consensus. If we went into council attempting to bully through or push through a provision, a resolution, a by-law, whatever, that did not have some general consensus, we invariably fell on the rocks on that and, I have to admit that going downstream and looking at the things that were pushed through very hard, by numbers, by weight of might and all those things, were invariably the things that got us (a) the greatest uproar from the public, and (b) probably the greatest difficulty in practical implementation of those things. So I learned very early on and very quickly that where you had some very very dispirit ideas and very strongly-held views on matters that could be dealt with and, in my view, were not life and death and, in my view, were not a threat to the education system as it existed. The current system that's in place is not a threat either to the quality of the education, or indeed, to the best interests of the pupils and the education community at large.

When there isn't any threat and there isn't anything that is damaging right now to the education community and, indeed, the best interests of the students whom we represent. When we come in with a hard-hitting, one-sided piece of legislation that is not acceptable to all of the other major actors in this piece that the Minister said she tried to get together, and we do it

by might of the weight of majority of this government then I say that we're on dangerous territory. I suggest that the Minister ought to have considered and considered again and again before she brought in this legislation because it will, indeed, be dangerous and harmful, in my view, to the quality of education in future.

We're dealing with the Teachers Society and we're dealing with a group of professional people and there has been oftentimes . . .

## ROYAL ASSENT

**DEPUTY SERGEANT-AT-ARMS (Mr. Myron Mason):** Her Honour, the Lieutenant-Governor.

Her Honour, Pearl McGonigal, Lieutenant-Governor of the Province of Manitoba, having entered the House and being seated on the Throne:

Mr. Speaker addressed Her Honour in the following words:

**MR. SPEAKER:** May it please Your Honour.

The Legislative Assembly, at its present Session, passed several bills, which in the name of the Assembly, I present to Your Honour and to which bills I respectfully request Your Honour's Assent.

No. 4 - The Manitoba Oil and Gas Corporation Act; Loi sur la Société Manitobaine du pétrole et du gaz naturel,

No. 5 - The Surface Rights Act; Loi sur les droits de surface,

No. 8 - An Act to amend The Corporations Act,

No. 9 - An Act to amend The Partnership Act,

No. 10 - An Act to amend The Real Property Act,

No. 11 - An Act to amend The Registry Act,

No. 13 - An Act to amend The Business Names Registration Act,

No. 15 - An Act to amend The Highway Traffic Act,

No. 27 - An Act to amend The Social Services Administration Act,

No. 42 - The Jobs Fund Act; Loi sur le fonds de soutien à l'emploi,

No. 50 - The Manitoba Intercultural Council Act; Loi sur le conseil interculturel du Manitoba,

No. 61 - An Act to amend The Insurance Act,

No. 86 - The Civil Service Special Supplementary Severance Benefit Act; Loi sur les prestations spéciales et supplémentaires de la fonction publique.

**MR. CLERK, W. Remnant:** In Her Majesty's Name, Her Honour the Lieutenant-Governor doth assent to these bills.

**MR. SPEAKER:** We, Her Majesty's most dutiful and faithful subjects, the Legislative Assembly of Manitoba in Session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and Government, and beg for Your Honour the acceptance for this bill:

No. 113 - An Act for Granting to Her Majesty Certain Sums of Money for the Fiscal Year Ending March 31, 1984 and to Authorize Commitments to expend Additional Money in Subsequent Years (2); (The Interim Appropriation Act (2), 1983); Loi allouant à Sa Majesté

certaines sommes d'argent pour l'année financière se terminant le 31 mars 1984, et autorisant le gouvernement à engager des dépenses additionnelles dans les années subséquentes (2); (Loi de 1983 portant affectation anticipée de crédits (2).

**MR. CLERK:** Her Honour the Lieutenant-Governor doth thank Her Majesty's dutiful and loyal subjects, accepts their benevolence and assents to these bills in Her Majesty's name.

Her Honour was then pleased to retire.

## ADJOURNED DEBATE ON SECOND READING Cont'd

### BILL 77 - THE PUBLIC SCHOOLS ACT Cont'd

**MR. SPEAKER:** The Honourable Member for Tuxedo has 10 minutes remaining.

**MR. G. FILMON:** Mr. Speaker, I wonder if I could have just a couple of extra minutes to sort of get the flow back again. Would you consider 15?

**MR. SPEAKER:** Order please. That request is not my decision to make, if the honourable member is asking for leave to complete his remarks.

**HON. R. PENNER:** Leave, for 15 minutes.

**MR. G. FILMON:** And when I come back, what then?

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

**MR. G. FILMON:** Mr. Speaker, I thank honourable members for their courtesy and consideration. To get to the nub of the tenure clause that is being changed in The Public Schools Act, Mr. Speaker, the old act used to require over two years before the teachers had a right to due process through arbitration. Then it was subsequently changed by our administration so that the right of due process is given after 20 months.

The new act says more than one full school year as defined by the Minister by regulation. I wonder about why, as defined by the Minister by regulation? Is she suggesting that it might be a calendar or a fiscal year? Because if it's September to June which is the normal contract year, I don't believe that she needs a regulation to define that. So I'm just wondering whether that is something that's an unusual provision that she is intending to bring in, and I question the Minister and hope that she'll be able to respond to that.

In essence, this provision of reducing the time required for a teacher to obtain tenure, or the rights to due process, through the arbitration process is one, Mr. Speaker, that now says the teacher has to make or break it in the first year. More so than that, because of the portability clause, if there is any reason why a teacher, after the first full year of teaching, has to move from one division to another - and there may be many reasons why - there may be the reason that the teacher's spouse is being moved or transferred, or because of educational reasons relocation becomes necessary;



there may be the legitimate circumstance in which - and we've seen it over and over again in recent years, Mr. Speaker - school boards have the old numbers crunch where there's shrinking and declining numbers of enrolments and, therefore, a shrinking and declining need for teaching staff to service these students. Therefore, legitimately, the first who were hired are the first not to have their contracts renewed and therefore some of them may find that they got in one year of teaching in a school division and because of a declining enrolment or a shrinking requirement for staff, they have to seek employment in another division at the end of that year.

If that happens they are, in my view, in never never land, Mr. Speaker, because having one year of experience anywhere in any division in Manitoba under their belt, they now have a great stigma over their heads. They are now trying to move into another division who has had no opportunity to evaluate them, no opportunity to determine whether or not they are a capable individual as a teacher; and yet they carry with them the automatic portability of tenure, and the first day that they start on the job in any other division they are a tenured teacher.

It seems me that goes contrary, Mr. Speaker, to any kinds of employment opportunities, or employment measures, or employment relationships and agreements throughout our society. There is always a period of evaluation before somebody becomes a tenured person in virtually anything they do. That period of evaluation is there so that both parties can be assured that, on the part of the employer, that the employee has the abilities, the qualifications, the background to do the job. Now they are going to be based solely on an evaluation that was given by another division on one year's experience. That, to me, Mr. Speaker, is going to be a heavy heavy burden for that teacher to carry. In fact I know the response is going to be from the employing divisions, well, we'd rather take a chance on a new teacher right out of school because at least we have a one-year period of evaluation on them. That's a mighty different story.

It's different for people who have been employed three, and four, and five years in a division and are transferring over. Then, I would assume that the evaluation could be given by the division that first employed them would be a substantive one, one that any division could take confidence in, one that any division might say is a worthwhile evaluation, but the evaluation given on a one-year experience, I don't think that will be considered either valid, or something in which another employing division will trust.

I think superintendents themselves will have great concerns, even amongst their colleagues, of saying, is this person giving me a fair evaluation or, because they weren't going to employ them after the first year, they didn't really care, so their evaluation was rather hazy about the whole thing? I have to tell you that if the concern of teachers, or if the concern of this Minister or this government, is that people are harsh about the process of hiring and discharging staff and employees, well, I will readily admit, as an individual, that I virtually have never given a bad reference to someone.

Essentially what you do if you're an employer, is that you look for the positives. We've probably all been taught by our parents and in our society that if you

can't say something good about someone, don't say anything at all. So consequently, if you're asked for a reference, you take great pains to make sure that you carefully don't emphasize the negatives and that you give the person the benefit of the doubt.

As a consequence, Mr. Speaker, this is going to be much tougher, this is going to be much more difficult. It is going to, in fact, toughen up the relationship between the employer, which is the school division, and the employee, which is the teacher. It's going to make for a harsher environment. It is, in essence, going to introduce a pass-fail for the teacher on one year's experience, pass-fail, because if they have any doubt they are not going to renew that contract after the first year, they don't have the opportunity, as I saw one of the superintendents, in fact, I think it was the President of MAST, saying that normally, within the first year, if there's any doubt in their mind, they say well we have another year, so we'll take another look, we'll give them the benefit of the doubt, we'll give those teachers the opportunity to work their way into a new situation and show us that they're capable of doing a good job as assistant.

If in future they value, and I think most school superintendents in most divisions value quality of education and what they are able to present to the students because hopefully the Minister is not forsaking the students, hopefully the Minister is not turning her back on the students in favour of a pressure group, a special-interest group; that is, the teachers. Because, if she is, then she will have to bear the responsibility for all time in future for the deterioration of the education process in this province, in favour of wanting to satisfy the self-interest of the Teachers Society.

I say, Mr. Speaker, that we regard teachers as professionals. There are some differences, of course, in their profession and other professions. If you take Law, or medicine, or professions, accountants, or whatever, their clients have a choice as to whether or not they go to that doctor, that lawyer, or that accountant. The clients of the profession of teaching have no choice. In the public school system they go to the schools because they must, by law, that's what our Public Schools Act says. The very limited choice perhaps that's offered by the option of independent schools, a matter I know that is not necessarily supported by members opposite, isn't very much of an option because there's a very limited number of schools available, and there's a very limited enrolment in those school, and that isn't much of an option.

By and large the teachers are in the unique situation of being employed to do their professional work where their clients don't have a choice. They have to attend because that's what The Public Schools Act says, so there is a difference.

I, for one, Mr. Speaker, do not think that the majority of teachers, those first-class professionals out there who are competent in every respect and do, indeed, provide the very best of education to our precious children, I don't believe that they necessarily are interested in bringing in incompetent teachers to the profession and ensuring that they have tenured rights from the first year on. That's what this kind of provision does. I say that this will detract from the professionalism, the great stature in which existing teachers are being held when people know that they can get in on a tenure

basis for all time in future with only one year of experience, a very slim evaluative period. I say to the Minister, although she has referred to it as one year, it is indeed in practice, eight months, because a decision has to be made in May after they begin teaching in September and you're down to eight months of evaluation. It seems to me, Mr. Speaker, that we are now treading on very very dangerous ground. I don't believe that the competent professional teachers out there, the vast vast majority of them are going to want to have a mechanism involved that brings in weaker, less competent teachers because of an insufficient evaluative process. That is what this legislation has the potential to do, Mr. Speaker.

I say that we ought to be very very concerned about it, and I would hope that we hear from some professional teachers on the matter. I certainly know that we're going to hear from the Teachers Society because they obviously have brought this forward and have urged and pressured the Minister into this. We're going to hear from MAST and we're going to hear from MASS on the matter, there's no question about that.

Mr. Speaker, I don't believe that the case has been made on the interest of the student in this whole matter. I believe that the case has been made basically on the side of the teachers, and the Minister is giving the case that the teachers have presented because I know they've presented it to us in the past, and she has virtually quoted from their briefs as to how she assesses this whole principle of tenure after one year.

I know that the argument will be made that teachers are better trained, that they've had four years of education and four years of practice teaching and practical application, but it's not the same as being on the firing line in the classroom. The whole relationship is the interface between the teacher and the pupil. The whole success or failure of the system is in how the teachers relate to their students in class and, Mr. Speaker, they have not had the opportunity to do that to any great extent while they're practice teaching and while they're going through their education process.

I say that the Minister ought to be concerned with the situation that she is putting new teachers into, because she's putting them in a situation, as I say, of pass/fail on only one year and tougher for re-employment if after that first year, they have to seek employment in another division.

But, I'll just quote from a couple of the things that have been sent to the Minister by the President of the Manitoba Association of School Trustees, George Marshall. He says: "The proposed legislation strikes at the very essence of our being as school boards and school trustees and what that implies - local control and representation of the community in education. The local representative in education who is directly accountable to the public for the performance of the division and its teachers is the school trustee. Your proposed legislation upsets the important role of trustees in education in the community and turns it over to the teachers' union at the expense of the parents, the community and the children in the classroom."

He says: "Your proposed legislation breaks faith with the bargain presently enshrined in legislation between school boards and the teachers' union in that teachers have given up the right to strike in exchange for tenure

status. In this arrangement tenure status is a two-year trial period in which the school board through its professional administration assesses a teacher's competence and appropriateness to the division's direction and . . . "

He says: "Your proposed legislation offers instant lifetime employment to a teacher moving from one division to another, regardless of his or her competency or suitability. If your proposed legislation is to ensure competency in the classroom, your proposed legislation does not accomplish this. It does nothing for the competent teacher and offers a potential legacy of 40 years of incompetence in the classroom for every poorly assessed or transitory teacher."

He says: "Your practical legislation, for all practical purposes, reduces to one year the time in which a teacher just out of training must be assessed. It may have been more worthwhile for you to have considered the teacher's first full year in the classroom as an internship, rather than as an instant move to tenure after one year. The present two-year, non-tenure status for this group is a bare essential."

And he says, finally: "I believe that the proposed legislation will be restrictive and unworkable to divisions attempting to properly staff their schools with the best teachers available. Your proposed legislation is a move to increased and legislated acceptance of teacher mediocrity."

Well, I don't think I have to say much more; those people have said it all. But I say to you, Mr. Speaker, that this in one area in which consensus should have been absolutely mandatory, and I say that the Minister in the latter days of the Session under great pressure has brought in some provisions that could and will be harmful to the future process of public school education in this province.

Thank you.

**MR. SPEAKER:** If there is no other member wishing to speak, the bill will stand in the name of the Honourable Member for Fort Garry.

The Honourable Government House Leader.

**HON. R. PENNER:** Mr. Speaker, would you please call the resolution standing in my name on Page 11 of the Order paper.

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

**HON. R. PENNER:** I notice that the Minister of the Environment is back in the House, and he seeks leave to revert to Ministerial Statements.

**MR. SPEAKER:** Does the Honourable Minister have leave? (Agreed)

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS Cont'd

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

**HON. J. COWAN:** Thank you, Mr. Speaker. I, firstly, wish to thank the members opposite for leave to revert to Statements. I'd indicated to them earlier that we

would have this statement available today and we did want to make it to the House before making it available to the public as per the traditions of the Legislature.

I wish to inform the Legislature of the formation of a Monitoring Steering Committee that has been struck to review and make recommendations to the Provincial Government on programs and activities that will be undertaken to monitor the effectiveness and environmental effects of the ongoing emergency aerial spray program that has been implemented in response to the potential Western Equine Encephalitis epidemic.

I also wish to inform the House that Cabinet has approved a total expenditure of up to \$100,000 for monitoring programs that are felt to be necessary to effectively evaluate the present spray program. I am informed that this is approximately five times the amount that was allocated under the 1981 emergency spray program for similar purposes.

In response to concerns expressed in the past as to the perceived independence and possible bias of a totally provincially controlled monitoring program, a number of individuals independent of the Provincial Government who have expressed interest in previous spray programs or who have an expertise in the field have been asked to participate in this newly-formed Steering Committee. The include: Mr. Norm Brandon, from the Department of Environment and Workplace Safety and Health; Mr. Vere Scott; Dr. Mary Chance; Dr. Frank Labella; Dr. Daniel Klass; Mr. Hamish Gavin, from Environment Canada; and Dr. Doug Luckhurst, from the City of Winnipeg. Additional members may be added as necessary.

The committee held its first meeting at noon yesterday and will continue to meet throughout the duration of the aerial spray program. They will also be meeting after the program to finalize their work that was undertaken during the program. The committee will be requested to prepare a report on the present operation after the end of the emergency situation. This report will contain an analysis of the present spray program and recommendations for future activities and will be made available to the general public.

I've attached a copy of the exact terms of reference of the Monitoring Steering Committee for the review of members opposite. I have also attached a short biography on each of the members on the Monitoring Steering Committee.

I also wish to inform the House that the Environmental Management Division is currently conducting baseline studies of selected environmental indicators previous to aerial spraying being commenced. This is being done on the basis of an agreement with the Federal Government which was designed in June to be used in the event that an aerial spray program was found to be required to prevent an outbreak of Western Equine Encephalitis.

Mr. Speaker, the decision to undertake an aerial spray program of this magnitude is a difficult one even in the face of a public health threat such as the one that confronts us. There are many legitimate concerns and questions about effectiveness and impacts on the environment of such programs. We have made that decision on the basis of the information that is available to us. I believe this extensive monitoring program and the citizen involvement on the Monitoring Steering Committee will provide valuable information essential

to the evaluation of our present efforts and the development of long-term programs.

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

**MR. G. FILMON:** Thank you, Mr. Speaker. We thank the Minister for giving us this information on the monitoring program which he is instituting.

Mr. Speaker, I know that in 1981 when the decision was made, basically given the same kinds of circumstances, in fact, I suppose a more imminent threat because we, at that point in time, already had identified cases of Western Equine Encephalitis in both horses and, indeed, in humans, that we went through the same very very wrenching process of trying to come up with the best of all evils in terms of the ultimate solution.

We were basically looking, as I would hope that this government is, at a situation of a health emergency, not just relieving the nuisance effect to hundreds of thousands of Manitobans, regardless of how much that may affect them and how much pressure they may bring to bear on the government when people are unable to go out and enjoy the weather that we currently have in Manitoba.

I would hope that the government, despite the fact that there are no identified cases, is dealing with indeed a health emergency, and I assume that it is, by the background that it has given to us. When the Minister comes forth and says that, in dollar terms, they're spending so much more money on monitoring and so on, I say to the Minister that we were just as committed to monitoring the effects in '81 as he is today. I believe that the Minister of Health and myself had monitoring programs in place so that the effects on wildlife, waterfowl, all sorts of indicators of biological life, were being looked at to ensure that the public's health and the health of the environment were not being denegated by our decision to act on a public health emergency at that time.

It was obvious that it was necessary in '81 because it was obvious that it was starting to be a more frequent occurrence, that we would be facing potential Western Equine Encephalitis outbreaks in the summers in Manitoba. They had faced them previously in '75 and '77 and had done them with virtually no monitoring and so we said, in '81, that monitoring must be done and to the extent that it was able, in a short time frame, to put together a monitoring program, we did that.

I say to the Minister that he has had more time; he's had the benefit of a Clean Environment Commission Report, an analysis and all sorts of recommendations and other things to bring to bear on this situation and he has done so, and we are pleased that he's put together the package and has obtained approval of his government to do that.

We're pleased, as well, at the wide range of expertise that he's put on the committee, the people from the outside community because, at the time, in 1981 suggestions were made, indeed, I think by the current Minister of the Environment, that there were biological control mechanisms that were available that could have been used; that there were alternate methods that could have been used to it. Of course, time has proven that those are still not available and he's still faced with that decision to introduce a chemical substance into

the atmosphere by an aerial spraying application in order to do the best possible job of protecting the public from a potential outbreak of Western Equine Encephalitis.

I say, in conclusion, Mr. Speaker, that we take the Minister and his colleagues at face value when they say that they reluctantly entered into this program, as we did in 1981, and that it is hoped that, from the information gathered by this application and by this monitoring, when the next government has to face that decision, that they will have, too, an even greater store of knowledge at their disposal when they have to make this decision, if they have to make this decision, again, in the future.

Thank you, Mr. Speaker.

## PROPOSED RESOLUTIONS

### CONSTITUTIONAL AMENDMENT RE SECTION 7 OF THE CONSTITUTION ACT, 1982

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

**HON. R. PENNER:** Mr. Speaker, I move, seconded by the Minister of Energy and Mines,

WHEREAS the Government of the Province of Manitoba has proposed a resolution to amend Section 23 of The Manitoba Act, which amendment concerns the translation of the statutes of Manitoba, or some of them, and the question of government service in the French as well as the English language; and

WHEREAS the Legislative Assembly of Manitoba deems it advisable to hear the views of Manitobans on the subject matter of this resolution;

THEREFORE BE IT RESOLVED that the Standing Committee on Privileges and Elections hold such public meetings, at such times and places as it may deem advisable, to receive briefs and hear representations;

AND THAT the Committee report to the Assembly at this Session of the Legislature.

**MOTION presented.**

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

**HON. R. PENNER:** Mr. Speaker, I will not be long. I propose to deal with the process with respect to substance, that is, the matter for debate in the House, and I'll just refer briefly to that in a few moments.

I should point out, first of all, that this is a referral of the subject matter of the resolution to the committee. The reason for that is, of course, and I think members will appreciate that resolutions introduced in the House are dealt with in the House, in terms of any proposed amendments, there is no procedure in our Rules allowing for amendment at committee stage. Bills, of course, are referred to one or another of the committees of the House after second reading and are dealt with on a clause-by-clause basis through that process after public representations are heard.

The process here envisages that the public will come and, of course, can make representations on the resolution as a whole or any aspect of it, and when the public representations have been heard the

committee will report back and the House, which indeed can continue to debate the matter as it wishes, will come to a conclusion of that debate and there may well be amendments.

Just referring to the question of amendments, I would simply say this that there are 0 we believe, certain principles that are embodied in the proposed amendment to Section 23 of The Manitoba Act, but I refrain from dealing with those now. I think as I've said that the substantive debate in the House is fundamentally the place where that will take place. I would just simply like to say this that up to this time - and this is not at all meant to be condescending - I think the debate has been on a high level and it's the sincere hope of this side of the House as I'm sure it is of the members opposite, that it maintain at that level indeed, as it is particularly important for the people of Manitoba that at least in this House the debate will be on a high level, dealing as it does with constitutional principles. I have not read all of the speech of the Leader of the Opposition, I wasn't in the House at the time. I was in the House for the Speech of the Member for Lakeside and listened to it attentively. I think that some important contributions to the debate were made in both speeches.

The Member for Lakeside dealt largely with process and said in terms that he hoped that the matter would not be dealt with in - and I use his terms - indecent haste. I simply want to part out that as part of the process, we have already held four public meetings and the attendance of all of those meetings indicates a high degree of interest and the fact that indeed the public has already found an opportunity - at least some significant members of the public - to begin to make their views known.

It hasn't always been the case in these public meetings that those attending have addressed some of the questions of the terminology used. I hope that when the public comes to the standing committee to make its views known, that although, of course, it's wide open and people can say what they wish, that there will be some significant attempts to deal with apprehended problems of terminology. One of the main criticisms that has been levelled at the bill is that some of the language with respect to services may be too wide, and that it might be open to the court, given the width of the language since the court of course cannot - and the proposed amendment - do more than reject the government plan. Nevertheless, on a wider interpretation they might create some pressure for wider services than might have been intended. So I hope at the committee stage in this particular way, the members of the public coming - or some of them - will be dealing with particulars as well as principles.

With respect to the referral to the committee, I simply reiterate a number of things. First of all, that the government - and I think this is one of the areas where there should be maximum co-operation between the government and the opposition - are prepared to provide a maximum of committee time. The committee itself in the terms of the resolution will decide, if I can just use the words of resolution, "at such times and places as it deems advisable to receive briefs," but certainly we're prepared in scheduling to make sure that those who are on the list will have the time to come and it will not be at inconvenient hours, it will

not be something where people feel they have to sit till 2 or 3 o'clock in the morning; we're not going to put that kind of pressure on. It never was and is certainly not our intention, but we will want to schedule enough meetings for those who have expressed that interest, to be able to come and deal with the substance, the principles and the particulars.

It has been said, Mr. Speaker, that summer is not a good time. It has been hot. It may not be as hot as we move into the next week or two. I should simply say this, that we do have the illusion, and it really is an illusion, that in summer the streets of Winnipeg are deserted. Actually on studies made at any one time in summer, there's a maximum of 5 percent of the population away at any time. The population is not as peripatetic as sometimes is posed. The experience at the meetings to date indicate that those who are interested and have something to contribute will come. They may come from great distances, indeed, to make their views known. I think that's a good process that we have started and will continue.

The notion that great numbers of people are absent from the city and, therefore, this is a process that ought to go on for some endless period of time in later days of summer or fall, winter - I don't know what is being suggested - is not one I think that can be persuasive on the basis that people aren't here.

I want to say too with respect to the process, that as a government we will be listening very carefully to suggestions for changes. We are - I've made this known to the House - presently engaged in discussions with the constituencies most directly affected, the Civil Service, throughout the public sector, Crowns, government agencies, quasi-judicial administrative departments, because in the terms raised by Garry Doer of the MGEA, there are legitimate concerns about the wording.

They naturally want to know the potential impact in terms of employment in the Civil Service whether there's going to be the need and, of course, it would be after 1987 for large-scale recruitment that might by the sheer pressure of numbers, tend to displacement, or whether given that possible impact that could in any way adversely affect promotions and things of that kind, those are certainly concerns that are being addressed in ongoing discussions, and I may say I think, very helpful discussions.

So too, the French-speaking community of Manitoba as the ones for whom the service is being designed have a particular interest, but the public as a whole has an interest that we are charged as a Legislature with hearing and that is why we have held the public hearings, have listened, and we will now have the more formal opportunity - and this was announced at all the meetings - where briefs can be presented verbally, or in writing, or both, to a Standing Committee of the Legislature, and the Standing Committee of the Legislature will report back.

I should remind members of the House of the context in which this matter arises and namely that an attempt is being made by the government in a way which I've characterized as honourable and defensible, to resolve a court case. So, of course, in terms of the impact of what may be done through this process on the ultimate question of whether or not the matter will ultimately be heard by the Supreme Court, depends really on the

appellant in the case before the Supreme Court so that at some stage in terms of the resolution of that problem, clearly, there would have to be some discussions with the appellant or his lawyer.

I know, Mr. Speaker, that members opposite have raised the question quite strenuously of intersessional hearing. The difficulty with that is this, that if, in fact, the matter were to be left, then of course it dies on the Order Paper and must come back in a new Session. Then you have, in effect, one matter - albeit an important matter - which dictates in a sense when the Session is to be called, and there are a number of problems. We, as a government, have a responsibility with respect to a whole body of legislation which will be introduced at the appropriate time in the next Session. We, as a government, with the opposition having to sit here to try and finish the business of this House and we're doing so in a good orderly way but it's a heavy body of legislation, it's taking time, we have to find the time to prepare the Estimates, to prepare our budgetary proposals, to prepare our legislative proposals and that is what a responsible government must do before calling the House into Session. The members opposite have a leadership race and that's very important for them and for the future of Manitoba, we readily admit that. Nor should they be pressured by us, for example, calling a Session of the House in December to run through to the end of December because the agreement that we have with respect in attempting to resolve the matter short of going to court, provides a December 31 deadline.

We could - and I think it would be in fact a disservice to the opposition to the government and to the people of Manitoba - call a Session for, let's say, the beginning of December and we couldn't nor would we want to control the length of that Session. It could run right through the leadership race there and they say, well, that's our business and so be it. I'll come back to what we consider to be our major concerns as the government and that is to deal with all of the problems which face the people of Manitoba in an orderly way. We would not want to be put in a position of having to prorogue the House, because that's what the notion of an intersessional referral means; that we deal with other matters and then prorogue; take the subject matter in question, refer it to a committee; the committee would undoubtedly would hold some hearings, but the committee is going to hold some hearings now and will hold those hearings necessary to receive the briefs of those citizens who are interested enough - and there are many of them - to come and make those views known; to talk of this process which we are outlining as indecent haste, is to misdescribe it completely.

Mr. Speaker, when one looks - and I've said this before in the House and I must say it again - at what the Federal Liberals and Tories did with respect to the proposed property rights amendment, when they agreed to resolve that far more important question affecting the whole nation in one day, one day's debate with no reference to any committee and no public hearings - to talk of indecent haste lies ill in the mouth of those who make that criticism. Far from indecent haste, what we have here is a measured attempt, a successful attempt as far as we've gone to this point, to receive the opinions of the people of Manitoba and we are receiving those in a whole variety of ways.

For example, we have, Mr. Speaker, in the circulars that have been distributed, provided a toll-free number for people to phone. Some use is being made of that, not as extensive as I would like, but some use is being made of that and people are in the main, and this is very encouraging, indeed, an overwhelming number of those who are calling in are calling to ask for information. There are those who phone in and write, not many altogether surprisingly, who are totally opposed or totally in favour. Interestingly, it shows the political maturity, I think, of the people of Manitoba although they showed that best on November 17, 1981, it shows the political maturity of the people of Manitoba that their concerns are what is it, what will be happening, how will it affect me. That is as it should be. The opportunity is here for the people of Manitoba who are concerned and who haven't yet expressed their concerns or their outright opposition or their outright support as it may be, to appear before a committee of the Legislature. Again I want to stress that the committee - I'm sure that will be one of its first orders of business - will determine, I think they should do that probably on the basis of the numbers that indicate a desire to appear. I'm advised that there are already some persons who have identified themselves as being sufficiently interested to already indicate to the Clerk that they would like to appear when this matter is referred.

I would like to make an appeal to the opposition. I realize that they have a number of fairly firm opinions on a number of questions. I know that substantively one of the main issues has to do with the question of entrenchment and that will be debated as it should and I hope, as I said, at a high level. I know with respect to process they want to make sure, as we do, that the people of Manitoba are heard and we're providing the mechanism. But I would like to say this to them. If, in fact, this motion itself becomes a matter of extended debate - I say take all the time you want but I'm just making an appeal - becomes a matter of extended debate and is adjourned and stood and stood, then what we will be doing is effectively denying the many people who now, when the issue has been debated in public, are ready to go and want to be heard and that I would hope that we don't find that what, in fact,

happens is that this process resolution which is a resolution to refer to a committee for the people to be heard, becomes a way of delaying the matter. That would be the worst thing that could happen. I say that earnestly and with great appeal to the members of the opposition. Say what you have to say with respect to what you think the process should be, but let's not so delay the referral to a committee that, in fact, those people who have been involved in the debate, and those who would like to be involved in the debate, are denied their democratic opportunity to come before the committee.

I close, Mr. Speaker, by saying, again, so there should be no doubt about it, we, as a government will listen; we will listen to those directly affected; we will listen to the public who are not necessarily in those closest constituencies to the matter; we will listen to the opposition. I, for one, and there are others who will join with me on this side have never said that we cannot learn from the opposition, and they are at their best when they have been constructive and perhaps that's been all too rarely.

So, Mr. Speaker, I commend this resolution to members of the House. I ask that it be dealt with, in principle, as we've dealt with the debate, in principle, and I hope that it passes so that we can get on with the matter.

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

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

**MOTION presented and carried.**

**HON. R. PENNER:** Mr. Speaker, there's an agreement that there be no Private Members' Hour.

**MR. SPEAKER:** If it is the agreement of the members that it be 12:30, the House is accordingly adjourned and will stand adjourned until 2:00 p.m. on Monday afternoon.