



Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

Speaker

The Honourable Peter Fox



Vol. XXI Nos. 176 & 177 10:00 a.m. & 2:30 p.m., June 14th, 1974. First Session, 30th Legislature.

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THE LEGISLATIVE ASSEMBLY OF MANITOBA
10:00 o'clock, Friday, June 14, 1974

Opening Prayer by Mr. Speaker.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 50 students of Grade 5 standing of the Gilbert Plains Elementary School. These students are under the direction of Mrs. Turner and Mrs. Romaniuk. This school is located in the constituency of the Honourable Member for Dauphin, the Minister of Highways.

And we have 12 students of Grade 11 standing of the Windsor Park Collegiate. These students are under the direction of Mr. Osinski. This school is located in the constituency of the Honourable Member for Radisson.

And we have 21 members of the Sales and Advertising Club of Canada with us this morning as our guests.

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

Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; The Honourable Member for St. Vital.

PRESENTING REPORTS

MR. D. JAMES WALDING (St. Vital): Mr. Speaker, I beg to present the Sixth Report of the Standing Committee on Law Amendments.

MR. CLERK: Your Committee met on June 10, June 12 and June 13, 1974, and heard representations with respect to the Bills referred as follows:

No. 24 - The Mount Carmel Clinic Act:

Gerald Hechter, Private Citizen.

No. 56 - An Act to incorporate United Health Services Corporation:

Art Coulter, Manitoba Federation of Labour.

No. 64 - The Treasury Branches Act:

Henry F. Wiebe, Co-operative Credit Society.

No. 71 - An Act to amend The Consumer Protection Act.

C. H. Bray, Executive Vice-President of the Federated Council of Sales Finance Companies.

N. Kent, Secretary, Canadian Life Assurance Association.

A. Anhang, Canadian Consumer Loans Association.

D. Evans, Private Citizen.

No. 73 - The Buildings and Mobile Homes Act.

Ralph Thomson, Manitoba Construction Council.

No. 74 - The Manitoba Trading Corporation Act:

Walter Kucharczyk, Private Citizen.

No. 83 - An Act to amend The Automobile Insurance Act.

G. C. Trites, Wawanesa Mutual Insurance Company.

Earl Brown, Portage Mutual Insurance Company.

Robert J. McDowell, Insurance Agents Association of Manitoba.

Joe Borowski, Private Citizen.

No. 86 - An Act to amend The Highway Traffic Act (4):

Dr. D. W. Penner, Manitoba Medical Association.

Bryan Robertson, Private Citizen.

Robin Gray, Private Citizen.

Marty Diamond, "1911" Manitoba Motorcycle Club.

Earl Karlowsky, Winnipeg Cycling Club.

No. 90 - The Human Rights Act.

Nick Ternette, Private Citizen.

No. 92 - An Act to amend The Teachers' Pensions Act.

Harvey Kingdon, Manitoba Teachers Society.

Your Committee has considered Bills:

No. 41 - An Act to amend An Act to incorporate the Sinking Fund Trustees of The Winnipeg School Division No. 1.

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No. 87 - An Act to amend The Animal Husbandry Act.

No. 93 - An Act Respecting the Family of Cyril George John Orchard, Deceased.

No. 94 - An Act to amend An Act respecting the Agricultural and Community District of Newdale.

No. 96 - An Act to amend An Act to Incorporate "The Winnipeg Real Estate Board".

And has agreed to report the same without amendment.

Your Committee has also considered Bills:

No. 24 - The Mount Carmel Clinic Act.

No. 56 - An Act to incorporate United Health Services Corporation.

No. 64 - The Treasury Branches Act.

No. 68 - An Act to amend The Law Society Act (2).

No. 71 - An Act to amend The Consumer Protection Act.

No. 73 - The Buildings and Mobile Homes Act.

No. 84 - The Statute Law Amendment Act (1974).

No. 90 - The Human Rights Act.

No. 91 - An Act to amend The Civil Service Superannuation Act.

And has agreed to report the same with certain amendments.

MR. SPEAKER: The Honourable Member for St. Vital.

MR. WALDING: Mr. Speaker, I move, seconded by the Honourable Member for St. Matthews that the report of the Committee be received.

MOTION presented and carried.

MR. SPEAKER: Ministerial Statements and Tabling of Reports; The Honourable Minister of Northern Affairs.

TABLING OF REPORTS

HON. RON McBRYDE (Minister of Northern Affairs) (The Pas): Mr. Speaker, on behalf of the Honourable Minister of Mines and Resources I'd like to table the Annual Report of the Clean Environment Commission for the calendar year ended December 31, '73.

MR. SPEAKER: Any other Tabling of Reports, Ministerial Statements? Notices of Motion; Introduction of Bills; Questions; Orders of the Day. The Honourable House Leader.

ORDERS OF THE DAY - RESOLUTIONS

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): I wonder if you would call the proposed resolution standing in the name of the Honourable the First Minister.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Mr. Speaker, I move, seconded by the Honourable the Minister of Finance that

WHEREAS it is deemed advisable to examine the statutes and regulations governing the disclosure of assets and interests of Members of the Executive Council, Members of the Legislative Assembly, and of public servants in Manitoba and to consider the advisability of enacting legislation to ensure proper disclosure of information on the subject;

AND WHEREAS it is deemed advisable to convene the Committee on STATUTORY REGULATIONS AND ORDERS to examine and consider the enactment of suitable legislation governing the disclosure of assets and interests as aforesaid;

THEREFORE BE IT RESOLVED that the Committee on Statutory Regulations and Orders study the matter;

And that the Committee consider such draft legislation as may be laid before it by the Attorney-General;

And that the Committee hold such public meetings as it may deem advisable;

And that the Committee have power to sit during the present session and in recess after prorogation and to report to the House at the next session of the Legislature.

MOTION presented. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, this is a subject matter which I indicated to this House earlier, much earlier, this session would be brought forward for consideration. At the time there was some glimmer of hope that it would be possible to actually lay before honourable members a Bill in the conventional manner. But we have noted, Sir, that in a number of other provincial jurisdictions there is now some indication of interest on the very same subject matter

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(MR. SCHREYER cont'd) and there has been enactment of skeletal legislation bearing on the matter of disclosure of interests. It is our considered opinion, Sir, that it would be much better to have honourable members consider the subject matter in its broader implications and to have the opportunity as well to peruse under conditions removed from haste, practices, customs, convention and such statute law as may exist in a few jurisdictions already. Having researched the problem of disclosure of interests, guidelines for avoiding conflict of interests, I find, Sir, that there is some confusion or divergence of practice as between the federal jurisdiction and certain of the provinces.

Of course some honourable members may wish to argue, and they would have a degree of validity in so arguing that this is a matter which doesn't lend itself to complete assurance being guaranteed by statute law, and that a policy statement merely enunciated and not legislated would probably have as beneficial effect as law; admitting at all times that neither approach, neither enunciation of policy nor legislating of statute, neither of these two methods, or both of them together, will ensure or guarantee that this problem will disappear for all time.

But I think that honourable members would want to agree that it will have some beneficial effect, a significant degree of beneficial effect to have a more clearly enunciated and stated outline of do's and don'ts, if you like, and a clear procedure as to how this can be available on the record for examination should the need arise. At the same time while there would be this desire, certainly on our part and we would hope honourable members opposite would share in that view, we readily admit that there is as well need to avoid any excess or unnecessary probing into private or individual affairs. So there is always this certain tension as between the benefits of disclosure and clear guidelines for avoidance of conflict of interests, but on the other hand having need always to avoid undue, unnecessary invasions or intrusions into individual affairs. So we do have some specific proposals on the matter. They will be laid before members of the committee by way of a working document, a modest one in terms of length, accompanied by copies of statements made by the Prime Minister and Premiers of Ontario, Legislation in British Columbia, Regulations from Ontario and such draft material as we are preparing here.

Having said that, Sir, I believe that there is some value that can come out of this. I would not want to exaggerate however the extent of it.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Official Opposition) (River Heights): Mr. Speaker, I thank the First Minister for his remarks. I think that what is being proposed is commendable. I think the procedure that is proposed is also commendable and it's one that we on this side would have recommended for a number of statutes this session, where we believe that had there not been the haste within which we've had to deal with them in the session that the opportunity in between sessions for a committee such as this or the appropriate committee to deal with the matter would provide in the end much more beneficial legislation and in turn would probably allay the fears that exist on this side and within the community simply because of lack of knowledge and understanding in the lack of specifics with respect to pieces of legislation that have been introduced.

I would suggest, Mr. Chairman, that I recognize and I think we on this side recognize the again delicate balance that must exist between the disclosure of information which is important and the disclosure of information which has really no bearing, which is private in nature, which is really not such that should be placed in the public arena and which would not impose upon anyone in the public arena or within the public service of being in any way exposed to a situation or put into the position where matters of a personal nature or matters which are really of no particular public concern should be placed in public view.

And with respect, Sir, I believe as well - and I say this in full sincerity with no intent at this point to indicate a partisan approach or to in any way indicate a concern that is intended to be purely political as between the parties - but I think when Government now enters, as it will be, the new areas of financial activity such as Treasury Branches with responsibilities that may ensue for loans to be made available from Treasury Branches, when Government enters into the financial picture within this province I think that the rules of the game with respect to the involvement of public officials and the availability and access to public officials whether they be members of the Legislature or members of the public service have got to be clearly defined so that there is no question it is understood by the community and understood by the Legislatures

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(MR. SPIVAK cont'd) and understood by the people who are involved.

So therefore I think that this is timely and necessary and we certainly will support the position of the examination and will support as well the need for the legislation and would look forward to a productive series of meetings culminating in the passing of legislation which will take into consideration all the points that have been mentioned by the First Minister and myself.

Before I close I'd like to again refer to something that I've referred to before, and the Honourable Deputy House Leader will acknowledge I'm sure by shaking his head, and that is, Sir, that with respect to the Committee on Statutory Regulations and Orders it is necessary that they fulfill one other function, and that is that the regulations of the last few years must, Sir, be examined by the Legislative Counsel and a report given to the committee - and this has not happened in the last few years just simply because of pressure of business - so that there be some determination that the regulatory function of Government is really within the capacity of Government, has not gone beyond their jurisdiction, and if corrections are to take place then the appropriate action would have to be forthcoming. And that's necessary in our society today, it's necessary for any Government, not particularly this Government, any Government would be in the same position because too much of our life is governed by regulation, and I would look forward to that report being presented as well to the committee in between sessions.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Thank you, Mr. Speaker, I rise to support the proposed resolution of the First Minister. I believe that his course of action is a correct one because it will give us an opportunity to examine the legislation that's already in existence in some of the other provinces and one in the Federal Government and I believe it's worthwhile to see how effective it is and how it is working at the present time. I believe not only that there should be disclosure of interest and also to make sure that there isn't a conflict of interest by the Members of the Legislature but as well by public officials.

So, Mr. Speaker, I believe the resolution is definitely timely and the procedure that we're following here is a correct one, that it will give us time to examine the procedures in some of the other jurisdictions and to make sure that whatever way we approach it by legislation or declaration that it's the correct one. At least we'll be able to draw on some experience from the other provinces. I know that in the last couple of years there have been considerable debate in respect to the conflict of interest in several provinces, in Ontario and in Quebec, and in fact right here in Winnipeg in respect to City Council. And again I have no argument because the point at issue that we had in the City of Winnipeg I believe the Councillor disclosed his interest and perhaps this was the right course of action that he had taken and naturally there was no conflict of interest because he disclosed his interest, that there was some indication that there may be a development on the land that he owned. So I have no complaint against him but I see where it was beneficial in that case because he disclosed his interest as the City Councillors have to do. So, Mr. Speaker, I agree with the proposal and support it.

Question put and Resolution adopted.

MR. SPEAKER: The Honourable House Leader.

MR. PAULLEY: I wonder, Mr. Speaker, whether I couldn't have leave to introduce a similar resolution to that that we have just adopted, in the name of my colleague the Honourable the Minister of Municipal Affairs. --(Interjection)--

MR. PAULLEY: Thank you. The following would be the resolution, Mr. Speaker.

RESOLVED THAT the following matters be referred to the Standing Committee on Municipal Affairs for its consideration and report to the House:

1. The Planning Act.
2. Such other matters concerning the areas of Municipal Affairs which the Committee considers should be dealt with and brought to the attention of the House.

And this formal resolution sets up the Committee to meet in between sessions on Municipal Affairs.

MR. SPEAKER: The Honourable Minister is moving it?

MR. PAULLEY: Yes.

MR. SPEAKER: Seconded by?

MR. PAULLEY: Seconded by the Honourable Minister of Highways.

RESOLUTION adopted as read.

MR. SPEAKER: The Honourable Minister of Labour.

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MR. PAULLEY: I would suggest to the House, Mr. Chairman, that you leave the Chair until called back and the members adjourn to Room 254 for the Committee on Law Amendments. The Mace will not be removed.

MR. SPEAKER: Thank you. The House is now recessed until Law Amendments has completed its work, or until 12:30.

HOUSE RECONVENED

MR. SPEAKER: The House having recessed and the hour of adjournment having arrived the House is now adjourned. The Honourable Member for Morris before we adjourn.

MR. WARNER H. JORGENSEN (Morris): . . . the House adjourns, make a motion that the name of Mr. Harry Enns be substituted for that of Mr. Arthur Moug and the name of Mr. Edward McGill be substituted for that of Mr. Jorgenson on the list of members to comprise the Standing Committee on Statutory Orders and Regulations and that they remain as members of said committee during the recess. I have copy for the Clerk's office.

MR. PAULLEY: It doesn't help me because I'm going to make . . . in Law Amendments. We agreed upon that . . .

MR. JORGENSEN: Yes, that's right but I wanted that to remain as . . .

MR. SPEAKER: The change being noted, the House is now adjourned and stands adjourned until 2:30 this afternoon.